

## **ITEM SUBJECT OF A SITE VISIT**

Item No:

<b>Application Ref.</b>	22/01713/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land East Of Gainsborough Road Bole Nottinghamshire
<b>Proposal</b>	Construction and Operation of a Battery Energy Storage System with an Electrical Output Capacity of up to 500MW and Associated Development Including Power Inverter Systems, Electrical Banking Station, Electrical Cabling including Below Ground Cabling to 400KV Switchyard, Welfare Facilities, Internal Access Roads, Site Security Infrastructure, Lighting, Boundary Treatments, and Landscaping.
<b>Case Officer</b>	Clare Cook
<b>Recommendation</b>	Grant Permission subject to S106 Agreement
<b>Web Link:</b>	

---

## **THE APPLICATION**

### **SITE CONTEXT**

The application site is located within the wider site of West Burton Power Station and comprises of 13.2 hectares; it is accessed off Gainsborough Road near Bole. The immediate surrounding area of the application site is energy infrastructure with the wider surrounding area being predominantly agricultural. The site is approx. 3.5km to the south west of Gainsborough (as the crow flies) and approximately 1km to the north east of Sturton le Steeple. Bole lies approximately 1km to the north west.

To the north east lies the West Burton Power Station Local Wildlife Site and the River Trent, followed by Lea Marsh SSSI and Gainsborough. To the east there is an area of dense woodland and ponds which also form part of West Burton Power Station Local Wildlife Site. To the south east there is an area of reed beds which again is part of the Local Wildlife Site. To the south west of the site is West Burton B generating station and beyond that the existing coal fired generating station – West Burton A. To the west there is a furnace bottom ash storage area associated with West Burton A and to the north west lies the Bole Ings Ash Disposal Site and Bole Ings Local Wildlife Site and beyond that is Bole Village.

There is a public right of way which runs outside of the site to the east, along the western bank of the River Trent.

The site lies predominately in Flood Zone 1; however some areas in the north and eastern sections of the site lie within Flood Zones 2 and 3.

To the south of the southern access site access lies the Scheduled Ancient Monument of the Medieval settlement and open field system immediately to the south east of Low Farm. The closest listed buildings are located at Bole, approximately 1.25km to the north-west.

This application is subject to Environmental Impact Assessment due to the potential significant impact of the development on Great Crested Newts. Ecology and nature conservation is the only topic scoped into the Environmental Statement (ES). The application is accompanied by a number of other technical documents that are required for full assessment.

The site itself is considered to be Greenfield, although it is accepted that it does form part of a wider previously developed site. The application site was previously allocated for landscaping and creative conservation post construction of the West Burton B Power Station; however this requirement only covered a period of 5 years after establishment which ended in 2017.

## **PROPOSAL**

The proposed development is for Battery Energy Storage System (BESS) with an Electrical Output Capacity of up to 500MW and Associated Development Including Power Inverter Systems, Electrical Banking Station, Electrical Cabling including Below Ground Cabling to 400KV Switchyard, Welfare Facilities, Internal Access Roads, Site Security Infrastructure, Lighting, Boundary Treatments, and Landscaping and comprises of the following:

- Batteries housed in containers / enclosures within the BESS area including:
  - Control and protection systems (including cooling, fire protection and fire suppression)
  - Power inverter systems including associated (medium/low voltage) switchgear and transformers; and
  - Cooling and climatic control systems.
- An electrical banking station (comprising of main step up transformers and switchgear located within the proposed BESS Area (Option 1) or at the 400kV switchyard (Option 2))
- Electrical cabling and electrical connection corridor to 400Kv switchyard
- Welfare facilities comprising of office areas, kitchen facilities, changing/toilet facilities and car parking located within the BESS area
- Site security (including fencing / CCTV) / security cameras
- Operational (intermittent) lighting columns; and
- Landscaping and biodiversity enhancement adjoining the proposed BESS area.

Other associated works proposed are:

- Site preparation
- Provision of site access
- Provision of site drainage
- Landscaping and biodiversity management

The BESS will either be single or double stacked of up to 500MW electrical output. The development will take energy from the electricity grid when demand is low or supply high and feed this back into the grid when demand is high or supply lower.

It is proposed that the West Burton C BESS will be connected into the existing 400Kv switchyard in the south west of West Burton B power station site which in turn is connected into the existing National Grid 400Kv West Burton Sub Station in the south of the West Burton A site.

It is proposed that West Burton C BESS will have an operational lifetime of up to 50 years.

The applicant has requested that due to the nature of this development that there is a 5 year period imposed for commencement of development and any permission should allow for the development to come forward in phases to allow for the most appropriate development to come forward in the evolving electricity market.

The applicant has submitted a statement of community involvement which included pre application consultation with North and South Wheatley Parish Council and Sturton-Le-Steeple Parish Council and how their comments have been addressed.

The applicant has submitted additional information in response to statutory consultee responses and this has been re-consulted upon with the relevant statutory consultee (where it related to technical changes). Additional information to the ES was re-consulted upon in line with the Regulations.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following sections of the framework are applicable to this development:

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 6 – Building a Strong, Competitive Economy

Section 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

## **NATIONAL POLICY STATEMENTS**

These documents are usually used for national infrastructure projects; however they can be used as material considerations in planning applications.

EN-1 – Overarching National Policy Statement for Energy  
Draft Overarching NPS for Energy – Draft NPS EN-1  
Draft NPS for Renewable Energy Infrastructure – Draft NPS EN-3

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

**Core Strategy & Development Management Policies Development Plan Document  
(Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure, Biodiversity and Geodiversity, Landscape, Opens Space and Sports Facilities.
- DM10 – Renewable and Low Carbon Energy
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

## **NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)**

Sturton Neighbourhood Plan 2021-2037 contains the following relevant policies:

Policy 1 – sustainable development, infill and development boundary

Policy 2a – protecting the landscape character, significant green gaps and key views

Policy 2b – enhancing biodiversity

Policy 4 – reducing flood risk

Policy 5 – design principles

Policy 6 – protecting the historic environment

Policy 8 – supporting the local economy

Policy 12 – energy efficiency, renewable energy and climate change.

Sturton le Steeple, Bole and West Burton Neighbourhood Plan Area was designated on 8<sup>th</sup> December 2022. There are no further draft documents.

North and South Wheatley Neighbourhood Plan Area was designated on 8<sup>th</sup> December 2022. There are no further draft documents.

## **RELEVANT PLANNING HISTORY**

West Burton power Station has an extensive and long planning history. Below is the most relevant history / summary in respect of this planning application.

### West Burton A

This coal fired station as commissioned in 1966. It was scheduled for closure in March 2023 and it will be decommissioned and eventually demolished. This site is owned by EDF.

### West Burton B CCGT Power Station

This is owned and operated by the applicant and was granted consent in October 2007 under the Section 36 of the Electricity Act 1989. It has three units each having a gas turbine, a heat recovery steam generator and an associated steam turbine, with combined output capacity of 1,332MW. This power station is fuelled by natural gas which is provided by a gas pipeline to the north east. The station connects to the National Grid approximately 0.7km to the south of the power station via a substation within the overall site.

### Existing Battery Storage

16/00954/FUL - 49MW Battery Storage Facility. Granted 30/9/2016

### Ash Processing

Nottinghamshire County Council granted permission for the use of ash processing equipment (Ref F/3585) this commenced on 14 July 2017

### WBC Open Cycle Gas Turbine Power Station

The Secretary of State granted a Development Consent Order for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11<sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position.

## **SUMMARY OF CONSULTATION RESPONSES**

### Nottinghamshire Wildlife Trust

This application will see a net loss of 4.47ha of semi natural habitats (taking into account the minimum habitat creation of 0.6ha), ie 88% permanent loss of habitat.

The population of Great Crested Newts is of Country conservation value as it meets the criteria for a Local Wildlife Site. Given that the impact of the proposed development on Great Crested Newt is loss of terrestrial habitat it is essential that compensatory terrestrial habitat is included in the scheme.

It is noted that habitat creation is proposed in the form of curved, south facing mounds of bare ground surrounded by wildflower grassland to provide mitigation. A minimum of 0.6ha of habitat would be created including a minimum of 225m<sup>2</sup> of unshaded south facing slopes for terrestrial invertebrates, as well as sparsely vegetated gravel/open sward wildflower grassland. Three raised mounds will be formed, a minimum of 2m in height with a

comparable profile to the existing feature with an exposed south facing slope and with a high PVA content. The report states that the mounds provided would mean no net loss of the open habitat needed by the relevant invertebrate species. However it is assumed that there would still be an overall loss of existing flower rich habitat without appropriate off site compensation. The proposed mitigation should be secured via planning condition.

The bat species assemblage meets Local Wildlife Site selection criteria for bats indicating that it should be valued at County level. This is based on 2 scarce species – Leislars and Brandts and 1 less scarce species- Whiskered and 5 common species – common and soprano pipistrelle, noctule, brown long eared and daubentons bat. The report identifies that the proposed development site supports bats of the wider West Burton Power Station site. Foraging habitat for bats will be lost as a result of this development.

Mitigation measures should therefore be secured through a masterplan design and planning application process with actions during the construction and operational phases agreed and established by a Construction Environmental Management Plan and / or a Landscape Ecological Management Plan. This whole process should consider the mitigation hierarchy of avoid, reduce, compensate and enhance. The NPPF advises that if this cannot be achieved then permission should be refused and the Bassetlaw Local Plan contains policy DM9.

Any lighting plan should be sympathetic to the needs of foraging and commuting bats. Advice is given as to what type of lighting should be used.

Planning conditions are recommended to ensure that the BNG target is met as submitted by the applicant.

Attention should be given to the section entitled embedded mitigation paragraph 6.2.18 regarding a CEMP and paragraph 6.2.19 regarding an ecological clerk of works to supervise and manage the development.

Further advice was received from the Trust regarding BNG and mitigations for newts which stated:

*“BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site then these should be approached and managed in the same way as they are currently. **BNG and the Biodiversity Metric calculations would then be additional to this.**”*

Following the submission of additional information the Trust states the following:  
The survey methodologies employed are to a satisfactory standard and the conclusions and recommendations are acknowledged.

Bats – Mitigation is required to compensate for loss of bat foraging habitat

Terrestrial invertebrates – there will be an overall loss of existing flower rich habitat

Mitigation hierarchy – mitigation measures should be considered through masterplan design and planning application process with action through construction outlined in a CEMP and /or LEMP. The mitigation hierarchy should be used.

Impacts on habitats – there is an overall loss of 4.47ha of semi natural habitats

Biodiversity Net Gain – 10% net gain is advised in line with the Environment Act and the aspiration for Nottinghamshire is 20% where appropriate and viable. Suggests that the habitat being created for invertebrates and GCN is counted within the BNG metric, if this still does not achieve 1% net gain then further land will need to be provided to do enhancements or purchase the remaining credits.

Sets out policy guidance from the adopted core strategy and emerging local plan.

Confirms that a S106 agreement seems the best approach for BNG and recommends conditions for a LEMP and CEMP

#### West Lindsey District Council

No comments to make

#### Anglian Water

No comments to make

#### Nottinghamshire County Council Highways

No objections subject to conditions

#### VIA East Midlands

Provides advice in respect of road closures and weight restrictions in response to a public objection letter

#### Nottinghamshire County Council Policy

Minerals and waste – there has been no mention of the Nottinghamshire Minerals Local Plan or the Nottingham and Nottinghamshire Waste Local Plan.

Minerals – Part of the proposed site lies within a Mineral Safeguarding and Consultation Area for sand and gravel. However as the development is on land within West Burton Power Station the proposal is exempt from this policy and is classed as infill. There is an existing minerals site to the south of Sturton le Steeple as allocated in the minerals plan.

Waste – No issues raised in respect of safeguarding existing waste management facilities. Best practice for waste management should be followed – the development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste arising from the development.

Transport and Travel Services – Requests a contribution of £104,000 towards improvements towards the local demand responsive bus services to serve the site.

Require upgraded infrastructure to the two closest bus stops. This should be dealt with via planning condition.

Public Health – advice given

Following amended information and a meeting with the applicant (5/5/23) NCC Transport and Travel Service has issued a further response. It recommends a condition / obligation to require a sustainable transport statement which is required to support sustainable access to the site.

Following the submission of additional information and a meeting with the applicant Travel and Transport Services provided further comments in respect of sustainable transport. The need for the financial obligation has been removed from the County and instead a planning condition is recommended to require a sustainable transport statement which will set out details of an employee transport service between the site and destinations within a 15m radius of the site.

#### Nottinghamshire County Council Minerals and Waste

See above

#### Trent Valley Internal Drainage Board

Provides advice in terms of the consents required as the site is within their District.

#### Environment Agency

Originally objected to the application due to an inadequate Flood Risk Assessment.

Originally objected to the proposal in terms of foul water disposal as the proposal involves the use of a non mains foul drainage system in circumstances where it may be reasonable to connect the development to a public sewer. Inadequate justification has been provided for this element of the proposal.

In terms of groundwater considerations no objections subject to planning conditions

The Agency has also commented on regulated industry comments – the proposal is located adjacent to the coal fired power station West Burton A which is regulated under the Environmental Permitting Regulations by the Environment Agency. After 23<sup>rd</sup> March 2023 it is expected that the site will be decommissioned and demolished. Throughout this period the EA will continue to regulate the installation until the Permit has been surrendered.

The site is also adjacent to Bole Ings Ash disposal site and West Burton B Power Station which are also regulated by the EA.

Energy storage will play a significant role in the future of the UK energy sector; however DEFRA does not currently see the need to regulate the operation of battery energy storage system facilities under the Environmental Permitting Regulations regime.

These type of developments do not normally result in direct impacts to the environment in normal operations and the EA does not normally object to them; however the potential to pollute in abnormal and emergency situations should not be overlooked. Applicants should consider the impact on groundwater from the escape of firewater / foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple layers of protection to prevent the source of pathway receptor pollution route occurring. In particular proposals should avoid being located close to rivers and sensitive drinking water sources.

However battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates lifecycle liabilities which must be factored into project costs. Under the regulations the industrial battery producers are obliged to

- Take back waste industry 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
- Register as a producer with the Secretary of State
- Report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting 1<sup>st</sup> Jan)

Batteries do have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate it will need to be removed from the site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries should be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Following the submission of additional information the EA continued to object as the FRA is considered to be inadequate and requests a revised FRA to include the points raised.

In terms of foul drainage the document entitled response to environment agency dated 13.4.23 satisfactorily addresses original concerns. Recommends condition in this regard.

In terms of biodiversity the Agency would still recommend BDC push for 10% BNG, repeat previous comments.

Groundwater and contaminated land – recommend conditions

Regulated industry – repeat above comments.

Following an amended FRA the EA raise no objections to the scheme subject to conditions.

#### Natural England

No objections.

Natural England concurs with the fact that there are no relevant pathways for impacts to Lea Marsh SSSI from the proposed development.

It is acknowledged that the documents show a significant reduction in biodiversity units on the site as a result of the development with the 'do nothing' parameters showing a greater decrease in biodiversity units than 'with indicative landscaping'.

The report also states that there is not enough land available on site or in control of the applicant to achieve no net loss or gain in terms of biodiversity units. Off-site BNG should be sought via planning condition.

Although BNG is not yet mandatory NE recommends 10% BNG. It is recommended that the 'with indicative landscaping' approach should be adopted on site and where further on site enhancements are not possible the remaining requirement should be delivered off site, locally.

No off site enhancements have been identified at this stage as such a planning condition may be appropriate to ensure that the development does not go ahead until a detailed design of biodiversity enhancements has been provided.

#### Gamston Aviation

No comments received

#### Historic England

No comments to make

#### Bassetlaw District Council Environmental Health

Extraction / Ventilation – the use of extract ventilation for example fans that may be required to cool batteries, transformers / inverters or other equipment will be addressed from a noise point of view at the detailed design stage. It is unlikely that an ventilation system from this type of development will result in any other adverse impact eg odour.

Noise – The applicant has submitted an operation noise assessment in which the current noise environment has been measured, the levels of noise likely to be produced by equipment on the site once commissioned and the likely impact of any increased noise levels resulting from the development on surrounding residents. The impact of noise from the construction phase is considered separately. Based on the worst case scenario EHO is satisfied that the proposed development will not have a significant adverse noise impact on surrounding residents but would be cautious to accept any increase in noise levels than currently predicted. Would support the approach of the noise consultant in that opportunities should be explored at the detailed design stage to reduce the specific sound levels by a selection of equipment, site orientation, acoustic enclosures or noise barriers and welcomes further details of the likely impact from noise following the detailed design stage.

Is satisfied with the details contained in respect of noise from the construction phase and accepts the proposed hours of construction working.

Lighting – the applicant has committed to minimising any disturbance to residents and local wildlife. In any event statutory nuisance arising from light nuisance can be adequately resolved through the Environmental Protection Act 1990.

#### Bassetlaw District Council Conservation

No concerns in respect of the proposal

#### Bassetlaw District Council Tree Officer

This application potentially has some minor impact on managed young native plantation blocks of willow, poplar, alder, robinia and cherry with some hazel, birch, hawthorn and other young hedgerow species mainly around the edge of the proposal.

#### Lincolnshire County Council Archaeological Advisor

No further archaeological input is required.

#### Nottinghamshire County Council Local Lead Flood Authority

Originally objected to the application

Following the submission of additional information raise no objections.

National Air Traffic Services

No safeguarding issues.

Secretary of State

No comments to make

Cadent

No objections

EDF

No comments received

Health and Safety Executive

There is one unidentified pipeline in this local authority area. Consult with EDF Energy

North and South Wheatley Parish Council

Supports this application, after re-consultation has no comments to make

Sturton le Steeple Parish Council

No comments received

West Burton Energy

No comments received

**SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice (posted close to the development site as recommended by legislation) and press notice and **1** letter has been received which raises the following comments:

- Questions where the site is located
- Questions whether St Ives will be safe
- Questions the level of noise and impact on St Ives during construction

An e mail has been sent to the member of the public regarding these issues and the applicant prepared a response which has been sent to the resident.

A further letter has been submitted from the same resident which raises issues relating to this application and to wider issues; the Head of Regeneration replied to the letter. The following concerns were raised:

- The notices erected where people walk so the village will not be aware of the development
- Traffic movements from HGVs are a concern, its says between 5-340 a day

- How many people will be working there?
- Other development will need the main road closing to connect their utilities
- If the main road closes this will affect the Village and access to it
- Why is there not a sign at Bole to stop 14 tonne vehicles going through the villages
- There should be road closure signs before the roads are closed to give people warning
- How will the contaminated land be moved from the site and what is it contaminated with?
- Is the water contaminated?
- How much noise will be generated during construction and how will it affect the resident
- Will the development have an impact on people's health due to the amount of electricity being generated
- Increased use of the lane
- Air pollution
- Will there be protestors

The applicant for the application offered to set up a meeting with the concerned resident and the Station Manager and Health and Safety lead and this took place on 26<sup>th</sup> June 2023 at the objector's property. The Planning Officer / Head of Service did not consider it necessary to attend because the issues to be discussed were wider than the current application and the objector has put concerns about the current application writing which have been assessed as part of this report. This was confirmed by the applicant's minutes of the meeting which stated that there were no specific concerns about the BESS but concerns about the wider context of development of the site. No further comments have been received from the resident following the meeting at the time of writing the report.

## **CONSIDERATION OF PLANNING ISSUES**

The main issues in this application are as follows:

- Environmental Impact Assessment
- Principle of the Development
- Sustainability Considerations
- Biodiversity Considerations
- Highway Considerations
- Landscape and Visual Impacts
- Residential Amenity
- Heritage / Archaeology
- Flood Risk
- Contamination
- Decommissioning and Reinstatement of Land
- Planning Obligations
- Tilted Balance
- Conclusion

## **ENVIRONMENTAL IMPACT ASSESSMENT**

The application is subject to an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The

proposal falls within Schedule 2, Part 3a – industrial installation for the production of electricity, steam, hot water (unless included in Schedule 1) – 0.5ha threshold.

The applicant determined that the application was EIA development.

A Scoping Opinion was issued by the Local Planning Authority in September 2022 which concluded that the following topics should be scoped in – ecology and nature conservation and cumulative and combined effects. Technical reports for other issues could be scoped out of the Environmental Statement; however they would need to be submitted as part of the planning application.

An Environmental Statement has been submitted with the application based on the above principles.

The Secretary of State has been consulted on this development and does not wish to make any comments.

Consultation has been undertaken in accordance with the Environmental Impact Assessment Regulations 2017 (as amended).

There was an omission of the bat survey report and when this was submitted a full round of consultation was undertaken again in line with the Regulations.

The residential receptors have been questioned with the applicant who is of the opinion that the report concurs with the scoping opinion in that it primarily focuses on ecology and cumulative impacts. The residential receptors is not an exhaustive list, it is simply good practice.

This is accepted as the main purpose of the Environmental Statement is to consider ecology and biodiversity. Residential receptors will be assessed via the planning application.

## **PRINCIPLE OF THE DEVELOPMENT**

The starting point for assessing planning application is the adopted development plan which comprises of the Bassetlaw Core Strategy 2011.

The application site is located within the open countryside and this engages Policy CS9 of the adopted plan. Whilst there is no specific reference to this type of development in this policy it does state that rural employment opportunities that are of an appropriate scale and type to the settlement and surrounding land uses will be supported when they are consistent with policy DM1 and DM3 and other material considerations.

Again policies DM1 and DM3 do not make specific reference to this type of development; however they provide a good reference point for assessment of this application.

Policy DM1 discusses general development in the countryside and sets out the criteria where such proposals will be supported.

Policy DM3 seeks to support development of previously development sites in the open countryside subject to a number of criteria. As aforementioned it is not considered that this site is wholly previously developed and therefore the proposal would not accord with this policy.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new

local plan to replace it. In this situation, paragraph 219 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it also does not contain any allocations for new development. It is considered that this approach is now out of step with that identified in the NPPF and the weight given to policy CS9 and by association Policies DM1 and DM3 has to be reduced.

Accordingly part d) of paragraph 11 of the NPPF is engaged as Policy CS9 is considered to carry limited weight in the decision making process. This scheme must be considered under the tilted balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

Policy DM10 of the Core Strategy is generally supportive of proposals that seek to utilise renewable and carbon energy to minimise CO2 emissions and this policy is afforded weight as it is generally consistent with the NPPF.

In terms of material considerations in respect of the principle of the development the NPPF is clear that the planning system should support renewable energy development, paragraph 152 states:

***“The planning system should support the transition to a low carbon future in a changing climate, taking account flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”*** (report writer’s emphasis)

Paragraph 158 states:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

Further material considerations relate to the National Policy Statements which are normally used for national infrastructure development; however they provide a good reference point demonstrating the Government’s stance to this type of proposal.

Draft National Policy Statement EN-1 – Overarching Energy and Draft National Policy Statement EN-3 Renewable Energy Infrastructure are of particular importance in respect of this application.

Draft EN-1 states that storage has a key role to play in achieving net zero and providing flexibility to the energy system so that high values volumes of low power carbon power, heat and transport can be integrated. Paragraph 3.3.25 is clear as it states:

*“Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases.”*

It is clear from these National policy documents that there is Government support for this type of development subject to an assessment of material considerations which are discussed below.

A further material consideration relates to the location of this site. Whilst it is accepted that it is within the open countryside it is immediately adjacent and forms part of the wider West Burton Power Station. This will allow the development to use the existing connections and infrastructure within the West Burton B site which is also owned by the applicant.

The final material consideration in respect of the principle of the development is that the site benefits from a Development Consent Order (DCO) for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11<sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position and is an important material consideration.

The remainder of the report assesses the relevant material considerations relating to the application concluding with an assessment of the tilted balance.

The applicant has requested a 5 year time limit for commencement for this development along with the ability to develop in phases in order to allow for the most appropriate development configuration in the evolving electricity market. The applicant considers that this would ensure sufficient opportunities for the West Burton C BESS to win contract via current competitive mechanisms and auctions such as the National Grid ESO Capacity Market Auction and to subsequently progress towards the finalisation of a construction contract (s) and raise project finance. This approach is considered reasonable.

## **SUSTAINABILITY CONSIDERATIONS**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

National policy is clear that this type of development is an important piece of infrastructure in achieving the energy targets. It is considered that the development is therefore sustainable.

In essence the proposal is an economic proposal that will encourage an inward investment opportunity in the District, thus meeting the economic objective.

In terms of the social objective the development will support strong communities and provide infrastructure for future needs.

Finally the environment objective, the application has been subject to an Environmental Statement due to the impact on biodiversity and proposals have been made to ensure that there will be a no net loss to biodiversity through a variety of off-site measures. Ultimately the application meets the environmental objective by assisting in the movement towards a low carbon economy.

It is considered that the development is consistent with Paragraph 8 of the NPPF.

## **BIODIVERSITY CONSIDERATIONS**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):



- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

One of the main issues in this planning application relates to biodiversity and this was the primary reason for the need for an Environmental Statement to be submitted.

A full assessment has been submitted in respect of biodiversity via both the planning application and the Environmental Statement. The Environmental Statement provides an assessment of the potential ecological effects during construction, operation and decommissioning.

The application site is within the SSSI Impact Risk Zone for Lea Marsh located approximately 1.1km to the north east of the site. There are 10 non-statutory nature conservation designations within the locality of the site, the closest being the West Burton Power Station Local Wildlife Site (LWS) which is located adjacent to the east of the application site and the West Burton Reedbed Local Wildlife Site located approximately 60m to the south east.

The proposed development does not take land from the adjacent West Burton Power Station LWS therefore avoiding any direct impacts and the Environmental Statement has assessed indirect impacts and concludes that there would be no likely significant effects as a result of the development providing details as outlined in the Construction Environmental Management Plan are adhered to. There are also no likely significant effects on the West Burton Reedbed LWS.

It is proposed that there will be a buffer of at least 6m between the proposed development site boundary and the security fence around the BESS arrays and this would be managed as part of the landscaping and biodiversity area. This area would create a minimum of 0.6ha habitat including wildflower grassland and scrub and some sparsely vegetated areas. This would provide partial compensation for the habitat loss from the proposed BESS and would provide a permanent buffer zone.

A desk top ecological appraisal has been submitted with the application. In summary this identified the following sites within the desk study area: one statutory nature conservation designation (Lea Marsh SSSI), ten non statutory nature conservation designations (the closest being West Burton Power Station LWS adjacent to the site and West Burton Reed

Beds LWS 60m to the south east) and six priority habitats (including deciduous woodland 10m to the east of the site and reedbeds 60m to the to the south east). The site is within a SSSI Impact Risk Zone for Lea Marsh SSSI; however there are no pathways for impact from the proposed development. Temporary construction impacts on adjacent LWS and priority habitats are possible and there are recommendations to retain existing wet woodlands and reedbed habitats.

The habitats present within the site include semi-improved neutral grassland, scrub, plantation woodland, species poor hedgerows and tall ruderal vegetation. Habitats in close proximity include reedbed, standing water, running water and bare ground. Some of these habitats are listed in the Notts Biodiversity Action Plan as priority habitats.

Protected species identified include bats, great crested newts, reptiles, breeding birds, fish aquatic invertebrates, brown hare and terrestrial invertebrates.

In terms of protected species reports the following have been submitted as part of the Environmental Statement:

Terrestrial Invertebrate Survey Report – during the survey periods this found a total of 443 species of which 16 were key species. 3 of these 16 were species of principal importance. The south facing slope of the raised mound is an important feature of the study area and a critical area to maintain favourable conservation status of the 3 species of principal importance in addition to flower rich grasslands. The value of the site is as a stepping stone habitat which enables fauna to within the Trent Corridor to disperse across the landscape. The study area represents an important resource and contribution to invertebrate nature conservation within Nottinghamshire and Lincolnshire. The invertebrate assemblages have been evaluated to be of country nature conservation value. The important elements are the raised mound, patchy bare ground and flower rich grassland.

The proposed mitigation is based on the provision of a series of raised mounds to mitigate for the loss of the existing feature. Each new mound should be a minimum of 2m in height and include an upper level surface such that the profile is comparable in profile to the existing feature. Additional recommendations including vegetation management are included within the submission. It is expected that the effect on this habitat would be temporary and recoverable.

Badger Survey – badger reports remain confidential; however the report considers the impact on badgers.

The report sets out the measures to be undertaken to ensure legislative compliance with regards to badgers.

Great Crested Newt Survey Report – the report confirms that there are Great Crested Newts in and around the application site. Whilst there are no ponds on the application site the grassland scrub and constructed hibernacula are likely to be used for foraging and overwintering by Great Crested Newts. The population has been defined as of County value. The proposed development site provides suitable terrestrial habitat within 250m of breeding ponds and thus supports the breeding population. The site represents 10% of the accessible terrestrial habitat for the population.

Compensation for newts will be via the Licence agreement which will be controlled by Natural England.

Reptile Survey Report – this survey found one young grass snake which indicates breeding in the vicinity of the application site. The report concluded that the grass snake population is deemed to be of local value.

It was concluded that habitat connectivity around the east and north side of the site would remain for reptiles. Mitigation measures would be undertaken during site clearance to minimise any harm. The hibernacula provided for great crested newts would also be beneficial for reptiles.

Bat Survey Report – the surveys found 2 x rare species, 1 x lesser scarce species and 5 x common species of bat. The report concludes that bat species assemblage at the development site is considered to be of County value.

It is concluded that there will be no loss of habitat connectivity for bats and lighting during construction and operation would be minimised. It was concluded that there would be no significant impacts on bats.

Breeding Bird Survey Report – this survey recorded 41 bird species with 11 confirmed as breeding, of these 11 none were on the red list for birds of conservation concern nor were they included on Annex 1 of the EU Birds Directive. A further 17 species were recorded as 'probably breeding'. The report concluded that breeding birds were important at a site scale.

Birds and their nests are legally protected and site clearance will be undertaken in accordance with this legislation.

The proposed development will lead to a loss of approx. 5.07 hectares of semi-natural habitat; 0.6 hectares of land is proposed to be created within the buffer zone which means a net loss of 4.47 hectares which equates to 88% permanent loss of habitats. In the context of the wider West Burton Site (200 hectares) this does represent a small reduction in total loss of semi-natural habitats so there would be no loss to the functional integrity of the habitats within the wider West Burton Site.

The applicant has submitted an indicative Landscape and Biodiversity Management Plan which includes additional measures that could be undertaken to further enhance the biodiversity, landscape and green infrastructure on the site. The aim of the landscape proposals is to establish a landscape environment that integrates the site with its surroundings and contributes to the biodiversity and improved ecological diversity of the area. The proposals are as follows:

- Creation of a species rich grassland sward
- Native scrub planting along the perimeters including woodland
- Open gravel / PFA areas created for invertebrates with an undulating rough surface sparsely sown with wildflower mix
- Creation of south facing bunds to support terrestrial invertebrates

If these measures are implemented at the design stage then the overall permanent loss of habitat would reduce to approximately 77%, a loss of -31.9 units of habitat and -1.64 units of hedgerows.

In addition to the loss of habitat on site the proposed development will have a direct impact on habitat which supports a County important terrestrial invertebrate assemblage which also needs consideration as without compensation this could result in a significant adverse impact at a local level. The whole of the West Burton Power Station supports Great Crested Newts.

The majority of the habitats to be lost as a result of this proposal were created as part of the landscape and creative conservation plan for the West Burton B generating station partially to compensate for the loss of Great Crested Newt habitat. There are no ponds on the application site with the nearest breeding pond being located approximately 100m from the northern edge of the BESS area. The loss of habitat during the proposed development construction represents approx. 10% of the total semi-natural habitat within 250m of the ponds used by Great Crested Newts.

Compensation for the loss of Great Crested Newt is proposed to be provided off site using the District Level Licensing (DLL) scheme offered by Natural England this will comprise of 3.19 ponds to be created off site. The applicant has confirmed agreement of this and states that with this compensation the effects on Great Crested Newts would not be significant.

Other species have been assessed as part of the submission and concluded that the effects on them would not be significant.

There have been discussions about whether the compensation for the newts can provide biodiversity net gain.

Advice from Nottinghamshire Wildlife Trust is as follows:

*“BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site then these should be approached and managed in the same way as they are currently. **BNG and the Biodiversity Metric calculations would then be additional to this.**”*

The Council currently does not have a policy to require a 10% biodiversity net gain and therefore whilst a net gain is encouraged the policy and legislative position at present is to ensure that there is no net loss in biodiversity.

It is not yet fully clear as to the extent that off-site compensation can be included as Biodiversity Net Gain. However there is some guidance issued from the Local Government Association (in frequently asked questions on this topic) which states:

*“The current position is that it is possible to use sites delivering nutrient neutrality / SANG / GNC habitat to also deliver biodiversity net gain, on the basis that delivery of the non BNG outcomes via habitat creation / enhancement could contribute up to a point equivalent to no*

*net loss of BNG (as calculated by the biodiversity metric) but not beyond – assuming that they meet any other BNG requirements eg agreed type/duration etc”*

It goes on to state:

*“The contribution to BNG through measures required as part of the DLL is capped at a point equivalent to no net loss irrespective of the actual delivery outcome as measured by the Biodiversity Metric 3. To achieve the required biodiversity unit uplift beyond no net loss to meet BNG requirement, there must be habitat provision or enhancement beyond the minimum requirement of DLL”*

On 2<sup>nd</sup> May 2023 further guidance – What can count towards Biodiversity Net Gain, was published by the Government. This states the following:

*“If you’re creating or enhancing habitat as part of your development you may be able to count this towards BNG. You can still do this if the habitat required for your development is to ...provide mitigation or compensation for protected species or sites for example nutrient mitigation.*

*If you’re also providing off-site mitigation and compensation for protected sites and species. This may count towards your BNG through other activities for example on site habitat creation or enhancement.*

*If you’re using off site units you need to legally secure these for at least 30 years. You must register them before they can count towards your BNG”.*

On the basis of the latest guidance issued by the Local Government Association and the Government it is considered that the off-site compensation for newts in this application can be classed as BNG up to the point of no net loss; however this is still guidance and there is still some confusion as to whether the compensation for newts will be allowed to contribute towards no net loss in biodiversity. In effect this will only be known when Natural England confirm their stance.

In order to seek more clarity the applicant has been questioned about the issue of BNG and how they envisage this can be delivered. The BNG report states the following:

*‘The metric has been used for two scenarios. The first is the ‘do minimum parameters plan’, as set out in the Parameters Plan (ES Figure 9) (Ref. ES-030) and parameters table (Table 4-1 within ES Chapter 4: The Proposed Development) (Ref. ES-004). The second is a ‘with landscaping’ scenario based on ES Figure 10: Indicative Landscaping and Biodiversity Management Plan (Ref. ES-031), which shows an illustrative design for the post-development layout. This is still a conservative scenario, based on a single storey layout for the Proposed BESS Area and with the worst-case assumption that all habitat within the Proposed Development Site boundary would be lost during construction, i.e. no habitat retained or enhanced.’ (para 3.3.2)*

The applicant has confirmed that at this point in time it cannot commit to the indicative landscape and biodiversity management plan; the purpose of this plan is to set out the principles that the applicant is committed to at the detailed design stage. The applicant is also committed to providing the landscape and biodiversity measures set out in the

parameters plan. This would need to be controlled by imposing a condition should permission be granted.

The maximum allowable provision from the District Licence would be 40.69 habitat area units and 1.64 hedgerow units credited to WBC BESS and this would achieve no net loss. However it is possible that the biodiversity units from the License may be less, all that is known at the present time is that the License will fully compensate for the effects on Great Crested Newts.

It is likely that the License will go some way to achieving no net loss in biodiversity but the applicant has arranged to top up the habitat area units and hedgerow units to ensure no net loss achieved and this would be done via separate off site arrangements with the exception of a small number of units created by the on-site landscaping.

The exact habitat losses on this site will not be fully known until the details design of the development has been finalised; however the worst case 'do minimum approach' was as follows:

- 40.69 unit loss in construction
- 4.39 units on site post construction

On this basis 36.30 units are needed off site to achieve no net loss plus 1.64 linear units for hedgerow loss.

This will in effect leave 2 possible scenarios:

- 1) If Natural England confirms that the Licence for newts can count towards no net loss then the applicant's Licence will provide a minimum of 36.30 units and 1.64 hedgerow units or ideally 40.69 units and 1.64 hedgerow units to achieve no net loss. This will also include on site landscaping which would constitute 4.39 units onsite.
- 2) If Natural England confirm that the License cannot count towards BNG then the applicant will be required to find BNG habitat providers for up to 36.30 units and 1.64 hedgerow units off site. The on-site units would comprise of 4.39 units and in total this would equate to no net loss.

The two scenarios are the extremes and it may be the case that the final position lies somewhere between the two i.e. the Licence goes some way to achieving BNG and then the applicant will need to 'top this up' by the provision of BNG off site. The on-site landscaping will still stand in any event.

Both Natural England and Nottinghamshire Wildlife Trust have been consulted on this application and raise no objections subject to the imposition of conditions to secure off site mitigation and to ensure that there is adequate mitigation for protected species such as bats. It is also recommended that the 'with indicative landscaping' approach should be adhered through throughout the development.

The baseline of biodiversity has been established in this application and the applicant has outlined various options that could be taken to achieve no net loss.

However, given the fact that there are some unknowns in respect of how the no net loss will be achieved, in line with current guidance it is recommended that a legal agreement along with conditions should be entered into to ensure that suitable biodiversity off site can be provided to achieve no net loss. The applicant has agreed to this approach.

The Environment Agency (EA) has also commented on biodiversity and they are satisfied that the proposals will have no impact on the biodiversity of the watercourses in the vicinity of the site. The EA request that a condition is imposed on any permission to provide 10% BNG in the spirit of the emerging BNG legislation. Any proposals for the delivery of BNG will require 30 years maintenance and should be addressed as part of any condition.

The following suggestions have been provided by the EA in respect of where off site mitigation could be provided:

- Looking south from the site on farmland close to the River Trent on the left bank, there are historic fields where hedgerow boundaries have been lost. Reinstating these would improve biodiversity
- Lea Marshes SSSI is currently failing and not achieving status; although this is within Lincolnshire.
- There are several Local Wildlife Sites within the vicinity of the site which could be improved and maintained
- Improvements to the River Trent and or ditches on the site or close by

The applicant has considered these suggestions and agrees that there are many potential sites to deliver the off-site BNG which could be secured by condition. However the applicant also points out that 10% BNG is not a mandatory requirement.

The issue of BNG has been discussed above and the current policy position is no net loss and therefore to mandate 10% BNG would not be reasonable in the current policy context. In terms of where the off-site compensation would go this will need to be discussed and agreed with Natural England.

Nottinghamshire Wildlife Trust raised concerns in respect of the loss of habitat for foraging bats and it is accepted that this development would equate to some loss; however this is unlikely to be significant as addressed in the applicant's environmental statement; this can be covered by a landscaping and habitat plan condition.

It is proposed that the BESS would be unlit for most of the time with lighting only needed for inspection, maintenance and emergencies. Lighting may be needed during the construction phase and the Construction Environmental Management Plan states that this would be designed so as to minimise impact on biodiversity. It is concluded by the applicant that lighting would not have a significant effect on biodiversity, nor would noise. A lighting condition is proposed for both construction and operational phases.

The applicant has submitted a Construction Environmental Management Plan (CEMP) which sets out at Table 5 the mitigation / enhancement proposals for biodiversity during construction. It is crucial that these recommendations are adhered to and a further more detailed CEMP should be secured via planning condition.

In terms of trees there are willow trees located on both sides of the existing 'Ash Road' The proposed development is partially within the root protection zone of these trees; however no work is proposed on this road and therefore these trees will not be affected.

There is also a group of trees to the north of the proposed BESS area which are proposed to be retained. The submitted Construction Environmental Management Plan sets out how the trees will be protected. The Council's tree officer has been consulted and raises no objections to the proposals.

It is accepted that there will be an impact on biodiversity and a S106 agreement and conditions will be required to ensure that the impact is mitigated against. This will be entered into the planning balance.

## **HIGHWAY CONSIDERATIONS**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

The proposed access to the development is via the existing power station access from Gainsborough Road. Once within the site two options are given to access the application site – one to the south and one to the north (some earthworks may be required if the latter option is pursued to ensure adequate gradients). Roads will need to be constructed within the BESS area as required and these will be hard surfaced with appropriate drainage.

In terms of HGV routes it is stated that all HGVs associated with construction would be required to arrive and depart the site to / from the north via the A631 and this is due to the bridge height restriction in place at two locations along the A620 towards Retford. These instructions would be issued to the HGV drivers and will be a condition of contract between the applicant and appointed contractor. Signage will also be erected at the main junctions.

A Transport Statement and Travel Plan have been submitted with this application, the following trips are proposed to be generated by the development during construction:

340 two way trips across the day (170 in and 170 out). This is split into 120 workers travelling by car and 50 HGVs. This number of trips during construction is less than those proposed by the consented West Burton C Generating Station.

A Construction Traffic Management Plan has also been submitted which states that the existing access is suitable for the proposed development. A small number of abnormal roads will have to use the existing route through West Burton A.



Operational access will be required for workers, occasional inspections/ maintenance visits and / or augmentation of battery cells. It is proposed that the facility will be unmanned; however a car park is proposed with 6 spaces for staff and visitors during operations along with two Sheffield type cycle hoops for cycle storage.

The submitted Construction Environmental Management Plan states that the HGVs would arrive and depart the site via the existing West Burton site access and would be required to depart / arrive from the north via the A631 due a bridge height restriction at 2 places along the A620 towards Retford. The volume of HGVs on the network would be at its maximum of 100 two way daily vehicle movements (50 in and 50 out) during site preparation, equipment delivery and pre commissioning stages of construction. It is expected there may be a number of abnormal indivisible loads entering the site and these will use the established route of the A614 and A613 from the A1 which is currently used for West Burton power Station.

Access for fire vehicles would be via Gainsborough Road and the main BESS site can also be accessed from the north via an independent access which connects to River Road.

The Transport Statement concludes that the impact of the proposed development would not be severe and does not meet the grounds for refusal in transport terms according to the NPPF.

The Highway Authority has assessed the application and accepts that the predicted increase in traffic on the local road network during construction may be perceivable, most notably on the C2 Gainsborough Road to the south of the power station access where am and pm traffic would increase by 13% and 21% respectively towards Sturton le Steeple. Post construction the operation of the development will create up to six operational and maintenance worker roles and on this basis any long term increase in traffic will be negligible.

The proposed location of the battery storage facility is on the eastern side of the power station site and the site access is on the west. The Highway Authority states that there is unlikely to be any disruption to traffic on Gainsborough Road due to construction activity other than that associated with arrivals and departures of vehicles.

The Highway Authority has no objections to the proposal subject to planning conditions.

There have been public concerns raised in respect of traffic and transport. It is accepted that during construction there will be a temporary increase in HGV deliveries and staff numbers; however it is not considered that this would be so detrimental as to warrant refusal of permission. Conditions can be imposed to ensure that an adequate level of amenity is maintained.

The public comments have been sent to the Highway Authority for comment and the Highway Authority states:

*“The submitted Transport Statement (TS) predicts that, during the peak of construction, the development will generate 340 two-way vehicle trips across the day (170 in and 170 out). Workers account for 240 of those trips (120 in and 120 out) assuming all travel independently by car/van (very much a worse case as this does not account for car sharing or the potential*

to transport workers by minibus) and 100 trips will be HGV deliveries (50 in and 50 out). Construction worker arrivals and departures are predicted to occur between 0700-0900 and 1700-1900. The development will be accessed via the existing Power Station access on the C2 Gainsborough Road both during and post construction. The TS distributes construction traffic onto the local road network based on the likely origins of construction and construction worker traffic. The predicted increase in traffic on the local road network during peak construction may be perceivable, most notably on the C2 Gainsborough Road to the south of the Power Station access where AM and PM peak period traffic would increase by circa 13% and 21% respectively towards Sturton-le-Steeple, in the worst case scenario. However, the predicted short-term increases in traffic would not warrant intervention. All HGVs will head north, away from Sturton-le-Steeple. Post construction, the operation of the development will create up to six operational and maintenance worker roles. Therefore, any long-term increase in traffic will be negligible. In order to have some control over HGV movements, I've suggested planning conditions to cap the number of lorries per day and such that all lorry drivers are instructed to access the site to and from the north to avoid Sturton-le-Steeple"

Concerns have also been raised in respect of connection to utility services and weight limit signage and the following response has been received from Via East Midlands:

*"In terms of road closures, all works/closures on the adopted highway need to be applied for via our NRSWA team. Once accepted the closure is then present on one network for the public to see with all details of the closure. This is usually backed up by a sign in advance of the works taking place, forewarning residents/road users that the closure is to take place. Diversions are usually put in place to avoid any further disruptions to residents as well.*

*In terms of signage for weight restrictions, the website we use to track the restrictions is [www.nottinghamtraffweb.co.uk](http://www.nottinghamtraffweb.co.uk)*

*If there are weight restrictions present, there will be signage at the entrance and exit to wherever the restrictions are active. Sometimes there are advisory blue signs that are situated which state "Unsuitable for HGV's" but these are purely advisory and are not enforceable."*

The applicant has also responded to the objector's highway concerns:

*"During construction there will be a temporary increase in HGV deliveries and staff numbers (and a small number of abnormal indivisible loads) accessing the Proposed Development Site however no significant effects on traffic and transport are expected to occur during Proposed Development construction or operation.*

*During construction HGV arrivals, including deliveries, will be managed as far as reasonably practicable, such that they are spread evenly over the day between the hours of 07:00 and 19:00 Monday to Friday (except bank holidays) and 08:00 to 18:00 on Saturday (if required). A Framework Construction Traffic Management Plan (CTMP) has been submitted as part of the application. Measures will be put in place during construction to reduce the effect on local residents including a designated HGV routing plan and a 24 hour contact name and number which will be displayed on a notice board at the site entrance for members of the public to contact should they have any issues regarding construction traffic.*

*As set out within the Framework CTMP a programme of monitoring will be adopted to assess the effectiveness of the measures included in the final CTMP. Should any complaints be raised by members of the public with regards to construction HGV not using the dedicated HGV route to the Proposed Development Site, gatehouse records would be used to identify*

*the offending HGV involved and appropriate sanctions put in place with the aim of avoiding repeat events.*

*As outlined within the Framework Construction Worker Travel Plan (CWTP) a number of measures will be put in place to reduce the level of traffic during the construction period including the use of shared transport modes including car sharing, cycling, staggered working hours and monitoring.”*

There have been discussions with Nottinghamshire County Council Travel and Transport Services who originally requested a financial contribution towards bus provision. This has now been removed and the County is satisfied that a condition in respect of sustainable travel will be sufficient.

The advice from the Highway Authority is accepted and it is considered that whilst there will be a degree of impact on the road network during construction this would not be a reasonable reason for refusal as it would not cause a severe impact on the network. It is therefore considered that the proposal is consistent with current planning policy.

### **LANDSCAPE AND VISUAL IMPACTS including design and appearance**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area. The NPPF goes on to state that permission should be refused for developments which are not well designed (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The proposed site is located in the Trent Washlands Regional Character Area and lies adjacent to policy zones 24, 49 and 50 where there is a desire to conserve and conserve and reinforce, with landscape sensitivity being predominately moderate.

The land surrounding the site is predominately flat; however the site lies within the context of the power station which is predominately industrial. Given this fact it is not considered that the proposed development will be highly visible in the wider landscape. A landscaping scheme has been submitted with the proposal which provides soft landscaping around the perimeter of the site which will create a soft edge between the development and the wider area.

A Landscape and Biodiversity Management Plan has been submitted with the application and this has been discussed above.

In terms of the design of the proposal the final technology selection has not yet been made and therefore there are elements of the proposal that have yet to be confirmed. This flexibility is needed because the technology in respect of battery storage is evolving quickly.

On this basis the applicant has adopted the 'Rochdale Principle' which ensures that the maximum parameters and realistic worst case is defined and assessed.

The applicant is seeking flexibility on the final design, layout and technology; however the final development will be within the parameters for maximum heights and maximum floorspace. Existing ground levels at the site vary from between approx 7m – 16.2m above ordnance datum (AOD), the expected minimum finished floor level for the proposed BESS area is approx 7.5m AOD.

Two options have been put forward by the applicant and these are in the form of parameter plans.

The following zones are proposed:

- BESS Zone – this is the primary area that will house the battery arrays and also includes the control and protection systems, temperature regulation systems and power conversion systems. The maximum footprint would be 34,400m<sup>2</sup> (option 2 parameters plan) and would comprise of a maximum of 2,190 containers (battery and inverter). No component of the BESS area would exceed +8m above FFL (15.5m AOD), this would be with the stacked option.
- Banking Station Zone – This area will contain the electrical banking station (comprising of the main step up transformers and associated switchgear approx height 14m) located either in the proposed BESS area (option 1) or at the existing switch yard (option 2) or split between the two areas. This banking station will facilitate the connection between the main development and the existing switch yard. No component of the electrical banking station will exceed 14m above FFL (21.5m AOD) and would not exceed 5,800m<sup>2</sup> in floorspace
- Welfare Facilities – Located next to the site entrance and contain meeting / office rooms, catering, changing and toilet facilities along with associated car parking facilities. Height would not exceed 6m. Any waste water would be stored on site in a septic tank. No component of the welfare compound will exceed +6m above FFL (13.5m AOD) and would not exceed 6,200m<sup>2</sup> (option 2 parameters plan)
- Laydown Area – For maintenance/outages for BESS development and wider site. This area would not exceed +3m above FFL (10.5m AOD) and would not exceed 4,800m<sup>2</sup> in footprint.
- Landscaping / Bund Zone – the minimum areas secured would be 0.6ha and will include as a minimum 225m<sup>2</sup> of unshaded south facing slopes for terrestrial invertebrates and sparsely vegetated gravel/open sward wildflower grassland development in accordance with the landscape and biodiversity plan.
- Electrical Connection Corridor – this will be used to make the connection between the BESS enclosures and the electrical banking station and between the electrical banking station and the existing 400Kv switchyard. The electrical connection runs adjacent to the eastern side of the existing WBB generating station. The cabling will be laid underground with marker posts approx. 0.75m above ground level. Some above ground cable racks or gantries may be used for short sections such as crossings.
- Site Security – including CCTV, security cameras and emerging lighting columns

The main development comprises of the containers, the design and layout of which is not yet known. However normally BESS containers are linked together in a group and each group is then connected to an associated power conversion system and associated transformer. These BESS groups are then linked together to form BESS arrays. BESS integrators offer single and double stacked developments, single stacks achieve a height of approximately 3m and the double stacked achieve a height of approximately 8m. For the purposes of the submitted assessments the double stacked height has been used. Groups can contain typical shipping container sized enclosures or smaller cube units. An indicative plan has been provided which demonstrates the worst case scenario in terms of land take. This shows 16 BESS groups each containing 16 BESS containers arranged in 5 BESS arrays (ie a total of 80 BESS groups and 1,280 BESS containers) with associated transformer / power conversion systems.

In terms of security fencing is proposed of a height of 2.9m around the site perimeter and the site will be covered by CCTV/cameras which would be erected on lighting columns up to approx. 4m in height.

The applicant has addressed fire safety in their submission which states that the strategy will comply with the Building Regulations (UK Government 2010) and Fire Safety Guidelines. The proposal includes a cooling and fire protection system and a fire suppression system. Battery safety will be maintained through the installation and retention of cooling, monitoring and fire protection systems and through regular maintenance and inspections. A battery outline safety management plan has been submitted with the application to demonstrate the principles of these measures.

It must also be remembered that there is a fall-back position in respect of the DCO application which is extant. The extant development was assessed as having a medium magnitude of visual impact which was a result of the tall structures proposed of up to 40m in height. In comparison the proposed application takes up the same area; however is of a much lesser scale this having less impact in the wider landscape.

## **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

The development site is fairly isolated from residential properties.

There has been one objection from a local resident who does raise concerns about amenity issues in respect of noise and disturbance, health and safety.

The proposed development will be available to operate for 24 hours 7 days a week; however it is not expected that its operation will be continuous, it will discharge during periods of peak demand for electricity and charging when there is excess on the system.

In any event the applicant has submitted an operational noise assessment which has assessed the worst case scenario of the impact of noise on nearby receptors. The noise report concluded that based on the worst case scenario the rating level would be less than or

equal to 5dB above the defined background sound levels (i.e. below the level at which adverse effects may occur). The resulting significance of impact has been determined as low impact or up to adverse impact when not taking into account context. When assessing context this considered the predicted sound levels against the relevant WHO guidance indoors and outdoors and it has been concluded that the proposed development is predicted to meet all the WHO guidelines internally and externally.

Adding up the specific sound levels from the proposed development with existing ambient sound levels at each noise receptor the assessment concluded that there would be no increase or less than 1dB increase which is negligible.

Based on the assessment the conclusion was that the noise impacts from the proposed development would not be deemed significant and therefore no further mitigation measures were necessary.

This has been assessed by the Council's Environmental Health Officer who concluded that based on the worst case scenario the impact on residential properties was acceptable but would be cautious to accept any increase in noise levels than currently predicted. The Environmental Health Officer would support the approach of the noise consultant in that opportunities should be explored at the detailed design stage to reduce the specific sound levels by a selection of equipment, site orientation, acoustic enclosures or noise barriers and welcomes further details of the likely impact from noise following the detailed design stage. It is recommended that this dealt with by way of planning condition.

In terms of noise during the construction period the Environmental Health Officer also considers this to be acceptable and given the nature of the site has accepted that construction hours can be extended to Monday to Friday – 07:00-19:00 (except Bank Holidays) and Saturdays - 08:00-18:00 with no working on a Sunday.

The applicant has provided specific comment about St Ives in terms of noise:

*“The main construction works will be undertaken over 1.9km from St Ives (with a small amount of work in the existing 400kV switchyard, around 1.4km away) and therefore any construction related noise effects experienced at St Ives will be negligible. Effects would be short-term, temporary in nature and controlled through mitigation measures as outlined within the Framework Construction Environmental Management Plan (CEMP)”*

It is considered that the impact of noise has been addressed by the applicant and the details submitted are considered to be acceptable.

In terms of construction traffic it is acknowledged that this will increase temporarily on the highway network; however the route of construction and hours of deliveries are proposed to be controlled via the Construction Environmental Management Plan as discussed in the highway section. Due to the isolated nature of this site it is not considered that this increase in construction traffic will detrimentally affect residential amenity, even with extended hours for construction deliveries and operations.

The issue of health and safety does have to be addressed for developments of this nature and the applicant has submitted an outline safety management plan with the application.

This sets out the key safety principles which will be incorporated in the final design and operation of the BESS. It provides a review of potential hazards associated with the operation, safety systems, to be included in the design and operation of the development, an outline of an emergency management plan and finally the next steps in the development of the outline safety management plan.

This is a working document and will need to be regularly updated to ensure that it is consistent with how the development proceeds. A condition is recommended to control this issue.

There has been a public objection in terms of health and safety and the applicant has responded as follows:

*“Operational safety is of paramount importance to the Applicant which is an experienced energy operating company, including several years running the existing battery units operating commercially at West Burton Power Station. The Applicant therefore understands the relevant risks associated with battery technology and electrical infrastructure and will design, install, and operate appropriate safety systems accordingly”*

In terms of lighting this has been addressed in the submission. Access to the proposed development would be strictly controlled and site security would be continuously and remotely monitored via CCTV/security cameras attached to emergency lighting columns up to 4m in height. Only emergency /intermittent and task lighting is proposed by the development with no permanent or regular lighting. The intermittent lighting would be motion sensitive and would only be switched on through maintenance or when movement was detected. This lighting will be highly directional (eg by the use of cowling) to avoid light spillage across the boundary. A condition is recommended in this regard to require full details.

It is not considered that other issues such as odour/dust/air pollution would be significant issues in this application. There may be an increase in dust during construction, but this can be controlled via planning condition and would only be temporary in nature.

Based on the above analysis it is considered that the impact on residential amenity is acceptable.

## **HERITAGE AND ARCHAEOLOGY**

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance. Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 195 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Para 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision.

Paragraph 205 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

West Burton Power Station is a mid-twentieth century coal fired station adjacent to the deserted medieval village of West Burton. The West Burton Power Station is a non-designated heritage asset and is also identified by Nottinghamshire County Council as a Local Interest Building on the Historic Environment Record.

The application site is also located within the setting of several other heritage assets including the West Burton deserted medieval village which is a Scheduled Ancient Monument, various heritage assets at Bole – designated and non-designated, various heritage assets at Saundby including the Conservation Area and several listed buildings, various heritage assets at North and South Wheatley including the Conservation Area and several listed buildings and various heritage assets at Sturton-le-Steeple- designated and non-designated.

The Conservation Officer has been consulted on this application and advises that the key consideration is the scheme's impact on the setting of the non-designated West Burton Power Station along with due consideration of the schemes impact upon the setting of the surrounding built heritage. The Conservation Officer has no concerns with the proposal stating that the prevailing character of the site is overwhelmingly industrial due to the presence of the Power Station. The provision of the battery storage facility would preserve this industrial character, which in turn would have little impact on the surrounding built heritage.

On the basis of the above it is considered that the impact on the built heritage surrounding the application site is acceptable.

In terms of archaeology the site lies within an area of high archaeological potential primarily associated with the deserted medieval settlement of West Burton.

The Council's archaeological advisor has been consulted on the application and advises that the site and specifically the areas under consideration for development have been subject to



significant modern ground disturbance which has likely removed any significant archaeological remains present. Consequently no further archaeological input is required; however if plans change and alternative locations are considered within the West Burton Site the Advisor would wish to be re-consulted.

On the basis of the above it is considered that the impact on archaeology is acceptable.

## **FLOOD RISK**

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The application site is predominately in Flood Zone 1; however central and northern sections are within Flood Zones 2 and 3. The National Planning Policy Guidance on flooding advises that essential infrastructure is permitted within Flood Zones 1, 2 and 3.

The applicant's submission states that the flood risk to the proposed development from Main Rivers and Ordinary Watercourses is a residual risk and therefore it is proposed to raise vulnerable equipment by a minimum of 600mm above the critical flood level of 6.89m AOD. In addition to mitigate a medium risk of groundwater flooding any below ground infrastructure must be designed to withstand hydrostatic pressures and be built with flood resilient materials.

The proposed development will slightly increase the volume of impermeable surfaces at the site and therefore a new surface water drainage system is proposed that will tie into the existing West Burton B station drainage system following attenuation.

In terms of foul water disposal this proposed to be disposed via a septic tank for treatment prior to discharge. It is proposed that the tank would be emptied by road tanker as and when required. No connection is proposed to the public sewer.

The main consultees in this regard are the drainage boards, Nottinghamshire County Council Local Lead Flood Authority (LLFA) and the Environment Agency.

Both the Environment Agency and the LLFA originally objected to the application on the grounds that the submitted Flood Risk Assessment did not adequately assess flood risk. The drainage board offered advice.

The applicant consequently addressed these objections via meeting and the submission of additional technical information. This information states that Suds which provide amenity benefits are no suitable for the nature of the BESS proposal due to the fact that the site is self-contained and has no public access. Instead the proposed Suds have been designed so that there are no gullies or other similar permanent openings into the below ground drainage feature; all surface water would enter the system by percolating through surface level gravel.

This in turn is beneficial to the local fauna so that it does not get trapped in a drainage system with open grating.

Land to the west of the development would not actively drained; this area is proposed mainly for landscaping and biodiversity purposes. This will include a French drain which is only proposed to capture excess flows running into the development site.

Additional technical information demonstrating that the proposed drainage system could cater for all rainfall events was also submitted.

The Local Lead Flood Authority has assessed this information and has raised no objections to the proposal.

Further details have been provided in respect of the Environment Agency's objection regarding the Flood Risk Assessment and this has removed their objection subject to conditions. The EA do highlight the need to address flood emergency response procedures and it is recommended that a flood warning and evacuation plan is required via planning condition.

In terms of the terms concerns raised by the Environment Agency on the foul drainage the applicant has provided additional information. The applicant states that the approach for foul drainage when the DCO was approved is their preferred approach in this current application and therefore request that the specific detail of the foul drainage is dealt with by planning condition. Investigations have taken place in respect of connecting to the public sewer and whilst this does seem technically possible it is not the best environmental practicable option given the ecological sensitivity of the connection route.

It is considered that the proposal is acceptable subject to conditions in respect of flood risk and drainage.

## **CONTAMINATION**

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

A concern has been raised by a neighbouring resident which raises concerns about contaminated water, chemical leakages from the batteries and contaminated land.

The applicant has submitted a Phase 1 Geo Environmental Site Assessment with the application and this recommended that further ground water and surface water monitoring, sampling, analysis and interpretation be undertaken to further assess any potential contamination land.

The Environment Agency and Environmental Health are the main consultees in this regard. The Environment Agency is satisfied that contamination was scoped out of the Environmental Statement. The Environment Agency is satisfied with the applicant's approach to further investigation and this would be subject to planning conditions. This view is also endorsed by the Council's Environmental Health Officers.

This has been assessed by both the Environment Agency and the Council’s Environmental Health Officer who recommend a series of conditions on any permission.

It is considered that contamination can be dealt with by way of planning condition.

**DECOMMISSING AND REINSTATEMENT OF LAND**

It is envisaged that the proposed development will have an operational life of approximately 50 years which will include build out and augmentation involving decommissioning /replacement of batteries/array as they become life expired.

Decommissioning would take place in accordance with the legislation at the time and notice would be given to statutory authorities.

At the end of the life of the development some elements such as the banking compound may have some residual life and therefore operations may get extended, if this happens then the remaining development would need to be upgraded. If market conditions indicate that it would be prudent to extend the lifetime of the development decommissioning may be deferred.

**PLANNING OBLIGATIONS**

Paragraph 57 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms.

As discussed above it is not yet known whether or not the compensation for newts will result in no net loss to biodiversity. As there is little opportunity for on-site provision, a S106 agreement will be required to ensure that adequate biodiversity enhancements can be secured either off site or via biodiversity credits. The applicant has agreed to this approach.

The following obligation is therefore requires as part of this application:

- A scheme which demonstrates that there is no net loss in biodiversity. This should include a full BNG assessment along with details of the biodiversity to be provided by the application to compensate for the on-site biodiversity loss. A management plan should also be included to secure any biodiversity enhancements for 30 years.

**THE TILTED BALANCE**

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning 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 NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

Benefit/Negative of the scheme	Weight given to the benefit/negative in decision making
--------------------------------	---

Energy Scheme – NPPF and Energy Statements	There is a National drive to provide renewable energy and battery storage is an important component of this. This is given significant positive weight in the planning balance.
The Extant DCO on the site	This is in effect a fall back position. The DCO is for a gas fired generating station comprising of 5 open cycle gas turbine units and associated equipment including a banking compound, electrical connection works, including 400kV electrical cabling and associated works, gas and water connection works, including gas treatment and control facilities, a rail offloading work area and landscaping and biodiversity enhancement area and surface water drainage. This DCO came into force on 11 <sup>th</sup> November 2020 and has 7 years to be implemented. This has not yet been implemented; however the site for the DCO overlaps with the current application site and therefore only one permission can be implemented. It is important to note that the applicant is the beneficiary of the DCO and therefore the DCO is a fall-back position. This is given significant weight in the planning balance
Location of the site	The unique location of this site is a consideration in this application due to the fact that the site forms part of the wider West Burton Power Station site. The site therefore lends itself to development such as battery storage. This is given significant positive weight in the balance.
Sustainability criteria	The development will meet social and economic objectives and will ultimately meet the environment objective by assisting in energy provision; however it is accepted that there is an impact on biodiversity which will be compensated /mitigated against. This is given moderate positive weight in the planning balance
Biodiversity	There has been a detailed analysis of biodiversity on the site including the submission of an EIA in this regard. It has been established that there will be a severe loss of biodiversity on the site and this will need to be mitigated / compensated. The Licence has been agreed with Natural England and will compensate for the loss of terrestrial foraging habitat for Great Crested Newts but will not be used to provide biodiversity net gain. The applicant has confirmed that there will be no net loss in biodiversity as a result of this proposal. In the event that the habitat being created for

	<p>invertebrates does not achieve 1% net gain then further land will need to be provided for habitat provision or enhancement or the remaining credits will need to be purchased. As it would be preferable to see a net gain given the amount of biodiversity on the site this is given low / moderate negative weight in the planning balance.</p>
Highway Considerations	<p>It is accepted that there will be additional highway movements as a result of this proposal particularly during construction. However the highway authority has been consulted and raise no objections to the proposal subject to conditions. This is given neutral weight in the planning balance.</p>
Landscape and Visual Impacts	<p>The application has been based on the Rochdale principles and on this basis the application has set out parameters which give the worst case scenario in terms of scale and layout. There will be an impact upon the landscape; however given the fairly secluded nature of this site and the proposed buffer zone it is considered that this would be relatively minor. The fact that the site is also part of the wider power station site is also a consideration in this regard. This is given minor negative weight in the planning balance.</p>
Residential Amenity	<p>This has been assessed as part of this application and there are only a few residential properties in proximity to the site. There may be some additional noise and disturbance during the construction period; however this will be temporary in nature and can be controlled via planning conditions. As the formal design is not yet known a further noise condition is proposed along with a condition in respect of safety. This issue can be controlled via planning conditions and therefore is given neutral weight in the planning balance.</p>
Heritage	<p>The Council's Conservation Officer has been consulted on the application and raises no concerns in respect of conservation. This issue likes neutral in the balance</p>
Flood Risk	<p>Flood risk has been assessed as part of the application and both the LLFS and Environment Agency (following the submission of additional details) are both satisfied that the development is acceptable. This hangs neutral in the planning balance.</p>
Contamination	<p>Environmental Health and the Environment Agency are the two main consultees in this regard. Both have assessed the application and have no objections subject to planning conditions. This hangs neutral in the</p>

	planning balance.
Decommissioning and Reinstatement of Land	This hangs neutral in the balance

## **CONCLUSION**

This application has considered all of the material considerations relating to the proposal. There is no doubt that battery storage proposals are generally supported in Government Policy providing that all other issues are acceptable. The main issue in respect of this application relates to the biodiversity value of the site and this has necessitated an Environmental Statement to be submitted with the application. All elements in respect of biodiversity have been analysed by officers and the statutory bodies. The current planning policy for Bassetlaw requires that there is no net loss to biodiversity; although a 10% net gain is preferred. This application seeks to achieve no net loss to biodiversity and this will mainly be achieved via a license from Natural England which is required to compensate against the impact on Great Crested Newts. As this licence hasn't yet been formalised it is not yet known how many biodiversity units this would equate to and therefore it is possible that there may be a shortfall in biodiversity enhancements. In this circumstance the applicant would be required to provide units elsewhere to achieve no net loss; all of this would need to be controlled via planning condition and planning obligation.

When undertaking the tilted balance test it is considered that the two adverse impacts relate to the impact on biodiversity and landscape character, both afforded low negative weight. The benefits of this application relate to providing storage for energy which is supported by current planning policy, this is attributed significant positive weight, it is also considered that overall the development meets the sustainability criteria outlined in paragraph 8 of the NPPF and this is afforded moderate positive weight. Furthermore there is an extant Development Consent Order on part of the site for a gas turbine and this is given significant weight in the balance.

In conclusion it is considered that the adverse impact of the development does not outweigh the positive impacts of the development and accordingly in line with Paragraph 11 of the NPPF planning permission should be granted. The recommendation is therefore to grant planning permission subject to conditions and a S106 agreement for the aforementioned obligations.

## **CONDITIONS/REASONS:**

For the purpose of this decision notice the following definitions are used:

"Permitted preliminary works" means works including or comprising the following:

The clearance of ecological features and exclusion or translocation of species using qualified consultants and contractors and in accordance with the Framework Construction Environmental Management Plan (December 2022) and any necessary licences, the removal of existing hardstanding, and the removal of any standing surface water present;

Reason: to allow limited works of development or to clarify works not comprising development that may take place without compliance with certain other numbered conditions.

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and in recognition of the particular complexities of delivering energy infrastructure projects.

2. The proposed development shall be carried out in accordance with the following plans and documents:

- Red Line boundary plan – Figure X
- Environmental Statement and appendices – December 2022
- Flood Risk Assessment including Outline Drainage Strategy – July 2023
- Operational Noise Assessment – December 2022
- Phase 1 Geo Environmental Site Assessment – December 2022
- Transport Statement – December 2022
- Tree Plan – December 2022

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. Save for the permitted preliminary works, the proposed development shall not commence until a scheme for the phasing of the works comprised in the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the development to come forward in phases

4. Save for the permitted preliminary works the commencement of each phase of development shall not take place until details of the final layout of the specified phase of development has been submitted to and approved in writing by the Local Planning Authority. Such submitted details shall be in general conformity with:

- i) Either Site Parameter Drawings Option 1 16201-WDN-XX-XX-DR-A-1001 Rev 0 (Option 1)
- ii) Or Site Parameter Drawings Option 2 16201-WDN-XX-XX-DR-A-01002 Rev 0 (Option 2)

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

5. Save for the permitted preliminary works, the commencement of each phase of development shall not take place until details of the final layout of the specified phase of development has been submitted to and approved in writing by the Local Planning Authority.

Such details shall be in general conformity with the following plans:

- iii) Indicative BESS General Arrangement Plan 16201-WDN-XX XX-DR-A-0500 Rev 0
- iv) Indicative Array Layout and Part Sections 16201-WDN-XX-XX-DR-A-4000 Rev 0

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out as envisaged by the Local Planning Authority

6. Save for the permitted preliminary works the development hereby permitted, or each phase thereof, shall not commence until site elevational drawings have been submitted to and approved in writing by the Local Planning Authority. Such submitted details shall be in general conformity with:

- i) Either Site Elevations Option 1 16201-WDN-XX-XX-DR-A-1011 Rev 0
- ii) Or Site Elevations Option 2 16201-WDN-XX-XX-DR-A-1012 Rev 0

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

7. Save for the permitted preliminary works, the development hereby permitted, or each phase thereof, shall not commence until details of the external appearance and scale have been submitted to and approved in writing by the Local Planning Authority. Such details shall be in general conformity with the following submitted indicative drawings:

- i) Indicative BESS General Arrangement Elevations 16201-WDN-XX XX-DR-A-0600 Rev 0
- ii) Indicative Welfare and Banking Station part plans / sections 16201-WDN-XX-XX-DR-A-4100 Rev 0
- iii) Indicative Array Layout and part plans / sections 16201-WDN-XX-XX-DR-A-4000 Rev 0

Reason: For the avoidance of doubt and to ensure that the development is carried out as envisaged by the Local Planning Authority

8. Prior to the battery energy storage system being brought into use the welfare car parking detailed on plan reference 16201- WDN- XX- XX- DR- A- 0500 Rev 0 shall be provided in a hard bound material with a minimum of one parking space fitted with an EV fast charging point (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply).

Reason: To comply with paragraph 112 of the National Planning Policy Framework and in the interest of sustainable transport

9. No development, save for the preliminary works shall commence in any phase until a Construction Environmental Management Plan has been submitted and approved to the Local Planning Authority for that phase. The details submitted shall be based on the principles and recommendations of the submitted Framework CEMP, Framework Construction Management Traffic Management Plan, Framework Construction Workers Travel Plan Applicant: West and Flood Risk Assessment including outline drainage strategy dated July 2023. The plan shall include the following details:



- Particulates and nitrogen dioxide emissions as outlined in table 2 of the submitted CEMP
- Traffic and Transport details as outlined in table 3 of the submitted CEMP
- Noise considerations as outlined in table 4 of the submitted CEMP
- Biodiversity considerations as outlined in table 5 of the submitted CEMP
- Assessment of risks in respect of health and safety as outlined in table 7 of the submitted CEMP
- Impact on flood risk and water resources as outlined in table 8 of the submitted CEMP
- Sustainability, waste and climate change details as outlined in table 10 of the submitted CEMP.
- Details outlined in Section 3 of the submitted CEMP
- Storage of materials
- How any ecological features present are to be surveyed, excluded, conserved or relocated
- Details of an ecological clerk of works
- Lighting scheme
- Measure for the suppression of dust
- Waste audit

The development shall be undertaken in accordance with the approved details.

Reason: To ensure any impacts from the construction of the scheme are mitigated

10. Construction working hours shall be 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 on Saturday with no working on Sundays or Bank Holidays except in the case of emergencies (meaning a reasonable anticipation of imminent threat to property or person) or except where any different hours are agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No development shall commence or each phase thereof, except for the preliminary works until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage systems and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Such Suds shall be in general conformity with the principles of Annexe E Concept Drainage Layout within the Flood Risk Assessment including the Outline Drainage Strategy July 2023.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk

13. The development shall be carried out in accordance with the submitted flood risk assessment (ref PA-004; West Burton C Battery Energy Storage System; AECOM; dated

July 2023) and the following mitigation measures it details:

- Finished Floor Levels of the Critical infrastructure shall be set no lower than 7.63 metres Above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development

14. Prior to the first commercial use, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority. The FWEP shall be in accordance with Flood Risk Assessment including Outline Drainage Strategy (July 2023)

The approved FWEP shall be implemented, and made available for inspection by all users of the site, and be displayed in a visible location at all times thereafter.

Reason: To ensure that adequate flood warning and evacuation measures are available for all users of the development.

15. In respect of foul drainage:

1. No development must commence, or each phase thereof, except for the permitted preliminary works, until details for that work, details of a written scheme for the connection, conveyance, treatment and disposal of foul water drainage on and off the West Burton Power Station Site has, after consultation with the Environment Agency and Severn Trent Water, been submitted to and approved in writing by the relevant planning authority.

2. If the written scheme submitted and approved pursuant to paragraph (1) of this requirement identifies that it is not practicable or reasonable to connect to a mains foul water system, an alternative strategy for the provision and implementation of wastewater treatment must, after consultation with the Environment Agency and Severn Trent Water, be submitted to and approved in writing by the relevant planning authority.

3. Any alternative strategy submitted and approved pursuant to paragraph (2) of this requirement must include a management and maintenance plan to ensure that it will not cause pollution to the water environment.

4. The schemes approved pursuant to paragraph (1) and, where relevant, paragraph (2) of this requirement must be implemented and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority

Reason: to ensure that there is adequate connection to foul water drainage

16. Construction HGVs (excluding abnormal loads authorised by National Highways or the local Highway Authority) will only enter or leave the site between Monday to Saturday inclusive 08:00-18:00; Sundays and Bank Holidays none except in the case of emergencies and except otherwise approved in writing by the Local Planning Authority

Reason: In the interests of protecting amenity.

17. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

18. Unless otherwise agreed in writing by the Local Planning Authority the number of vehicles exceeding 3.5 tonnes gross vehicle weight entering/leaving the site in connection with the construction of the development hereby permitted shall not exceed a maximum of 100 vehicle movements per day two-way. The Applicant shall retain a rolling daily record of all vehicle movements to and from the site above the prescribed weight for a minimum of 12 months of each daily record and such records shall be supplied to the Local Planning Authority within two weeks of a request for such records being made.

Reason: In the interest of highway network capacity.

19. The Applicant shall take all reasonable steps to instruct all delivery vehicle drivers exceeding 3.5 tonnes to access and egress the site from and to the north via the C2 Sturton Road, the A620 Saundby Road (north of Bole Corner), and the A631 unless an authorised abnormal indivisible load. These steps shall include the issuing of instructions to all drivers to advise of the required route and the provision of turn right signage on the approach to the exit of the Power Station throughout the construction period.

Reason: In the interest of highway safety and to protect residents of surrounding villages from disturbance caused by lorries from the site

20. Prior to commencement of development a travel plan coordinator shall be appointed and thereafter shall be employed or engaged to be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and shall continue to be provided thereafter to the Local Planning Authority. The development shall be carried out in accordance with the principles outlined in the submitted Framework Construction Worker Travel Plan document Ref: PA-003

Reason: To promote sustainable travel

21. The development shall be carried out in accordance with the principles outlined in the Framework Construction Environmental Management Plan (CEMP) Ref: PA-001 and Framework Construction Traffic Management Plan Ref: PA-002.

Reason: To ensure that the development is carried out in an appropriate manner in the interest of highway safety.

22. No development shall commence, or phase thereof, save for the permitted preliminary works until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed CTMP must be in accordance with the approved framework CTMP. Works on site shall only take place in accordance with the approved detailed CEMP.

Reason: To secure agreement of the detailed measures that will be adopted to control vehicular movement during the construction phase via a detailed Construction Workers Travel Plan in general conformity with the approved framework CWTP. This is to agree details as to how workers would travel to the proposed site.

23. Prior to the decommissioning of the Battery Energy Storage System and its removal from site a Transport Statement and Construction Worker Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority that assess and propose appropriate transport mitigation measures to address the transport implications during the decommissioning of the development. The decommissioning shall be carried out in accordance with the approved Transport Statement and Travel Plan.

Reason: In the interest of highway safety, highway network capacity, and sustainable travel.

24. Prior to the commencement of development a Sustainable Transport Statement shall be submitted to and approved in writing by the local planning authority. The statement should set out details of an Employee Transport Service promoted through the Travel Plan to facilitate transportation for employees working at the site between the site and destinations within a 15 mile radius of the site including Retford, Gainsborough and Worksop prior to commencement of a shift and when a shift ends and which will take at least one of the following Employee Transport Service options (unless otherwise agreed between the Owner and the County Council):

- Employee Transport Service OPTION1: A subsidised Private Hire Vehicle (minicab) or Hackney Carriage (taxi) or MPV/Minibus service covering normal employee shift patterns operated by or on behalf of the owner in compliance with vehicle licensing regulations.

- Employee Transport Service OPTION2: Any other form of Employee Transport Service provision offered by the Owner and agreed in writing which may include a suitable contribution towards public transport including Demand Responsive Transport services.

Any Employee Transport Service to be permitted to enter the site with access to within 400 metres of the site check-in point including details of designated pick-up and drop-off arrangements.

Reason: To ensure sustainable methods of transport.

25. The development hereby permitted, or each phase thereof may not be operated until a detailed Safety Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed Safety Management Plan shall be in accordance with the approved Outline Safety Management Plan (December 2022). The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the outline safety plan has been updated in light of detailed designs in the interest of public amenity

26. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework.

27. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework

29. Within 6 months of the development ceasing to be used for the purposes of electricity storage, a scheme for the demolition and removal of redundant BESS buildings and structures from the Site and the restoration of the Site shall be submitted to the Local Planning Authority, for approval in writing. The scheme shall include a written explanation of which buildings and structures, if any, are not redundant, making reference to their potential for reuse. The scheme shall be implemented in full within 12 months of approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity storage

30. No development shall commence until details of an assessment that demonstrates that the sound pressure levels at nearby monitoring locations as set out in the submitted Operational Noise Assessment will be achieved, including any details of any noise mitigation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that residential amenity is maintained

31. Prior to the commencement of use of each phase of development a lighting strategy that seeks to mitigate and reduce light emissions outside of the site boundary shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that adequate residential amenity is maintained and to ensure no detrimental impact on biodiversity.

32. Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until a scheme of landscaping and habitat provision and maintenance/ management for the specified phase of development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be in general conformity with ES Figure 10 Indicative Landscape and Biodiversity Plan (60681118-ACM-XX-XX-DR-LA-000101 Rev. 1) of the Environmental Statement dated December 2022 and shall include proposals for south facing mounds for mitigation for terrestrial invertebrates along with mitigation measures for foraging bats. The landscaping scheme will be thereafter be implemented and maintained as agreed.

Reason: In order to secure appropriate landscaping of the site in the interests of visual amenity and in order to ensure that the interests of ecology and biodiversity or protected species are addressed.

#### Informatives

1. CIL
2. Comments are attached from Trent Valley Drainage Board for the applicant's attention.
3. The applicant is advised that a license from Natural England will be required prior to the commencement of any development to provide compensation for Great Crested Newts.
4. Comments from the Environment Agency are attached for the applicant's attention