REPORT FOR PLANNING COMMITTEE

Application Number	PL/2022/05504
Site Address	Land at Stonehill, Minety, Wiltshire, SN16 9DX
Proposal	Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements
Applicant	Penso Power Limited
Town/Parish Council	CHARLTON AND HANKERTON
Electoral Division	Brinkworth – Councillor Elizabeth Threlfall
Grid Ref	399657 189745
Type of application	Full Planning Permission
Case Officer	Adrian Walker

Reason for the application being considered by Committee

The application has been called-in by the Division Member (Brinkworth Division) Elizabeth Threlfall (on the 31 August 2022) for the following reasons - 'scale of the development', 'visual impact on surrounding area', 'relationship to adjoining properties', 'design' and 'environmental/highway impact'. It was also stated that the cumulative effects of similar developments within the area needs to be considered and the proximity of the development to the ancient woodland.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions.

2. Report Summary

The main issues for consideration are:

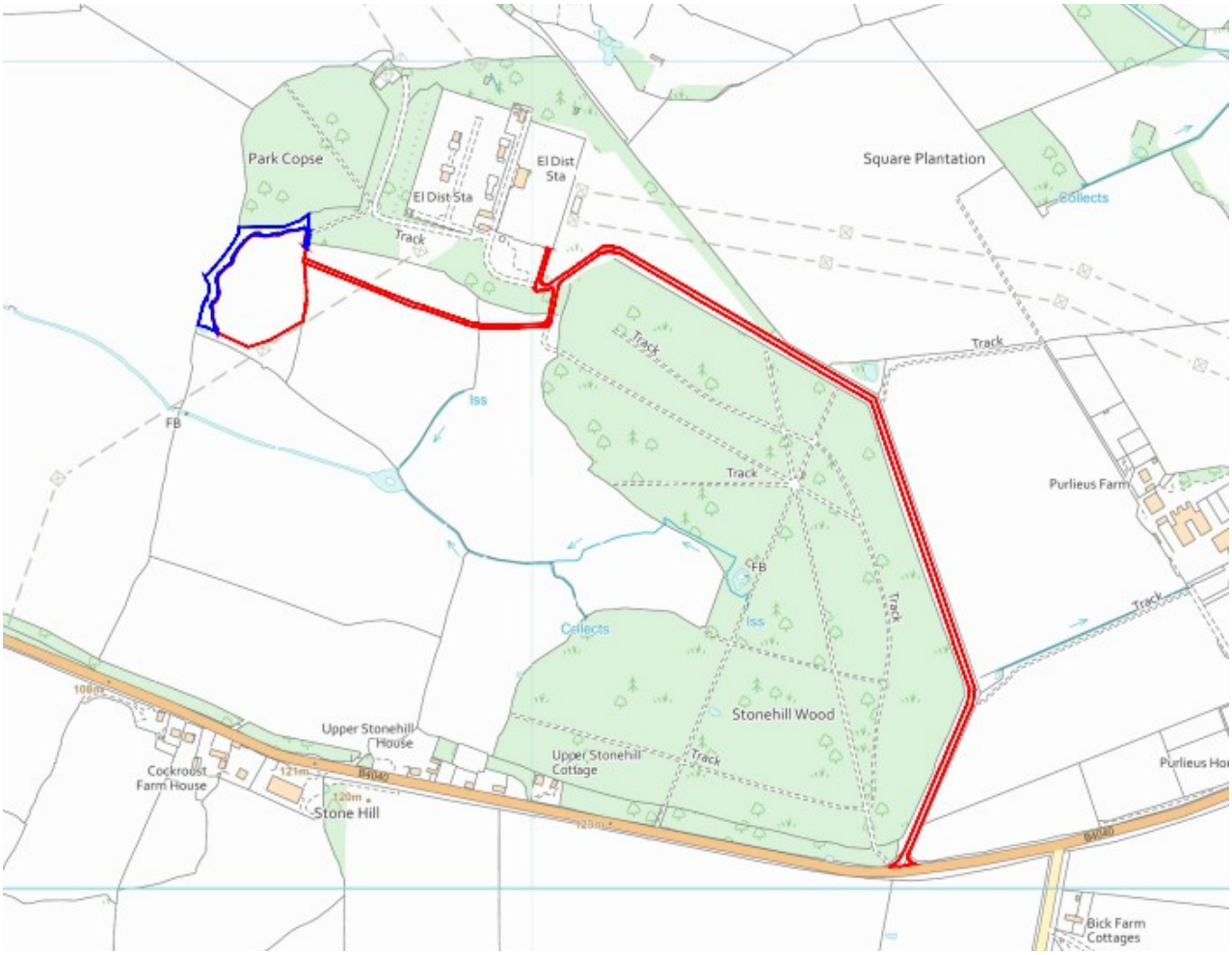
a) Whether the proposal is acceptable in principle;
b) Whether the proposal would result in the loss of agricultural land;
c) Whether the proposal would be harmful in terms of its landscape and visual impact;
d) Whether the scheme would give rise to an adverse impact on residential amenity;
e) Whether the proposal would have an adverse impact upon highway safety or public rights of way;
f) Whether the scheme would cause harm to protected species and/or their habitats;
g) Whether the proposal would result in the loss of trees and ancient woodland;
h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and

i) Whether the proposal would result in any other adverse environmental impacts.

3. Site Description

The application site comprises an area of land to the south-west of the existing Minety substation which is located to the north of the B4040 between Minety and Charlton. The site extends to approximately 1.22hecatre of grassland, which slopes gently downwards from north-east to south-west. It is surrounded to the west, south and east by substantial field boundaries, which blend into a dense wooded area to the north. There is a National Grid electricity pylon within the south-eastern corner of the site, linking with pylons to the north-east and south-west

The site is adjacent to Stonehill Wood and Park Copse, which are both designated as County Wildlife Sites and ancient woodland, and within 1km of Cloatley Farm SSSI and Emmett Hill Meadows SSSI.



Site Location Plan (Drawing 762 SP-02 Rev.01)

Access to the site would be obtained from a private road, running between the B4040 and the National Grid substation, and an existing track that passes through the battery storage facility to the east of the site. A bridleway (ref. CHAR9/HANK15) runs along part of the private road before branching off the route to run through fields east and north of the substation. A public footpath

(ref. CHAR16/HANK11) from the B4040 crosses the private road to the south-east of the substation before joining the bridleway.

4. Relevant Planning History

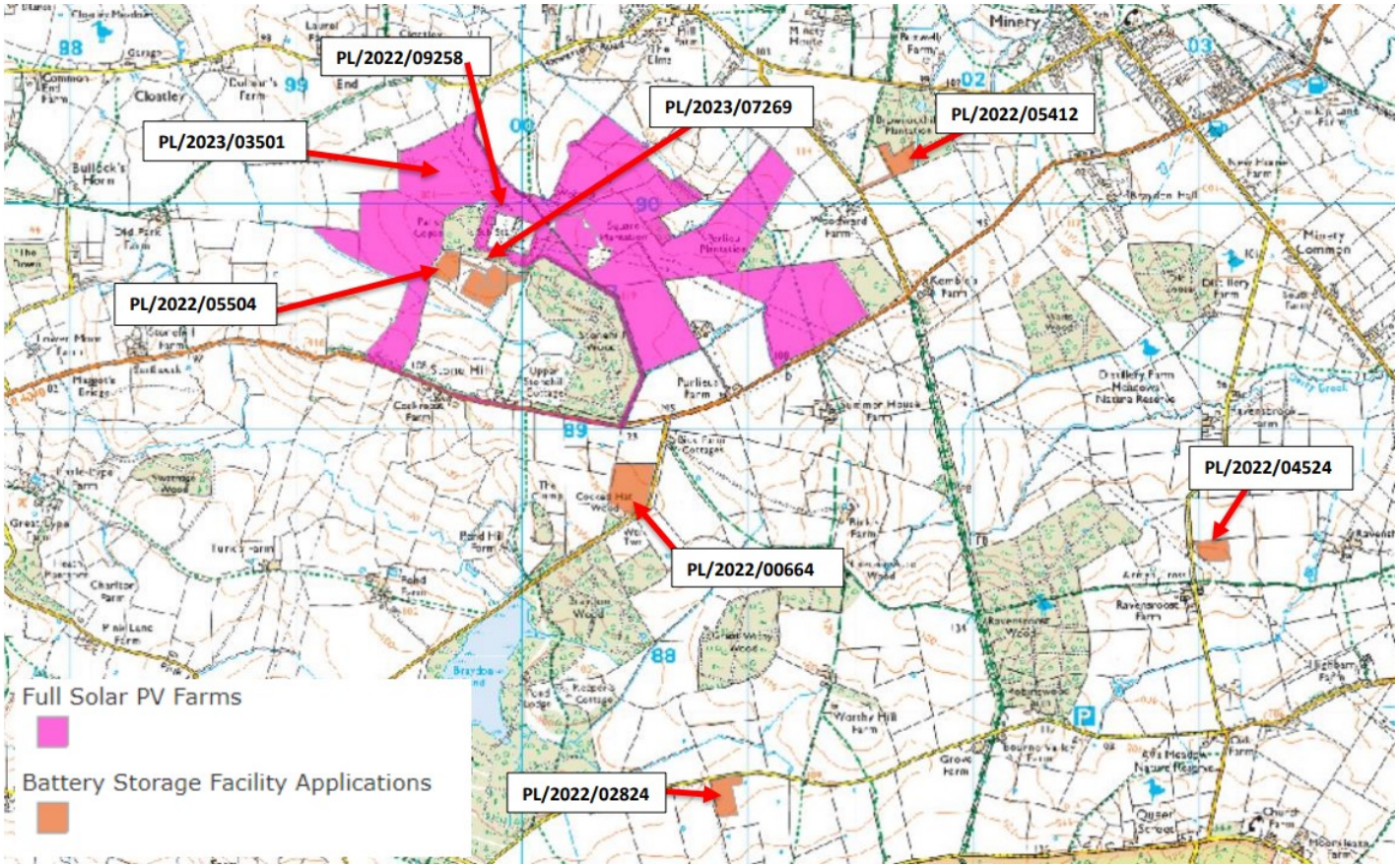
The application site has not been the subject of any previous planning applications, however there are other relevant planning applications for Solar Photovoltaic and Battery Energy Storage System developments. They are listed as follows and identified on the map below:-

- PL/2022/08634 - Lower Moor, Minety - Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure. (Pending Consideration)

- PL/2023/07269 - Land to the east and south of National Grid Minety Substation, Minety, Malmesbury, Wiltshire, SN16 9RP - Installation of a grid connection cable route for an electrical connection between the approved Minety Battery Storage Facility (Planning ref:20/07390/FUL) and National Grid Minety substation. (Pending consideration)

- PL/2022/02824 - Land at Somerford Farm, Brinkworth, SN15 5AU - Proposed Development is for a battery storage facility and ancillary development. (2.6km South East of Substation) (Refused March 2024)

- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ - Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates. (3.4km South East of Substation) (Refused March 2024)



The following current application, for an extension to the Minety Substation is also relevant to the assessment of the current proposal and is identified on the map above:-

- PL/2022/09258 - Minety Substation, Minety, Wiltshire, SN16 9DX - Extension of existing substation comprising installation of 400/132kV transformer, 3no. 400/33kV transformers, circuit breakers, construction of retaining wall and 33kV switchroom, formation of access road, culverting of watercourse, erection of fencing and associated works. (Pending Consideration)

There are also a number of approved applications for Solar Photovoltaic and Battery Energy Storage Systems around the Minety Substation, they are listed as follows with some of the key ones identified on the plan below:-

- PL/2022/05412 - Land off Dog Trap Lane, Minety - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404. (PL/2022/00404 was withdrawn) (1.5km East of Substation) (Approved with Conditions May 2024)

- PL/2023/03501 - Land near Minety Substation, Minety, SN16 9DX - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access.

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- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Approved with Conditions at appeal 2024)

- 20/03528/FUL - Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure - Approved with Conditions 20/08/2021 (north / east and west of the substation)

- Planning Application 17/03936/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 20/07/2017 *(north of the substation)*

- Planning Application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 19/07/2017 *(north of the substation)*

- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved with Conditions 21/09/2017 *(south of the substation)*

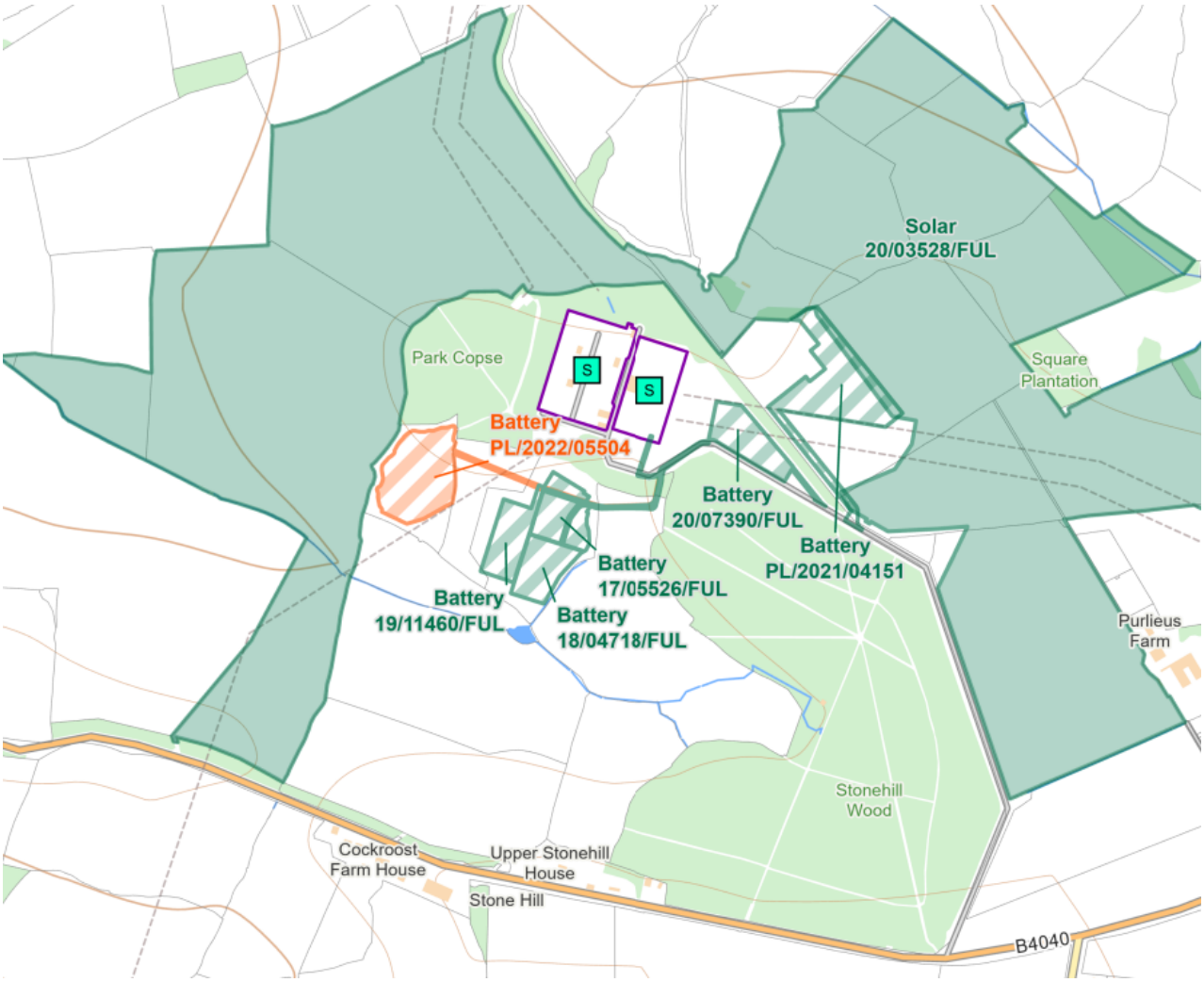
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved with Conditions 19/07/2018 *(south of the substation)*

- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved with Conditions 06/02/2020 (*north-east of the substation*)

- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved with Conditions 25/01/2001 (*east of the substation*)

- Planning Application PL/2021/09101 - Variation of conditions 2 and 10 for application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 28/06/2022

- Planning Application PL/2021/04151 - Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL) – Approved with Conditions 08/11/2021 (*north-east of the substation*)



(source: planning application PL/2022/04524 / Conrad Energy (Developments) II Limited / dated 31.10.22)

There are operational Battery Energy Storage Systems directly to the north-east and south of the Minety Substation with other solar photovoltaic development within the wider landscape.

Environmental Impact Assessment

On the 05 April 2022 Penso Power requested a Screening Opinion from Wiltshire Council, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the installation a 50MW Battery Energy Storage System at Land at Stonehill, Minety, Wiltshire, SN16 9DX. The area of land and the development was the same as currently proposed. The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an environmental assessment.

The Council issued a Screening Opinion (ref PL/2022/02776) on the 04 July 2022 confirming that "based on the information provided, it is the opinion of the local planning authority that the proposed development would not result in effects the significance of which would require an environmental impact assessment. An environmental impact assessment is not required for this proposal".

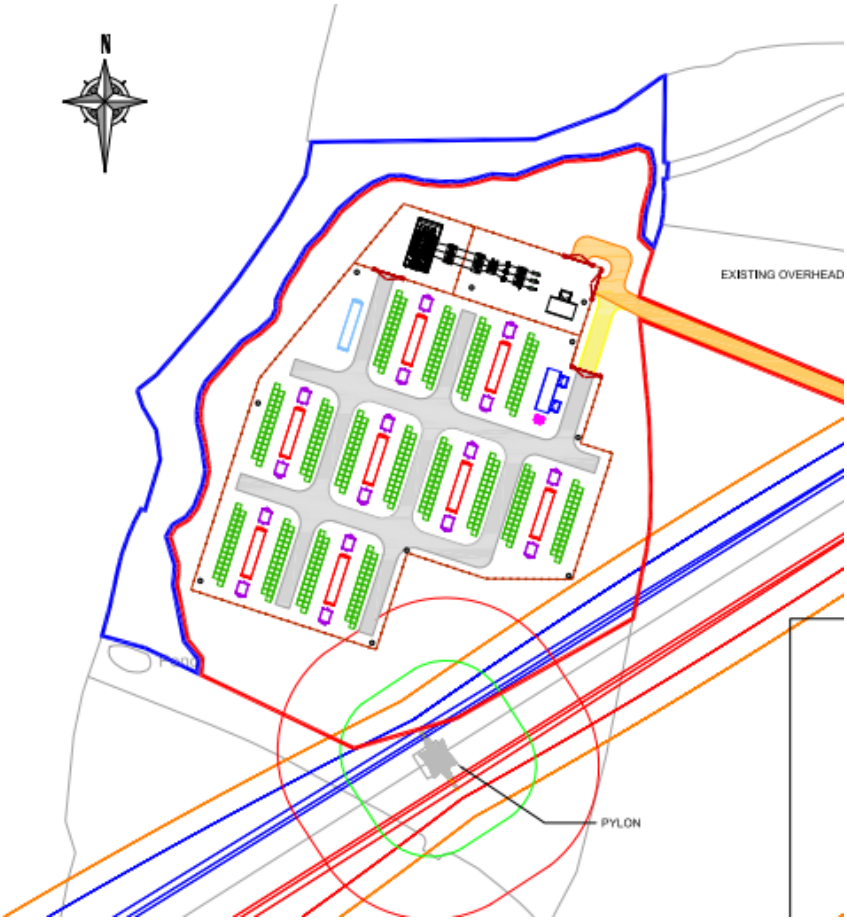
5. The Proposal

The application seeks full planning permission for a Battery Energy Storage System (BESS) with a capacity of c.50MW. The batteries would be housed within containers and be supported by ancillary development, including transformers, inverters, and switch gear units. The site would also be surrounded by a security fencing, and new landscaping and biodiversity enhancements. The proposal would be for a temporary period of 30 years.

The Planning, Design & Access Statement (July 2022) by renplan Planning Consultants provides the following overview of the proposed development:-

- The principal part of the development is formed by the siting of 8 groups of equipment configured in three rows with a substation within a separate substation compound to the north.
- Each of the groups, which covers an area of approximately 17m x 26m contains battery storage modules; 2x DC containers; and 1x inverter container. A single switchgear and transformer are to be positioned adjacent to the entrance to the compound, with an additional container for spare parts to the west. A grid of internal access tracks facilitate convenient maintenance access to each group of battery equipment.
- 8 CCTV/lighting posts are to be installed, with a perimeter post and wire security fence up to 2m in height surrounding the compound.
- The development has been designed to be recessive in the landscape, including materials with natural colour tones to blend in with the landscape.
- Beyond the main portion of the application site, a short section of new access track will be constructed to link the proposed site to the existing access road. An underground cabling route to link with the national grid substation will also be required, and this will closely follow the route of the extended access track.
- Access would be obtained via an existing track from, the road running along the eastern boundary of the wider site. The track currently routes through the adjacent battery storage facilities immediately to the east of the site.

The Planning, Design & Access Statement explains that the BESS would store electricity and would allow the local Grid network to operate more efficiently; taking excess energy, storing it and releasing it onto the network when the grid needs it at times of peak demand. It is stated that the development is part of necessary grid reinforcements as well as a longer-term plan to make the network more efficient. This in turn will ensure long term sustainable local and regional power distribution; supporting the grid in times of high energy consumption.



Site Layout Plan (drawing ref. 7626 PL03 Rev.03)

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The application is supported by the following plans and documents: -

- Document. Planning, Design and Access Statement prepared by Renplan
- Document. Landscape and Visual Appraisal prepared by Red Bay Design (April 2022)
- Document. Landscape Mitigation Plan prepared by Red Bay Design (July 2022)
- Document. Phase 1 Ecological Appraisal prepared by Western Ecology Ltd (March 2022)
- Document. Biodiversity Net Gain Assessment by Western Ecology Ltd (July 2022)
- Document. Transport Statement prepared by Miles White Transport (June 2022)

- Document. Flood Risk Assessment by Nijhuis Industries (June 2022)
- Document. Heritage Statement by Landgage (July 2022)
- Document. Noise Assessment Report prepared by Inacoustic (June 2022)
- Document. Agricultural Land Classification Assessment

- Drawing no. 7626-SP-01_ - Site Location Plan 1:2500
- Drawing no. 06-7626 – Site Location Plan 1:1250
- Drawing no. 7626-PL-01_ - Site Layout Plan
- Drawing no. 7626-PL-03_ - Site Layout Plan [National Grid]
- Drawing no. 7626-SD-01_ - Auxillary Transformer
- Drawing no. 7626-SD-02_ - Battery Modules#
- Drawing no. 7626-SD-03_ - 40ft Inverter Transformer Container
- Drawing no. 7626-SD-04_ - 10ft DC Container
- Drawing no. 7626-SD-05_ - CCTV & Floodlight Column
- Drawing no. 7626-SD-06_ - Perimeter Fence & Access Gate
- Drawing no. 7626-SD-07_ - Customer Transformer
- Drawing no. 7626-SD-08_ - Customer Switchgear
- Drawing no. 7626-SD-09_ - 132kV Substation
- Drawing no. 7626-SD-10_ - Spare Parts Container
- Drawing no. 7626-SD-11_ - Access Track

The application was updated in October 2023 through the submission if the following documents and plans:

- Document. Flood Risk Assessment Letter by Nijhuis Industries (October 2023)
- Document. Landscape and Visual Appraisal prepared by Red Bay Design (September 2023)
- Document. Landscape and Visual Appraisal Addendum – Cumulative Impact Assessment prepared by Red Bay Design (September 2023)
- Document. Cumulative Schemes
- Drawing no. 862/101 – Masterplan
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In April 2024 the following documents were submitted:

- Ecological Impact Assessment prepared by Western Ecology Ltd (April 2024),
- Biodiversity Net Gain Plan by Western Ecology Ltd (April 2024),
- The Biodiversity Metric (April 2024)

6. Planning Policy

National Planning Policy Framework (NPPF)

Wiltshire Core Strategy 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

Planning Practice Guidance for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

7. Consultations

The application has been subject to formal consultation and publicity. The most recent response from each consultee is summarised below:

Environment Agency – No observations; "we have no comments to make as this consultation did not fall within a category to which we required a consultation".

Natural England – No observations.

National Grid – No observations

Dorset & Wiltshire Fire and Rescue Service – Standard advice provided.

Council Archaeology – No objection, subject to a condition to secure a scheme or archaeological investigation.

Council Conservation Officer – No objection.

Council Highways Department – No objection, subject to the conditions to secure a Construction Management Statement, and for the access improvements recommended within the Transport Statement to be delivered.

Council Rights of Way Officer – No observations.

Council Ecologist – No Objection subject to conditions

Council Landscape Officer – Objection: "I am unable to support this application, as it is viewed as further incremental harmful urbanising creep into an existing undeveloped pastoral field unit".

Council Arboricultural Officer – No objection, subject to conditions to secure a detailed Arboricultural Method Statement, which should include further details in relation to the construction of the access track.

Council Drainage Officer – Objection to the original submission.

"The applicant must provide evidence of permissions to cross third party land and permissions from riparian owners to discharge to the watercourse. There is no automatic right to cross third

party land or discharge to a watercourse not in ownership of the applicant. Or evidence of infiltration rate testing in accordance with BRE 365 and groundwater monitoring to confirm the viability of infiltration."

An updated Flood Risk Assessment & Surface Water Drainage Strategy was submitted to the Council.

The strategy showed that the current landowner is in ownership of this red line boundary and the further land to the south to the watercourse. Therefore, all the land is currently under the same ownership and therefore consent is not required from a third party.

Council Public Protection Officer – No objection subject to conditions to control working hours during the construction period and to require a lighting scheme to be submitted and approved.

Charlton Parish Council – Objection; "Charlton Parish Council objects to this planning application for two linked reasons - proliferation and safety. There are now a good dozen battery sites either in operation, permitted and awaiting construction, or awaiting Wilts Council's decision, all connecting to the Upper Stonehill electricity substation. This is the 4th site in just the immediate south side of the substation. This is an extraordinary number of sites in a relatively small area. We hear that it is already the largest collection of batteries in Europe. Then this is linked to the issue of safety. Without going into detail, Cllrs understand that there is a clear risk associated with these batteries (fires in individual cells, thermal runaway, toxic gases which the prevailing wind would take to Cirencester but an easterly would take to Charlton via the settlement at Bullocks Horn), and the more batteries there are the greater the risk. A number of the earlier applications stated that 'this would be the last one as capacity had been reached at the substation', yet capacity seems to have been continually increased and the number of sites keeps growing. It is time to call a halt on the proliferation of these sites around Upper Stonehill.

However, in the unfortunate instance of Wilts Council feeling unable to call a halt, 2 points are important: 1. that the colour of the infrastructure (the battery containers, the other containers, the fences etc etc) are all controlled by a condition - it is not enough that the Design and Access Statement says they will be in natural hues, they must be conditioned - we have already experienced stark white containers in 2 sites in that same area as the colour wasn't conditioned. 2. that the lighting is strictly controlled by a condition. The earlier sites in the same area had lights that seemed to be being triggered by field mice, and it took months of work (by Jan Roberts who has already commented on this) to resolve the problem - it should be low-level lighting only and only triggered by human-sized activity".

8. Publicity

As a result of publicity, 10 representations have been received from local people all objecting to the proposed development on the application site for the following reasons:-

- This site is already being developed into the largest industrial battery plant in Europe. Adding more industrial PV or PV infrastructure anywhere in this locality is a significant over development.
- Lithium batteries are inherently unstable and liable to self combust, when this happens the fire cannot be extinguished and will emit large clouds of toxic fumes
- The Whilst DWFRS would not object in principle to the development of a BESS site it is recognised that these installations pose some specific hazards in the event of fire.
- Current fire safety legislation is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is regulated by the HSE

- The colour of the infrastructure needs to be an appropriate colour to limit the landscape and visual impact.
- The on-site lighting and associated works such as CCTV need to be fully understood and controlled.
- The development will have an adverse impact on wildlife.
- The sustainable drainage system needs to be fit for purpose.
- The landscape scheme needs to be inspected and managed to ensure it is established and grows as it should.
- The Landscape and Visual Impact Assessment does not consider all infrastructure such as CCTV and lighting
- A noise monitoring system should be incorporated into the design so that the applicant can demonstrate and ensure that noise levels remain within the limits claimed and that they do not gradually rise over time.
- The detrimental effect of the floodlighting and fan noise on the local wildlife has not been properly addressed.
- This application affects safe use of Bridleway CHAR9/HANK15 during and after the proposed construction.
- Better provision must be made in this application for keeping Bridleway users safe from all construction traffic.
- This is not what we need in the area.. it will bring far more traffic to the lanes and narrow roads which many use because bridleways are not maintained enough and we therefore need to ride on the roads

9. Planning Considerations

a) Whether the proposal is acceptable in principle

The Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. As such, any proposal for a Battery Energy Storage System below 50MW must be determined by Local Planning Authorities.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy (adopted January 2015) and the Saved Policies of the former North Wiltshire Local Plan (2011). A core objective of the development plan is to address climate change and through Core Policy 42 ‘Standalone Renewable Energy Installations’, the Council sets out the parameters within which standalone renewable energy installations, which would equally apply to supporting infrastructure, shall be supported.

The NPPF advises that Local Planning Authorities should take a proactive approach to mitigating and adapting to climate change and to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (par 160). Battery Storage Facilities are a form of infrastructure that support the use and supply of renewable energy. The Planning Practice Guidance advises that “Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity” (Paragraph: 032 Reference ID: 5-032-20230814).

The Overarching National Policy Statement for Energy advises that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system. 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 National Electricity Transmission System Operator (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 (par 3.3.25 – 3.3.27).

The Planning, Design and Access Statement explains that the Government supports National Grid's position that these energy storage facilities plants are a crucial balancing mechanism to ensure continuous supply of power during the transition to a low carbon economy and are therefore an important solution to the emerging energy crisis, as recently set out in the National Energy Security Strategy. Ofgem and the National Grid have stated that the requirement for power during peak times of the day will double over the next 8 years.

Locally, Wiltshire Council has made a firm commitment to seek to make the county of Wiltshire carbon neutral by 2030 and has pledged as an organisation to become carbon neutral by 2030. The Council's Climate Strategy (2022 – 2027) sets out a clear commitment to increase the uptake of renewable energy, it states the Council seek to "Increase renewable electricity generation including microgeneration (and associated technologies such as storage) in Wiltshire by working in partnership with others" (p28).

The Council's Climate Strategy explains that "At present the grid supplies energy on demand. Once transport and heating are electrified, there will be a much greater demand. In order to manage this a flexible and 'smart' grid will be needed. The UK Net Zero Strategy sets a high level of ambition, stating that all electricity will come from low carbon sources by 2035, subject to security of supply, whilst meeting a 40-60% increase in demand" (p28).

The application explains that the proposed development would provide a source of continued power supply for the local area so that in the event of supply interruptions or surges in demand, the local community and businesses would continue to be served when renewable technologies are not producing, or when there is insufficient capacity within the Grid. Furthermore, it is stated that the BESS is part of a National Grid strategy, implemented and operated by third parties, to ensure continued power supply during a transition process away from large-scale fossil fuel installations to allow renewable energy installations to fulfil their value to our future energy requirements.

The proposal therefore aligns with the Government's objective to strengthen the electricity network and enable energy to be used more flexibly. The proposed development is therefore considered to be acceptable in principle in terms of the type of development. However, in order to establish the acceptability of the proposal on the site in question, all material planning considerations associated with the proposal must be considered, and are discussed within the following sections. It is however important to note that application highlights that the development does not contain any permanent buildings, and only introduces small temporary ancillary equipment required for operation. The proposal is entirely reversible and the land would return to agriculture on decommissioning.

In terms of the proposed location of the battery storage facility, the Planning Inspectorate has highlighted that "Locational factors that influence the siting of battery storage facilities include,

provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network" (appeal ref 3289603, par 30). In this instance, the proposed development would be sited immediately adjacent to National Grid's substation and involves a direct connection as part of the application. The reasoning for the site selection is therefore clear and accepted, however the site specific impacts of the proposed development and thus the acceptability of the development are however considered in the following sections.

b) Whether the proposal would result in the loss of agricultural land

The existing use of the site is agriculture. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by "…recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland, and of trees and woodland" (paragraph 180).

Natural England's Technical Information Note TIN049 *'Agricultural Land Classification: protecting the best and most versatile agricultural land'* explains that: "the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system… The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF)".

The site comprises Grade 3b agricultural land which is confirmed within the Agricultural Land Classification report (July 2022) by Bateman Rural Associated Ltd. The site does not therefore include the 'best and most versatile agricultural land'. The development will also not result in the loss of a 'significant' amount of agricultural land due to the site area. There is therefore no conflict with planning policy in this regard and the need for the facility against the loss of the small area of agricultural land will need to be considered within the overall planning balance.

c) Whether the proposal would be harmful in terms of its landscape and visual impact;

The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment (par 180) and Core Policy 51 'Landscape' of the WCS outlines that new development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

The application is supported by a Landscape and Visual Appraisal prepared by Red Bay Design, which was updated during the assessment of the application and supplemented by an addendum considering the cumulative impact of the proposed development with other similar developments in the area. The Landscape and Visual Appraisal concludes by stating that "Overall, it is considered that the site is capable of accommodating the Battery Energy Storage System (BESS) development. The effect to the landscape character of the surrounding area is considered to be slight-minimal adverse, with the effect to the visual amenity of the surrounding area neutral. 4.18 The assessment found that where there are opportunities for views into the site, these would be mitigated against by the proposed planting scheme, with the native tree and shrub obscuring these views. No views within the study area were open and exposed, with the site proposals contained within its field boundaries by the hedge and trees that form the sites boundaries. Where views were available, they would minor elements of the scheme and be experienced within the

context of the neighbouring BESS phased development, forming a minor extension of the existing development" (par 4.17 – 4.18).

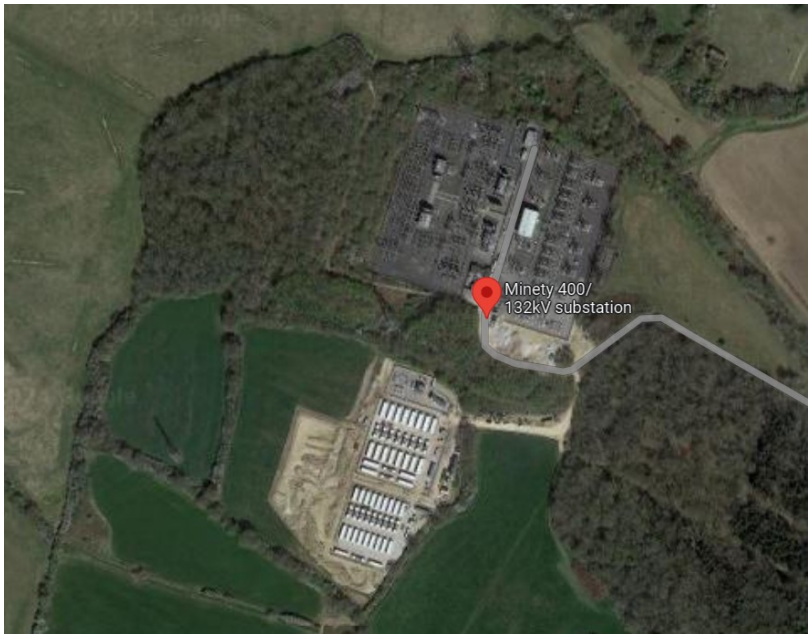
The Council's Landscape Officer has reviewed the proposed development and the observations provided do not fully align with those within the Landscape and Visual Appraisal. It is advised that Minety substation is separated from the site by mature woodland including Park Copse. The existing substation site is currently (which may change should be extension of the substation under planning application PL/2022/09258 be permitted and implemented) effectively integrated into the local and wider landscape due to its plateau location and by this separating and surrounding mature woodland which provides effective screening from the wider landscape in all directions of view. The surrounding landscape is clearly a rolling undulating landscape with topography typically ranging between 90m -130m AOD. The site itself is located on the south facing gentle slope of a shallow valley landform which extends from 95m AOD in the west to about 110-115m AOD to the east at Stonehill Wood.

The Council's Landscape Officer goes on to advise that "the proposed development will extend urbanising industrial development into an additional small undeveloped pastoral field unit leading to a change in character to the site itself. The existing pastoral agricultural land use and character changed to new industrial energy storage and transmission uses. This change is not a positive or inherently character supporting change.

The proposed landscaping would help visually screen parts of this additional development over time, but much of this new planting is proposed as simple whip and small transplant planting stock which will probably take 10-15 years before it begins to provide any useful screening to the development. There is no unifying landscape or green infrastructure strategy, masterplan or LEMP for all these previous phased BESS developments, which should and would have been required if the ultimate scale / land coverage of all these incremental developments had been understood from the outset. I also note that the access track leading through the previous approved phase will impact previously approved landscaping plans for that site and phase, presumably now requiring a variation of previously approved plans".

The updated Landscape and Visual Appraisal and the Cumulative Impact Assessment (September 2023) by Red Bay Design were subsequently submitted to seek to address some of the observations of the Council's Landscape Officer, including the following masterplan showing the proposed development alongside the applicant's existing BESSs.

Masterplan (Drawing no. 862/101)



Aerial Photograph (source: Google Earth)

In light of the above, it is evident that the proposed development would result in a significant change in the land use which would be industrial in nature and not characteristic of the rural area. The impact on landscape character would be mitigated be as far as possible through landscape measures in line with Core Policy 51, however the Council's Landscape Officer is unable to support this application, advising that it is viewed as further incremental harmful urbanising creep into an existing undeveloped pastoral field unit. The scale and extent of the landscape and visual impact will need to be considered within the overall planning balance against the benefits of the proposal.

d) Whether the scheme would give rise to an adverse impact on residential amenity

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 'Ensuring High Quality Desing and Place Shaping' of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The application is supported by a Noise Assessment (June 2022) by inacoustic which considers the potential noise from the proposed development, alongside the cumulative impact from the consented developments, at nearest sensitive receptors and offers advice (where appropriate) on any additional noise mitigation measures to meet planning guidance and noise standards.

The Noise Assessment states that "the assessment of cumulative effects identifies that the proposed development, when considered alongside the previously predicted effects of the consented schemes will give rise to rating noise levels that are below the measured background sound level in the area, at the assessed residential receptors during the day and night, but marginally above the background sound level during the quiet periods of the night, on the basis of 2017 baseline statistics, but still complying with the stipulated criteria of Wiltshire Council. The assessment also identifies that no significant change in ambient sound level will be engendered as a result of the Proposed Development in its proposed and assessed form, at either residential or public amenity space receptors. Consequently, the assessment demonstrates that the Proposed Development will give rise to a Low Impact in the context of BS4142 guidance and that its effects would be typically within the range of the NOAEL category of the NPPG England guidance" (p27).

The Council's Public Protection Officer is satisfied with the conclusions of the Noise Assessment.

It is recognised that there may be some disturbance created during the construction phase, however the site is remote enough that impacts due to noise and dust from its construction is unlikely to significantly impact on local residents. It is however recommended that a Construction and Environmental Management Plan (CEMP) be submitted and approved via condition, which would also control the construction hours as requested by the Council's Public Protection Officer.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

e) Whether the proposal would have an adverse impact upon highway safety or public rights of way

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Transport Statement (June 2022) by Miles White Transport which provides details of the proposed access arrangement, considers the vehicular movements associated with the construction and operational phases of the development, including vehicle routing to the site from the primary road network.

The Transport Statement explains that during both the construction and operational phases, access to the site would be achieved via a existing lane leading from the B4040 which is suitable albeit the visibility could be improved by cutting back existing vegetation and installing a mirror opposite and access, which can be secured. The Highway Authority is satisfied that the road network is able to support the proposed development.

In relation to the Construction Phase, the Highway Authority advises that a Construction Management Plan will be required as a condition of any approval which would need to demonstrate how the construction process will be managed, in respect of accommodating the number and frequency of deliveries, materials storage, contractor parking and HGV vehicle manoeuvring, in order to ensure such requirements are contained wholly within the site. The application presents information on trip generation upfront as part of the Transport Statement which forecasts that the during the anticipated 16 week construction period 20 car / van arrivals

may occur at the start of the working day and up to 20 car / van departures may occur at the end of the working day, and up to 154 deliveries by HGV are predicted (308 two-way movements) which equates to an average of approximately 10 per week (2 per day) over the construction period. The Highway Authority acknowledges the anticipated type and frequency of vehicular movements and the proposed measures to management construction traffic, including routing, and has no objection subject to the approval of a detailed Construction Management Statement, which can be secured via condition.

In light of the above, while the construction phase will result in a noticeable increase in vehicular movements on the local road network, it will be temporary in nature and road network is sufficient to accommodate the anticipate volume of movements. As such, subject to the management of the construction phase via appropriate conditions, and the full implementation of the measures to improve the existing access onto the B4040, the proposal would not have an unacceptable adverse impact on highway safety and would not conflict with national or local transportation policies.

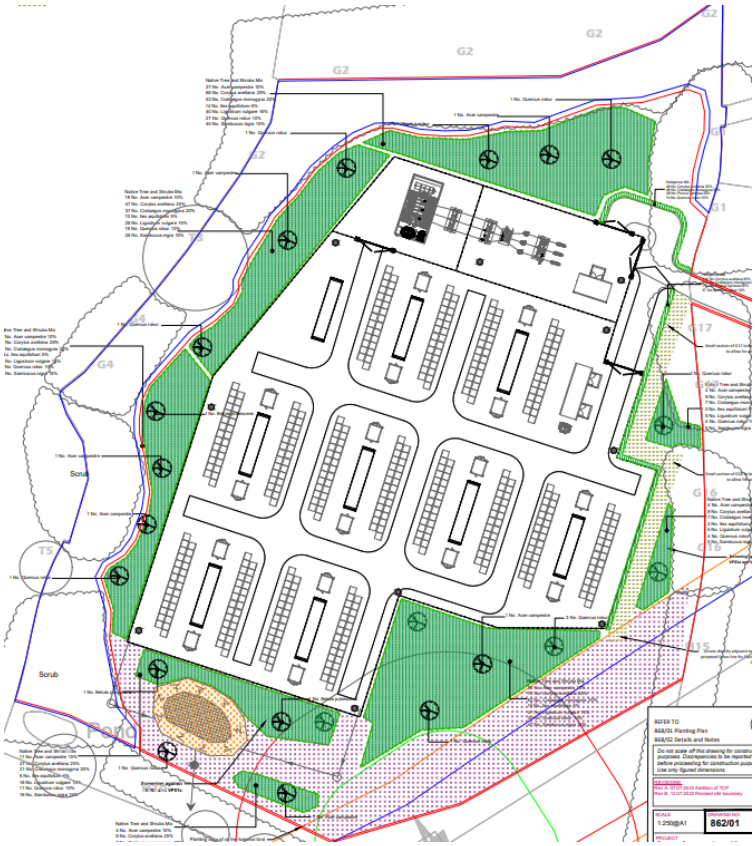
f) Whether the scheme would cause harm to protected species and/or their habitats

Core Policy 50 'Biodiversity & Geodiversity' of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development. The application is therefore supported by a Preliminary Ecological Appraisal (March 2022) by Western Ecology, and other supporting ecological documents, which explains that the site comprises improved grassland with woodland and tall, sprawling hedgerows along its boundaries. The report highlights that the hedgerows surrounding the site and linked woodland area (Park Copse) are 'species-rich hedgerow and woodland' that should be protected from accidental damage during the construction phase of development. It also considers the potential impacts of the development on protected species and species of nature conservation importance, and concludes that subject to mitigation measures there will be no adverse impacts. The mitigation measures include consulting with Natural England and the District Licensing Scheme in relation to GCNs, reduction of light spill in relation to bats; inspection of potential nesting bird habitats prior to any disturbance or clearance works; protection zones for Dormice; and means of escape within construction areas for Badgers.

The Council's Ecologist draws attention to several discrepancies within the Preliminary Ecological Appraisal and advises it does not adequately assess the impact on foraging and commuting bats, and several notable invertebrates, including butterflies and moths have been recorded in the locality. The impacts of the development on these species should therefore be considered but it is advised that "A Construction Ecological Management Plan (CEMP) will be required by condition if not submitted in advance of determination. This must detail measures to avoid impacts on all ecological receptors identified through the ecological impact assessment including but not exclusively: Ancient woodland. Hedges. Ponds. Invertebrates. Amphibians. Reptiles. Birds. Bats foraging and commuting habitat. Dormice and badger. If not provided before determination the CEMP must be required by condition".

In relation to Park Copse County Wildlife Site (CWS) and Ancient Woodland, the Council's Ecologist advises that "the proposed development may result in the loss and deterioration of ancient woodland via direct and indirect impacts including but not exclusively: Deterioration through the removal of functional habitat. Changing the woodland ecosystem by removing the woodland edge and thinning trees. Harm through increases in dust, light and soil pollution during construction and operation. Reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species reducing the resilience of the woodland or trees and making them more vulnerable to change". The Ecologist therefore requests an ancient woodland mitigation and enhancement strategy that demonstrates

impacts on this habitat will be avoided and woodland edge habitat and connecting functional habitat protected and enhanced is required.



Landscape Plan (drawing no.862/01 Rev.B)

The submitted landscape plan, as shown above, provides details of the new shrub and tree planting that will be planted around the fenced permitter of the development which will act as a buffer between the development and the established woodland. The Arboricultural Impact Assessment also provides details of the fencing to protected the woodland as detailed below.

While the information presented within the application explains that ecological impacts can be avoided or mitigated to ensure no net loss of biodiversity, the Council's Ecologist advises that the "unmitigated degradation of these habitats will result in loss of connectivity and functionality in the long-term which in turn will result in significant harm to biodiversity which is contrary to CP50 and the para 174 (d) of the NPPF which states 'Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'". In order to minimise the impacts of the proposed development a Construction Ecological Management Plan can be conditioned as requested by the Ecologist.

Core Policy 50 seeks to secure ecological enhancement / Biodiversity Net Gain (BNG) for 'major' developments only. The proposed development will however result in significant BNG as outlined within the Biodiversity Net Gain Plan (July 2022) by Western Ecology. It states that the development would result in measurable net gains of 19.6% net gain in habitat areas (0.55 units) and 44.5% net gain in hedgerow units (0.61 units). These are shown on the submitted Landscape Plan (drawing no.862/01 Rev.B) (updated from the version shown in the BNG Plan report). The Council's Ecologist requested the submission of the Biodiversity Metric calculation supported by the condition assessment sheets and maps showing the specific areas of land identified in each

row of the calculation tool for the operational phase of development. While these have not been provided it is clear that the proposed BNG will be well in excess of the national 10% requirement that will become mandatory later this year. The proposed development will therefore comply with the requirements of Core Policy 51 of the WCS in this regard.

g) Whether the proposal would result in the loss of trees and ancient woodland

Core Policies 51, 52 and 57(i & ii) of the WCS require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The site lies adjacent to Park Copse Ancient Woodland and is surrounded by mature trees/hedgerows. The application is therefore supported Arboricultural Impact Assessment (July 2022) by Treework Environmental Practice. The report has been reviewed by the Council's Arboricultural Officer who notes that "ten trees, six groups and two hedgerows were surveyed as part of this proposal. There is one 'A' category tree T3 English Oak. The majority of trees on site have been given a 'B' category. No trees are intended to be removed with remedial works being proposed to G1 and G17 involving lifting the canopy to five metres on the northmost tree in G17 and the southmost tree in G1 to allow for clearance of site vehicles". The officer further notes that "Construction of a new access is proposed within the root protection areas of G1 and G17. These works are to be carried out using a cellular confinement system. Some details have been provided as part of this document but a detailed Arboricultural Method Statement demonstrating how this will be achieved along with arboricultural supervision will be required". This can be secured via condition along with the installation of the protective fencing which is shown to be installed around the entire development area.

In light of the above, the overall quality and longevity of the amenity contribution provided for by the trees surrounding he site and the ancient woodland to the north would not be adversely affected by the proposed development. The scheme involves significant new planting that will soften and screen the development. The proposal will have a negligible impact on existing trees and ancient woodland and therefore accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

There are no designated heritage assets within close proximity of the site that have the potential to be impacted by the proposed development. The application is however supported by a Heritage Statement by (July 2022) by landgage Heritage which considers the potential impact on designated heritage assets (being 16 listed buildings) within a 2km radius of the site. The

assessment concludes that the proposed development would be completely screened from the setting of all the designated heritage assets located in the wider area, and is also located at a considerable distance from them, in excess of 1km.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. However, in this instance, the proposed development would not affect the setting or significance of any designated heritage assets in the surrounding area.

The County Archaeologist is satisfied that the archaeological potential of the application area has been characterised by an Archaeological Desk-based Assessment and a Geophysical Survey. As such, no objection is provided to the proposed development subject a condition that requires any intrusive groundworks associated with this development to be monitored and recorded by a qualified archaeologists to ensure compliance with Core Policies 57 & 58 of the WCS.

i) Whether the development would result in any other adverse environmental impacts

Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable.

The application is supported by Flood Risk Assessment & Surface Water Strategy (June 2022, updated October 2023) by nijhus which considers the potential flood risk and presents a surface water drainage scheme. It confirms that the site falls within Flood Zone 1 so is not at risk of flooding and surface water would be managed and drained from the site at a controlled flow rate of 1.9 l/s, via an attenuation system, to a stream to the south of the site.

The Lead Local Flood Authority (LLFA) has no objection in principle to the development, however an objection has been provided because the original application did not contain enough information to confirm that the proposed surface water scheme could successfully be implemented. The LLFA requested infiltration rate testing to confirm that the development could be drainage via infiltration as the primary option, or full detail to confirm that the alternative drainage option, which involves using an attenuation pond before discharging to the ordinary watercourse south of the site at the greenfield runoff rate for the 100-year event, 1.2l/, is a viable option. The applicant's Flood Risk Assessment & Surface Water Strategy was updated to address the comments of the LLFA and subject to a condition to secure a full details of the final scheme, and its implementation, the development would be in accordance with Core Policy 67 of the WCS.

Dorset & Wiltshire Fire and Rescue Service (DWFRS) advises that they would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

DWFR further advises that current fire safety legislation (in particular, the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the Health and Safety Executive but in the absence of regulation under the Control of Major Accident Hazards Regulations (COMAH)

there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

It is advised that research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period. As such, DWFRS provide a series of recommendations to limit the potential for fire and to ensure emergency plans are as robust as possible. The full letter from DWFRS will be appended to any planning permission that may be granted along with guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

j) Whether the development would have an adverse cumulative impact

The cumulative impact of the proposed development was first considered as part of the EIA screening opinion. The Local Planning Authority noted at that stage that there is increasing concern over the cumulative effects of these industrial installations in this locality. The Council's Landscape Officer advised that, while no formally designated landscape is likely to be directly affected by the proposal, the development in combination with proposals of a similar nature and the solar arrays permitted under 20/03528/FUL may give rise to significant environmental effects for landscape and visual receptors. This is due to the change in the character and appearance of the area from rural countryside to urban industrial. While the impact of the proposed development in cumulation with other existing development and/or approved development did not justify the need for an EIA it was highlighted the cumulative impact of such a proposal would be a key consideration at the planning application stage.

The need to consider cumulative effects in planning and decision making is set out in planning policy. The Overarching National Policy Statement for Energy advises that for nationally significant infrastructure project (NSIP) developments "the considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and **cumulative adverse impacts**, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy" (emphasis added) (par 4.1.5).

The material planning considerations would equally apply to any BESS development below 50MW considered by Local Planning Authorities, including any cumulative adverse impacts which would need to be considered within the overall planning balance. The NPPF advises that to help increase the use and supply of and supply of renewable and low carbon energy and heat, plans should "provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)" (emphasis added) (par 160). The WCS requires development considered under Core Policy 47 to assess cumulative effects.

The Planning Practice Guidance advises that "The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero" (Paragraph: 013 Reference ID: 5-013-20150327).

The relevant guidance (Paragraphs: 022 Reference ID: 5-022-20140306 & 023 Reference ID: 5-023-20140306) advises that the cumulative landscape impacts and cumulative visual impacts are best considered separately. The considerations are as follows:-

- **Cumulative landscape impacts** are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

  In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change

- **Cumulative visual impacts** concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts

  In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The Council's Landscape Officer is of the opinion that the series of individual planning applications seeking planning permission for BESSs is harmfully changing the existing rural character of pastoral farmland into an industrialising urban sprawl radiating outwards from Minety Substation. The Officer explains that "The National Grid's Minety Substation site (currently) remains a well screened and integrated element of National Grid Infrastructure within this local area. Obviously, the overhead electricity transmission lines and their supporting pylons are visible elements in the countryside leading towards and away from the substation, but the local landscape retains its inherent peaceful pastoral character with important areas of ancient woodland, such as Park Copse and Stonehill Wood, amongst others, surviving remnants of Braydon Forest, a former Royal Hunting Forest. Alongside this, the area has a strong nature conservation value / denoted by the local clustering of SSSI's and the areas of deciduous broadleaved woodland and areas of neutral/unimproved meadow present in the surrounding landscape. The area is sparsely settled, due to its historic use as a royal hunting forest and its comparatively more recent enclosure as farmland. The sparse rural settlement, presence of woodland and common land all contributes to this areas inherent rural, tranquil character. The presence of a water tower or the pylons crossing this landscape does not significantly alter the inherent peaceful character of the countryside, but the character of countryside around Minety Substation continues to decline from piecemeal industrialising development radiating outwards".

The Officer also questions whether the applications for BESSs and Solar PV are the reason why there is a need to extend Minety Substation; there is a "need to understand and establish whether the large number of BESS and solar PV applications in this locality are the drivers for the harmful expansion of Minety Substation, especially as BESS /Solar farm applicants often justify the reason why these developments are being proposed in this local area in the first place is due to National Grid's available grid connection capacity. If this turns out not to be the case, then the

expansion of the substation site itself is a direct effect and consequence of these locally clustering renewable energy generation schemes and energy storage developments".

National Grid advised as part of its planning application (ref PL/2022/09258) to extend the substation that it had identified the need to extend the existing operational Minety 400kV Substation for a combination of the following reasons:

- Demand growth on the SSE network.
- Connection of embedded generation to SSE network.
- Connection of generation to National Grid network.

Embedded generation includes combined heat and power (CHP) plants, onshore wind, solar farms, and storage devices such as lithium-ion batteries.

National Grid advised it is aware of nine customers connecting directly into the expanded Minety 400kV substation but it is possible that other developments are connecting via the local Distribution Network Operator (DNO). The DNO apply to National Grid for additional capacity which enables an assessment of available and required capacity. National Grid advised that at Minety, this assessment has generated the need for a further SuperGrid Transformer which forms part of application ref PL/2022/09258, and other than the nine customers connecting directly to National Grid whose grid capacity is dependent upon the application, National Grid cannot comment on other planning applications and whether they have secured grid capacity as this would be via the DNO.

The information from National Grid indicates there is a clear demand to increase the capacity of the network as advised by the local DNO. The BESSs are part of National Grid Strategy to strengthen the network but are implemented and operated by third parties such as the applicants of the BESS applications. There is therefore a clear locational requirement for the BESSs adjacent to the Minety substation or within the area where a connection is possible. However, the cumulative impacts of all developments has to be considered and any adverse impacts considered within the overall planning balance.

The current applications for BESSs, as listed below, are supported by Landscape and Visual Assessments and this current application which is directly adjacent to the substation, includes a Cumulative Impact Assessment (September 2023) by RedBayDesign.

- PL/2022/02824 - Land at Somerford Farm, Brinkworth
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety
- PL/2022/05412 - Land off Dog Trap Lane, Minety
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire (current application)

The Cumulative Impact Assessment is based on data provided by the Council and considers the potential cumulative impact from energy generation / storage developments within a 10km study area. The assessment considers landscape and visual effects and sets out a clear methodology and criteria for assessing the potential impacts. The report mentions that "Wiltshire Council identified an additional 19 Renewable Energy sites and Minety Substation Extension within 10Km of the application site. Upon undertaking desk top and field study work It was considered that a good number of these schemes would likely not contribute to cumulative effects due to the distances involved combined with the discrete nature of the schemes" (par 5.1). However, the following were subject to a cumulative Landscape and Visual Impact Assessment because the sites are all directly adjacent to the substation and could all be viewed as one cluster of energy related developments:-

- PL/2022/05504 (current application)
- 20/03528 (Approved) PV Solar

- 19/11460 (Approved) BESS
- 17/03936 (Approved) BESS
- 17/03941 (Constructed 2023) BESS
- 21/04151 (Approved) BESS
- 20/07390 (Approved) BESS
- 22/09258 (Planning) Substation extension

The Cumulative Impact Assessment concludes by stating it is considered that cumulative impact of application scheme *[PL/2022/05504]* over and above the consented schemes and planned substation extension would have a **Slight Adverse** impact to the landscape character of the study area. This is due to the increased number of this type of development into the area where there is a concentrated number of other consented and constructed schemes. Having said this the opportunities to experience the proposed schemes in isolation is limited and with very limited opportunity to experience two or more schemes at the same time, this being a short section of Public Footpath CHAR 16. Of all the schemes the application site *[PL/2022/05504*] would be the least noticeable due to its location within a discrete field being located some way from the footpath" (par 5.2).

"Due to the low lying undulating topography and the intervening vegetation there is very little opportunity for inter-visibility between the proposed energy sites. There may be some potential for combination effects along CHAR 16 between the application site, Minety Phase 3, the Solar scheme and the Substation extension, with the application scheme being the least noticeable of the three. From here the contribution of the application site would be negligible" (par 5.4).

10. Conclusion

The proposed development is for the installation of a Battery Energy Storage System (BESS) with a capacity of c.50MW. The development would store power from the national grid at times of excess supply and would feed this power back into the grid at times of high demand/reduced generation capacity.

The proposed development would introduce an uncharacteristic industrial form of development on the site which currently forms part of the open undeveloped rural landscape. However, the impact of the proposal from a landscape and visual perspective will be localised and mitigated through a soft landscape design scheme. The proposed reason for the site selection next to National Grid's substation is recognised, however the Council's Landscape Officer however advises that the development would be viewed as further incremental harmful urbanising creep into an existing undeveloped pastoral field unit. The harmful cumulative landscape and visual impact is acknowledged within the application. The site is not however located within any protected landscape, and identified issues of ecology, landscaping, highways and drainage can be satisfactorily addressed by appropriate conditions.

The development would provide a source of continued power supply for the local area so that in the event of supply interruptions or surges in demand, the local community and businesses would continue to be served when renewable technologies are not producing, or when there is insufficient capacity within the Grid. There would be a positive public benefit in the form of energy security and the ability to store excess energy and thereby a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions.

The landscape and visual impact of the proposed development, alone and in combinations with other developments within the area, results in conflict with the policies of the development plan which seeks to protect and enhance the natural environment. However, the harm, which would be temporary due to reversable nature of the development and the temporary planning permission

sought, needs to be weighed against the very significant benefits of the proposal which will deliver improvements to essential infrastructure to secure a sustainable future energy supply. On balance, it is therefore recommended that planning permission be granted, subject to conditions to mitigate the impacts of the development as best as possible.

RECOMMENDATION
The recommendation is to grant planning permission subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use, apart from the retention of the planting as a valuable addition to the landscape, upon the development no longer being in operation or upon the expiry date of 30 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

   REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 30 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

   REASON: In the interests of amenity and the character and appearance of the area.

4. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:

   - Drawing no. 7626-SP-01_ - Site Location Plan 1:2500
   - Drawing no. 06-7626 – Site Location Plan 1:1250
   - Drawing no. 7626-PL-01_ - Site Layout Plan
   - Drawing no. 7626-PL-03_ - Site Layout Plan [National Grid]
   - Drawing no. 7626-SD-01_ - Auxillary Transformer
   - Drawing no. 7626-SD-02_ - Battery Modules#
   - Drawing no. 7626-SD-03_ - 40ft Inverter Transformer Container
   - Drawing no. 7626-SD-04_ - 10ft DC Container
   - Drawing no. 7626-SD-05_ - CCTV & Floodlight Column
   - Drawing no. 7626-SD-06_ - Perimeter Fence & Access Gate
   - Drawing no. 7626-SD-07_ - Customer Transformer
   - Drawing no. 7626-SD-08_ - Customer Switchgear
   - Drawing no. 7626-SD-09_ - 132kV Substation
   - Drawing no. 7626-SD-10_ - Spare Parts Container
   - Drawing no. 7626-SD-11_ - Access Track

REASON: For the avoidance of doubt and in the interests of proper planning.

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

   REASON: In the interests of visual amenity and the character and appearance of the area.

   NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc.

6. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the trees to be protected and retained, as identified within Arboricultural Impact Assessment (July 2022) by Treework Environmental Practice and shown on the Tree Protection Plan (drawing no. 220719-1.1-MIVBS-TPP-NC), have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction.

   The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

   No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

   If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

   [In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

   REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

7. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS), in accordance with the recommendations of the Arboricultural Impact Assessment (July 2022) by Treework Environmental Practice, prepared by an arboricultural consultant providing comprehensive details of construction works in relation to

trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

a. A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
b. A schedule of tree works conforming to British Standard 3998: 2010;
c. Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
d. Plans and particulars showing the siting of the service and piping infrastructure;
e. A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;
f. A full specification of the proposed access within the root protection areas of G1 and G17, including details of the cellular confinement system.
g. Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
h. Details of all other activities, which have implications for trees on or adjacent to the site.
i. In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
j. Subsequently and until the completion of all site works, site visits should be carried out in accordance with a timetable to be agree with the Local Planning Authority by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

8. The proposed soft landscaping scheme, as shown on the Landscape Plans (drawings no. 862/01 Rev.B and 862/02 Rev.B) by RedBayDesign, shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed,

and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform.. The development shall thereafter be carried out in accordance with the details approved under this condition.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site and consider and approve the precise scope of earthworks and levels in the interests of visual amenity.

10. No development shall commence on site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest

11. The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Ecological Impact Assessment prepared by Western Ecology Ltd (April 2024), Biodiversity Net Gain Plan by Western Ecology Ltd (April 2024), The Biodiversity Metric (April 2024) and shown on the Landscape Plan (drawings no. 862/01 Rev.B and 862/02 Rev.B) by RedBayDesign.

REASON: To mitigate against the loss of existing biodiversity and nature habitats and secure enhancements.

12. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
    a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
    b) Working method statements for protected/priority species, such as nesting birds and great crested newts.
    c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
    d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
    e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

NOTE: The Council's Ecologist advises that the CEMP must detail measures to avoid impacts on all ecological receptors identified through the ecological impact assessment submitted in support of the application including but not exclusively: Ancient woodland. Hedges. Ponds. Invertebrates. Amphibians. Reptiles. Birds. Bats foraging and commuting habitat. Dormice and badger.

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
    a. Description and evaluation of features to be managed;
    b. Landscape and ecological trends and constraints on site that might influence management;
    c. Aims and objectives of management;
    d. Appropriate management options for achieving aims and objectives;
    e. Prescriptions for management actions;
    f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period;
    g. Details of the body or organisation responsible for implementation of the plan;
    h. Ongoing monitoring and remedial measures;
    i. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

    The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

    The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

    The LEMP shall be implemented in full in accordance with the approved details.

    REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

14. The noise emitted from the site shall not exceed the maximum level detailed within the assessment Noise Assessment (June 2022) by inacoustic

    REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

15. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (June 2022) by inacoustic and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable

to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

16. Notwithstanding the details shown on the approved plan, no external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

    Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

    REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife.

17. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
    i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
    ii. A description of management responsibilities;
    iii. A description of the construction programme;
    iv. Site working hours and a named person for residents to contact;
    v. Details of vehicle routing to the site
    vi. Detailed site logistics arrangements;
    vii. Details regarding parking, deliveries, and storage;
    viii. Details of the measures to control the emission of dust, dirt and noise during construction;
    ix. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
    x. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
    xi. Details of the programme of works to secure the mitigation measures to improve visibility at the site access as recommended within the Transport Statement (June 2022) by Miles White Transport.
    xii. A pre-commencement and post-construction condition survey of the adjoining highway.

    The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

    REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

18. Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (June 2022, updated October 2023) by nijhus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site (including surface water from the access / gravel areas), incorporating sustainable drainage details together with permeability test results to BRE365 and showing in improvement in discharge rate from the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

    REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

    NOTE: The final surface water drainage scheme will be required to address all points within the consultation response of the Lead Local Flood Authority, dated 18/08/2022.

19. No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority.

    REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others and to manage the risk of pollution during the construction phase.

INFORMATIVE
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE
The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

INFORMATIVE
Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.