REPORT FOR PLANNING COMMITTEE

Application Number	PL/2022/05412
Site Address	Land off Dog Trap Lane , Minety
Proposal	Proposed Development is for a battery storage facility and ancillary infrastructure (Revision of PL/2022/00404)
Applicant	HB222BRI Ltd
Town/Parish Council	Minety
Electoral Division	Minety – Councillor Chuck Berry
Grid Ref	401684 190197
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 Chuck Berry (Minety Division) (on the 14 October 2022) for the following reasons - 'scale of the development', 'visual impact upon the surrounding area', 'relationship to adjoining properties', and 'design – bulk, height, general appearance'. It was also stated that the proposals is for one of eleven applications for Battery Energy Storage Systems in the area so the cumulative impact needs to be considered. This current application has new mitigation measures [following the withdrawal of the original application] but the culminative impact is not addressed.

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:

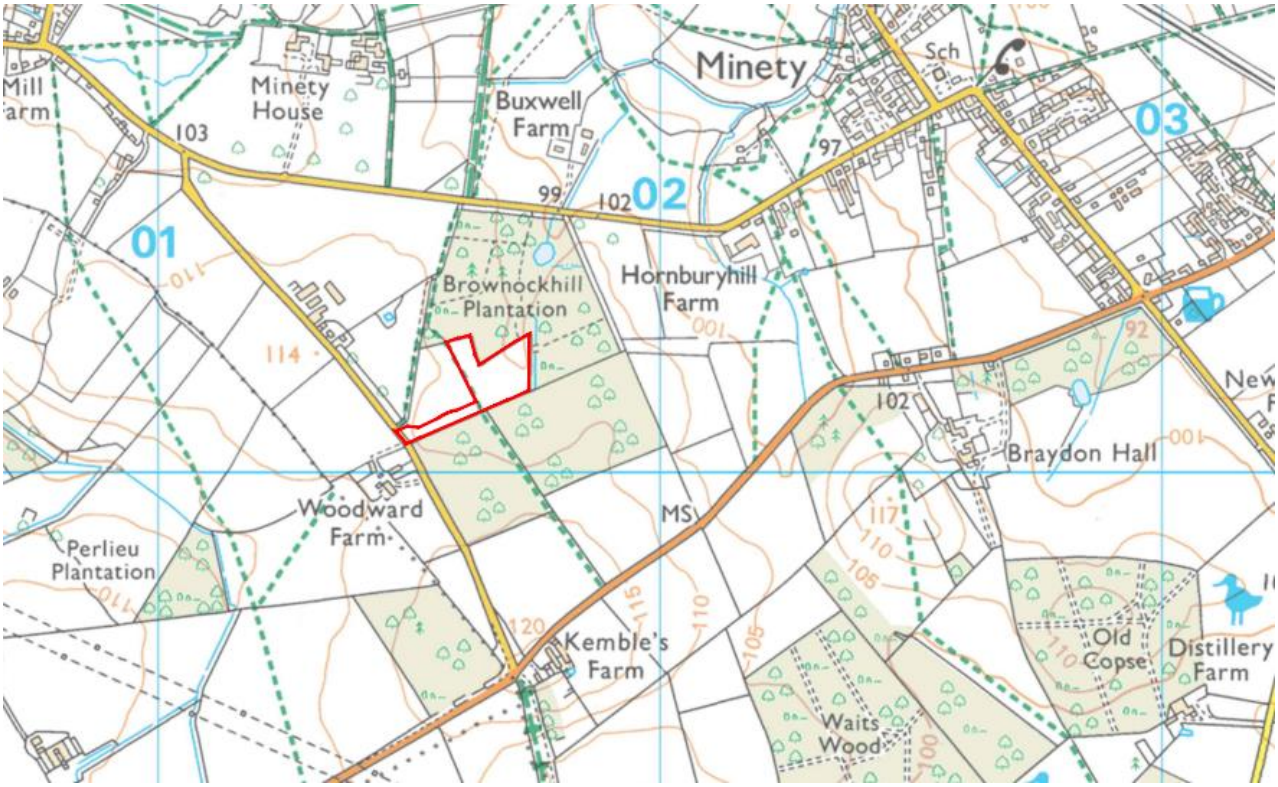
a) Whether the proposal is acceptable in principle;
b) Whether the proposal would result in the loss of agricultural land;
c) Whether the proposal would be harmful in terms of its landscape and visual impact;
d) Whether the scheme would give rise to an adverse impact on residential amenity;
e) Whether 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 is a green field located in open countryside comprising approx.1.85hectares surrounded by woodland along its north, east and south boundaries. The site lies to the east of Dog Trap Lane and is circa 1.5km to the east of the National Grid Minety Substation and circa 0.6km south-west of Minety.

Public Footpath MINE1 follows a route along the western edge of the site. The nearest residential properties are along Dog Trap Lane to the north-west and south-west of the site as shown on the Location Plan below.



Site Location Plan (Drawing 3075-01-01 Site Location Plan)

4. Relevant Planning History

The following planning application is material to the assessment of the current proposal:-

- PL/2022/00404 - Change of use from agricultural to energy infrastructure and proposed battery storage facility - Land off Dog Trap Lane, Minety – Withdrawn 24 May 2022

There are other current planning applications before the Council for Solar Photovoltaic and Battery Energy Storage System developments. They are as listed as follows and identified on the map below:-

- 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)

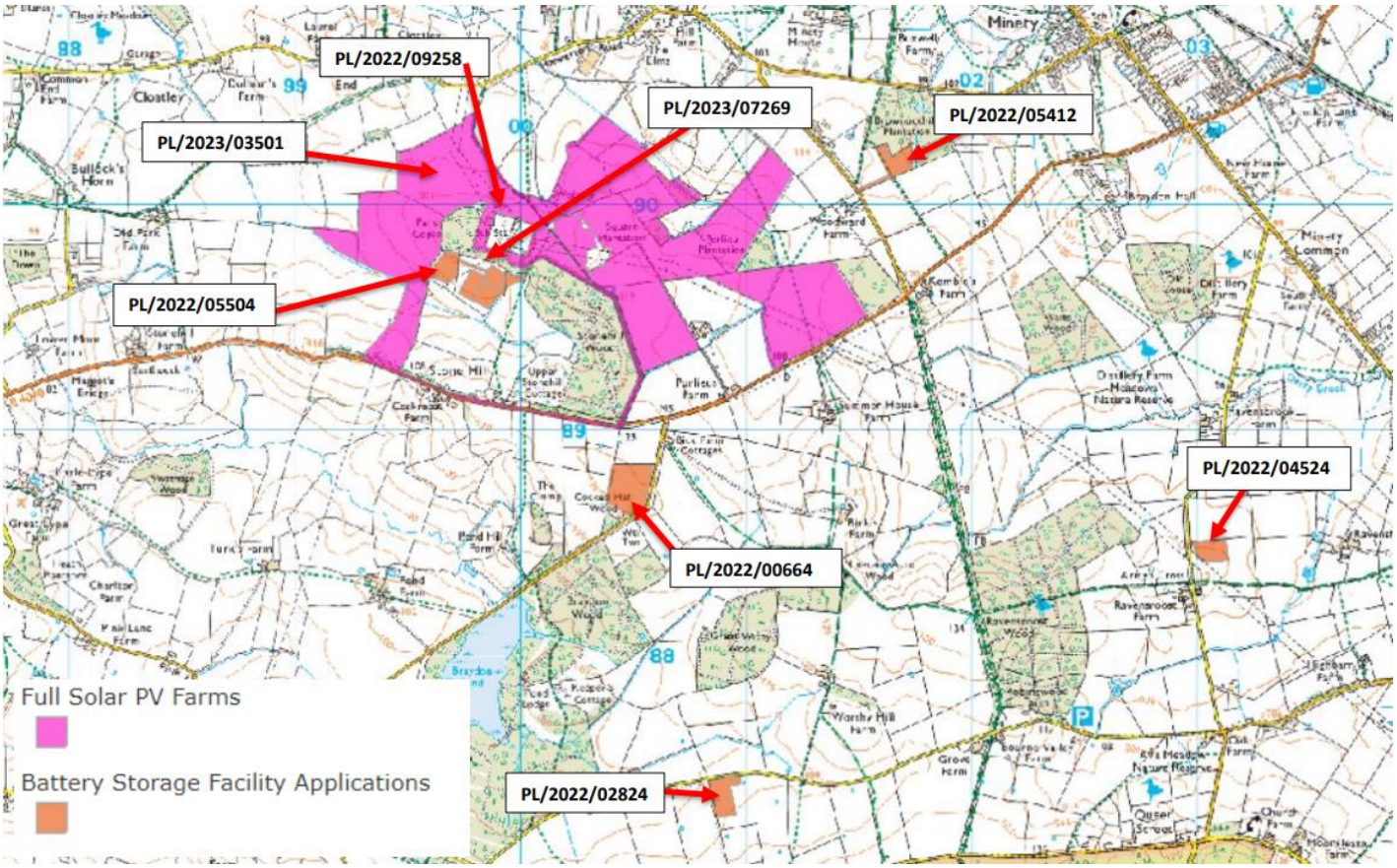
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ - Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security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

- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire, SN16 9DX - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements. (South West of Substation)

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

- 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.

- 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.



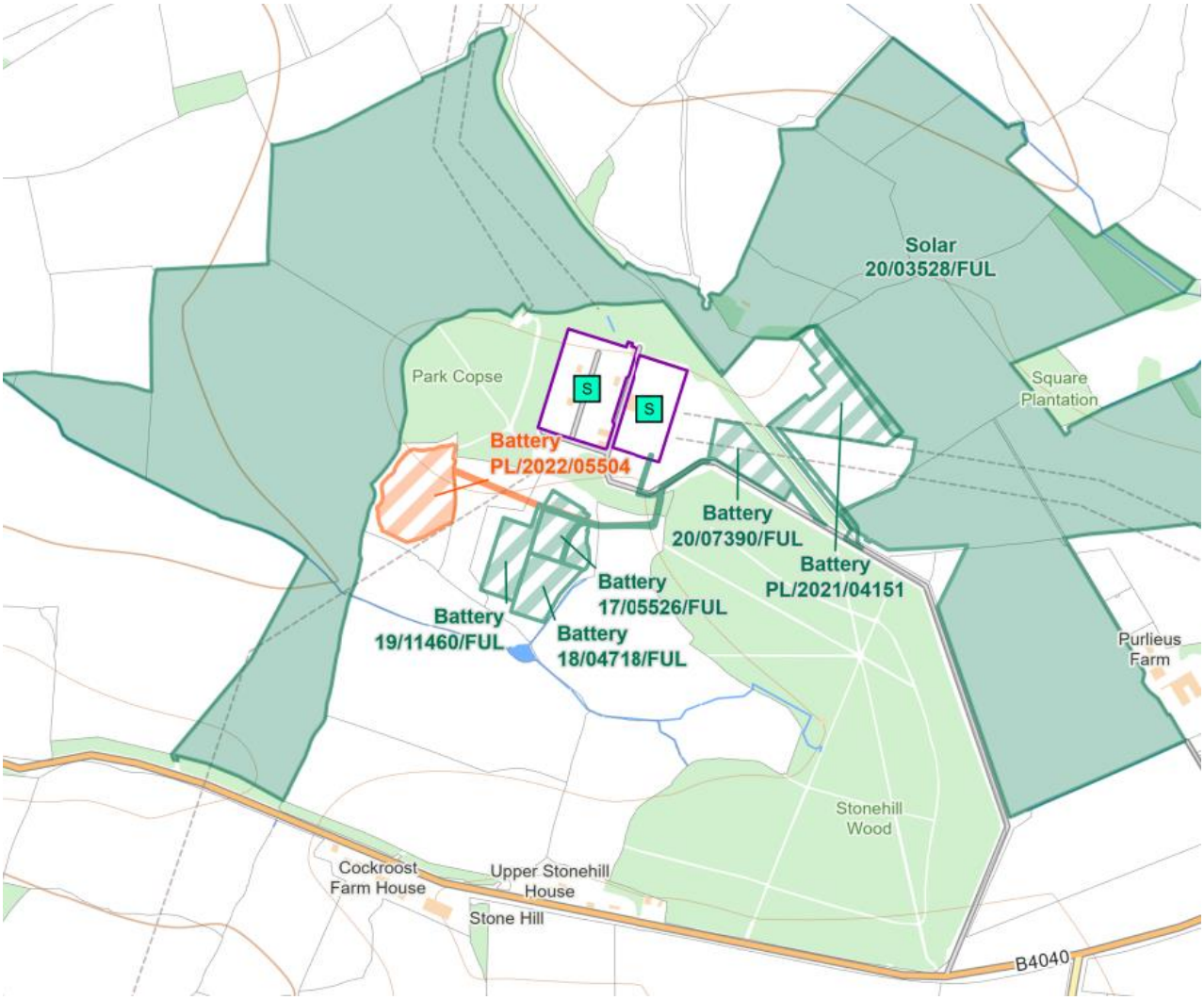
The following current applications, for an extension to the Minety Substation and another Battery Energy Storage System, are also relevant to the assessment of the current proposal and are identified on the map above:-

- 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.

- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Non-Determination Appeal ref APP/Y3940/W/23/3319392. (1.05km South East of Substation)

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:-

- 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)



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

- 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*)

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 14 September 2021, Pelagic Energy 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 47.5MW battery storage facility and associated infrastructure on land described as ‘Land off Dog Trap Lane, Minety, Wiltshire’ (PL/2021/08850). The area of land was 3.4hecatres but included the land the subject of this current planning application. 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 assessment.

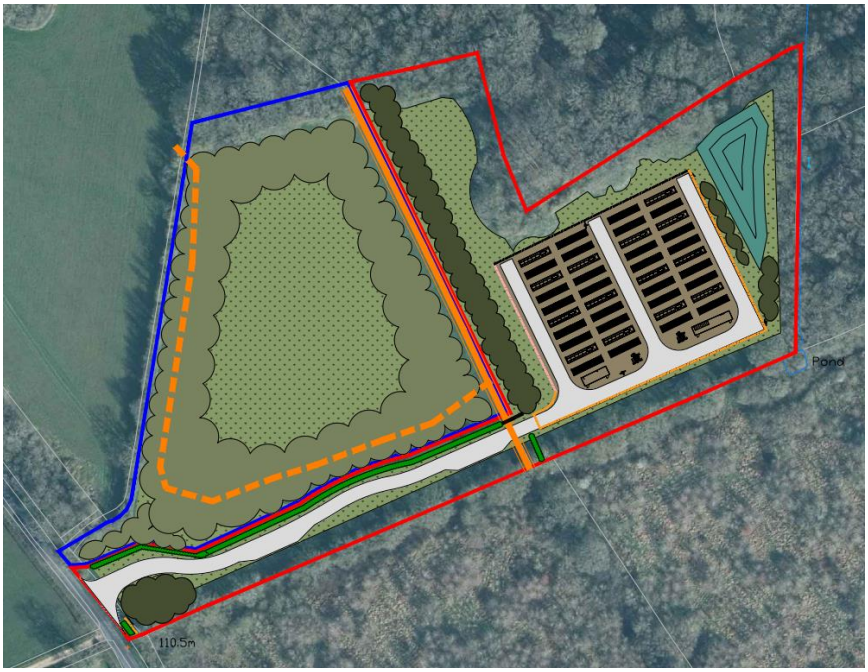
The Council issued a Screening Opinion (ref PL/2021/08850) on the 06 October 2021 confirming that “based on the information provided, it is the opinion of the local planning authority that the proposed development would not result in effects the significance of which would require an environmental impact assessment. An environmental impact assessment is not required for this proposal”.

On the 19 May 2023, Pelagic Energy requested a Screening Opinion from the Secretary of State, under Regulation 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the development the subject of this planning application. The Department for Levelling Up, Housing & Communities confirmed on the 22 November 2023 that “having taken into account the selection criteria in Schedule 3 to the 2017 Regulations the Secretary of State does not consider that the proposal is likely to have significant effects on the environment” and provided a full written statement which gives the reasons for the direction as required by Regulation 5(6) of the EIA Regulations.

It was concluded that “Overall, based on the available information and having regard to the considerable amount of permitted energy development in the locality, the Secretary of State has concluded there are no other issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required”.

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, acoustic fencing, and new landscaping and biodiversity enhancements.



General Arrangement Plan (drawing ref. 3075-01-03 Rev.B)

The Planning, Design & Access Statement (July 2022) by axis provides a detailed description of the development and lists the individual items of infrastructure to be installed:-

- 26 no. single stacked containers housing Battery Energy Storage Systems ('BESS'). These would have the appearance of a standard 40ft metal shipping container with ventilation units for cooling and would be arranged in blocks within a single compound on the Site.
- The containers would be supported by ancillary infrastructure including: 14 no. Inverter / Transformer stations, 2 no. Auxiliary Transformers, 1 no. HV Switchgear, and 1 no. LV Switchgear.
- The containers and ancillary infrastructure would be located within a secure compound surrounded by a 2.4m high weldmesh fence with CCTV security cameras.
- A 4m high Acoustic Fence would sit along the north side of the BSF compound
- A 5m high Acoustic Fence would sit along the west side of the BSF compound.
- A new access track, connecting the proposed BSF compound with Dog Trap Lane to the west.
- New landscaping across the Site, including tree, shrub and hedgerow planting, and an attenuation pond.
- The Proposed Development would gain access from Dog Trap Lane to the west of the Site and a new dedicated access track would run along the southern field boundary to the BESS compound.

The Planning, Design & Access Statement explains that the purpose of the development is to 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 type of development is referred to by National Grid as a 'balancing service'. It would assist in balancing grid frequency at times of system stress associated with periods of over or under supply.

The application explains that the point of connection for the proposed development to the electricity grid would be at the existing Minety Substation, which is located circa 1.5km west of the Site. The connection would be installed below ground by an ICP contractor / statutory undertaker under permitted development rights. Accordingly, planning permission is not being sought for this element of the scheme.

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

- Document. Planning Design and Access Statement (July 2022) by axis and the following Appendices:
    - Wiltshire Council EIA Screening Opinion;
    - Ecological Assessment;
    - Flood Risk / Surface Water Drainage Assessment;
    - Arboricultural Impact Assessment (including Tree Survey, Tree Protection Plan and Arboricultural Method Statement);
    - Noise Impact Assessment;
    - Heritage Statement and Geophysical Survey;
    - Landscape and Visual Appraisal;
    - Transport Statement; and
    - Agricultural Land Classification Survey.

- Drawing. 3075-01-01 Rev B Site Location Plan
- Drawing. 3075-01-02 Rev B Statutory Plan
- Drawing. 3075-01-03 Rev B General Arrangement
- Drawing. 3075-01-04 Battery Storage Container

- Drawing. 3075-01-05 Inverter-Transformer Stations
- Drawing. 3075-01-06 Transformer
- Drawing. 3075-01-07 Switchgear Container
- Drawing. 3075-01-08 LV Switchgear Container
- Drawing. 3075-01-09 Fencing and Security
- Drawing. 3075-01-10 Rev B Existing Site Plan
- Drawing. 3075-01-11 Site Access Arrangements
- Drawing. 3075-01-12 Landscape Design

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.

Natural England – No observations.

National Grid – No observations

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

Council Archaeology – No objection, no further archaeological investigation works required.

Council Conservation Officer – No objection.

Council Highways Department – No objection, subject to the conditions to secure a Construction Management Statement, a photographic pre-condition highway survey, and for the access arrangements to be safely laid out.

Council Rights of Way Officer – No objection but standard advice and guidance provided in relation to the need to seek approval from the Rights of Way team Countryside Access Officer from any works affecting the public footath that crosses the site.

Council Ecologist – No objection subject to conditions regarding CEMP, LEMP, Lighting and decommissioning.

Council Landscape Officer – No objection subject to conditions regarding the colour of the infrastructure to be installed, requiring the implementation of the landscape design scheme, and the submission and approval of a Landscape and Ecological Management Plan (LEMP) to ensure the establishment and long term management of the mitigation / planting scheme.

Council Arboricultural Officer – No objection, subject to conditions to secure the implementation of the Arboricultural Method Statement (including an update to protect T23 Oak) and further details in relation to the construction of the access track.

Council Drainage Officer – No objection, subject to a condition to secure full details of the proposed surface water drainage scheme.

Council Public Protection Officer – No objection, subject to conditions to secure noise mitigation measures, the control the construction hours, and required a land contamination remediation scheme if required.

Minety Parish Council – No observations.

8. Publicity

As a result of publicity, 8 representations have been received from local people all objecting to the proposed development on the application site for the following reasons:-

- The background of the company and its credibility is questioned.
- The existing Battery Energy Storage Schemes in the area are unsightly and noisy.
- The development will result in the unnecessary loss of greenfield land.
- The development should be on brownfield land.
- Dog Trap Lane is quiet and peaceful, day and night. The proposal is completely out of character for this rural location.
- If this facility was located a lot closer to the area of transmission/generation it would be much better all round.
- The development is industrial in nature and completely out of keeping with the location.
- The land has always been used for agriculture and is a habitat for wild life which will be severely compromise.
- There are a number of other proposals for Battery Storage Facilities/Solar Farms, in and around Minety, the combined noise levels will be even more intrusive, not only to the residents of Dog Trap Lane but to the whole of the area.

- Noise pollution, fire risks, flooding, and the entrance on a blind bend are all issues.

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 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).

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 planning application explains that the applicant, HB222BRI Ltd, is a subsidiary of Pelagic Energy, a developer of flexible generation and energy storage projects, such as battery storage and solar energy, in the UK. The company has secured number of development opportunities near to National Grid's Super Grid Transformer Substations across the UK. These substations are strategically important infrastructure, required to maintain power supplies across the UK. Locating BESSs within a reasonable distance to Super Grid Transformer Substations, ensures rapid responses to transmission grid instability and that transmission losses are minimised through the associated grid connection.

The Planning, Design & Access Statement explains that 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. It would provide a flexible back-up power source to the grid and can respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation resulting from an ever-greater use of intermittent renewable energy sources. Accordingly, the proposal would ensure that curtailment of renewable energy generation at times or high supply and low demand is reduced and that the contribution of renewable energy to the network is maximised (par 1.24 – 1.25).

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.

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). The application provides details of the site selection process, the Planning, Design & Access Statement explains that Pelagic Energy have carried out a site screening exercise for National Grid's Super Grid Transformer Substations. A significant number of these substations are constrained due to the close proximity of housing or other environmental constraints. As such, there are only a limited number of substations suitable for BESS projects to connect to.

The justification provided for the site selection process highlights the need for the battery storage facility to be within close proximity to the National Grid Minety Substation, away from neighbouring properties, and within an area that is not protected by any national or local landscape or ecological designations.

The application site is however approximately 1.5km away from the substation within the open countryside therefore the specific impacts of the proposal and thus the acceptability of the development are considered in the following sections.

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

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 and Soils Resources report (June 2022) by Reading Agricultural Consultants. 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 site does not lie within a designated or protected landscape and the application is supported by a Landscape and Visual Appraisal (June 2022) by axis which refers to the relevant character area (Upper Thames Clay Vales) and provides an assessment of whether a likely significant landscape and visual effect would be experienced by any receptor, by considering the predicted magnitude of change together with the sensitivity of the receptor, taking into account any proposed mitigation measures.

The Landscape and Visual Appraisal report explains that the proposed landscape proposals form an intrinsic component of the proposed development. They would include new native planting between the new structures and the public footpath that crosses the site. This would increase tree cover within the site, enhance biodiversity, and screen views from the footpath. New species-rich grassland areas would also enhance biodiversity. The report concludes by stating that the proposed new structures would be barely visible from beyond the Site boundary and would have no appreciable influence upon the wider landscape or views across it. As landscape and visual effects would not be significant, no further mitigation measures are proposed. However, it is recognised that the report refers to a proposed area for planting a 'Jubilee Woodland' with permissive access to the west of the site (which is said to be funded by Minety Parish Council, subject to planning permission for the proposed development.

The Council's Landscape Officer highlights that "there are two PRoW that pass near or across the site (MINE 1/2) which is otherwise well screened by the adjacent woodland to all but views from the South West. I am pleased to note on the general arrangement plan that a substantial amount of tree and shrub planting is proposed to help screen these views as well". The Officer draws attention to the potential for cumulative visual impacts with other projects, which is discussed further below, but advises there are "no landscape objections to the scheme going ahead

provided that a detailed planting plan setting out species specification and densities are conditioned along with a Landscape and Ecology Management Plan". It was also recommended that colour of all structures including containers, fencing, CCTV, and gates be painted either black or dark green to blend in better with the surrounding landscape.

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. However, the impact on landscape character would be well contained and localised and be well contained in both scale and extent, and would be mitigated as far as possible through landscape measures in line with Core Policy 51.

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 (May 2022) by Noise Vibration Consultants Ltd which considers the potential noise from the proposed development at nearest sensitive receptors and offers advice (where appropriate) on any additional noise mitigation measures to meet planning guidance and noise standards. The assessment shows that with appropriate mitigation the proposed development can be designed to comply with relevant noise guidance and standards. The following mitigation measurer are proposed:-

a. Transformers (step-up and auxiliary) design noise level 65dB LAeq15mins at 1m.
b. Battery Storage containers with any associated cooling system designed to a noise level not exceeding 64dB LAeq15mins @ 1m (external to container).
c. Inverter plant mounted within an open sided container designed to a noise level not exceeding 64dB LAeq15mins @ 1m.
d. Switchgear container designed to limit noise to 65dB LAeq15mins @ 1m.
e. Site plant compound south-western and north-western boundary would be fitted with a combination of 4m and 5m high acoustic screening (minimum mass of 15kg/m2 for 4m high and 20kg/m2 for 5m high).

The Council's Public Protection Officer is satisfied with the mitigation proposed and advised that the nearest residential receptors would not be subject to adverse noise impacts from the proposal.

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 axis 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 new dedicated access track, connecting to Dog Trap Lane at the south-western corner of the site. The site access will be located approximately 20m north of the location of the existing field gate access. The Highway Authority is satisfied that the general form of the access is considered to be acceptable, however, it is recommended that the first 20m of the access track would need to be of a bound and compacted surface to ensure loose material is not tracked out onto the public highway.

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 maximum number of HGV deliveries during the construction period would be 18 two-way movements per day, or 2 HGVs per hour, on average. HGV movements outside of this time would be less frequent. The Highway Authority acknowledges the anticipated type and frequency of vehicular movements along the route of Dog Trap Lane, however it is stated that the carriageway widths are largely appropriate to accommodate the additional movements anticipated over this relatively short construction period.

The Public Right of Way will remain open, accessible and unobstructed throughout the full duration of the construction and operational phases of the proposed development. The Council's Public Rights of Way Officer has however drawn attention to the fact that there may need to be a temporary closure of the footpath during the construction of the track which should be constructed at the same level as the footpath so pedestrians do not need to step up or down onto it. It was also advised that the proposed tree and shrub planting adjacent to the footpath should be set back at least 2 metres from the centre of the path and be regularly cut back to prevent overgrowth onto the path.

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 installation of the proposed access arrangements, 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 an Ecological Assessment (July 2022) by avian ecology which confirms the site does not form part of any statutory or non-statutory designated site for nature conservation, and the grassland on site has limited ecological value and is not considered functional habitat for any nearby designated site, including those designated for species-rich grassland habitats.

The Council's Ecologist notes that the Local Planning Authority must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species but does not have sufficient information to confirm this would be the case. The submitted Ecological Assessment does however form part of the application and considers the ecological impacts of the development in detail. It also provides a number of mitigation and enhancement measures to ensure no net loss to biodiversity, and would deliver and overall significant enhancement to biodiversity net gain.

The Ecological Assessment states that a number of statutory and non-statutory sites within the study area are designated for woodland habitats and species utilising these may also rely on other nearby fragments of mature woodland, including the Brownockhill Plantation bordering the site. However, appropriate buffers will be implemented from the woodland habitats ensuring no adverse effects to these habitats. The assessment concludes by stating that due to the low value grassland on site, protection measures for the woodland, and distance to any statutory or non-statutory designated site it is considered the development will not impact on any designated sites or their functional habitats either directly or indirectly (par 4.2.4 – 4.2.5).

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 Ecological Assessment. It states that the development would result in measurable net gains of +108.08% for area derived units and +42.10% for linear derived units. Baseline habitats were of low distinctiveness, and while there is an overall loss in the area of semi-natural habitats, the proposed development will create higher quality habitats, including species rich grassland, woodland and ponds (par 4.4.10). These are shown on the Landscape Design drawing (no. 3075-01-12) and can therefore be conditioned to ensure they are delivered. Conditions can also secure a Construction Ecological Management Plan to prevent disturbance during the construction period and a full lighting scheme to limit impacts (on bats in particular) as detailed within the Ecological Assessment. The 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.

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 a large mixed woodland to the north and east of the site and a scrubland area of smaller trees to the south. The application is therefore supported by a Tree Survey Report (including Tree Constraints Plan), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) by ARBTECH (October 2021). There are no trees within the site and only 1no. partial

hedgerow requires removal to accommodate the proposed development (i.e. new access point on to Dog Trap Lane), however the AMS explains that there are a number of issues that need to be addressed in an arboricultural impact assessment between the trees and the proposed development, these are as follows:

- The effect and extent of the proposed development within the root protection areas (RPAs) of retained trees;
- The potential conflicts of the proposed development with canopies of retained trees; and
- The likelihood of any future remedial works to retained trees beyond which would have been scheduled as a part of usual management.

The TPP shows that fence will be installed to protect existing trees during the construction phase and only one small area of works (the edge of the surface water attenuation pond) would encroach into the root protection area of the trees to be retained. The reports outline a series of mitigation measures and safe working practices to ensure no damage to the trees adjacent to the site.

The Council's Arboricultural Officer has no objection to the proposed development but has queried the need to remove 13 metres of hedgerow (which is required for the site access), and for T23 Oak to be protected by fencing during the construction works. T23 is however within a Construction Exclusion Zone but can be conditioned. The Officer also asked for further details regarding the construction method of the access road which can be secured via condition. It is critical to understand the extent of earthworks associated with the development to ensure no adverse impact on trees to be retained.

In light of the above, the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees to the north, east and south of the site 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 Impact Assessment (June 2022) by AOC Archaeology Group which acknowledges there are two designated heritage assets within 1km of the site (Grade II Listed milestone and Grade II Listed 19th century Minety House) but rules any potential for harm as they development will not be within their immediate setting.

The Heritage Impact Assessment considers the potential impact on below ground heritage assets in detail following the request of the County Archaeologist. The County Archaeologist has considered the Heritage Statement and the results of the geophysical survey an is satisfied that

sufficient information has been provided to characterise the archaeological potential of the application area and that no further form of archaeological mitigation is necessary.

The development is not therefore anticipated to harm any designated or non-designated heritage assets and complies with will 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 & Water Drainage Assessment (June 2022) by KRS Environmental which considers the potential flood risk and presents a surface water drainage scheme. It concludes by stating "the Site would be expected to remain dry in all but the most extreme conditions. The consequences of flooding are acceptable, and the development would be in accordance with the requirements of the NPPF. The Proposed Development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the National Planning Policy Framework (NPPF). The Proposed Development will considerably reduce the flood risk posed to the Site and to off-Site locations due to the adoption of a Sustainable Drainage Systems (SuDS) Strategy".

The Lead Local Flood Authority has no objection in principle to the development, however full and final details of the proposed surface water drainage scheme have been requested prior to the commencement of the development. The Lead Local Flood Authority is satisfied that due to the nature of the development and site area it will be feasible to install a surface water drainage scheme which could be secured via condition. This would ensure that a suitable drainage scheme is designed and implemented in accordance with Core Policy 67 of the Wiltshire Core Strategy.

The Council's Public Protection Officer has identified the site has an area of potential contamination (unknown filled ground), therefore a condition is recommended to ensure any contamination found is adequately dealt with during the construction phase.

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 Secretary of State concluded that "Given the lack of intervisibility to other sites and relatively small and heavily screened nature of this proposal, significant adverse effect in this regard is unlikely for the various similar facilities in the locality". As such, the impacts of the development in cumulation with other existing development and/or approved development did not justify the need for an EIA.

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 application PL/2022/05504, 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

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
- 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).

The proposed BESSs the subject of this application PL/2022/05412 (Land off Dog Trap Lane, Minety) and applications PL/2022/02824 (Land at Somerford Farm, Brinkworth) and PL/2022/04524 (Land east of Ravensroost Road, Ravenshurst Farm, Minety) are not immediately located adjacent to the Minety Substation and are all isolated. The individual Landscape and Visual Impacts Assessments for each proposal conclude that the developments would be well contained within the local landscape due to the topography of the land and natural screening, along with proposed mitigation measures in the form of structural landscaping. The developments would not be located within a sensitive landscape and would not be visible from the same point, and only glimpsed views would be experienced if travelling along the local highway network. It is however considered that the introduction of a number of BESSs within the area, alongside solar photovoltaic developments, will mean they become a notable features within the local landscape, albeit they will not become a defining characteristic of the landscape due to the magnitude of the predicated landscape impacts and the limited range of viewpoints where all developments would be visible from. It is therefore considered that the proposed BESSs developments away from the substation would not have an unacceptable cumulative landscape and visual impact.

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. Furthermore, despite being isolated within the rural landscape, there are locational factors that influence the siting of battery storage facilities, primarily the 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. The proposed development meets each of these key considerations and the site is not located within any protected landscape, and identified issues of ecology, landscaping, highways and drainage can be satisfactorily addressed by appropriate conditions.

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. No unacceptable residential or visual amenity issues would arise. The proposed development will be well screened albeit it is acknowledged that the proposed development will be visible from public footpaths near the site. The proposed access and local highway network are capable of accommodating the low level and frequency of construction and operational traffic movements.

There are no objections from any statutory consultees. As such, while there continue to be concerns locally about the impact of the proposed develop and the number of similar developments within the area, on balance, significant weight is given to the potential of the development to contribute towards the strengthening of the electricity network and climate change objectives, and due to the lack of conflict with the development plan, it is recommended that planning permission be granted.

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 40 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 40 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. 3075-01-01 Rev B Site Location Plan
   - Drawing. 3075-01-02 Rev B Statutory Plan
   - Drawing. 3075-01-03 Rev B General Arrangement
   - Drawing. 3075-01-04 Battery Storage Container
   - Drawing. 3075-01-05 Inverter-Transformer Stations
   - Drawing. 3075-01-06 Transformer
   - Drawing. 3075-01-07 Switchgear Container
   - Drawing. 3075-01-08 LV Switchgear Container
   - Drawing. 3075-01-09 Fencing and Security
   - Drawing. 3075-01-10 Rev B Existing Site Plan
   - Drawing. 3075-01-11 Site Access Arrangements
   - Drawing. 3075-01-12 Landscape Design

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 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 Arboricutlrual Impact Assessment and the Arboricultural Method Statement (AMS) by ARBTECH and shown on the Tree Protection Plan (drawing no.3075-01-03 Rev B), including tree ref.T23 Oak, 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. The development hereby permitted shall be carried out in full accordance with the Arboricultural Method Statement (AMS) by ARBTECH.

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 Design drawing (no. 3075-01-12), 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 details shall also include details of the proposed level and method of construction of the access road works associated with the proposed surface water drainage scheme. 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. The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Ecological Assessment (July 2022) by avian ecology and shown on the Landscape Design drawing (no. 3075-01-12).

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

11. Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) prepared in accordance with Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021) 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, great crested newts and reptiles.

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.

12. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain biodiversity enhancement targets within the submitted Metric 3.0 V4 and Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).

    The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

    REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

13. The noise attenuation measures detailed in the Noise Assessment (May 2022) by Noise Vibration Consultants Ltd or any updated noise reports submitted for approval by the local planning authority prior to commencement of development shall be implemented prior to first operation of the development and thereafter be permanently retained.

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

14. 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 (May 2022) by Noise Vibration Consultants Ltd (or any updated noise reports approved by the local planning authority) 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.

15. 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.

16. 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.

    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.

17. No development shall commence until a pre-construction highway photographic survey to be carried out along Dog Trap Lane from its junction with the B4040 has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

    REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

18. No development shall commence on site until the first 20m of the access, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

    REASON: In the interests of highway safety

19. No development shall commence on site until the visibility splays shown on the approved plans (drawing no. 3075-01-11 Proposed Site Access Arrangements) have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

    Reason: In the interests of highway safety.

20. Notwithstanding the contents of the Flood Risk & Water Drainage Assessment (June 2022) by KRS Environmental, no development shall commence on site until a 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 Lead Local Flood Authority advises that the following points will need to be addressed as part of final proposed surface water drainage scheme:-

    - It is noted from the drainage strategy that the applicant proposes to discharge to an existing ordinary watercourse.
        a. The drainage strategy drawing does not show the receiving watercourse / waterbody; the strategy drawings should be updated to show the connectivity between the outfall and the receiving watercourse / waterbody.
        b. If required to cross third-party land, the applicant must provide evidence of permissions to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity. There is no automatic right to cross third party land or discharge to a watercourse/river not in ownership of the applicant.
    - It is noted that the applicant proposes to discharge surface water flows to the south of the site (assisted by a pumped discharge):
        a. Justification should be provided as to why a gravity system cannot be achieved.
        b. As discharge to the south is against the natural topography of the site (and therefore relates in sub-catchment transfer on site), the applicant shall confirm that the receiving waterbody & ordinary watercourse have sufficient capacity to accept the (albeit restricted) surface water discharges without increasing local flood risk.
    - It is noted that the applicant has proposed to limit discharge rates to 1.1l/s, although it is acknowledged within the report that the Qbar rate for the site is 1.0l/s . The applicant is therefore required to update calculations to restrict discharge rates to 1l/s, or provide justification as to why this cannot be achieved.
    - The submitted calculations show that flows will be restricted using a Hydrobrake, however the drainage strategy indicates that flow control will be provided by a pumped discharge. The hydraulic calculations are required to be updated in order to show the pumped discharge from the detention basin.

- The applicant is required to provide the following additional calculations:
    - Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + 35% climate change rainfall event.
- The applicant is required to submit a drawing demonstrating how overland exceedance flows in excess of the 1 in 100yr rainfall will be safely managed on site in order to prevent an increase in flood risk to adjacent people / land / property.

21. 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.

22. In the event that contamination is identified or encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

    REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE
The term 'commencement of development', as used within these planning conditions, refers to any development associated with the site excluding the first 20m of access into the site.

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
The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway

Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

INFORMATIVE
No gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Rights of Way team Countryside Access Officer (contact rightsofway@wiltshire.gov.uk) in order to comply with section 147 of the Highways Act 1980. Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock.

INFORMATIVE
A drainage ditch may need to be accommodated within access design proposals which runs along the east side of the Dog Trap Lane and the site. Advice should be sought from the Land Drainage Team in order to accommodate the ditch appropriately within the access plans. The new access may require a Section 278 highways agreement/permit in order to deliver the access proposals and the ditch crossing.

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.

INFORMATIVE

For Protected Species
There is a risk that protected species (great crested newts / reptiles/ dormice/ bats) could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation in line with the recommendations made in the Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).and as advised the contracted ecologist. If these species are unexpectedly found during the works, the applicant is advised to stop work and follow advice from the contracted ecologist.