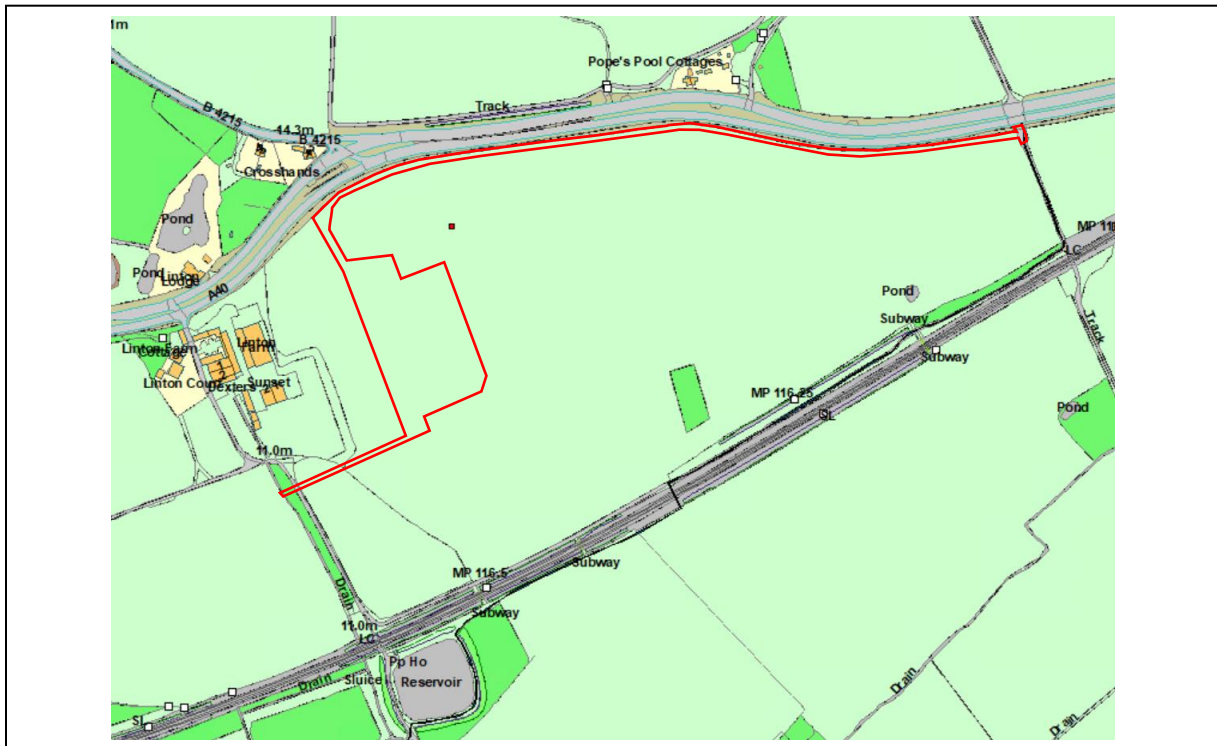


Planning Committee

Date	15 August 2023
Case Officer	Frank Whitley
Application No.	22/01374/FUL
Site Location	Land At Linton Court Farm, Highnam
Proposal	Development of an energy reserve facility and ancillary infrastructure
Ward	Highnam with Haw Bridge
Parish	Highnam
Appendices	Location Plan STOR136_LOC REV13 Site Layout Plan STOR136Rev14 Cross Sections CE-ST-2120 DW02CRevB Elevations STOR136_ELEV010 Landscape Masterplan Illustrative Amended CE-ST-2120 DW02
Reason for Referral to Committee	The planning application has been called in by Councillor Jill Smith, local Ward Member, within 21 days of being notified, on the grounds of size, impact on the local area, flooding and fire risk, particularly due to proximity of residential homes and the A40.
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at: [Simple Search \(tewkesbury.gov.uk\)](http://Simple Search (tewkesbury.gov.uk))
- 1.2 The application seeks planning permission for the Development of an Energy Reserve Facility and Ancillary Infrastructure. The proposed development was subject to a Screening Opinion under reference 22/00001/SCR where Officers determined an Environmental Impact Assessment was not required.
- 1.3 The proposed facility would have a capacity of approximately 99.9MW.
- 1.4 Although not forming part of this application, it is intended separately to connect the Energy Reserve Facility to the existing electricity network via a connection point at the Port Ham Substation, 1.6km east of Linton Court Farm. The completion of the connection would be undertaken separately by the District Network Operator (DNO), in this case National Grid.
- 1.5 The energy reserve facility would comprise:
- 72 lithium-ion battery units housed in containers (each 12.2m x 2.45m and 2.9m high)
 - 36 transformer units housed in containers (each 12.2m x 2.45m and 2.9m high)
- 1.6 Ancillary buildings/works include:
- Internal access track
 - 1 x DNO substation 5.81m x 4.9m and 4.4m high
 - 1 x Customer switch room/controls container 12.93m x 3.94m and 4.2m high
 - 1 x Welfare unit 8.3m x 3m and 3.5m high
 - 6 x CCTV poles each 6m high
 - Lighting
 - 1 x Compound containing transformer/inverter substation
 - Buried soakaway crates
 - 2.4m high perimeter fence and entrance gates
 - Landscaped bund on eastern and southern boundary (outside of perimeter fence)
- 1.7 The application is supported by:
- Historic Environment Statement
 - Archaeology Magnetometer Survey
 - Archaeology Written Scheme of Investigation
 - Landscape and Visual Impact Assessment
 - Ecological Impact Assessment (with Biodiversity Net Gain Calculations)
 - Noise Impact Assessment
 - Flood Risk Assessment and Drainage Strategy

2. Site Description

- 2.1 Linton Court Farm is located 1km south of Highnam and immediately to the south of the A40, from which there is direct access. The Farm comprises an extensive group of traditional and modern farm buildings. Many appear to be used for a combination of agricultural and other commercial purposes. The Farm also comprises six tenanted residential properties on its western side.

- 2.2** The eastern and southern boundaries of Linton Court Farm are defined by a bund, approximately 2.5m high, and currently encloses existing buildings, and a large area of hardstanding on which planning permission has been granted for two further agricultural buildings.
- 2.3** Beyond the bund to the east is flat and open agricultural land, extending as far as the River Severn and Gloucester beyond. Fields are generally large, and divided only by limited farm tracks, small pockets of trees, hedgerows and an elevated railway line.
- 2.4** The proposed development immediately east of the bund, would replace 1.95ha of farmland, on an area measuring approximately 120m x 165m. The primary access would be an existing farm track which joins the A40, 1km to the east.
- 2.5** Approximately 700m to the north west of Linton Court Farm is Highnam Court which is a Grade 1 listed country house situated within 40hectares of Grade 2* listed registered park and gardens. Historic land and a number of amenity lakes associated with Highnam Court lie entirely to the north of the A40, and also to the west of the B4215. Also within this land is Grade 1 listed Holy Innocents' Church and other Grade 2 listed buildings and monuments.
- 2.6** The nearest public footpath (Gloucestershire Way) follows the railway line 200m south of the site. There are also two other footpaths immediately to the south of Highnam.
- 2.7** The application site is not within the Green Belt or within any other designated landscape.
- 2.8** The application site is almost entirely with Flood Zone 1, with the following exception:
- The primary access track to the south of the A40 is partly within Flood Zones 2 and 3
 - The 'finger' projection in the southwest corner of the site comprising outfall to a drain.
- 2.9** No equipment would be sited in Flood Zones 2 or 3.
- 2.10** The proposed energy reserve facility is more commonly known as a battery energy storage site and is referred hereafter as a 'BESS'.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
22/00001/SCR	Screening Opinion for the Proposed establishment of battery energy storage system	EIA not required	24.1.23
22/0702/FUL	Proposed extension to existing hay and general purpose farm store building	Permit	20.10.22
22/00121/FUL	Erection of an extension to existing hay and general purpose farm store building. Installation of cladding to proposed extension and existing building.	Permit	29.4.22
21/01142/FUL	Proposed modern steel frame agricultural grain store. 79.3 x 30m. located to the west of existing grain store in farmyard. <i>Case officer note: It is assumed 'west' is a typo and should read 'east' instead</i>	Permit	6.1.22

20/01037/FUL	Construction of an all-weather farm track.	Permit	25.1.21
20/00271/FUL	Erection of an agricultural building on the site of an existing glasshouse (to be demolished).	Permit	19.8.20
16/00978/PDAD	Change of use of brick and stone agricultural single storey buildings into 3 dwellings (current state - structurally sound). The brick barn (Barn1) will convert onto 2 x 2 bedroom unit. The stone barn (Barn 2) will convert in to 1x3 bedroom unit. The courtyard they are site within will form parking and residential amenity space for the 3 units.	Approved	14.10.16
16/00073/FUL	Construction of a new farm track from a new safe access point on the A48 towards the farm buildings at Linton Farm. This proposal is in place of the track which received planning in 2013 (application no. 13/00101/FUL) which has yet to be constructed (permission of which runs out in April 2016)	Permit	19.4.16
13/00101/FUL	Construction of a stone farm track to replace an existing grass farm track.	Permit	8.4.13

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

A site notice has been displayed

4.1 Highnam Parish Council- objection

Following matters require proper scrutiny:

- *Hazardous Status of batteries and fire risk*
- *Noise from plant and equipment*
- *Flooding and emergency service access*
- *Site Landscaping establishment and wildlife impact*
- *Fire Risk major fire at similar site and risk of contamination*
- *Land Quality and loss of Grade 1 agricultural land*
- *Proposal is large scale industrial development not supported by NDP policy B.1*
- *Site Access – construction traffic impacts*

4.2 Natural England- no objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes Walmore Common and Cotswold Common and Beechwoods.

4.3 Environment Agency- no objection

Energy storage will play a significant role in the future of the UK energy sector.

Effective storage solutions will benefit renewables generation

Ensure a more stable supply

Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

Does not result in the direct impact to the environment during normal operations.

Potential to pollute in abnormal and emergency situations

Applicants should consider the impact to groundwater from the escape of firewater/foam and any metal leachate that it may contain.

Multiple 'layers of protection' should be sought to prevent the source-pathway-receptor pollution route occurring.

This proposal is a lower risk planning consultation which does not require direct consultation on flood risk grounds; noting that the proposed BESS equipment is designed to be located within Flood Zone 1.

Note that the site access track would pass through flood zones 2 & 3.

Would not make comment on the safety of the vehicular access or object on this basis.

4.4 Historic England- no objection

Views of your specialist conservation and archaeological advisers should be sought.

4.5 National Highways- no objection subject to conditions

Development will not affect National Highways drainage assets and is unlikely to result in an adverse impact on the safe operation of the strategic road network.

4.6 Health and Safety Executive - no objection

It does not appear to fall under the remit of planning gateway because it does not appear to be a residential building.

4.7 County Council Highways- no objection subject to conditions

4.8 Lead Local Flood Authority- no objection

4.9 Gloucestershire Fire and Rescue- no objection

Whilst Gloucestershire Fire and Rescue Service (GFRS) 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.

4.10 County Archaeology- no objection subject to conditions

The trial trenching described presence of the Roman roadside settlement

Archaeology present on this site is of high significance

Potentially should be viewed as of equivalent significance to scheduled monuments (NPPF footnote 68)

Design of the development suggest that serious attempts have been made to minimise impact

Most of the development is to be constructed directly on the existing ground surface.

4.11 Conservation Officer- no objection

Satisfied that proposed planting will be sufficient to mitigate impact of the development upon heritage assets.

4.12 Ecology- no objection subject to conditions

Habitats on site are predominantly agricultural field.

Site does not fall within or will impact a designated site.

Ecological value of the site is low

Mitigation for these species provided

A biodiversity net gain assessment indicates that the site is capable of achieving a net gain in habitats

4.13 Environmental Health- no objection subject to conditions

4.14 Severn Trent Water- no objection

4.15 Local Land Drainage Officer- no objection

4.16 Building Control- no comment

4.17 Network Rail- objection

No objections in principle, though the Case Officer notes a glint and glare assessment was initially requested. (An update will be provided at Committee on the need for this assessment).

5. Third Party Comments/Observations

14 Objections have been received on the following grounds in summary:

- The proposed access is dangerous and uses a 90 degree turn from the A40 which is fast and dangerous
- When flooded, the A40 could not be used for emergency access
- Hedge abutting the A40 is newly planted and thin so provides insufficient screening
- Site will be clearly visible from adjoining higher land to the north
- Loss of prime greenfield agricultural land
- Unproven technology and environmental impact of battery disposal
- No employment or economic benefits to community
- Development is not renewable or low carbon development and will instead store fossil fuel energy
- Not directly connected to solar/wind equipment
- High carbon footprint
- Connection to Port Ham substation will need to cross flood plan, railway line and River Severn. Trees could not be planted along route of connection and use of land for other purposes limited
- Likely need of expansion to be viable
- No explanation of cable maintenance requirements
- Concern about follow on application for overhead power lines to connect to Port Ham substation.
- Alternative sites have not been fully considered eg brownfield
- Alien feature in rural landscape
- Environmental and ecological harm
- Conflict with local and national planning policy
- Unsuitable location being close to A40

- Location is within Flood Zone
- Unacceptable risk of batteries overheating and catching fire during flood which would prevent access by emergency vehicles. Fire in Liverpool in Sept 2020.
- Noise disturbance to close residential properties
- Air and water pollution in the event of a fire- toxic fumes. No water containment plan
- Location is in a floodplain
- Harm from living within magnetic field of batteries
- Increased volume of traffic
- Harm to newts
- Fire risk to Holy Innocents' Church
- Battery noise would disturb neighbouring properties in evenings and at night when A40 is quiet.
- Reduction in property values, increase in stress levels, impact on mental health and life expectancy

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

Policy SP2 (Distribution of New Development)

Policy SD4 (Design Requirements)

Policy SD6 (Landscape)

Policy SD8 (Historic Environment)

Policy SD9 (Biodiversity and Geodiversity)

Policy SD14 (Health and Environmental Quality)

Policy INF1 (Transport Network)

Policy INF2 (Flood Risk Management)

Policy INF5 (Renewable Energy/Low Carbon Energy Development)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy HER2 (Listed Buildings)

Policy HER3 (Historic Parks and Gardens)

Policy HER4 (Archaeological Sites and Historic Monuments)

Policy HER5 (Non-Designated Heritage Assets)

Policy LAN2 (Landscape Character)

Policy NAT1 Biodiversity, Geodiversity and Important Natural Features

Policy ENV2 Flood Risk and Water Management

Policy COM4 Neighbourhood Development Plan

Policy HEA 1 (Healthy and Active Communities)

6.5 Highnam Neighbourhood Development Plan 2011-2031

There are no relevant policies in the Highnam NDP
Policy B1 Business and Enterprise

7. **Policy Context**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans
- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. **Evaluation**

8.1 The main issues in the consideration of this application are:

- Principle of Development
- Site selection and loss of agricultural land
- Layout and Landscape Impacts
- Drainage and Flooding
- Historic Environment
- Residential Amenity
- Ecology and Landscaping
- Highways
- Fire and Pollution Risk

Principle of Development

- 8.2 Under the Climate Change Act 2008, the government seeks to promote renewable energy production in order to reduce greenhouse emissions. Planning Practice Guidance states that renewable and low carbon energy technology will assist climate change mitigation.
- 8.3 The proposed development is not directly associated with a facility producing renewable energy, such as for example a solar farm. Even so, it is recognised that battery storage facilities are a key component of energy facilities in the UK, since they are able to store excess electricity generated by renewable energy facilities when demand is low and release energy to the grid at periods of high demand, or when electricity generated by renewable sources is low.
- 8.4 It is also clear that the UK needs more electricity storage facilities in order to balance demand without resorting to fossil fuel generation.

- 8.5** The UK Government published its 'Overarching National Policy Statement for Energy' in March 2023. Para 3.3.25 states that:
Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.
- 8.6** Tewkesbury Borough Council declared a borough-wide climate emergency in 2019, and furthered this commitment in May 2023 by (amongst other things), committing to doing everything possible to make Tewkesbury Borough Council carbon-neutral by 2030.
- 8.7** According to the submitted planning statement, the benefits of the proposed development are:
- Contribute towards 'net zero carbon'
 - Support renewable energy generation
 - Help to ensure a reliable and resilient energy supply
 - Help reduce energy wastage
 - Requires less land than other forms of energy generation
 - Reduce the need for other power stations
 - Delivers a net gain in biodiversity
 - Aligns with the 2020 Energy White Paper 'Powering our Net Zero Future' (2020)
- 8.8** The NPPF encourages LPAs to promote renewable energy development and identify appropriate sites for it. In meeting the challenge of climate change, flooding and coastal change, the NPPF states the planning system should support transition to a low carbon future.
- 8.9** Chapter 14 of the NPPF seeks to meet the challenge of climate change, flooding and coastal change. Para 154 states that new development should be planned for in ways (in part) that can help to reduce greenhouse gas emissions. The NPPF also states (Para 155) that plans should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure.
- 8.10** Planning Practice Guidance (PPG) explains that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 8.11** The application site is not subject to Green Belt designation or statutory landscape designation.
- 8.12** Policy INF5 (Renewable Energy/Low Carbon Energy Development) of the adopted JCS states:
Proposals for the generation of energy from renewable resources, or low carbon energy development (with the exception of wind turbines), will be supported, provided the wider environmental, social or economic benefits of the installation would not be outweighed by a significant adverse impact on the local environment.
- 8.13** Matters of relevance in the planning balance as stated in Policy INF5, are harm to landscape, amenity, heritage, biodiversity, and noise.

- 8.14** In achieving its vision for a 'good quality of life', the Tewkesbury Borough Plan incorporates the environment into the three dimensions of sustainable development. The Plan recognises that addressing climate change contributes to achieving its vision.
- 8.15** The made Highnam Neighbourhood Development Plan 2011-2031 incorporates as its vision, a wish to maintain its character as a self-contained community where people of all ages enjoy good quality of life. In order to achieve the vision, amongst other things, the Neighbourhood Plan seeks to ensure that development reflects the nature, character, scale and density of the community, and maintains its relationship with its landscape setting. The Neighbourhood Plan also states, 'the community supports existing small scale business and enterprise but would not wish to see the character of the Parish changed by large scale industrial development'. The Highnam NDP also seeks within its vision to maintain and develop its own range of local facilities, services and employment opportunities. The parish make reference to NDP policy B.1 however this specifically relates to Highnam Business Park and not the location of this application.
- 8.16** Subject to further determining criteria below, in principle, the development is supported by national, local policies and associated guidance.

Site Selection and Loss of Agricultural Land

- 8.17** According to the submitted planning statement, the key criteria in terms of site selection are:
- Areas of high energy demand and capacity
 - BESS facilities must be located close to a large existing substation that has capacity to both export and import energy, and to minimise transmission losses and voltage swings. In this case the application site is close to the Port Ham Substation.
 - Practicality and viability of connection to nearby substation.
 - Outside land with statutory environmental/landscape designations.
 - Preference for previously developed land
 - Opportunities to utilise established screening from vegetation and adjacent infrastructure.
- 8.18** Along with a willing landowner, the submitted planning statement explains the application site fulfils the selection criteria. According to the applicant, other local sites in proximity to the Port Ham substation are severely limited by flood risk on adjoining land.
- 8.19** According to the Agricultural Land Classification Map, the application site is part of a larger parcel of Grade 1 Land of approximately 67ha, extending to the east of the application site towards Gloucester. A second parcel of Grade 1 land lies to the west and north of Highnam of approximately 200ha. There are eight other individual parcels of Grade 1 land between Tewkesbury, Cheltenham and Gloucester.
- 8.20** Natural England describes Grade 1 agricultural land as excellent quality: Land with no or very minor limitations. A very wide range of agricultural and horticultural crops can be grown and commonly includes:
- Top fruit eg apples and pears
 - Soft fruit eg raspberries and blackberries
 - Salad crops
 - Winter harvested vegetables
- Yields are high and less variable than on lower land quality.

- 8.21** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Para 174 states that amongst other things, planning decisions should contribute to and enhance the natural and local environment by recognising the benefits of natural capital, including the economic and other benefits of the best and most versatile agricultural land. Similarly, Chapter 11 of the NPPF seeks to make effective use of land, where planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment, and encourage multiple benefits from both urban and rural land.
- 8.22** Policy SD14 (Health and Environmental Quality) of the adopted JCS amongst other things states that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite reserve.
- 8.23** It is acknowledged the application site is high quality and versatile agricultural land, and has therefore high economic value in terms of food production potential. Officers also acknowledge that Grade 1 agricultural land in the Gloucestershire and beyond is a finite resource. Development of any type would degrade the valuable resource, albeit in this case by a relatively small amount.
- 8.24** Neither the NPPF nor the adopted JCS rule out development on Grade 1 agricultural land, though the benefits of development must plainly be considered in the planning balance against the loss of productive farmland. Natural England has also been consulted and has not objected to the development on Grade 1 land.
- 8.25** The application has explained that within National Grid's area (East & West Midlands, South Wales and South West), there are no other substations with 99.9MW capacity for BESS development. The nearest station with 90MW capacity is in Staffordshire which demonstrates the difficulties with finding appropriate sites.
- 8.26** The principle of development is considered by Officers firmly established in the context of significant planning policy support, and the planning statement has explained to the satisfaction of Officers why the site fulfils the applicant's selection criteria as far as is possible.
- 8.27** Officers acknowledge the land is not previously developed and is high quality farmland, though in the planning balance, Officers do not consider that refusal of the application is warranted on these grounds.

Layout and Landscape Impacts

- 8.28** The application site is rectangular in shape and measures approximately 160m along the eastern boundary and 110m along the northern boundary (excluding access road). The site lies alongside developed land of Linton Court Farm immediately to the west and is bounded 120m to the north by the A40 dual carriageway.
- 8.29** There are three access routes to the site, the primary access being approximately 700m to the east, from the A40. Here there is an opening on the A40, which then turns onto a surfaced track which runs along the field edge to the development site.

- 8.30** Two further access exist (both within the applicant's control), one directly through Linton Court Farm from the A40, and the other from the A38 to the west. They are intended to be used for emergency vehicles in the event the primary access is not available. Access alternatives are discussed below in the Flooding section of the report.
- 8.31** The BESS containers are to be laid onto a compacted gravel surface and laid out in a regular pattern, as illustrated on the submitted layout plan. An underground drainage grate would be installed in the southwest corner, to be connected to the existing culvert to the west. This accounts for the projecting 'finger' of the application site to achieve drainage outfall.
- 8.32** The development would be installed at ground level. Cross sections have been submitted which indicate additional bunds to be installed on the eastern and southern boundaries, with additional planting for landscaping mitigation.
- 8.33** BESS units would be 2.9m high, though two additional service buildings would be up to 4.4m high. There would be a 3.5m high acoustic fence on the northern boundary, and a weld mesh security fence of 2.4m. Six security and monitoring cameras would be mounted on 6m poles. Fencing and BESS units would be coloured green.
- 8.34** A Landscape and Visual Impact Assessment (LVIA) has been submitted which sets out that the site is located within National Character Area 106, Severn and Avon Vales, summarises the landscape character as '*The lower valleys of the rivers Severn and Avon dominate this low-lying open agricultural vale landscape made up of distinct and contrasting vales*'.
- 8.35** The Gloucester Landscape Character Assessment prepared as an evidence base of the (now adopted) JCS, noted that specific to the area are the dominant infrastructural features of the A40 and raised railway corridor. The Assessment notes the 'Unwooded Vale' Character type, and notes large fields with poorly vegetated boundaries. The highly trafficked A40 divides the area and has a detrimental impact upon tranquility. Overall the area is described as being of low-medium sensitivity in landscape terms.
- 8.36** Five viewpoints were selected to the north of the A40 and six to the south. The development would be visible from the north on Lassington Hill, just east of Highnam on the 'Three Choirs Way', though views would be expansive, distant and combined with other existing development. Closer, the development would be visible from a permissive footpath, albeit with the A40 in the intervening space.
- 8.37** The proposed development is not visible from Highnam Court, though the LVIA accepts that limited intervisibility may exist from locations elsewhere.
- 8.38** From the south of the A40, the development would be more visible especially from limited locations on the Gloucestershire Way, and from the railway users. However, the LVIA notes that views into the site would be combined by views of existing development and mitigated by perimeter bunding and landscaping planting.
- 8.39** The LVIA states that landscape sensitivity at the site level is medium-high, though this takes into account the high value of affected farmland.
- 8.40** Overall, the LVIA concludes the overall effect on the landscape character would be considered negligible.

8.41 Officers conclude that while there would be some landscape harm from the proposed use and associated works it is however considered that this would not result in such harm which would warrant a refusal of planning permission. Furthermore the proposed landscaping scheme would over time provide further screening and environmental benefits. The proposed development would not cause unacceptable harm to the landscape of the character of the Parish, therefore is consistent with Policy LAN2 of the adopted TBP and with the vision of the Highnam Neighbourhood Development Plan.

Drainage and Flooding

8.42 The NPPF states that inappropriate development at risk of flooding should be avoided by directing development away from areas at highest risk.

8.43 Policy INF2 (Flood Risk Management) of the adopted JCS states that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach.

8.44 Policy ENV2 (Flood Risk and Water Management) of the adopted TBP seeks to manage the risk of flooding to and from new development.

8.45 The submitted layout plan indicates the extent of Flood Zones (FZ) 1-3, where FZ1 represents the lowest and FZ3 is the highest risk.

8.46 All BESS development, the perimeter bund, landscaping mitigation, fencing, and the drainage crate (in the southwest corner) is positioned within FZ1. The drainage outfall passes from FZ1 into FZ2, where it continues to the western drainage outfall.

8.47 Significant concerns have been raised by the Parish Council about flooding, in terms of site flooding and the ability to access during flood events, particularly by emergency vehicles.

8.48 In the case of site flooding, aerial images have been supplied from the 2007 floods by both applicant and objectors, which illustrate the scale of local flooding. Despite very widespread floodwaters, crucially, none show the application site underwater, even during the peak of the 2007 flood.

8.49 The primary access route from the A40 junction to the east is within FZ's 2 and 3. In terms of the ability to access the site during a flood event, the applicant has emphasised there are three routes available. These arrangements have attracted no objections from relevant consultees, including Gloucestershire Fire and Rescue and County Council Highways. Even so, Officers have sought clarification to reassure the Parish Council and residents that the risk of all three access routes being flooded during a fire is extremely low.

8.50 A specific document has been submitted to address this issue which concludes the risk of tidal flooding (potentially affecting the primary access route) and surface water flooding (potentially affecting the secondary and tertiary access routes) occurring at the same time is unlikely.

8.51 No objections have been received in relation to flooding and access arrangements, by either the Environment Agency, Health and Safety Executive, County Council Highways, Lead Local Flood Authority, TBC Land Drainage Officer, nor Gloucestershire Fire and Rescue.

8.52 Officers consider that refusal of the application on drainage and flood risk grounds is unwarranted, and that the proposed development where relevant complies with the NPPF, INF2 of the adopted JCS and ENV2 of the adopted TBP.

Residential Amenity

8.53 Policy INF5 of the adopted JCS (Renewable Energy/Low Carbon Energy Development) supports low carbon energy development, provided the benefits are not outweighed by a significant adverse impact on the local environment, taking account of users and residents of the local area in terms of 'emissions, noise, odour and visual amenity'.

8.54 Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants.

8.55 Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development.

8.56 A noise impact assessment has been submitted which explains that cooling fans are used to keep batteries at the correct temperature. Also inverter stations as proposed are also cooled by fans.

8.57 Noise receptors have been identified as:

- The group of six dwellings immediately to the west of Linton Court Farm (owned and rented by the applicant)
- Linton Lodge (opposite Linton Court Farm on the north side of A40).
- Crosshands (junction A40 and B4215)
- Pope's Poole Cottages (approximately 370m northeast of the development on the north side A40).

8.58 The noise assessment concludes that the proposed BESS development would give rise to a rating sound level not exceeding the measured background sound level of the area, both during the day and during the night, thus giving rise to a 'low impact'. The assessment predicts that amenity due to noise would not be compromised.

8.59 Officers consider the proposed development complies with requirements where relevant of the NPPF, INF5, SD4, SD14 of the adopted JCS and HEA1 of the adopted TBP. The Environmental Health Officer has raised no objection though as an additional and reasonable safeguard an appropriate condition is recommended for operational monitoring.

Historic Environment

8.60 The NPPF at Chapter 16 (Conserving and Enhancing the Historic Environment) states that when considering impacts, great weight should be given to the asset's conservation. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.61 The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 8.62** Policy SD8 (Historic Environment) of the adopted JCS states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.63** Policy HER2 (Listed Buildings) of the adopted TBP states that development within the setting of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest., including their settings.
- 8.64** Policy HER3 (Historic Parks and Gardens) of the adopted TBP states that development that would adversely affect the character appearance or setting of historic parks and gardens will not normally be permitted.
- 8.65** Policy HER4 of the adopted TBP states that Scheduled Monuments and sites of national archaeological importance will be preserved in situ and provision should be made for excavation and recording.
- 8.66** Policy HER5 (Non-designated heritage assets) of the adopted TBP states non-designated heritage assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area.
- 8.67** A Heritage Impact Assessment has been submitted which concludes that no further mitigation is required beyond the submitted landscaping plan.
- 8.68** Historic England have no objections, though has recommended opinions are sought from Conservation and Archaeological advisors.
- 8.69** The Conservation Officer notes that the farmhouse and some outbuildings at Linton Court are considered non-designated heritage assets. Further, and to the north of the A40, nearby heritage assets include Highnam Court, a Grade I Listed country house which lies within an extensive designed landscape that is a Registered Park and Garden (Grade II* Listed) also containing numerous Grade I and II Listed buildings and monuments.
- 8.70** The Conservation Officer agrees with the conclusions of the submitted HIA and has raised no objections. Although some concerns were initially raised about the degree to which landscaping planting may mitigate, the Conservation Officer has considered the amended landscaping masterplan and agrees that harm is sufficiently mitigated. Officers note that the final landscaping plan is to be secured by condition. In terms of historic buildings, Officers consider the development to comply with the NPPF where relevant, and there is no conflict with Policy SD8 of the adopted JCS, nor conflict with HER 2-5 of the adopted TBP. For this reason, there is no conflict with associated legislation, namely the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.71** In terms of archaeology, a written scheme of investigation (WSI) has been submitted, alongside a magnetometer survey, following a geophysical survey. The WSI recommended intrusive field survey in consultation with the County Council Historic Environment Team.

- 8.72** The County Archaeologist has advised there is very high potential for significant archaeological deposits to be present (mainly of Roman origin) which could be harmed by BESS development. The County Archaeologist recommended that before determination the applicant should provide the results of an archaeological field evaluation describing the significance of any archaeological remains, and how these would be affected by the proposed development.
- 8.73** Accordingly, the applicant has carried out an archaeological evaluation which has been reported to the County Archaeologist for consideration. The evaluation confirmed the presence of multi-phase coaxial enclosures, domestic occupation, burials, and a heavily truncated Roman road, indicating the existence of a 1st – 4th century Roman roadside settlement.
- 8.74** The County Archaeologist has commented that remains are of high significance and potentially should be viewed as of equivalent significance to scheduled monuments, though acknowledges most of the development is to be constructed directly on the existing ground surface.
- 8.75** The County Archaeologist has not objected to the BESS development, subject to a condition that requires the approval of an archaeological management plan, and also a condition requiring mitigation through recording of any impact that has not been possible to eliminate.
- 8.76** Officers consider that Para 202 of the NPPF is engaged, where the development would lead to less than substantial harm to the significance of the archaeological asset under investigation. The NPPF clarifies that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets (footnote 68). Accordingly, Para 202 requires that the level of harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.77** Officers consider there are very significant public benefits from the proposed development by its contribution to addressing the harmful effects of climate change, and the need to meet the government's targets under the Climate Change Act 2008 (2050 Target Amendment) Order 2019 of reducing greenhouse gases.
- 8.78** Renewable energy sources such as wind and solar are subject to climatic conditions and can be intermittent and unpredictable. The UK Government published its 'Overarching National Policy Statement for Energy' in March 2023.

Para 3.3.25 states that: *Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.*

- 8.79** Officers consider there are clear public benefits from the proposed development which would outweigh the limited harms.

8.80 In terms of the balancing exercise, the archaeological evaluation has confirmed the presence of significant Roman remains, associated with a roadside settlement. The County Council Archaeologist has been consulted and has advised that harm to archaeological assets are minimised by development taking place directly onto the ground surface, as evidenced by the submission of cross sections. The County Archaeologist has not objected to development though has recommended conditions as further mitigation, in order to limit harm and to ensure records are obtained.

8.81 Overall, Officers consider that significant weight should be attached in favour of development, subject to appropriate controls imposed by conditions. By these means, public benefits from development will be secured whilst also ensuring that harm does not exceed 'less than substantial' to the significance of the asset in accordance with Para 202 of the NPPF. Officers also consider the development complies with the requirements of Policy HER4 of the adopted TBP.

Ecology and Landscaping

8.82 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment, in part by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, and minimising impacts on and providing net gains for biodiversity.

8.83 Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.

8.84 An ecological impact assessment has been completed which identifies the following species associated with the site: badger, great crested newts, ground nesting birds, brown hare.

8.85 The assessment concludes that if the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application would result in 'no net loss in biodiversity' whilst providing opportunities for 'biodiversity net gain'.

8.86 A biodiversity net gain assessment has been submitted and indicates that the site is capable of achieving a net gain in habitats and achieves 24.81% biodiversity net gain.

8.87 The Council's ecologist has been consulted who agrees the ecological value of the site is low. In relation to species identified, conditions are recommended.

8.88 The Council's ecologist has raised no objection to site enhancements, reflected in the BNG figure of 25%.

8.89 Site enhancements are intended to be achieved by new planting of a mix of native shrubs and trees to include:

- Broom, field rose, sweet briar, gorse, blackthorn, hazel, holly and hawthorn.
- Oak, maple, rowan, silver birch, gear

- 8.90** By the site entrance a small area of flowering meadow grass is to be created, and elsewhere, wildflower conservation mix. The bund would be 2m high, with gradient 1:2 on the inside and 1:3 on the outside facing slope.
- 8.91** In principle, Officers consider the landscaping plan acceptable though recommend an appropriate condition in order for the landscaping officer and ecologist to comment on the final plan.
- 8.92** Officers consider appropriate biodiversity net gain would be secured. No ecological harm would result from development, which complies with the Chapter 15 of the NPPF, SD9 of the JCS and NAT1 of the TBP.

Highways

- 8.93** The NPPF at Chapter 9 seeks to promote sustainable transport. Policy INF 1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Chapter 10 of the adopted TBP states that An efficient and safe transport system is critical to the success of the Borough and the quality of life of its residents and visitors.
- 8.94** It is proposed to use, as the primary access, the junction of the farm track with the A40, approx. 700m east of the site. The construction period is anticipated to last 24 months with a workforce of approximately 15 persons. The number of vehicles movements in any one day may be up to 60, though more likely between 10-20, according to the planning statement.
- 8.95** Once operational, the BESS would be unmanned and remotely operated, subject to maintenance and inspections.
- 8.96** Officers acknowledge there may be some disruption during the construction phase though this would be short term and can be mitigated by condition. Longer term there will be no additional ongoing impact. No objections have been received from National Highways or County Council Highways. Officers consider there is no conflict with Chapter 9 of the NPPF and the development complies with Policy INF1 of the TBP.

Fire and Pollution Risk

- 8.97** The applicant confirms that lithium-ion batteries will be used within the development. It is stated that these are extremely safe with the technology well developed. Each system will be designed with both automatic fire detection and suppression systems. A condition is recommended which would require details of this to be submitted to and approved by the LPA, and implemented, prior to first operation of the development.
- 8.98** The Environment Agency has been consulted and has commented on pollution risk. Whilst not objecting to the development has raised the potential of pollution, and the responsibilities of the developer/operator to deal with any incident. Similarly, Gloucestershire Fire and Rescue has raised concerns, though has not objected. Officers recommend that should the application be permitted, the decision notice refers to the Environment Agency and Gloucestershire Fire and Rescue consultation response by way of an informative. Officers consider this is a reasonable and proportionate safeguard.

9. Conclusion

- 9.1 It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the recommended conditions.

10. Recommendation

- 10.1 The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted** subject to the following conditions:

11. Conditions

- 1 The development hereby permitted shall not be begun after the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved documents:

Location Plan amended received 4 May 2023 STOR136_LOC Rev13

Elevations received 20 Dec 2022 STOR136_ELEV010

Site Layout Plan received 30 May 2023 STOR136 Rev14

Cross Sections received 30 May 2023 CE-ST-2120 DW02C REVB

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3 Prior to the commencement of development, a Construction and Traffic Management Plan (CMTP) shall be submitted to and approved by the Local Planning Authority.

The approved plan shall be adhered to throughout the construction period. The plan shall include but not be limited to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

- 4 Prior to commencement of development, an archaeological management plan shall be submitted to and approved by the Local Planning Authority. The type and depth of all foundations, services and other ground intrusions shall be set out and the impact on known archaeological levels assessed. The management plan shall be implemented as approved by the Local Planning Authority.

Reason: It is important to agree the design of foundations and other groundworks in advance of the commencement of the development, so as to make provision for the conservation of significant heritage assets, in accordance with the National Planning Policy Framework, para. 190.

- 5 Prior to the commencement of development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved by the Local Planning Authority. The programme of archaeological work shall be implemented as approved by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework.

- 6 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved by the Local Planning Authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including reasonable avoidance measures and mitigation details on birds, badger, brown hare, great crested newt and hedgehog as well as any pollution prevention measures. The approved CEMP shall not be implemented other than as approved by the Local Planning Authority.

Reason: In the interests of protecting ecological assets.

- 7 Prior to the installation of any battery units, details of a system for fire detection and suppression including the management of contaminated water shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Gloucestershire Fire and Rescue Service and the Environment Agency. The approved system shall be implemented in full prior to first operation of the development and shall be retained thereafter during operation of the development.

The submitted details shall include the following:

- evidence of discussions with the fire service to confirm the expected volume and nature of contaminated water which would need to be managed in the event of a fire on site;
- evidence of how the surface water drainage system will be isolated in the event of a fire or leak;
- further details of the nature of any contaminants which could be present from a failure and leak from the batteries and/or transformer on site;
- evidence that a plan is in place to remove and safely dispose of any contaminated water stored on site in the event of an incident.

Reason: In the interests of public safety, security, and to protect the surrounding natural environment.

8 Prior to the installation of any battery units, the means of vehicular access to the site shall be made available from the following locations as shown on approved plan STOR136_LOC Rev13:

1. Access from the A40 approximately 700m east of Linton Court Farm; and
2. Access from the A40 through Linton Court Farm; and
3. Access from the A38 approximately 500m west of Linton Court Farm;

Thereafter the means of vehicular access shown on approved plan STOR136_LOC Rev13 shall be retained for the lifetime of the permitted development.

Reason: In the interests of securing viable access routes to the development for emergency services at all times.

9 Prior to first operation of the energy reserve facility hereby approved, a noise testing methodology shall be submitted to the Local Planning Authority for approval. Noise testing shall thereafter take place as approved by the Local Planning Authority. A post completion noise test shall take place and records submitted to the Local Planning Authority to demonstrate that noise from the installation does not exceed 0dB above the background noise level (LA₉₀) at any time, when assessed under BS4142:2014+A1:2019.

Reason: In the interests of maintaining residential amenity of nearby residents

10 Not longer than three months prior to the commencement of works, a pre-commencement badger walk-over survey is to be undertaken to confirm badgers have not colonised the site between the time of the initial survey and commencement of development. Any records of badger activity shall be reported to the Local Planning Authority and a scheme of mitigation agreed with the Local Planning Authority prior to the commencement of works.

Reason: In the interests of protecting ecological assets.

11 Prior to first operation of the development, the 3.5m high acoustic fence as illustrated on approved plan STOR136 Rev14 shall be fully installed.

Reason: In the interests of maintaining residential amenity.

12 Prior to first operation of the development a landscape and ecological management plan (LEMP) shall be submitted to and approved by the Local Planning Authority. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details by which the long-term implementation of the plan will be secured and who is responsible for its delivery. The plan will detail how habitats on site will be managed including remedial actions where necessary to ensure that that the development meets its aims and objectives. The LEMP should also detail how a positive net gain in biodiversity habitat units can be achieved, implemented and maintained in the long term. The LEMP is to include details set out within the Ecological Impact Assessment (enzygo, October 2022). The LEMP shall not be implemented other than as approved by the Local Planning Authority.

Reason: In the interests of protecting ecological assets.

- 13** No CCTV cameras or lighting shall be installed other than in accordance with a scheme to have first been submitted to and approved by the Local Planning Authority. The scheme shall not be installed other than as approved. No additional CCTV cameras or lighting shall be installed without prior consent from the Local Planning Authority.

Reason: In the interests of protecting ecological assets and the amenity of the area.

- 14** Containerised battery units, power conversion system units, customer HV switchgear, control room, welfare unit and perimeter security fence shall not be finished in colour other than in Moss Green (RAL6005). Finishing details of the District Network Operator substation/meter room shall be submitted to the Local Planning Authority for approval prior to the structure becoming operational and shall be finished as agreed.

Reason: In the interests of maintaining the visual amenity of the site

- 15** The height of the battery containers and power conversion units, including their bases, shall not exceed 3.8m above the existing ground levels as indicated on Existing Site Plan, Drawing STOR136_ESP.

Reason: In the interests of maintaining the visual amenity of the site

- 16** Not less than 12 months before the end of life of the development hereby permitted, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement (DMS) shall include details of the removal of the battery units, transformer units and all associated infrastructure, together with a timetable for these works. The DMS shall also include details of the proposed site restoration. The site shall be decommissioned, and the site restored in accordance with the approved DMS.

Reason: In the interests of visual amenity and to return the site to agricultural land.

- 17** The use hereby permitted shall not commence until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the development being brought into use. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: In the interest of visual amenity.

- 18** Notwithstanding the submitted details, no above ground development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric (or any updated or replacement metric used as the industry standard) including a schedule for implementation of works has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate the development would secure measurable net gains for biodiversity and its future maintenance. The development shall be implemented in accordance with the approved details and thereafter be similarly maintained.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The applicant, developer, operator, and/or successor in title is strongly encouraged to refer to, and act on as necessary, advice and guidance received from the Environment Agency (26 April 2023), and Gloucestershire Fire and Rescue (11 April 2023) during consultation with this application.
- 3** Construction Management Plan (CMP) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
 - Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code. The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.