

Application Details	
Application Reference Number:	3/39/22/007
Application Type:	Full Planning Permission
Earliest decision date:	04 October 2022
Expiry Date	20 April 2022
Extension of Time Date	16 December 2022
Decision Level	Planning Committee
Description:	Installation of a battery energy storage facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure and equipment to include acoustic fence, security fence, CCTV and gates
Site Address:	Land adjacent to Gas Substation, Smithyard Lane, Williton
Parish:	Williton
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr N Leaney
Applicant:	Mr G Hall
Committee Date:	08 December 2022
Reason for reporting application to Committee	The Parish Council and numerous members of the public have expressed a view that is contrary to the recommendation of Officers

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposal is for installation of a battery energy storage facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure and equipment to include acoustic fence, security fence, CCTV and gates.

2.2 The principle of development is considered to be supported under local and national planning policies. The impact on the character and appearance of the landscape and the setting of the Scheduled Monument on the edge of Williton is not considered to be materially harmful when having regard to the proposed planting mitigation. The impact on neighbouring residential amenity and biodiversity would also not be materially harmful with the attachment of conditions securing mitigation measures. The Highway Authority are satisfied that the impact on highway safety would not be materially harmful and the impact on the local road network would not be severe, subject to the attachment of conditions they have recommended. The

safety of the adjacent gas substation is another factor that can be mitigated through planning condition.

3. Planning Obligations and conditions and informatives

3.1 Conditions

3.1.1 Standard time condition – 3 years

3.1.2 Standard plans condition

3.1.3 Nesting birds condition

3.1.4 Battery Safety Management Plan (BSMP) to be approved

3.1.5 Tree and Hedge Protection Plan (THPP) to be approved

3.1.6 Surface water drainage strategy to be approved

3.1.7 No obstruction on the visibility splays

3.1.8 Access to be constructed in accordance with agree details

3.1.9 Access to be consolidated and surface on first 10 metres

3.1.10 Surface water to be prevented from entering highway

3.1.11 Development to be carried out in accordance with ecological mitigation measures

3.1.12 Development to be carried out in accordance with Construction Traffic Management Plan

3.1.13 Entrance gates condition

3.1.14 Surface of the access track to be approved

3.1.15 External colour of structures to be approved

3.1.16 External lighting scheme to be approved

3.1.17 Ecological enhancement measures to be approved

3.1.18 Landscaping of site to be carried out in accordance with approved plans

3.1.19 Condition relating to construction of new hedgebank

3.1.20 Noise mitigation condition

3.1.21 Development to be removed after 40 years

3.1.22 PD rights removed for means of enclosure

3.2 Informatives

3.2.1 Proactive statement

3.3 Obligations

3.1.1 No legal obligations secured

4. Proposed development, site and surroundings

4.1 Details of proposal

4.1.1 Planning permission is sought for the change of use of part of an agricultural field to a site for a battery energy storage system. The compound would be formed on the eastern side of the site, and it would involve siting of containerised batteries and inverters with ancillary structures that would be used to manage and maintain the site. The containers for the batteries and inverters would measure 6.1 metres by 2.4 metres, with a height of 2.9 metres. The largest structure would be the amenity cabin, which would measure 12.2 metres by 2.4 metres, and the tallest structure would be CCTV column with a height of four metres. The compound would be surrounded by acoustic fencing and security fencing, the former would be three metres high and the latter would be 2.4 metres high. An access track would be formed to connect the compound to Smithyard Lane. Mitigation planting around the compound is also proposed as part of the application.

4.2 Sites and surroundings

4.2.1 The application site is located in open countryside to the west of Williton and to the south west of Watchet. It is located adjacent to an existing gas substation that is accessed off Smithyard Lane. The access into the application is also off Smithyard Lane, which connects the A39 to the south and the B3190 to the north. The site is currently undeveloped and flat land that is used for arable farming. It is bordered by woodland on its eastern boundary. The nearest residential property to the site is Smithyard Cottage, which is approximately 250 metres to the north west of the site. The site is outside an Area of Outstanding Natural Beauty. A Scheduled Monument, Battlegore Burial Chamber, is located approximately 1km to the east of the site.

5. Planning (and enforcement) history

5.1 No planning history relevant to this planning application.

6. Environmental Impact Assessment

6.1 No Environmental Impact Assessment submitted in relation to this application as the proposal does not fall within criteria that requires an EIA.

7. Habitats Regulations Assessment

7.1 The site is not within the catchment area for the Somerset Moors & Levels Ramsar site.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 20 September 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date: 16 March 2022

8.5 Statutory Consultees

Consultee	Comment	Officer Comment
Williton Parish Council	Object to the application as the land should be left as agricultural land.	Discussed at Section 10.1 of the report
Highways Development Control	<p><u>Initial response:</u> The Highway Authority has no objection to the principle of the proposed development however further information is required before we can offer a recommendation.</p> <p>Access to the site is via Smithyard Lane, which is a very narrow, single track lane, which egresses on to the A39 to the south and the B3190 to the north.</p> <p>According to the supporting Construction Traffic Management Plan (CTMP), once operational the development will generate very little traffic, just the occasional maintenance van, which raises no concerns.</p> <p>The construction phase however, which is anticipated to last approximately 16 weeks, is likely to generate significant traffic including HGV vehicles. The number of full-time construction staff working on the site on a daily</p>	Discussed at Section 10.3 of the report

	<p>basis has been put at 10 and which given the limited construction period raises no particular concerns from a traffic management perspective. The number of HGV movements however has not been indicated.</p> <p>The CTMP states that the majority of the equipment will be brought on site in containers and that the longest HGV used will be 10m long. Swept path drawings have also been provided demonstrate how such vehicles will be able to enter, turn and leave the site in forward gear. No swept path analysis has been provided however for the junctions at either end of Smithyard Lane where it joins the A39 and the A3190, both of which are constrained. There is also no indication of the number of HGV movements and how this might break down into daily movements over the construction period.</p> <p>Further to the above comments, the HA requests that an updated CTMP be provided to include the following information:</p> <ul style="list-style-type: none">• Swept path analysis to demonstrate that HGV delivery vehicles will be able to safely negotiate the junctions at either end of Smithyard Lane.• Information on the number of HGV movements to include a breakdown of the daily movements over the construction period. <p><u>Reconsultation response:</u> The applicant has provided a revised Construction Traffic Management Plan (Rev B) to address these matters. The CTMP notes that the number of HGV movements will vary through the different</p>	
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	<p>construction phases and that during the busiest periods it is anticipated there could be up to 5 HGV movements (two-way) in a day. Such numbers will not have a severe impact on the local highway network. Swept path drawings have also been provided for the two junctions at either end of Smithyard Lane, which demonstrate that a 10 metre long rigid HGV is capable of negotiating these junctions.</p> <p>Based on this additional information, the Highway Authority has no objection to the proposed development. Should the LPA be minded to approve the application then the recommended conditions should be attached.</p>	
SCC - Ecologist	No response received	N/A
Rights of Way Protection Officer	No response received	N/A
Environment Agency	No response received	N/A
Health and Safety Executive	<p>Battery energy storage facilities are not usually a relevant development in relation to land use planning in the vicinity of major hazard sites and major accident hazard pipelines.</p> <p>This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.</p> <p>However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is Explosives.planning@hse.gov.uk.</p>	Discussed at Section 10.6 of the report

	<p>The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines). If you require access to the HSE Web App, then please contact the Land Use Planning Team (lupenquiries@hse.gov.uk)</p> <p>If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator.</p> <p>If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment.</p> <p>If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site, the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals. They can be contacted on ONR-Land.Use-Planning@onr.gov.uk</p>	
<p>Crime Prevention Design Advisor</p>	<p><u>Perimeter Security</u></p> <p>o Perimeter fencing should comprise a proven security fence. I recommend the installation of fencing which has been tested and approved to LPS 1175 SR 1- 3 standard, this being the most appropriate. The DAS indicates palisade fencing, 2.4 metres in height with inner acoustic fencing 3 metres in height. Fencing which</p>	<p>Matters have been raised would potentially be dealt with at the Building Regulations stage of the project, and some of the matters raised are not planning considerations. In any event, the applicant has been</p>

	<p>is not of a specialist security type is likely to offer at best only token resistance to intruders. The inner acoustic fence will also restrict passing surveillance of the inner compound, however, this should be compensated for by the installation of cctv.</p> <ul style="list-style-type: none"> o The DAS also indicates the site entrance security gate to be of similar construction to the fencing so the above comment also applies to the site entrance gate, which should be of the same security standard as the fence. <p><u>Vehicular Access</u></p> <ul style="list-style-type: none"> o One vehicular access point to the site is proposed, which is recommended. However, any potential criminal would probably use a vehicle and, bearing in mind the 90 degree bend in the access track which further limits surveillance, a secondary gate or rising bollards at the track entrance in Smithyard Lane would further enhance security. o The wider issues of access around the site should also be considered. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving other fencing, gates, hedges, using bunds, ditches etc. to provide layers of difficulty for the criminal to overcome in trying to access the site. <p><u>Landscaping/Planting</u></p> <ul style="list-style-type: none"> o Landscaping and planting is proposed for all boundaries outside the compound which will also affect external natural surveillance. The use of defensive planting i.e. thorny shrubs and trees at these locations is 	<p>made aware of these comments and it has been suggested to them that they may wish to incorporate the recommended measures into the scheme.</p>
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	<p>recommended to further deter unauthorised access onto the site.</p> <p><u>Security Lighting</u></p> <p>o No security floodlighting is proposed.</p> <p><u>Electronic Security Measures</u></p> <p>o The DAS indicates that, four cctv cameras will be installed in each corner of the compound. It does not indicate whether the cameras will be remotely monitored or whether they will have motion-activated Passive Infra-Red (PIR) capability. This is important bearing in mind the lack of any lighting. I recommend the installation of such a system but the DAS does not indicate who, in the event of an activation, will respond which I consider important.</p> <p>o The applicant should also consider the installation of a Perimeter Intruder Detection System (PIDS) which would alert the operator to any unauthorised intrusion.</p> <p>o The facility includes a number of Battery Storage Units, Inverters and a Control Building, all of which contain potential targets and should be secure and electronically protected by intruder alarms.</p> <p><u>Security Personnel/Staff</u></p> <p>o I assume that the site will be remotely monitored and not permanently staffed with periodic visits by employees only for maintenance. This obviously increases the potential vulnerability of the site and equipment contained within it, particularly during the hours of</p>	
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	<p>darkness.</p> <ul style="list-style-type: none"> o The presence of site security personnel or patrols in some capacity should be considered including in terms of response to site cctv and alarm activations. <p><u>Property Marking</u></p> <ul style="list-style-type: none"> o Consideration should also be given to overtly marking all tools and any other easily portable equipment on site with unique reference numbers to assist identification if stolen 	
<p>Devon & Somerset Fire & Rescue Service</p>	<p><u>Access and Facilities for the Fire & Rescue Service</u></p> <p>Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.</p> <p>Whilst Devon and Somerset Fire and Rescue Service (DSFRS) are not a statutory consultee in relation to this project we will work and engage with the developer as this project develops to ensure it complies with the statutory responsibilities that DSFRS enforce.</p> <p>The developer should produce a risk reduction strategy for the scheme. We would also expect that safety measures and risk mitigation is developed (where appropriate) in collaboration with the Service. The strategy should cover the construction, operational and decommissioning phases of the project.</p> <p>DSFRS recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is</p>	<p>Discussed at Section 10.6 of the report</p>

	a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.	
Wales & West Utilities	<p>Our Asset Department have reviewed the proposed development and have requested that, in the event the application is approved, the applicant will need to contact WWU to discuss and agree mitigation of additional risks their new installation may pose to ours.</p> <p>We do not wish to raise an objection but will require commitment from the applicant that they work with us over health and safety considerations.</p>	Discussed at Section 10.6 of the report

8.6 Internal Consultees

Consultee	Comment	Officer Comment
Landscape Officer	<p><u>Initial response:</u> The proposed mitigation will, in the long term, adequately screen the development from the immediate and wider landscape, however the form of the development does not work with the field pattern and results in: a nibbled at, left over field which has an irregular form; right angled and acutely angled field corners that are more difficult to farm; and in the case of the access road, a tightly curved boundary that is difficult to fence off with post and wire fencing which prefers straightish runs. The layout shows a lack of regard to the patterns of the context and so does not reflect good design and conflicts with local and national plan policies.</p>	Discussed at Section 10.2 of the report

	<p>To address these concerns, it is recommended that the layout of the batteries / other facilities is amended to have a more triangular form to suit the site, rather than the site modified to suit a standard rectangular layout, and for the boundary to be simpler, and the remaining field more regular simpler shape, in the manner shown below which shows optional boundary positions to suit the area of development required.</p> <p><u>Reconsultation response:</u> The revised layout has addressed the earlier landscape concerns. Consequently, no objection.</p>	
Environmental Health Team	<p>We have reviewed the Noise Report undertaken by Inacoustic in support of the application which states that the Inverter units require that the sound levels presented in Table 6 are reduced by at least 9 dB so as to be below the background noise level.</p> <p>Within Section 5.1.4 there are a suite of measures proposed and provided that the plant is constructed and operated in accordance with this section including low noise plant and an acoustic enclosure built to the specification and location identified and contained within this report, then we have no objection to these proposals.</p>	Discussed at Section 10.4 of the report

8.7 Local Representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Thirteen objectors (including the tenant farmer) have made representations on the application with the following comments (summarised):

- Material harm to the landscape would occur as a result of the proposed development;
- Material harm to the setting of a Scheduled Monument would occur as a result of

- the proposed development;
- The harm to the landscape would in turn have an adverse impact on tourism as people visit the area for its landscape beauty;
 - The proposed development would result in loss of important and productive arable land;
 - It will impact negatively on the local wildlife from Outmoor Wood;
 - Siting the battery storage units on a site adjacent to an existing gas substation would be unsafe due to the risk of an outbreak of fire at the proposed site; and
 - The proposed development would provide no local employment and would take land away from tenant farmers and their agricultural contractors.

There have been many comments suggesting that the proposed development is related to the proposed solar farm to the east of the site. However, the applicant has confirmed that this is an unrelated application and the solar farm is proposed with its own battery energy storage system.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032

- SD1 - Presumption in favour of sustainable development
- OC1 - Open countryside development
- CC1 - Carbon reduction: non-wind energy generating schemes
- NH1 - Historic environment
- NH2 - Management of heritage assets
- NH5 - Landscape character protection
- NH6 - Nature conservation and the protection and enhancement of biodiversity

NH8 - Protection of best and most versatile agricultural land
NH9 - Pollution, contaminated land and land instability
NH13 - Securing high standards of design

Neighbourhood Plans:

No neighbourhood plans in force in this area

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1 The principle of development

10.1.1 The proposal is for the erection of a Battery Energy Storage System (BESS) on land to the west of Williton and to the south west of Watchet. The site is outside any defined settlement and is therefore in the open countryside. Policy OC1 of the adopted Local Plan relates to open countryside development, but it does not specifically apply to energy development, which is typically located in the open countryside. Policy CC1, which relates to renewable energy generation, also does not appear to be applicable to the proposed development as it does not generate energy. The sustainability of energy use by the proposed facility is dependent on wider infrastructure.

10.1.2 The proposed BESS is proposed infrastructure to support the national grid. The Overarching National Policy Statement for Energy (EN-1) was published in 2011 and it highlights the UK's commitment to cut greenhouse gas emissions by at least 80% by 2050 (compared to 1990 levels) and outlines the challenge which the transition to a low carbon system holds. There is a national drive towards renewable energy, but this would impact on the national grid as a result of the frequency volatility caused by such schemes. Historically, it has been proposed to manage this through the introduction of more nuclear power plants, but increasingly grid battery storage, such as the proposal, are being utilised for this purpose. Paragraph 2.2.4 of EN-1 states that the role of the planning system is to provide a framework which allows for the development of the types of essential infrastructure in areas of need where it is acceptable in planning terms, including the principles of sustainable development.

10.1.3 The Revised (Draft) National Policy Statement for Energy, which still remains in draft form, does not propose to alter this direction on a national renewable energy network. However, it should be noted that last year the Government confirmed that it wants to reduce the country's carbon emissions by 78% by 2035, and be net zero by 2050, which effectively puts greater pressure on finding an alternative energy network sooner.

10.1.4 EN-1 also confirms that that National Policy Statements (NPS) are capable of being important and relevant considerations in the planning decision-making process and that NPS's can also be material considerations in the determination of applications under the Town and Country Planning Act 1990.

10.1.5 In August 2022, the Government released its response on the topic of facilitating the deployment of large-scale and long duration electricity storage. The document states that *a smart and flexible energy system is essential for integrating high volumes of low carbon power, heat, and transport. The importance of flexibility for our energy security to ensure that we can efficiently match supply and demand and minimise waste was recognised in the British Energy Security Strategy. We anticipate that at least 30GW of low carbon flexible assets, which includes electricity storage, may be needed by 2030 to maintain energy security and cost-effectively integrate high levels of renewable generation.*

10.1.6 The document concludes that schemes such as this one before the Local Planning Authority have an important role to play in achieving net zero, helping to integrate renewables, maximising their use, contributing to security of supply, and helping manage constraints in certain areas. The document further concludes that BESS's would provide low carbon flexibility, replacing some unabated gas generation and diversifies the country's technology mix and provides optionality for meeting our ambitious 2035 power sector decarbonisation targets.

10.1.5 There is a clear national drive led by the Government to move the country from a fossil fuel based energy network to a net zero renewable energy network, and nuclear power plants and BESS's will play an important part in reducing carbon emissions, providing energy security and ensuring energy affordability by mitigating the frequency volatility created by a renewable energy network. Without these mitigating systems, the energy network that the country is moving towards would be subject to notable energy fluctuations.

10.1.7 Paragraph 152 of the National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future in a changing climate and it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure. Paragraph 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

10.1.8 In terms of sustainable development, EN-1 set out that the Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that the country's energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy, for both current and future generations. EN-1 further states that the planning framework set out in this NPS and the suite of energy NPSs takes full account of the objective of contributing to the achievement of sustainable development and this has been tested through the Appraisal of Sustainability (AoS). The AoS has examined whether the NPS framework for the development of new energy infrastructure projects is consistent with the objectives for sustainable development, including consideration of other government policies such as those for the environment, economic development, health and transport.

10.1.9 Officers also note that the move to a low carbon economy meets the environmental objective of sustainable development as set out under Paragraph 8 of the NPPF. Having regard to this and EN-1, it can be concluded that the provision of BESS's to support a shift towards a renewable energy network contribute towards sustainable development and this in turns means that the scheme before the Local Planning Authority is compliant in principle with Policy SD1 of the adopted Local Plan. The scheme is considered to be supported in principle by the Local Plan when taken as a whole, particularly as the Local Plan supports a drive towards renewable energy.

10.1.10 It is acknowledged that the national mapping indicates that the site falls into Agricultural Land Classification Grade 2, which is very good soil for arable farming. The applicant has commissioned Askew Land and Soil Ltd to carry out an assessment of the soil in accordance with the Agricultural Land Classification (ALC) system for England and Wales. The report compiled by Askew Land and Soil Ltd confirms that a survey of the site has determined that agricultural land at the site is limited by soil wetness to Subgrade 3a (i.e., 0.45ha or 100% of the Site). The report acknowledges that a MAFF Post-1988 ALC survey has determined Grade 2 and Subgrade 3a to the south east of the site. Officers have no reason to question the results of the survey.

10.1.11 Policy NH8 of the adopted Local Plan states that the *best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from significant development proposals. Planning permission for development affecting such land will only be granted exceptionally if the presumption in favour of sustainable development outweighs the need to protect it and either:*

- *Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable in an appropriate location to provide sustainable development; or*
- *Available lower grade land has an environmental value recognised by a statutory or non-statutory wildlife, historic or archaeological designation which outweighs the agricultural considerations.*

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available should be used.

10.1.12 In terms of the overall area given over to the proposed development and the associated area of planting, and comparing this with the amount of best and most versatile land in the local area (Grade 1, 2 and 3a), the proposed development is not considered to be significant. As such, it does not fail the restrictive first part to Policy NH8. Turning to the second part of the policy, it is acknowledged that development on this type of agricultural land will be on an exceptions basis if the presumption in favour of sustainable development outweighs the need to protect it. Officers acknowledge that there is an ever increasing need for food security in this country, particularly in terms of grain and the ongoing impact on worldwide supply of grain caused by the war in Ukraine. However, there is also a need for energy security in this country and there is a clear drive for the country to move towards a renewable energy network and BESS's play an important part in that network. There is therefore a balance to be struck between the existing and proposed uses of the site, and it needs to be taken into account that the proposed use contributes towards sustainable development and is supported by the NPPF and the adopted Local Plan when taken as a whole.

10.1.13 The applicant has confirmed that they have a connection offer to connect the proposed development to the national grid. The offer letter restricts the connection to the national grid by a three pole tee onto the 33kV overhead line between Bowhays Cross BSP (1L5) and the former Watchet Paper Mill substation and laying a new 33kV cable to the site where the connection will be metered via a new 33kV metering substation. The applicant has also provided a plan showing the nearest 33kV overhead lines where this type of development may be able to connect to the national grid if the proposed location is not acceptable. All the lines in the local area are on best and most versatile land. In fact, almost the entire district of West Somerset, other than settlements and protected areas such as Exmoor National Park and the Quantock Hills AONB, is best and most versatile land. It is therefore difficult to see where the development can be located where it would not result in a loss of Grade 1, 2 or 3a agricultural land.

10.1.14 The proposed development is considered to contribute towards sustainable development and it is a type of development that is nationally supported through EN-1 and the NPPF. It is also supported by the adopted Local Plan when taken as a whole. Officers are satisfied that the development cannot be relocated to another part of the local area where it would not result in loss of best and most versatile land. The benefits towards a net-zero carbon future, which is the aim of the Government by 2050, must be given substantial weight, as must its contribution towards sustainable development due to it meeting the environmental role of sustainable development. Whilst it acknowledged that the loss of best and most versatile land will have an impact on the country's food security, the small area being lost as a comparison to the remaining high grade agricultural land in the local area reduces the negative impact. The proposed development would provide greater benefits than disbenefits and therefore the loss of best and most versatile land is not considered to form a reason for refusal under Policy NH8 of the adopted Local Plan.

10.2 Design of the proposal & the impact on the character and appearance of the landscape and designated heritage assets

10.2.1 The proposed BESS would have a utilitarian appearance as this type of

development is designed for a functional purpose rather than delivering aesthetically pleasing development. Other than choosing a suitable colour for the structures, which can be secured through a planning condition, there is little scope to alter the form and finish of containers. The siting of the BESS on a site adjacent to the gas substation would ensure that it would be seen in the context of the existing built form and it would take a similar appearance and character to it. This would help it to not appear as overtly isolated development in the open countryside. However, it would increase the amount of functional, not aesthetically pleasing, built form in the open countryside and therefore mitigation needs to be secured to reduce the cumulative landscape impact resulting from the existing gas substation and the proposed BESS.

10.2.2 The Landscape Officer initially objected to the proposed development. The Officer is satisfied that the proposed planting mitigation around the proposed compound would over time adequately screen the development from the immediate and wider landscape. However, the Officer raised concerns over the shape and form of the proposed compound area and the surrounding planting mitigation as the originally layout of the scheme represented a lack of regard to the patterns of the surrounding context of fields and therefore would not reflect good design and conflicts with the national and local planning policies.

10.2.3 The applicant took the comments of the Landscape Officer into account and subsequently amended the scheme. The position and shape of the proposed compound remains as originally proposed, but a new hedgebank boundary is now proposed along the southern side of the site connecting the eastern and western boundaries of the field. This has increased the area of planting and the result would be a larger wooded area to continue, and be in keeping with, the existing wooded area that borders the eastern side of the application site. The hedgebank would provide a strong boundary along the southern side of the site and it would result in a boundary feature that is seen across the local agricultural landscape. The planting on the hedgebank would offer further screening of the development.

10.2.4 The amendment made to the proposed development has result in a more natural subdivision of the field that retains the field patterns around the site. The Landscape Officer has confirmed that the revised layout has addressed the earlier landscape concerns. Consequently, the Landscape Officer has removed their objection and now has no objections to the proposed development.

10.2.5 Officers conclude that a condition should be attached to require the applicant to agree a colour for the exterior of the proposed structures with the Local Planning Authority and a condition should also be attached that requires approval from the Local Planning Authority to be sought by the applicant for the surface of the new access track. With the attachment of this condition and acknowledging that the development is function led and designed to meet a certain functional requirement, the application is not considered to represent a conflict with Policy NH13 where the application should be refused. The Landscape Officer's confirmation that there are now no landscape objections to the proposed development, the revised scheme is considered to comply with Policy NH5 of the adopted Local Plan.

10.2.6 Officers also note that reference has been made by an objector to potential harm being caused to the setting of a Scheduled Monument, Battlegore Burial

Chamber, which is a Bronze Age burial chamber located on the edge Williton, Somerset. It is composed of three round barrows and possibly a long, chambered barrow. The objector states that it is 400 metres to the east of the site but having measured the distance on the Council's mapping and on Google maps, the distance is nearly 1km. In between Battlegore and the application site is Outmoor Wood, which provides a significant level of screening of the site from the Scheduled Monument. The site is also not raised on higher ground than the Scheduled Monument or vice versa. As such, the site is not overtly visible from the Scheduled Monument, particularly when taking into account the distance and the presence of Outmoor Wood between the two. Therefore, the proposal would not conflict with Policies NH1 and NH2 of the adopted Local Plan or Section 16 of the National Planning Policy Framework.

10.3 Access, highway safety and parking provision

10.3.1 Access to the site would be via Smithyard Lane, which is a very narrow, single track lane, which egresses on to the A39 to the south and the B3190 to the north. The submitted plans show that the existing field access would be moved in a southward direction along Smithyard Lane. A new access track would be constructed from the vehicular entrance to the proposed compound. There would be a parking and turning area within the compound.

10.3.2 The Highway Authority initially objected to the proposed development as more information was required. They confirmed that their objection was not in relation to the principle of the development, however, they required further information before they could provide a recommendation. The application submission has included a Construction Traffic Management Plan (CTMP) that confirmed that once the development is operational there would be limited vehicle movements to and from the site as a maintenance van would travel to the site occasionally. This poses no concern for the Highway Authority. Their concern related to the construction phase of the development.

10.3.3 It is anticipated that the construction phase of the development would last approximately 16 weeks and generate significant vehicle movements to and from the site involving HGVs. The application papers confirm that there would be 10 construction workers on site on a daily basis and the Highway Authority have advised that due to the limited construction period there is no particular concern from a traffic management perspective. However, the number of HGV movements had not been indicated and how this might break down into daily movements over the construction period.

10.3.4 The submitted CTMP confirms that the majority of the equipment would take the form of containers and HGVs up to 10 meters in length would be used to transport these to the site. The Highway Authority noted that the swept path drawings have been provided demonstrating how vehicles of this size would enter, turn and leave the site in forward gear. However, no swept path analysis had been provided for the junctions at either end of Smithyard Lane, both of which are constrained. As mentioned above, the Highway Authority initially objected to the application and requested that swept path analysis for the junctions at both ends of Smithyard Lane and details on the number of HGV movements, including a

breakdown of the daily movements over the construction period, were provided.

10.3.5 The applicant had the CTMP revised to include the requested swept path analysis and the details on HGV movements. The Highway Authority have considered the revised CTMP and advised that the swept path drawings that have been provided for the two junctions at either end of Smithyard Lane demonstrate that 10 metres long HGV would be capable of negotiating the junctions. It is also noted that the CTMP confirms that there could be up to five HGV movements (two-way) in a day during the busiest periods of the construction phase. The Highway Authority advises that these numbers will not have a severe impact on the local highway network.

10.3.6 The Highway Authority now have no objection to the proposed development, subject to the attachment of a list of recommended conditions. Officers consider that with the attachment of these conditions, which are included in the list of conditions set out at Appendix 1 to this report, the impact on highway safety would not be materially harmful and the impact on the local road network would not be severe. As such, the application is not refusible under Paragraph 111 of the National Planning Policy Framework.

10.4 The impact on neighbouring residential amenity

10.4.1 The nearest residential property to the application site is Smithyard Cottage, which is approximately 250 metres to the north west of the site. The proposed development would be sited sufficiently far from the residential property to not cause material harm to residential amenity as a result of it being overbearing or loss of light.

10.4.2 The noise impact has been assessed as part of the application submission. The applicant has submitted a Noise Impact Assessment that was carried out by inacoustic earlier this year. The report sets out mitigation measures to ensure that there would not be an adverse impact on residential amenity. The recommendation is that the inverters are low-noise plant in order to reduce their sound level by at least 9dB. It is also recommended that the containers for the batteries and inverters are sound insulated and fitted with attenuated louvres. The containers should then be orientated such that the louvred side of the container is facing away from the nearest noise sensitive receptor. The report also recommends the installation of an acoustic barrier around the perimeter of the site that is solid, continuous and sealed. The acoustic fence is shown on the submitted plans and it shall be conditioned that it shall be constructed in accordance with the details shown on the plans and retained for the life of the development. A further condition shall also be attached that requires the mitigation measures set out in the assessment report to be carried out as part of the implementation of the development and retained as well in accordance with the mitigation measures for the life of the development.

10.4.3 Environmental Health have noted that within Section 5.1.4 of the report there are a suite of measures proposed and they have advised that provided that the plant is constructed and operated in accordance with this section, including low noise plant and an acoustic enclosure built to the specification and location identified and contained within the report, then they have no objection to the application. With the

attachment of the conditions set out above, the material harm to neighbouring residential would be mitigated and therefore the application would not conflict with the adopted development plan in terms of its impact on residential amenity.

10.5 The impact on ecology and biodiversity

10.5.1 The application has been accompanied by a preliminary ecological survey report. The report advises that in terms of bats, which are a protected species, the arable habitat of the application site is unlikely to support insects in sufficient numbers to be of importance for foraging bats, and loss of arable to the footprint of the application site would not impact foraging bats. However, it is also advised that it is likely that a variety of bats including light-averse species (such as Long-eared, Horseshoes and Myotis) are active around the boundaries of the application site. As such, mitigation would be required in relation to external lighting. It is therefore considered appropriate to attach a condition that requires the developer to agree a bat friendly lighting scheme prior to first use of the proposed development.

10.5.2 The ecology report goes on to advise on the impact on nesting birds and it states that it is likely that the hedgerows around the site provide potential habitat for birds to nest. Works to and around the hedgerows has the potential to impact negatively on nesting birds. As such, it is considered appropriate to attach a condition that prevents works during the bird nesting season unless an ecologist has surveyed the site prior to works commencing and confirmed that there are no nesting birds present. This condition is considered to provide the level of mitigation to prevent harm to nesting birds.

10.5.3 The report confirms that there is a small badger sett near to the application site. Siting of the proposed development has taken this into account such that no active entrance is within 30 metres of the footprint of the proposed compound and the access to the compound. The report advises that the separation from the compound and its access would result in a negligible potential to impact badgers and their setts in a way that could be considered an offence. However, there is potential for badgers to get trapped within the application site during the construction phases and mitigation is therefore recommended. The mitigation measures for badgers is set out under Section 5 of the report and a condition shall be attached to ensure that the developer complies with these measures when carrying out the development.

10.5.4 There is the potential for common dormice to be present within woodland and scrub with some potential in hedgerows. The report suggests that the proposed development does not impact on hedgerows and therefore the potential impacts in relation to dormice are considered to be negligible. However, the plans show that the existing field entrance would be moved southwards along the lane. As such, there would be an impact on hedgerows and therefore the mitigation measures for protecting dormice from such works, which are set out under Section 5 of the report, should be secured. These measures can also be secured through a condition.

10.5.5 With the attachment of the conditions set out above, the impact on wildlife interests on site would not be materially harmful and the application would comply with Policy NH6 of the adopted Local Plan. In order to comply with Paragraph 174(d) of the National Planning Policy Framework, a further condition should be attached

that secures ecological enhancement measures as part of the proposed development. The condition would require the developer to agree such measures with the Local Planning Authority and implement the measures prior to first use of the proposed development.

10.6 Other matters

10.6.1 Concerns have been raised locally regarding the potential safety issues that may arise from siting development that has the potential to catch fire on a site adjacent to a gas substation. These concerns are understandable given the September 2020 BESS fire in Merseyside. Officers have spent a considerable amount of time looking into this matter and seeking comments from three key consultees - the Health and Safety Executive (HSE), Avon and Somerset Fire Service and the operators of the adjacent gas substation, Wales and West Utilities.

10.6.2 The HSE advises that BESS proposals are typically not a relevant development in relation to land use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is due to them not introducing people into the area. In the case of this particular BESS proposal, the applicant has confirmed that the proposed development would not provide a permanent place of work for someone. People would visit the site occasionally to carry out certain activities. It is confirmed that the HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

10.6.3 The HSE's advice also steers the Local Planning Authority towards consulting HSE's Explosives Inspectorate if the site is within a safeguarding zone for a HSE licensed explosives site and consulting the Office for Nuclear Regulation (ONR) if the site is in the vicinity of a nuclear site. Officers can confirm that the site is not within an explosives safeguarding zone or the vicinity of a nuclear site. Hinkley Points A and B, and the construction site of Hinkley Point C, are approximately 14km from the application site. The HSE's advice also recommends contacting the operator if the site is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, or the site is adjacent to a Control of Major Accident Hazards (COMAH) establishment.

10.6.4 As acknowledged above, the site is adjacent to a gas substation. As such, Officers have sought the views of Wales and West Utilities, who have confirmed that should the application be approved then the applicant will need to contact WWU to discuss and agree mitigation of additional risks the new BESS installation may pose to their gas substation site. Wales and West do not wish to raise an objection, but they have made it clear that they require commitment from the applicant that they work with Wales and West over health and safety considerations.

10.6.5 Avon and Somerset Fire Service have also been consulted and their consultation response advises that the access and facilities proposed through this planning application, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with the provisions contained within Fire Safety: Approved Document B (ADB), Part 5 of the Building Regulations 2000. They confirm that the expectation is that the developer

should produce a risk reduction strategy for the scheme. They also expect that safety measures and risk mitigation is developed in collaboration with the Fire Service. The strategy should cover the construction, operational and decommissioning phases of the project.

10.6.6 Taking the above comments into account, it is considered that there is potential for a fire safety risk to occur, particularly when having regards to the presence of the adjacent gas substation. However, Officers are confident that the risk can be mitigated through a planning condition that requires the developer to agree a Battery Safety Management Plan (BSMP) with the Local Planning Authority prior to works commencing. The BSMP would need to include safety measures and risk mitigation and it shall cover the construction, operational and decommissioning phases of the development. Officers have persuaded the applicant to agree to a prior to commencement condition rather than a prior to first use condition as it is important to establish whether a suitable and sufficient BSMP can be agreed before any of the works commence as should it not be possible to agree on a BSMP, abortive work would not be carried out and the site left as a construction site with the resulting harm to the landscape.

10.6.7 The Local Planning Authority will involve the HSE, Wales and West Utilities and Avon and Somerset Fire Service as part of the consideration of the BSMP to ensure that there is consensus that risk to the adjacent gas substation and wider risk are mitigated against through the BSMP. These consultees' views will ensure due process has been followed and that the condition is sufficient to ensure that the application does not conflict with the adopted development plan or the NPPF, in particular, Paragraph 130(f).

11 Local Finance Considerations

11.1 Community Infrastructure Levy - N/A

12 Planning balance and conclusion

12.1 The principle of development is considered to be compliant with Policy SD1, the overarching policy in the Local Plan, and it complies with the Local Plan when taken as whole given that the development plan supports a move towards renewable energy. The scheme is also supported national planning and energy policies. It is noted that the proposal would lead to a loss of an area of best and most versatile agricultural land, but the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused under Policy NH8 of the Local Plan.

12.2 Through mitigation, it is concluded that there would not be material harm to the character and appearance of the landscape or the setting of heritage assets. The attachment of conditions ensuring that appropriate measures are put in place to reduce noise levels emanating from the site, the impact on neighbouring residential amenity would not be materially harmful either.

12.3 The Highway Authority have advised that they have no objections to the proposed development, subject to a list of recommended conditions being applied to

the planning permission. These conditions are considered to mitigate against a negative impact on highway safety and a severe impact on the local road network. Conditions are also considered necessary to ensure that harm to biodiversity would not occur and to secure ecological enhancements in line with the NPPF.

12.4 The proximity of a gas substation to the proposed battery storage site and the potential safety implications of this have been given due consideration. Relevant consultees have been consulted in relation to this matter and they have not raised objections to the proposal. However, it is clear that some form of safety management plan for the site is required and with this in mind, a condition requiring a Battery Safety Management Plan to be agreed with the Local Planning Authority and other relevant parties should be attached to the permission to ensure that the potential safety issues are mitigated against.

12.5 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 22016-LP-002 Rev B Location Plan
(A1) DrNo 22016-PP-003 Rev F Proposed Plan 1-500
(A1) DrNo 22016-PP-004 Rev F Proposed Plan 1-250
(A1) DrNo SPP07 Rev C Mitigation Plan
(A3) DrNo CEL-STD-AMENL-540 40ft Large Amenity Cabin
(A3) DrNo CEL-STD-AF-731 Timber Acoustic Fence

- (A3) DrNo CEL-STD-BATT-CK-385 Control Kiosk
- (A3) DrNo CEL-STD-BATT-INV-380 Containerised Inverter
- (A3) DrNo CEL-STD-BATT-RSU-381 Containerised Battery
- (A3) DrNo CEL-STD-CCTV-800 CCTV Column
- (A3) DrNo CEL-STD-PF-G-700 Metal Palisade Security Fence
- (A3) DrNo CEL-STD-WPD-205 GRP Substation
- (A3) DrNo CEL-STD-SW-100 Switch Room
- (A3) DrNo CEL-STD-TX-165 Auxiliary Transformer
- (A3) DrNo CEL-STD-CSF-720 Cattle Stock Fence

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

- 3 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences. Should any active nests be found then works in the immediate area shall cease until the ecologist has confirmed to the Local Planning Authority in writing that the nests are empty. In no circumstances shall netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 4 Prior to the commencement of the development hereby permitted, a detailed Battery Safety Management Plan (BSMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BSMP shall include safety measures and risk mitigation and it shall cover the construction, operational and decommissioning phases of the development. Thereafter the batteries shall be installed and maintained for the duration of the permission in accordance with the approved BSMP.

Reason: In the interests of safeguarding the water environment and preventing a pollution incident or danger to the adjacent gas substation.

- 5 Prior to the commencement of the development hereby permitted, a Tree and Hedge Protection Plan (THPP) shall be submitted to, and approved in writing by, the Local Planning Authority. Once approved, such measures shall be fully implemented and maintained for the duration of the construction period of the development hereby permitted.

Reason: In order to protect existing vegetation from damage during the construction process.

- 6 Prior to the commencement of the development hereby permitted, a surface water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Such strategy shall include measures to minimise the risk of a potential pollution incident. Once approved, the strategy shall be fully implemented as part of the development and retained in good working order for the duration of the permission.

Reason: In the interests of preventing a pollution incident and to ensure that surface water run-off is sufficiently managed within the site.

- 7 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 8 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 22016-PP-003 Rev D and shall be available for use prior to commencement of development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

- 9 Prior to commencement of the development hereby permitted the proposed access over at least the first 10.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

- 10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before first use of the permitted development and thereafter maintained at all times.

Reason: In the interests of highway safety.

- 11 The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out under Paragraph 5.2 of the Preliminary Ecological Appraisal by Western Ecology and dated October 2021.

Reason: In the interests of protecting wildlife interests on site and to ensure compliance with Policy NH6 of the West Somerset Local Plan to 2032.

- 12 The construction phase of the development hereby permitted shall be carried out in accordance with the details set out within the submitted Construction Traffic Management Plan Rev B.

Reason: In the interests of highway safety.

- 13 Entrance gates in the access off the public highway shall be agricultural five bar

gates with a maximum height of 1.2 metres above ground level, and they shall be hung to open inwards and set back a minimum distance of 6.0 metres from the carriageway edge. The gates shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

- 14 Prior to its installation, details of the surface for the access track shall be submitted to, and approved in writing by, the Local Planning Authority. The track shall then be installed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.

- 15 Notwithstanding the details on the approved plans, prior to first use of the development hereby permitted, details of the colour for the exterior of the amenity cabin, control kiosk, substation, switch room, the containerised batters and the containerised inverters shall be submitted to, and approved in writing by, the Local Planning Authority. The aforementioned structures shall then be coloured in accordance with the approved details prior to first use of the development and they shall be retained in that colour thereafter.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.

- 16 Prior to first use of the development hereby permitted, a "Lighting Design for Bats", following Guidance Note 8 - Bats and Artificial Lighting (ILP and BCT 2018), shall be submitted to, and approved in writing by, the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 17 Prior to first use of the development hereby permitted, a scheme for ecological enhancement measures shall be submitted to, and approved in writing by, the Local Planning Authority. The ecological enhancement measures shall then be installed in accordance with the approved scheme and retained as such thereafter.

Reason: In the interests of securing ecological enhancement in accordance with

Paragraph 174(d) of the National Planning Policy Framework.

- 18 The landscaping of the site shall be carried out in accordance with the planting details and plant schedule shown on drawing number SPP07 Rev C within the first planting season following commencement of development, or within such other time as may be approved with the Local Planning Authority in writing beforehand. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period up to five years from the completion of the development. The landscaped areas shall then be maintained in accordance with the maintenance schedule shown on drawing number SPP07 Rev C. The landscaped areas shall be retained in accordance with the requirements of this condition for the lifetime of the development hereby permitted.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.

- 19 Prior to first use of the development hereby permitted, the hedgebank shown on drawing number SPP07 Rev C shall be constructed as a battered bank that is 1.5 metres high and 1.5 metres wide at the base. The bank shall be faced with turf on both sides and topped with planting in accordance with the hedge planting details shown on drawing number SPP07 Rev C in a double staggered row at five plants per linear metre and the rows 0.5 metres apart. The planting on the hedgebank shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period up to twenty years from the completion of the development. The hedgebank and the planting on the bank shall then be retained and maintained thereafter at a minimum height of three metres for the lifetime of the development hereby permitted.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.

- 20 Prior to first use of the development hereby permitted, the plant shall be installed in accordance with the mitigation measures set out under Paragraph 5.1.4 of the Noise Impact Assessment report by inacoustic and dated 11th January 2022. As part of this, a scheme for noise insulating the inverter and battery containers and fixing attenuated louvres on the containers shall be submitted to, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with the approved scheme prior to their first use. In addition, the acoustic fence shown on drawing number CEL-STD-AF-731 shall be constructed around the compound in the position shown on drawing number SPP07 Rev C prior to first use of the permitted development. The development shall be retained in accordance with the mitigation measures detailed above, and the acoustic fence shall be retained in situ, for the lifetime of the development hereby permitted.

Reason: To safeguard local residents from noise and disturbance.

- 21 The development hereby permitted shall be for a maximum temporary period of

40 years from the date of this permission. Thereafter, the site shall be decommissioned and returned to its former state in accordance with details that have been submitted to, and agreed in writing by, the Local Planning Authority. Such details shall include a timescale of the decommissioning works.

Reason: To determine the scope of this permission and in the interests of visual amenity.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order), no fencing, walls or other means of enclosure (other than the fencing permitted as part of this approval) shall be installed within the application site without the granting of planning permission by the Local Planning Authority for such development.

Reason: In the interests of the conserving the development and the locality.

Recommended Informative

- 1 In accordance with Paragraph 38 of the National Planning Policy Framework 2021, the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.