



North Warwickshire
Borough Council

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Website: www.northwarks.gov.uk

Date: 07 November 2023

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2023/0056

Site Address

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Grid Ref: Easting 418776.93
Northing 291134.95

Description of Development

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping

Applicant

Anglo ES Water Orton Ltd

Your planning application was valid on 15 February 2023. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered EPC/0331/PL/E/LA/OSL/01; BATT/01. FG01, AUX01, PCS01, CUST/01. AR01, CCTV01, ELV1/01 and ELV2/01, P1871/01B and 02B, 2319/03B, 21114/101/H and WOR/BWB/ZZ/XX/DR/CD/001/S2/Ps, YE/001/PO3, S2/PO3 and P2/PO1.

REASON

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

Authorised Officer: _____

Date:

3. The planning permission hereby granted for the battery energy storage system shall be for a temporary period only, to expire 40 years after the date of the first connection to the National Grid. Written confirmation of this date shall be provided to the Local Planning Authority within one month of this event.

REASON

In order to confirm that this permission is for a temporary period only.

4. Within six months of the date of the first connection to the National Grid, a scheme for the de-commissioning of the battery storage system and its ancillary plant and equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the whole of the above and underground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any traffic issues during the de-commissioning period, an environmental management plan to include details of the measures to be taken during de-commissioning to protect wildlife and habitats, as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and bio-diversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

5. The scheme as agreed in writing by the Local Planning Authority under condition (4) shall be implemented in full, within six months of the de-connection of the site from the National Grid, whether that occurs under the time period set out in Condition (3) or at the end of any continuous de-connection from the Grid for a period of twelve months.

REASON

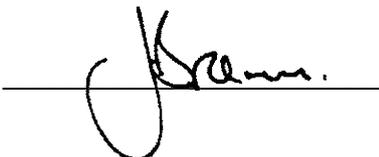
To ensure the satisfactory re-instatement of the land.

Pre-commencement Conditions

6. No construction shall be undertaken on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan will contain details of:

- the routing and timing of delivery and other construction traffic to and from the site.
- suitable areas for the parking of contractors and visitors' vehicles
- the site of the site compound.
- the measures to be used to prevent the emission of dust and other debris arising on site.
- the measures to be used to be used to clean the public highway of debris, waste and detritus.
- the measures to ensure that the site is secure.
- the measures to protect existing trees and hedgerows to be retained and
- named contacts in order to address complaints.

The approved plan shall remain in force throughout construction.

Authorised Officer: 

Date:

REASON

In the interests of highway safety and to reduce adverse visual and amenity impacts.

7. No development shall commence on site until the finished floor level of the containers, transformer units, control rooms and other equipment have first been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved levels.

REASON

In order to reduce the risk of flooding.

8. No external lighting shall be installed on site until details of the specification and the location of all external light sources has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and locations shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Prior Occupation Conditions

9. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first connection of the site to the National Grid and to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

10. There shall be no use of the site for the purposes hereby approved until all parts of the existing accesses within the public highway not included within the approved access works, including the vehicular access abutting the western side of the approved access, have all been permanently closed and the highway re-instated to the written satisfaction of the Local Planning Authority.

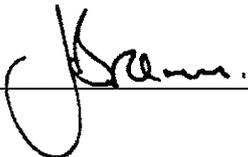
REASON

In the interests of highway safety.

11. There shall be no use of the site for the use hereby permitted until the whole of the access works as shown on the approved plans together with the whole of the car parking, manoeuvring and service areas have all been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Authorised Officer: 
Date:

12. There shall be no use of the site for the use hereby permitted until visibility splays as shown on the approved plans have first been provided in full to the written satisfaction of the Local Planning Authority. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety

Other Conditions

13. No gates shall be hung within the vehicular access into the site so as to open within eight metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

14. The development hereby permitted shall not be brought into use until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints on site that might influence management,
- c) the aims, objectives and targets for the management,
- d) descriptions of the management operations for achieving the aims and objectives,
- e) prescriptions for management actions,
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the persons or organisations(s) responsible for implementation and monitoring,
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

Authorised Officer: _____



Date:

INFORMATIVES

1. Attention is drawn to Sections 163 and 278 of the Highway Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice on Section 278 can be obtained from the Warwickshire County Council.
2. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note, drawing attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 - Access and Facilities for the Fire Service.
3. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision following discussion and engagement to overcome initial technical concerns.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

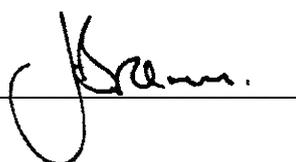
PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.

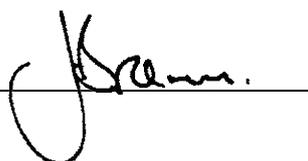
Authorised Officer: _____



Date: _____

2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____



Date:

PAP/2023/0056

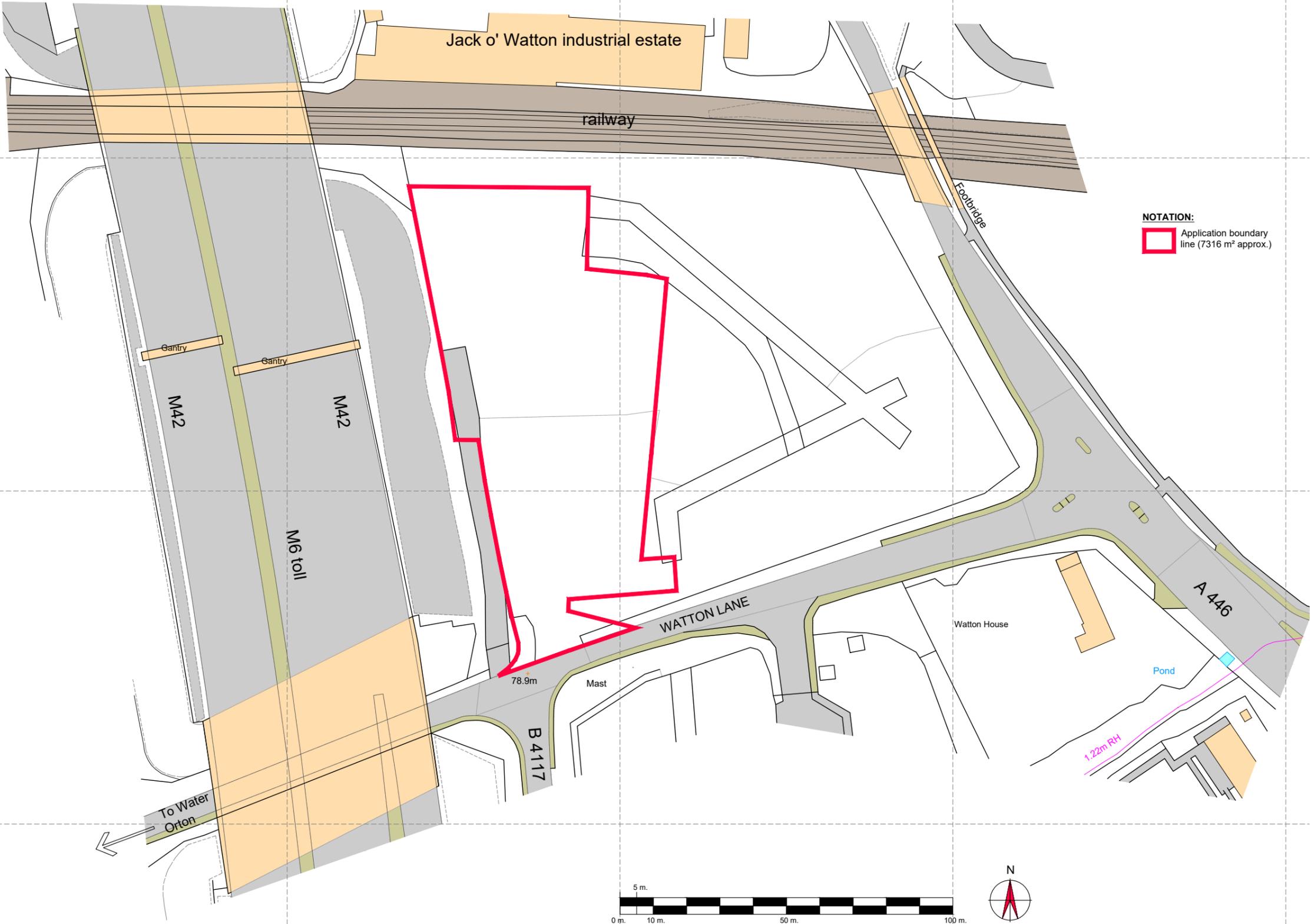
H&S, CDM Regulations: all products and materials to be used and handled in accordance with manufacturer's recommendations/instructions, and in accordance with good health and safety practice

A ground contamination survey may be required for any development that falls within, or is adjacent to, an area of former land fill.

These drawings have been prepared to the stated scale and, provided they are reproduced to the same scale using accurately calibrated equipment and suitable media which are not unduly susceptible to changes in humidity and temperature, they are sufficiently accurate for the purpose for which they have been prepared, being the planning application purpose. They should not be used for other purposes.

All dimensions and levels to be checked on site, and discrepancies reported before works commence.

FOR PLANNING PURPOSES ONLY



NOTATION:
Application boundary line (7316 m² approx.)

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

APPROVED
05/03/2024

UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS

**SUBJECT TO CONDITIONS
ON NOTICE**

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

RECEIVED
13/02/2023

**PLANNING & DEVELOPMENT
DIVISION**

Rev. b: Submission. 10-02-23 (agh)
Rev. A: Red line revised. 26-01-23 (agh)

CLIENT	Anglo Renewables Ltd.	
SITE	Off Lichfield Road and Watton Lane, Water Orton, Birmingham	POSTCODE B46 1DZ
PROJECT	Battery storage	
PROJECT STAGE	Planning Application	
DRAWING	Location Plan	
SCALE	1:1250 @ A3	DWG No. P1871-01B
DATE	January 2023	CHECKED PB



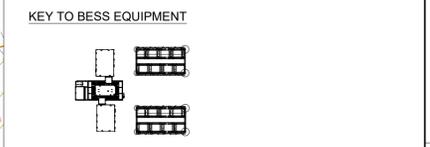
75 / 76 Francis Road | Edgbaston | Birmingham B16 6SP Tel 0121 455 9455
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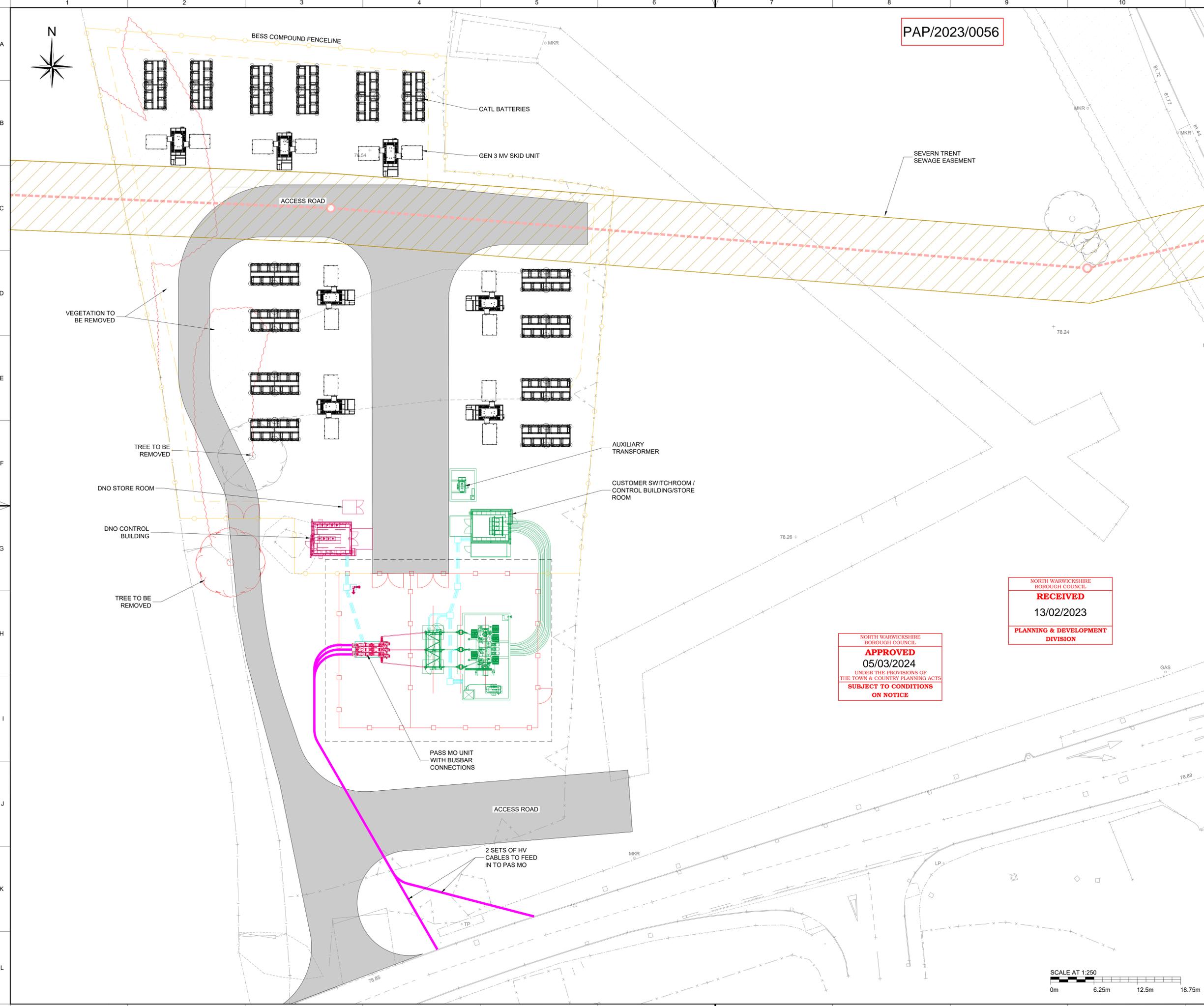
PAP/2023/0056

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06/12/22

- NOTES**
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 2. ANY DISCREPANCIES BETWEEN THIS DRAWING AND ANY OTHER TO BE REPORTED TO THE ENGINEER IMMEDIATELY.
 3. ALL WORKS TO COMPLY WITH THE MOST CURRENT BRITISH STANDARDS.
 4. ALL DIMENSIONS IN MILLIMETERS UNLESS STATED OTHERWISE. NO DIMENSIONS ARE TO BE SCALED OFF THE DRAWING. USE FIGURED DIMENSIONS ONLY.
 5. ALL DIMENSIONS TO BE ±3mm UNLESS SPECIFIED OTHERWISE.



POWER ELECTRONICS GEN 3 TWIN SKID 8.78MVA
 CATL ENERONE BATTERIES 2 x 10 BATTERY RACKS EACH BATTERY = 372.7kWh (TOTAL 7.45MWh)
 PHYSICAL DIMENSIONS OF EACH BATTERY (1.3m x 1.3m x 2.28m)



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
13/02/2023
PLANNING & DEVELOPMENT
DIVISION

NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
05/03/2024
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
SUBJECT TO CONDITIONS
ON NOTICE

01	FIRST ISSUE	TG	JW	JA	06/12/22
REV	DESCRIPTION	DESIGNED	CHECKED	APPROVED	DATE

ethical power
Connections Ltd.
3110 GREAT WESTERN COURT,
STOKE GIFFORD, BRISTOL
BS34 8HP
(t) 01726 218618
www.epconnect.co.uk

Project: **WATER ORTON BESS
50MW / 50MWh**

Title: **OVERALL SITE LAYOUT**

Drawing Status: **FOR PLANNING**

Grid Ref (6 fig): SP188911
 Site address: Watton Lane,
 Water Orton,
 B46 1PB



DWG No:	SCALE (A1):	REV:
EPC-0331-PL-E-LA-OSL	1:250	01

General Development Applications

(6/b) Application No: PAP/2023/0056

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping, for

- Anglo ES Water Orton Ltd

Introduction

This application was referred to the Board's November meeting and it resolved to grant planning permission subject to completion of a Section 106 Agreement relating to an off-site financial contribution for bio-diversity offsetting. There has been a change in circumstance since then and thus the matter is referred back to the Board.

The previous report is at Appendix A

Additional Information

At the last meeting, Members also asked the applicant to see if additional landscaping could be provided on site which was preferred to an off-site contribution. The applicant has taken this "invitation" on board and has submitted a further plan which enhances landscaping on the site itself – see Appendix B. It is said that this provides sufficient on-site gain, so as to remove the need for the off-site contribution.

Consultation

The County Council Ecologist - It is agreed that there is bio-diversity gain on-site of some 17% and thus there is no requirement for an off-site contribution.

Observations

In light of this new plan and the response from the County Council it is considered that there is now no need for the Agreement. However, an additional condition will be required beyond those outlined in Appendix A, in order to secure a long-term landscape and ecological management plan for the on-site provision.

Recommendation

That planning permission be GRANTED subject to the substitution of the plan at Appendix B in the plans condition number 2 as set out in Appendix A and the substitution of Condition 14 in that Appendix with the following condition:

14. The development hereby permitted shall not be brought into use until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy

Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints on site that might influence management,
- c) the aims, objectives and targets for the management,
- d) descriptions of the management operations for achieving the aims and objectives,
- e) prescriptions for management actions,
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the persons or organisations(s) responsible for implementation and monitoring,
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

APPENDIX A

General Development Applications

(5/k) Application No: PAP/2023/0056

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping, for

- Anglo ES Water Orton Ltd

1.Introduction

1.1 This application is referred to the Board at the discretion of the Head of Development Control as the matter may require referral to the Secretary of State as a "Green Belt" development under the 2021 Direction. If the Board is minded to support the proposal, that could trigger a referral, but a resolution to refuse would not.

2.The Site

2.1 This is a rectangular flat parcel of land of approximately 0.7 hectares in size, bounded to the north by the Birmingham/Leicester railway line, to the west by the embankments of the M42/M6 Toll roads and to the south by Watton Lane. There is further open land to the east before the A446 Lichfield Road is reached. There is a hedgerow boundary along the Watton Lane frontage.

2.2 There is a sewer easement running east/west in the northern section of the site.

2.3 Water Orton lies on the other side of the M42/M6 Toll road embankment corridor. There is a single residential property around 140 metres away at the junction of Watton Lane with the Lichfield Road.

2.4 The site was used in part in the past for commercial purposes with a number of tin sheds and buildings along the Watton Lane frontage.

2.5 More recently it was acquired by HS2 Ltd for accommodation works and the remains can be seen on site presently.

2.6 The site is illustrated at Appendix A.

3 The Proposals

3.1 The site is to be used as a Battery Energy Storage Site ("BESS") for a period of 40 years. In short, electricity is imported into the site from the National Grid at times of low demand but high production, stored in the battery cells on site and exported back into the Grid at times of high demand. It would have direct connection to the 132kv underground cables within Watton Lane.

3.2 The substation and transformers (up to 4 metres tall) would be located within an on-site compound set back from the road frontage which would also house switch and control rooms (up to 3.8 metres tall) surrounded by a palisade fence (2.75 metres tall).

3.3 The battery compound would be located behind this comprising 14 battery storage containers (2.7 metres tall) and other plant and equipment also surrounded by a security fence.

3.4 All access would be from Watton Lane.

3.5 Perimeter landscaping is to be provided.

3.6 The proposed layout with the planting is at Appendix B.

3.7 The application is accompanied by supporting documentation.

3.8 A Transport Statement says that the access onto Watton Lane would be 7.3 metres wide with 10- metre, wide bell-mouth radii either side. There are anticipated to be 346 two-way movements over the whole of the construction period of three to five months – around four two-way trips a day. Once operational, the site would be likely to generate four two-way movements a week involving light goods vehicles only. The Statement concludes that there would be no significant highway impact.

3.9 A Flood Risk Assessment identifies the site as being in Flood Zone One, the least likely to be the subject of fluvial flooding and that as the proposal is not a sensitive use such as a residential one, the proposed use is appropriate to the site. In responding to surface water runoff and disposal, the permeable surfacing will result in a moderate impact of surface water run-off. It is thus proposed to use filter drains to attenuate surface water flow and to discharge into the existing combined sewerage network that crosses the northern part of the site. The site is known to be susceptible to groundwater emergence. Ground levels will thus have to be agreed with at least a 150mm increase above existing ground levels including increased levels over the sewer easement to gain access into the northern section of the site.

3.10 A Noise Impact Assessment concludes that there would be negligible impacts for both day and night times essentially because of the high levels an ambient noise in the area.

3.11 A Landscape and Visual Appraisal identifies the site as being in an area dominated by urban and communication networks, predominantly flat, open and barren, with only areas of hardstanding present. The HS2 proposals would add to this infrastructure. As a consequence, the proposal would reduce the openness of the area, but the landscape impacts would be low. There are a limited number of residential buildings or viewpoints. The visual impact would be slightly adverse within the overall setting. The Appraisal concludes that whilst the proposal would cause limited landscape or visual harm here, there would be some benefit arising from new tree and hedgerow planting.

3.12 A Heritage Impact Assessment identified no heritage assets within the site or nearby and recent disturbance and activity will have removed any buried resources.

3.13 An Ecological Appraisal and Bio-Diversity Impact Assessment has been submitted. There are two designated sites nearby – the Cole End Nature Reserve (1.7km to the south-east) and the River Blythe SSSI (1.8km also to the south-east). Nine non-statutory sites are within 2km of the site. The majority of the site is modified grassland displaying signs of disruption and with species tolerant of disturbance. The remainder is mixed scrub and unvegetated unsealed surfaces. No identifiable or protected species were noted on site. The mitigation measures proposed, include over 200 metres of new perimeter hedgerow and grassland plus three new broadleaved trees. Even so the proposal would not deliver a nett biodiversity gain and thus an off-setting payment would be needed.

3.14 An Alternative Site Assessment outlines the defining locational requirements for a BESS – namely the proximity to a grid connection particularly to a higher voltage network for both the import and export of electricity; the capacity of the network to accommodate the BESS without the need for development to reinforce that and the need to avoid extensive underground cabling. Once likely connection sites are identified, the usual planning filters are applied – eg. sites free from flooding and not within areas of ecological or heritage protection and physical obstacles for the connection.

3.15 A Planning Statement brings all of these matters together and concludes that the proposal is inappropriate development in the Green Belt, but that there are considerations that amount to the very special circumstances to clearly outweigh the Green Belt and any other harms caused. The considerations advanced are the climate change benefits of the BESS, energy security, national and local planning policy support for renewable energy, the locational requirements for a BESS, investment and new construction jobs.

4. Representations

4.1 One letter of objection has been received referring to:

- Loss of Green Belt
- The site has not been used as industrial land.
- More traffic will be generated.
- Its next to a gas main.
- It will be an eyesore.

5. Consultations

Warwickshire County Council as Highway Authority – It had initial concerns concerning the adequacy of the proposed engineering works at the proposed access. A Road Safety Audit was submitted. This has now been reviewed and there is no objection subject to standard conditions.

Warwickshire Ecology – No objection subject to conditions and to an appropriate off-setting contribution through a Section 106 Agreement

Environmental Health Officer – No objections

National Highways – No objections

5k/74

HS2 Ltd – No comments to make.

Network Rail – Advisory Notes are recommended concerning working close to the line.

Cadent – Advisory Notes are recommended concerning working close to pipelines.

Health and Safety Executive - Advisory Notes are recommended concerning working close to pipelines.

6. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP15 (Historic Environment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30(Built Form), LP35 (Renewable Energy) and LP33 (Water Management)
Water Orton Neighbourhood Plan 2022

7. Other Material Planning Considerations

The National Planning Policy Framework 2023

National Planning Practice Guidance

National Policy Statement for Energy (EN1)

The Town and Country Planning (Consultation) (England) Direction 2021

Renewable Energy Directive 2009

UK Security Statement

North Warwickshire Climate Change Action Plan

The North Warwickshire Landscape Character Assessment 2010

The Climate Change Act 2008

The Climate Change Act (2050 Target Amendment) Order 2019

National Infrastructure Strategy 2020

Energy White Paper 2020

The Infrastructure (Electricity Storage Facilities) Order 2020

8. Observations

a) Green Belt

8.1 The site is in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted, unless there are material planning considerations of such weight to clearly override that Green Belt harm and any other harm. In such a case, the very special circumstances will exist to support that proposal.

8.2 The NPPF defines what might be inappropriate development in the Green Belt. In this case the proposal could fall under two of the categories set out in the NPPF.

8.3 In the first instance, if the proposal is treated as the "construction of new buildings" – the plant, structures and equipment – then the proposal might not be inappropriate development by virtue of paragraph 149 (g) of the NPPF, if it is considered to involve the "partial or complete redevelopment of previously developed land". This however is the subject of a condition - the proposal should have "no greater impact on the openness of the Green Belt than the existing development." This will be assessed below.

8.4 The second instance is that if the proposal is treated as a "renewable energy project" then the NPPF at para 151 says that some "elements" will comprise inappropriate development. In such cases the NPPF goes on to say that developers would need to demonstrate "very special circumstances" if projects are to proceed. The NPPF continues by saying that such circumstances "may include the wider environmental benefits associated with increased production of energy from renewable sources."

8.5 It is considered that the overall proposal is not a renewable energy project as it is not a proposal that generates renewable energy. It is designed to import, store and then export existing electricity. The proposal thus needs to be dealt with under paragraph 149 (g) of the NPPF – the redevelopment of previously developed land.

8.6 There are two matters to assess here – whether the site is indeed "previously developed land" and then to undertake the comparison of the respective impacts on the openness of the Green Belt between the existing and the proposed development.

8.7 The NPPF sets out a definition of "previously developed land". This is "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". It then excludes several other "uses" including "land that was previously developed, but where the remains of the permanent structure or fixed surface structure have blended into the landscape". Here the site was occupied by permanent structures as indicated above in paragraph 2.4 above. Those have now been removed and thus the exclusion referred to above does not apply. The site is considered to be "previously developed land".

8.8 As such, the comparison referred to in the NPPF condition needs to be considered. That condition refers to the "existing development", not former or original development. The site is presently clear of buildings or structures and thus the introduction of new built development will not satisfy the condition. The proposal therefore does not accord

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with the paragraph 149(g) exception. The proposal is thus inappropriate development in the Green Belt and that is harmful to the Green Belt with that harm carrying substantial weight.

8.9 This harm is a “definitional” harm under the NPPF. It is also necessary to assess the “actual” harm to the Green Belt – i.e. do the conditions on the ground here lead to a similar weighting. There is no definition of “openness” in the NPPF, but Government guidance indicates that there are four factors to take into account. The first of these is a “spatial” consideration. Here the site is presently open and free from development. It is also part of a wider area of open space – the land to the east up to the A446. However, it is contained by other development – the A446, Watton Lane, the Motorway embankments and the railway line. It too will be materially affected by the HS2 construction. These developments have both two and three-dimensional elements. The loss of the site spatially, will thus have a very limited impact on the openness of the Green Belt hereabouts. The second factor is the visual one. Here too it is the setting of the site that is significant. That is dominated by urban and transport infrastructure and soon to be added to by the HS2 works. The proposal will visually reduce openness here, but that is considered to be of limited local harm, particularly if the proposed landscaping is fully implemented. The third factor is the activity associated with the proposed use. Apart from the construction period this would be immaterial. The final factor is whether the proposal is temporary or permanent. Here that would be for a period of 40 years and thus the development is reversible. When all of these four factors are considered together it is concluded that there would be limited actual Green Belt harm caused.

8.10 The proposal is thus considered to be inappropriate development in the Green Belt causing substantial definitional harm, but limited actual Green Belt harm.

b) Other Harms

i) Landscape Harm

8.11 The site is not within a Statutory landscape designation. It falls within the “Cole Valley” Landscape Character Area defined by the 2010 North Warwickshire Landscape Character Assessment. This is described as being a flat broad valley but dominated by busy roads and substantially influenced by industrial and utilities development, pylons and urban views. The introduction of HS2 here will add to this.

8.12 Local Plan policy LP14 refers to the 2010 Assessment and says that new development should look to conserve and enhance the characteristics of the Landscape Areas and where appropriate, restore landscape character.

8.13 It is agreed that this is a damaged landscape, heavily influenced by transport and urban development. The impact of this proposal on the landscape will be local and limited in scale. It is one that can be absorbed into it without affecting its overall character. The importance of the proposed perimeter landscaping is thus of weight in introducing a degree of mitigation and betterment. Overall, there would be limited landscape harm.

ii) Visual Impact

8.14 The site is only really visible to drivers and pedestrians on the roads rather than residents. Any impact will thus be very transitory given the scale of the site and its presence close up to the Motorway embankments within the overall landscape as described above. It is considered that the impact will thus be neutral. Again, the mitigation proposed would bring some improvement.

iii) Ecology

8.15 The County Ecologist is satisfied that sufficient information has been submitted and that its content has been properly produced. As a consequence, it is agreed with the applicant that there would be a bio-diversity loss here, even with the proposed mitigation. In line with Local Plan Policy LP16, in order to provide net gain, an off-setting Agreement will be required through a Section 106 Agreement. Additionally, conditions are recommended by the Ecologist for the preparation and implementation of a Construction Environmental Management Plan to ensure protection of species during construction, to agree the specification of any lighting on the site and a Management Plan for the implementation and ongoing maintenance of the proposed mitigation measures. Given this background, it is considered that there would be no adverse ecological impact.

iv) Heritage

8.16 It is agreed that there would be no adverse impact to any heritage asset and that there is very limited scope for underground archaeological interest.

v) Residential Amenity

8.17 Given the limited residential development in the vicinity of the site and the overall urban and heavily trafficked environment in which the site is located, it is agreed that there would negligible adverse impacts arising solely from this development which would materially worsen this existing environment. The Environmental Health Officer agrees.

vi) Highways

8.18 The initial highway concerns were not to do with the capacity of the local road network as a consequence of the traffic generated here, but with the engineering geometry of the proposed improvements to the existing access. This has now been agreed as a consequence of further discussion.

vii) Drainage

8.19 As indicated in the applicant's supporting documentation the site is in Flood Zone One with the proposal not being a sensitive user. The proposals put forward to deal with discharges are appropriate and proportionate.

c) The Harm Side of the Planning Balance

8.20 This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial definitional Green Belt harm, the limited actual Green Belt harm and the limited landscape harm.

d) The Applicants Considerations

8.21 It is now necessary to identify the considerations put forward by the applicant in support of the proposals on the other side of the planning balance. These have already been initially identified in paragraph 3.15 above.

8.22 His case is essentially based on climate change, the move to zero carbon and to ensure energy security.

8.23 He points to Local Plan policy LP35 which indicates that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impacts on landscape quality, sites and features of natural importance, sites and buildings of heritage importance, residential amenity and the local economy. This is supplemented by the NPPF where there are several references to moving towards a low carbon economy – paragraphs 8 (c), 152 and 158. This latter paragraph is significant as it states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy.

8.24 Additionally, the content and scope of the documents referred to in Section 7 above all support this local and national planning policy already set out.

8.25 In this case however it has been pointed out that the proposal is not for the generation of renewable energy, but rather to store and better use the energy already in the system so as to reduce reliance on new energy sources. That storage also allows extra capacity in the network and thus its ability to accommodate electricity generated from renewable sources. Additionally, it provides security for existing energy supplies. The 2020 documents referred to in Section 7 advocate the benefits of energy storage.

8.26 These considerations will carry substantial weight.

8.27 However that does not necessarily by itself override the cumulative level of harm already identified.

8.28 A key consideration of the applicant's case is that if energy storage sites are to be supported, they have to be located where operational criteria require them to be. Essentially this is where they can gain access to the Grid. The applicant's Alternative Sites Assessment explains this in more detail, but the summary in para 3.14 outlines the critical factors and para 3.1 provides detail of the link to the Grid. These criteria limit the scope in the search for sites and given the power transmission infrastructure in the Hams Hall area, it is almost inevitable that a Green Belt location would be identified. The applicant says that this is the case here. In short, the 132kv underground cables in Watton Lane have the capacity to take on additional supply at times of peak demand and they supply power directly into the national network.

8.29 This consideration will thus carry significant weight.

e) The Applicant's Side of the Balance

8.31 The report concludes that substantial weight should be given to the applicant's considerations based on need, energy objectives and site location criteria for selecting this site.

f) The Final Planning Balance

8.32 Members are therefore now asked to assess the final balance. The "test" for that assessment is that the considerations put forward by the applicant should "clearly" outweigh the cumulative level of harm caused, if the development is to be supported.

8.33 The harm side of the balance has been set out in para 8.20 above and the other side of the balance is at paragraph 8.31.

8.34 It is considered that the applicant's considerations do clearly outweigh the harm side of the balance. The reasons for this are:

- a) The weights to be apportioned to the various matters identified on both sides of the balance suggest that the final assessment weighs in favour of the proposal.
- b) The national and local planning policy "direction of travel" carries substantial weight.
- c) The locational and functional requirements for this type of development are almost "bespoke". They are not footloose.
- d) In this case, the actual level of Green Belt harm is limited because of the physical and visual setting of the site. This is likely to continue into the future throughout the lifetime of the proposal.

g) The 2021 Direction

8.35 This Direction requires referral of "Green Belt" development to the Secretary of State to see if he wishes to call-in a proposal for his own determination. Hence if the Board was minded to support this proposal that referral might have to take place. However, that referral is also conditional on the scale of the development – there is a threshold under which referral is not mandatory. In this case the threshold comprises two factors either of which triggers the referral. The first is that any floorspace created is less than 1000 square metres and the second is that the development by reason of its scale, nature or location would have a significant impact on the openness of the Green Belt. Here the floor area created is well below the 1000 square metres. The analysis above in paragraph 8.9 concludes that there would not be a significant impact on openness here. As a consequence, it is advised that the Board can grant a planning permission without referral.

Recommendation

That subject to the completion of a Section 106 Agreement relating to a financial contribution of off-site bio-diversity setting, planning permission be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered:

EPC/0331/PL/E/LA/OSL/01; BATT/01, FG01, AUX01, PCS01, CUST/01, AR01, CCTV01, ELV1/01 and ELV2/01, P1871/01B and 02B, 23219/03B, 2114/101E and WOR/BWB/ZZ/XX/DR/CD/001/S2/P3, YE/001/PO3, S2/PO3 and P2/PO1.

REASON

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

3. The planning permission hereby granted for the battery energy storage system shall be for a temporary period only, to expire 40 years after the date of the first connection to the National Grid. Written confirmation of this date shall be provided to the Local Planning Authority within one month of this event.

REASON

In order to confirm that this permission is for a temporary period only.

4. Within six months of the date of the first connection to the National Grid, a scheme for the de-commissioning of the battery storage system and its ancillary plant and equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the whole of the above and underground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any traffic issues during the de-commissioning period, an environmental management plan to include details of the measures to be taken during de-commissioning to protect wildlife and habitats, as well as details of site restoration measures. For the avoidance of doubt, the landscape

planting and bio-diversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

5. The scheme as agreed in writing by the Local Planning Authority under condition (4) shall be implemented in full, within six months of the de-connection of the site from the National Grid, whether that occurs under the time period set out in Condition (3) or at the end of any continuous de-connection from the Grid for a period of twelve months.

REASON

To ensure the satisfactory re-instatement of the land.

Pre-commencement Conditions

6. No construction shall be undertaken on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan will contain details of:
 - the routing and timing of delivery and other construction traffic to and from the site.
 - suitable areas for the parking of contractors and visitors' vehicles
 - the site of the site compound.
 - the measures to be used to prevent the emission of dust and other debris arising on site.
 - the measures to be used to be used to clean the public highway of debris, waste and detritus.
 - the measures to ensure that the site is secure.
 - the measures to protect existing trees and hedgerows to be retained and
 - named contacts in order to address complaints.

The approved plan shall remain in force throughout construction.

REASON

In the interests of highway safety and to reduce adverse visual and amenity impacts.

7. No development shall commence on site until the finished floor level of the containers, transformer units, control rooms and other equipment have first been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved levels.

REASON

In order to reduce the risk of flooding

8. No external lighting shall be installed on site until details of the specification and the location of all external light sources has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and locations shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Pre-Commencement Conditions

9. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first connection of the site to the National Grid and to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

10. There shall be no use of the site for the purposes hereby approved until all parts of the existing accesses within the public highway not included within the approved access works, including the vehicular access abutting the western side of the approved access, have all been permanently closed and the highway reinstated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

11. There shall be no use of the site for the use hereby permitted until the whole of the access works as shown on the approved plans together with the whole of the car parking, manoeuvring and service areas have all been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

12. There shall be no use of the site for the use hereby permitted until visibility splays as shown on the approved plans have first been provided in full to the written satisfaction of the Local Planning Authority. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety.

Other Conditions

13. No gates shall be hung within the vehicular access into the site so as to open within eight metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety

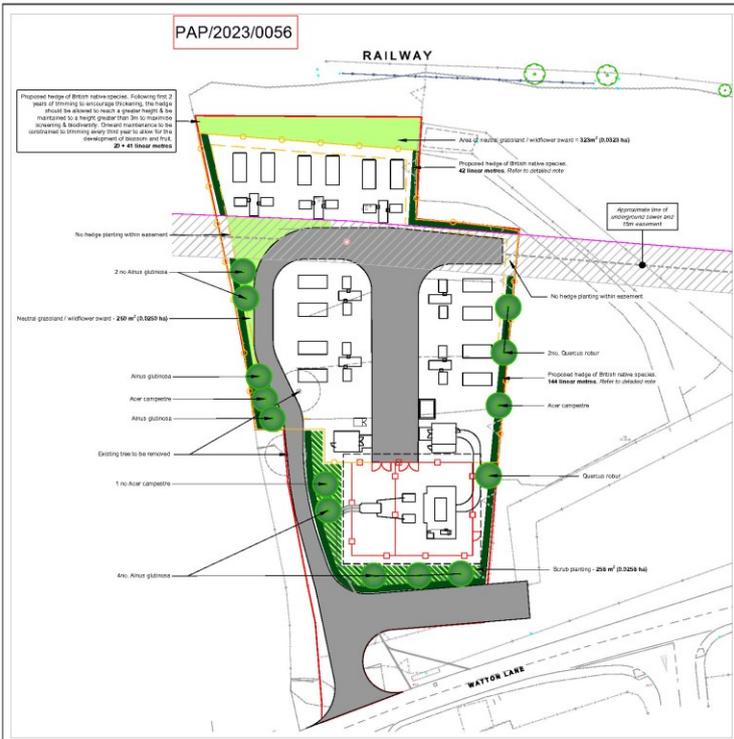
14. The hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding, turfing and soil preparation shall be carried out in the first planting season following the first use of the development hereby approved. Any plants, trees or shrubs which, within a period of five years from completion of the development, die become seriously damaged or diseased, shall be replaced in the next planting season.

REASON

In the interests of the visual amenities of the area.

Notes

1. Attention is drawn to Sections 163 and 278 of the Highway Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice on Section 278 can be obtained from the Warwickshire County Council.
2. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note, drawing attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service.
3. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision following discussion and engagement to overcome initial technical concerns.



Native Planting Mix (Trees)

No.	Name	Form	Age/condition or x transplanted	Overall height (cm)	Root condition	Habit
1	Acer campestre	Transport	1+1	60-90	Bare	
8	Acer campestre	Transport	2x 14-16 grth	330-400	Rootballed	3-4 breaks
9	Ailanthus glandulosa	Transport	2x 14-16 grth	330-400	Rootballed	3 breaks
3	Quercus robur	Transport	2x 14-16 grth	330-400	Rootballed	3 breaks

Native Hedge

Mix %	Name	Form	Age/condition or x transplanted	Overall height (cm)	Root condition	Habit
5	Acer campestre	Transport	1+1	60-90	Bare	
5	Cornus sanguinea	Transport	1+1	60-90	Bare	Branches: 3 breaks
5	Cornus avellana	Transport	1+2	60-90	Bare	Branches: 3 breaks
40	Crataegus monogyna	Transport	1+1	60-90	Bare	
10	Ligustrum vulgare	Cutting	0/2	60-90	Bare	Branches: 3 breaks
35	Rhus typhina	Transport	1+1	60-90	Bare	Branches: 2 breaks

1.5 metres wide hedge consisting of 4 rows, 200mm between rows and 300mm centres between plants (8 plants per linear metre). Species to be mixed evenly along length of hedge.
Reduce height by 30% immediately upon planting to provide increased vigour and encourage branching out during the first planting season.

Scrub Planting Mix

Mix %	Name	Overall height (cm)	Root condition
20	Cornus sanguinea	60-90	Bare
10	Crataegus monogyna	60-90	Bare
10	Rosa canina	60-90	Bare
30	Ulex europaeus	60-90	Bare
10	Viburnum lantana	60-90	Bare

Planted at 400mm centres.
Rid line area = 0.6880 ha approx.
Neutral grassland / wildflower sward combined area = 0.6573 ha
Scrub planting = 256 m² (0.6256 ha)
Native hedge combined length = 247 Lm



- Notes**
- 1) Do not scale directly from this drawing.
 - 2) This drawing is to be read in conjunction with all other relevant MIP drawings and information supplied by other consultants.
 - 3) Hatch patterns displayed on this drawing are indicative only and do not represent actual paving units or material sizes.
 - 4) All new planting in proximity to buildings to be checked by engineers to ensure foundation detailing is appropriate.

Prepared by: Water Orton, Warwickshire
Client: Anglo Renewables
Title: Landscape Mitigation strategy plan
ACAD version:
Drawing number: 21114-101
Scale: FOR DISCUSSION
Drawn by: LJK
Checked by: PH
Date: 22-07-22
Scale of DSC: 1:500

Water Orton, Warwickshire
Landscape mitigation strategy plan

