

AGENDA ITEM NO: 9/2(a)

Parish:	Walpole	
Proposal:	Proposed development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid.	
Location:	Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew Norfolk PE14 7JE	
Applicant:	Henry Energy Limited	
Case No:	22/02265/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 22 March 2023 Extension of Time Expiry Date: 9 June 2023

Reason for Referral to Planning Committee – at the discretion of the Assistant Director of Environment and Planning and the views of the Parish Council are contrary to the officer recommendation.

Neighbourhood Plan: No

Case Summary

This application is for the installation of a Battery Energy Storage System (BESS) to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.8ha of agricultural land.

Principal access to the site would be off Walpole Bank via an access already approved for a further BESS adjacent to the road under application ref: 22/00438/FM. The proposal would be undertaken either consecutively or after the development of the site to the west which has already been granted Planning Permission. An emergency access is also proposed to Folgate Lane to the east

There is a land drain close to the southern boundary and an overhead power line suspended between pylons bisects the northern portion of the site.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 100MW and would therefore be capable of serving the needs of over 280,000 homes for one hour if required.

It is anticipated that the proposed development would be operational for a period of twenty five (25) years to correspond with the adjacent BESS.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone).

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The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

Key Issues

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

This application is for the installation of a Battery Energy Storage System (BESS) to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.8ha of agricultural land.

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There is a land drain close to the southern boundary and an overhead power line suspended between pylons bisects the northern portion of the site.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 100MW and would therefore be capable of serving the needs of over 280,000 homes for one hour if required.

The applicants have indicated that they have been awarded an accepted grid connection offer issued by UK Power Networks. They would prefer that any permission would covered by a redundancy condition rather than a temporary consent, however for consistency with similar developments, a temporary operational period of 25 years would be acceptable.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone).

The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

The proposed development consists of the siting of 640 small modular units which would each house battery units and 31 identical modules which would control the batteries; together with 16 inverter and electrical transformers which would serve each group of 40 modules. A substation is required in order to convert the power, such that it can be exported to the grid – part of the substation would be operated by the Distribution Network Operator (DNO). A control building (for use by the DNO) is also proposed together with an auxiliary transformer and two storage containers to house spare parts. Eight columns of lighting and CCTV cameras are also provided.

The site would be accessed via a new dedicated access to the south-west of the site, via the adjoining permitted BESS site. This access would also be used during construction of the development. As stated above an emergency access is also proposed to Folgate Lane to the east to negate concerns raised by Norfolk Fire and Rescue Services.

New security fencing is also proposed together with additional drainage and landscaping.

The application is accompanied by a Planning Statement, Ecological Appraisal, Noise Impact Assessment, Flood Risk and Drainage Assessment, Archaeology Assessment, and Landscape & Visual Impact Assessment.

SUPPORTING CASE

The following statement is made in support of this application:

“Electricity Energy Storage plays an essential role in enabling the transition away from Fossil Fuels. It is an essential part of the solution towards achieving clean energy which is a key element in reaching the UK’s legal commitments for Net Zero emissions by 2050 and also aligns with the Council’s own Climate Change Strategy and Action Plan. It will help the Borough Council to address the climate emergency that it announced in September 2021 and contribute towards ensuring that a stable electricity supply is available in the local area.

Both National Grid and the Committee on Climate Change have identified a need for 35GW of storage capacity by 2035 in order to support the transition to a low carbon energy grid to achieve Net Zero.

In line with both the NPPF and the Development Plan which support low carbon and renewable energy schemes where the impacts of the development are or can be made acceptable, the site:

- Has been selected close to the point of connection to the Grid and has a secured connection offer for the substation to the west;
- Is within the context of existing electricity infrastructure and is adjacent to an approved identical scale Energy Storage facility (Planning Permission 22/00438/FM); and
- Has suitable access from Walpole Bank.

Safety is a top priority for the industry. As a result, in line with the very latest industry best practice (including NFPA (National Fire Protection Association) 855 and UL (Underwriters Laboratories) 9540A test method), a range of measures are incorporated to prevent and mitigate the risk of fire including:

- Best technology selection to prevent the initiation of thermal runaway;

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- Appropriate spacing of equipment within the site layout design;
- Integrated temperature, smoke and fire detection and suppression system with liquid cooling to regulate battery temperature;
- A water supply of the flow rate requested by Norfolk County Council's Fire Safety Officer;
- 24 hour a day monitoring and control of all aspects of the development.

Norfolk Fire and Rescue Service do not object to the planning application subject to a condition requiring a variety of measures. The Applicant can reaffirm their commitment to continue working with the Fire Service to develop a suitable Emergency Response Plan to be secured by planning condition.

Planning guidance does refer to the use of lower quality agricultural land, where possible. However, there is no lower quality land available within the immediate area and the loss of agricultural land will be relatively limited and is reversible due to the temporary life of the permission being sought. The principle of establishing energy storage facilities in the local area has already been accepted by the Council including at the site immediately to the west.

In addition to landscaping and fencing around the site the proposal will also include off-site landscaping in order to mitigate any visual effects arising from the proposal. These will be secured via a planning condition. The proposed buildings are in any event low in height and in keeping with the character of the electrical infrastructure already within the local area.

Noise has been considered and addressed by the careful placement of acoustic fencing to ensure the development does not give rise to amenity issues.

The proposal includes beneficial landscaping and will deliver a significant level of Biodiversity Net Gain: +33.25% for habitats, +12.97% for watercourses; and for hedgerow units the gain is +100%.

The proposed Electricity Energy Storage system, subject to conditions, accords with local and National Planning Policy and so the Applicant considers that the proposal should be approved without delay. The proposal will play a significant role in contributing to the Net Zero requirements as well as assisting the Borough Council in responding to the climate emergency that it has announced.”

PLANNING HISTORY

Adjoining site to west:

22/00438/FM: Application Permitted: 20/09/22 - Development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid. (Delegated decision)

Adjoining site to east:

22/02021/FM: Decision pending: Erection of a Renewable Battery Energy Storage System and associated infrastructure including access and landscaping. (Committee decision - Reported within this agenda)

RESPONSE TO CONSULTATION

Walpoles Parish Council: OBJECT The Parish Council are very concerned that this is the 4th such application and not one has yet been built. The site is very close to properties in Folgate Lane which is a single track road and not suitable for HGVs. Battery storage units are not in containers, but are separate units which is totally unacceptable. Where are they going to connect to and there are already 6/7 sites within a 4 mile circle. Community concerns regarding fire risks, flooding, light pollution and taking up valuable arable land. The landscaping does not show any hedging or height to prevent the buildings being seen from the road.

Local Highway Authority (NCC): NO OBJECTION subject to conditions relating to access construction, gates set back, gradient not exceeding 1:12 for first 15m into the site, visibility splays and Construction Management Plan provision.

Lead Local Flood Authority (NCC): NO COMMENTS

King's Lynn Internal Drainage Board: NO OBJECTION- Strongly recommends that Land Drainage Consent is sought from the Board prior to determination of this planning application as byelaw issues apply.

Environment Agency: NO OBJECTION subject to the mitigation measures contained in the Flood Risk Assessment are adhered to via condition.

District Emergency Planning Officer: NO OBJECTION subject to condition relating to signing up to AW's Flood Warning System, installation of services at high level and preparation of a flood evacuation plan.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition relating to unexpected contamination during construction/development plus provision of Electric Vehicle charging points for future maintenance vehicles.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to conditions regarding acoustic fencing installation, lighting details and construction management plan.

Historic Environment Services: NO OBJECTION subject to conditions relating to archaeological investigations.

Anglian Water: NO COMMENTS - The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout.

Norfolk Fire & Rescue Service: NO OBJECTION subject to the proposal meeting the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority plus a condition regarding fire safety measures.

Natural England: NO OBJECTION - the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Senior Ecologist: NO OBJECTION subject to conditions to secure implementation of ecology enhancements.

Norfolk Constabulary (Architectural Liaison Officer): NO OBJECTION comments offered on Secured by Design issues.

REPRESENTATIONS

A total of **SIX** items of correspondence received, **OBJECTING** on the following summarised grounds:

- Noise and light impact on the nearby residences
- Food security – loss of high-grade agricultural land
- Impact upon archaeology
- Impact upon character of this locality
- Flood risk
- Green credentials of production of this type of technology
- Fire safety
- National security – terrorist target
- Cumulative impact
- Construction period chaos and safety on road network
- Loss of habitat

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM20 - Renewable Energy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Powering Up Britain Strategy (2023)

Net Zero – The UK’s Contribution to Stopping Global Warming Reducing UK Emissions – 2020 Progress Report to Parliament Overarching National Policy Statement for Energy (EN-1)

Draft National Policy Statements EN-1 and EN-3 (2023)

OTHER GUIDANCE

Climate Change Committee: Progress in Adapting to Climate Change 2023 Report to Parliament

PLANNING CONSIDERATIONS

The main considerations are as follows:

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

Principle of development:

The site is located within an area defined as the countryside.

Both National and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 174 of the NPPF, 2021 states: *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local

environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...'

Development Plan Policy CS01 seeks to *protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity...*

With DPP CS06 expanding upon this by stating that: *'Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.'*

However, National and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 155 of the NPPF states: *'To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'*

Paragraph 158 states: *'When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) 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*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'*

Local Plan Policy CS08 states: *'The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.'*

Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.'

Policy DM2 of the SADMPP acknowledges that some development may be required outside of the development boundaries within countryside stating: *'The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including...*

** renewable energy generation (under Policy DM20 of the rural economy or to this Plan)'*

Policy DM20 of the SADMPP states: *'Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:*

** Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites*

** The surrounding landscape and townscape*

** Designated and non-designated heritage assets, including the setting of assets; ecological interests (species and habitats)*

** Amenity (in terms of noise, overbearing relationship, air quality and light pollution)*

** Contaminated land*

** Water courses (in terms of pollution)*

** Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks), and*

** Tourism and other economic activity.*

In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

a) There is a significant loss of agricultural land; or

b) Where land in the best and most versatile grades of agricultural land (grades 1, 2 and 3a) are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.'

As such there is some conflict between these two overarching aims (protection of the countryside/high grade agricultural land and provision of renewable energy) and a balance is therefore required.

This application reflects the changes in legislation pertaining to the Nationally Significant Infrastructure Project ('NSIP') regime. In 2020, the UK Government announced that the caps on battery storage capacity for planning applications in England and Wales (50 MW and 350 MW respectively) would be removed. This means a battery storage proposal which exceeds these thresholds will no longer be considered an NSIP, and all applications for battery storage, regardless of their size, will be determined by local planning authorities. This proposal is for a facility with capacity just over 100MW and therefore falls within our remit.

The battery storage installation is being proposed to facilitate a more consistent supply of energy to the National Grid and to consolidate the battery storage capacity close to the existing power station.

The proposed installation may utilise excess power that may be generated at certain times of the day, store this power on-site and then export it back to the National Grid during periods when demand increases.

Whilst not specifically generating renewable energy, the BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

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This will be explored below. However, it must be noted that a similar sized BESS (1.6ha) has already been approved to the immediate west of this site under application ref: 22/00438/FM for a temporary 25 year period.

Impact upon countryside

The Landscape Character Assessment produced by Chris Blandford Associates in 2007 and used to inform the Core Strategy, places this site within an area categorised as: The Fens – Settled Inland Marshes – D3: Terrington St John and adjacent to D2: Walpole, Terrington and Clenchwarton.

The application is accompanied by a Landscape & Visual Impact Assessment (LVIA) with 9 representative viewpoints in a 3km radius of the site. This considers the development and mitigation measures in the form of landscaping proposals and assesses the likely impact upon the area, plus cumulative impact with other proposals in this vicinity.

The site of the Proposed Development when completed would lie in an area of arable farmland adjacent to Walpole Substation and immediately adjacent to the adjoining approved Walpole Energy Storage Facility and crossed by multiple pylons, carrying 400 kV powerlines. While the land use is agricultural, the immediate and wider context of the proposed development contains many electrical infrastructure elements. The adjoining approved BESS facility is another element of this, and the Proposed Development would add to this. The landscape sensitivity of the Application Site and the surrounding land is considered to be **Low** to this type of development given the existing substation and pylons etc. The Proposed Development of a series of energy storage units adjacent to the completed energy storage facility would have a **Small** magnitude of impact on this area of farmland. The landscape proposals reintroduce hedgerows in the landscape.

At winter of Year 1, , the significance of effect would be **Minor adverse**, which is not significant. As the proposed planting matures, it would be managed to a height of 3 to 4 m and the units and noise fence would be screened by the summer of Year 10. The landscape proposals would assist in mitigating the change in the use of the land and the effects would reduce to **Negligible beneficial**, which is not significant.

Your officers agree with this conclusion. Set in this context, it is considered that the proposal would not significantly detract from the appearance and character of this part of the countryside. This is effectively an increased sized facility with similar enclosure (2.4m high green paladin mesh fencing) and landscaping (485m of native species rich hedge) as that adjoining to the west. For acoustic reasons being closer to dwellings on Pigeon Street and Folgate Lane, the north and east boundaries however comprise 3.5m high timber panel acoustic fencing. This would initially create a solid barrier but would be ‘softened’ with the proposed external landscaping around the compound. As the landscaping matures, the visual impact would diminish as indicated above.

In conjunction with the neighbouring BESS permission, additional planting is also committed/proposed in the NW corner of the field adjoining the junction of French’s Road and Walpole Bank where the road chicanes and currently has exposed views to the south. This would ‘square off’ a small parcel of margin land which would have a minimal effect upon crop production.

In response to the Parish Council’s concerns and in conjunction with application ref: 22/02021/FM, the introduction of an indigenous hedgeline on the northern side of Folgate

Lane has been negotiated to create foreground screening along this public route where open views are most obvious. This amounts to approx. 800m of new hedging. This technique has been used in connection with the synchronised condenser proposal authorised under application ref: 22/01616/FM adjacent to Rose Hall Farm to the SW of the Substation. This planting can be secured via condition as this is 'blue land' in the ownership and control of the applicants. This would also have significant biodiversity benefits.

The equipment and buildings (2.3m – 4.5m high) will be mostly screened to the north and east by the proposed line of 3.5m high acoustic fencing. The equipment and buildings may alter slightly at the detailed design stage depending on the DNO and may also be painted in an appropriate colour scheme - this shall therefore be agreed by condition. There are areas of meadow grassland plus wildflower verges to the west, north and east of the compound. The hedgerow and planting proposed to 'soften' the appearance of the development and assimilate it into its setting, combined with additional significant ecological benefits, may also be controlled via condition.

The development would be mostly screened from Pigeon Street to the north due to established roadside hedging and mature gardens to dwellings. It would however be seen from public vantage points along Walpole Bank which is elevated, and the more exposed Folgate Lane to the south, but from that direction it would be seen in context with the existing electricity facility, pylons and overhead cabling as a backdrop.

On balance, given the separation distances involved from lower lying public areas to the east and the proposed localised mitigating landscaping measures, the effect upon the character and appearance of this locality would not warrant grounds for refusal. The development is capable of being compatible to the provisions of the NPPF and Policies CS06, CS08, DM2 and DM20 of the Development Plan.

Loss of high-quality agricultural land

Paragraph 174 of The National Planning Policy Framework (NPPF, 2021) states that planning policies and decisions should contribute to and enhance the natural local environment by recognising the 'economic and other benefits of the best and most versatile agricultural land'.

At Annex 2 of the NPPF, 'best and most versatile agricultural land' is defined as 'land in grades 1, 2 and 3a of the Agricultural Land Classification'.

Under the Natural England Agricultural Land Classification (provisional for England), the site (and surrounding area) is classed as Grade 1 farmland. Although the proposed development is located within a field of 'best and most versatile agricultural land', there are extensive areas of Grade 1 farmland surrounding the site. Given the relatively small footprint of the proposed compound (1.2ha), removal of the site area from agricultural use will not have a significant impact on the productivity of the farm as a whole and, in terms of Policy DM20, is not considered to be a significant loss of agricultural land.

Whilst development is proposed on grade 1 arable land, its temporary loss from production (25 years to correspond with that adjoining) would be off-set by the significant sustainable benefits to the community gained from electricity storage/production. There are also significant biodiversity benefits associated with the landscaping proposal which will be discussed below. As stated above, the development is believed to be totally reversible and could return to agricultural use at the end of its lifespan. Once again this may be covered via condition.

The proposal therefore accords with Policies DM2 & DM20 of the SADMPP. With regards to the NPPF, the proposal accords with Paragraph 158, but there is conflict with Paragraph 174; however, this will be addressed in the Planning Balance/Conclusion below.

Flood risk implications

The site lies in Flood Zone 3A of the SFRA and Tidal Hazard Mapping Zone produced by the EA; the application is accompanied by a site-specific FRA. This proposed development comprises 'essential infrastructure' which, according to national flood risk guidance, is compatible to FZ3 subject to passing Sequential and Exception Testing.

In terms of Sequential Testing there are no alternative reasonably available sites in lower flood risk zones capable of taking this development. It is proposed in this location as it is co-located to the Substation and linkage to the national grid.

Whilst in Flood Zone 3A and THMZ, the application is accompanied by a site-specific Flood Risk Assessment (FRA). In terms of mitigation, it is proposed to raise the electrical equipment approx. 0.6m above existing ground level (0.3m above EA's predicted flood water level) and in case of a flood, the agent informs that the equipment would be fitted with circuit breakers to isolate the facility from the network.

The Environment Agency raises no objection to this proposal subject to condition. Lessons learned from the BESS proposal at Saddlebow (22/01151/FM) required details of a scheme to dispose of foul and surface water and for a scheme to contain and dispose of any contaminated water resulting from firefighting in the event of a fire.

Ground conditions are not suitable for infiltration of surface water run-off into the ground. A sustainable approach to surface water management is proposed using SuDS techniques that direct run-off into a detention basin towards the south of the compound for storage and controlled discharge off-site to the local ditch system. The off-site discharge is to be limited to 2.0 l/s/ha for the site. The use of Filter Drains and detention basin may provide water quality benefits to the receiving watercourse. This strategy complies with the requirements of Planning Policy and provides a sustainable approach to surface water management. The IDB are aware of this proposal and the discharge will require their consent under the provisions of the Land Drainage Act.

It is concluded that the proposed development meets the exception test as the development would provide wider sustainability benefits that would outweigh flood risk, and it has been designed to mitigate and adapt to climate change and is not expected to increase the risk of flooding elsewhere. As such, the scheme complies with Policy CS08 of the Core Strategy, PPG and Section 14 of the NPPF.

Highway issues

Access to the site is proposed via a new junction off Walpole Bank close to the access point into Walpole Substation.

This route and standard of construction have already been agreed under the earlier approval ref: 22/00438/FM.

A detailed Construction Traffic Management Plan and Access Route is requested by NCC which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway and comprehensive phasing. This may be secured via condition. Additional

conditions are suggested in relation to the access construction specification and gradient to correspond with the aforementioned permission on the adjoining site.

As stated above, an emergency access connecting to Folgate Lane to the east (via the adjacent proposal ref: 22/02021/FM) has been negotiated to meet the requirements of the Norfolk Fire and Rescue Services. This is considered to be acceptable to the Local Highway Authority.

The proposal therefore accords with Policies CS08, CS11 & DM15 of the Development Plan.

Ecology and biodiversity

There are no statutory or non-statutory designated sites within a 2km radius which will be affected by the proposed works. The application is accompanied by an Ecological Appraisal which states inter alia that:

- a) Limited potential for protected species or other species of conservation significance; and
- b) Landscaping proposals for the site include the provision of a significant length of new native species-rich hedgerow, the creation of areas of grassland including meadow grassland and the creation of a surface water attenuation basin. These habitats will provide an overall enhancement compared to the existing arable land.

In respect of biodiversity, there would be a net gain as follows: For habitats a 33.25% net gain; for watercourses a 12.97% gain; and for hedgerows a 100% net gain. (All exceeding the target of 10% set out in the Environment Act 2021.) This has been appraised and confirmed by our Senior Ecologist.

In respect of planning policy, the development complies with Policies CS12 and DM15 together with paragraph 174 of the NPPF in that it has appropriately considered biodiversity and ecological matters and will deliver a substantial net gain in biodiversity.

Impact upon neighbour amenity

The application is accompanied by a Noise Impact Assessment produced by RPS which assesses the cumulative impact of both the approved and proposed schemes; it concludes as follows: "The nearest NSRs were identified as: the residential receptor on Wisbech Road (NSR A), which is located approximately 250 m north of the site boundary; the residential receptor at Rose Hall Farm (NSR B), located approximately 300 m south-west of the site; and the residential receptor on Folgate Lane (NSR C), approximately 400 m to the south-east of the site boundary.

The assessment was carried out in accordance with the British Standard BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' methodology, which is the industry standard for assessment of commercial and industrial sound.

With mitigation measures included, i.e., 3.5 m absorptive acoustic noise barriers and enclosures surrounding the battery modules, the BS 4142:2014+A1:2019 assessment carried out for the cumulative scheme (both the Approved Scheme energy storage facility and this new scheme) shows that the likelihood of adverse impact would be negligible to medium risk at all receptors. However, taking the context into consideration, this is reduced to a negligible to low risk for adverse impact for all receptors during both daytime and night-time. It is therefore concluded that the sound arising from the operation of the facility is in accordance with the relevant national and local planning policy."

This conclusion/view is shared by our CSNN colleagues with the inclusion of a linkage of the acoustic fencing between the approved and proposed developments (amended plans submitted to demonstrate this requirement), and the mitigation measures may be secured via condition.

The application will require a Construction Traffic Management Plan which would cover such things as dust suppression and wheel washing facilities. Once again this may be secured via condition. Hours of construction were restricted on the adjacent BESS to be 0830 – 1700 hours Monday to Friday and 0830 – 1300 hours on Saturdays; for consistency this can be repeated.

As a result, the amenity of the nearest dwellings will be protected, complying with Policy DM15 and DM20 of the Local Plan in respect of noise, dust etc.

Fire safety

Concerns have been raised by the Parish Council and local residents with regards to fire precautions and refer to coverage of instances of fires at similar facilities most notably an incident in Merseyside some years ago.

In response to these concerns the agent states as follows:

“Safety is a top priority for the industry. As a result, in line with the very latest industry best practice (including NFPA (National Fire Protection Association) 855 and UL (Underwriters Laboratories) 9540A test method), a range of measures are incorporated to prevent and mitigate the risk of fire including:

- Best technology selection to prevent the initiation of thermal runaway;
- Appropriate spacing of equipment within the site layout design;
- Integrated temperature, smoke and fire detection and suppression system with liquid cooling to regulate battery temperature;
- A water supply of the flow rate requested by Norfolk County Council’s Fire Safety Officer; and
- 24 hour a day monitoring and control of all aspects of the development.

Norfolk Fire and Rescue Service do not object to the planning application subject to a condition requiring a variety of measures. The Applicant can reaffirm their commitment to continue working with the Fire Service to develop a suitable Emergency Response Plan to be secured by planning condition.”

With the addition of the emergency access route, the overall/combined sites have potential access on adopted roads from two directions (from the west and east) which would afford access to fire services in response to an emergency. It will be noted that the consultation response from the Norfolk Fire & Rescue Service has not objected to this proposed development, subject to conditions covering fire risk and mitigation strategy, emergency response plan, transport strategy, automatic detection and fire suppressant systems, water supply and fire spread containment methods plus the emergency access provision.

Looking at recent Planning Inspectorate appeal decisions, a comprehensive condition has been used for a Battery Safety Management Plan to be produced prescribing measures to facilitate safety during construction, operation and decommissioning of the BESS. This would cover all the aforementioned elements and is considered to be current best practice.

National Grid have issued a licence to connect to the network so there is capacity available, and they would ensure that there are no adverse implications relating to their infrastructure.

With the aforementioned measures to be secured via condition, the proposal would accord with Policy DM15 of the SAMPP.

Other material considerations

Archaeology: Historic Environment Services indicate that previous archaeological investigations in the east of the application site have recorded various features, deposits and artefacts Anglo-Saxon and medieval date. Pottery of medieval date has been found within the application site.

Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. A programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205 can therefore be secured via condition.

Crime and disorder: There are no significant crime and disorder issues raised by this proposed development. Whilst the facility would be un-manned during the operation phase, CCTV cameras and infra-red lighting mounted on 8no. 4m high columns are proposed to ensure security of the facility without adversely affecting light pollution. It is not unusual for facilities such as this to be monitored and controlled remotely.

Contamination: The information submitted does not indicate the presence of significant land contamination. However, the presence of an infilled former drain means that is possible that some unexpected contamination could be present. This may be covered via condition.

Environmental impact assessment: The proposal has been formally screened and does not require Environmental Impact Assessment. This has been confirmed under separate cover.

PLANNING BALANCE/CONCLUSION

Whilst the temporary (25 year) loss of grade 1 agricultural land is recognised (Paragraph 174(b) of the NPPF), in the planning balance it is clear that considerable weight should be attached to the benefits associated to the production and management of sustainable energy as we push towards the national target of Net Zero emissions before 2050. This is strongly supported in national policy guidance, as well as the Council's own planning policy. It also aligns with the Council's own Climate Change Strategy and Action Plan.

This is a relatively small area of land (1.8ha) which, even combined with the adjoining proposals, would not create a significant detrimental effect upon productivity of the farm itself or that sector taken wholistically. In terms of Policy DM20, it is also not considered to be a significant loss of farmland.

It would also be seen in context with existing and proposed/approved infrastructure nearby, and, with the introduction of associated landscaping, would not significantly affect the appearance and character of its wider countryside setting. It is therefore considered to be acceptable on landscape impact grounds.

There are no technical issues that cannot be dealt with via planning conditions and no objections from statutory consultees. Adverse impact upon residential amenity can be suitably

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controlled through mitigation measures such as acoustic fencing plus a Construction Traffic Management Programme (CTMP). Most notably there is no objection from the Norfolk Fire & Rescue Service to the scheme on safety grounds, and a safety plan can be suitably conditioned (as used by the Planning Inspectorate).

Overall, the proposal is considered to accord with the provisions of the NPPF, NPPG, Policies CS01, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15, DM17 & DM20 of the SADMPP (2016). It is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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.
- 2 Condition: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 21/16/301/01 Revision A, 21/16/301/02 Revision A, 21/16/301/03, P3090(08)-175-01 & P3090(07)-175-01.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the Local Planning Authority. By the end of the 25 year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the Local planning Authority. The restoration scheme shall be submitted to the Local Planning Authority no less than 6 months prior to decommissioning. The Local Authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.
- 3 Reason: To define the terms of this permission as the application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 4 Condition: If the development hereby permitted fails for a continuous period of 12 months to supply electricity to the grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the containers and associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a

scheme to be submitted to the Local Planning Authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.

- 4 Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 5 Condition: The landscaping (including a new hedgerow along the northern side of Folgate Road, the details of which shall have been previously agreed in writing by the Local Planning Authority, on blue land shown on Drawing No. 21/16/301/02 Revision A) shall be implemented in accordance with the details submitted and contained in the approved plan: 21/16/301/01 Revision A.
- 5 Reason: To assimilate the development into its countryside setting, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12 of the LDF.
- 6 Condition: The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/plants which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 7 Condition: Notwithstanding the plans submitted, prior to installation, full details of the battery units, store rooms, control rooms, structures and equipment (including the colour scheme), shall be submitted to, and agreed in writing by, the Local Planning Authority. The units and structures shall be painted in accordance with the agreed colour prior to commencement of use and shall be maintained in that condition thereafter.
- 7 Reason: In order to assimilate the development into its rural setting in accordance with the provisions of the NPPF and Core Strategy Policy CS08.
- 8 Condition: With the exception of the measures required by Condition 22 below, the development shall be carried out in accordance with the mitigation measures contained in the submitted flood risk assessment and surface water drainage statement (FRA) undertaken by RPS Group (ref: HLEF81911, dated: 01 August 2022). In particular, they include:
 - The battery modules, array feeder substations and intake substation are to be raised 0.6m above ground level.
 - The inclusion of flood resilient construction.

The mitigation measures shall be fully implemented prior to commencement of use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 8 Reason: In order to protect the development at times of high risk of flooding and to accord with the provisions of the NPPF and Core Strategy Policy CS08.
- 9 Condition: The infra-red lighting scheme shall be implemented as per the approved plans (Drawing Nos. 21/16/301/01 & P3090(08)-175-01) prior to the commencement of use of the development and thereafter maintained and retained as agreed.
- 9 Reason: In the interests of minimising light pollution, impact on ecology, and to safeguard the amenities of the locality in accordance with the NPPF.
- 10 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway and wheel washing facilities for construction and decommissioning vehicles, shall be submitted to and approved in writing with the Local Planning Authority, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 10 Reason: In the interests of maintaining highway efficiency and safety and to ensure that no other local roads are used by construction traffic, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 11 Condition: For the duration of the construction period, all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise approved in writing by the Local Planning Authority.
- 11 Reason: In the interests of maintaining highway efficiency and safety, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 12 Condition: Prior to the first use of the development hereby permitted the vehicular access indicated on the Site Layout Plan shall be constructed to a minimum width of 5 metres and provided with kerb radii of 6 metres in accordance with the Norfolk County Council industrial access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 12 Reason: In the interests of highway safety and traffic movement and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 13 Condition: Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4 x 70 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety.
- 14 Condition: For the duration of the construction and decommissioning periods deliveries and removals shall only be received at or despatched from the site between the hours of 0830 and 1700 hours Monday to Friday, 0830 and 1300 hours on Saturdays and not

at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.

- 14 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF.
- 15 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 15 Reason: In the interests of the safety of persons using the access and users of the highway and accord with the provisions of the NPPF.
- 16 Condition: The development shall be undertaken in accordance with the mitigation and enhancements recommended in the Ecological Appraisal (Doc ref: ECO02188 Version C) compiled by RPS Group dated 24.12.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.
- 16 Reason: In the interests of the ecology of this locality and to accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 17 Condition: No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 17 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 18 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 17 and any addenda to that WSI covering subsequent phases of mitigation.
- 18 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 19 Condition: The development shall not put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 17 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 19 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 20 Condition: The development shall be undertaken in accordance with the mitigation measures recommended in the Noise Impact Assessment (Doc ref: JAJ02833-REPT-

02-R1) compiled by RPS Group dated 14.12.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.

- 20 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF plus Policy DM15 of the SADMPP.
- 21 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 21 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 22 Condition: Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to:
- dispose of foul and surface water; and
 - contain and dispose of any contaminated water resulting from firefighting
- has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented as agreed.
- 22 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 23 Condition: Prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 23 Reason: To secure the safe operation of the facility and to accord with the provisions of Policy DM15 of the SADMPP (2016).
- 24 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
- Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 24 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 25 Condition: Notwithstanding Drawing no. 21/16/301/11 Revision B, prior to the commencement of use of the development hereby approved an emergency access road connecting to Folgate Lane shall be provided in accordance with details of route alignment and construction that have been previously approved in writing by the Local Planning Authority. The emergency access route shall be retained and maintained for that purpose and removed upon final decommissioning.
- 25 Reason: To secure appropriate access to the site for emergency vehicles during the lifetime of the development and to accord with the provisions of the NPPF and Policies CS11 and DM15 of the Development Plan.