
APPLICATION NO.	22/03346/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	03.01.2023
APPLICANT	Boom Developments Limited
SITE	Land South West of, Misslebrook Copse, Misslebrook Lane, CHILWORTH / VALLEY PARK
PROPOSAL	Battery electrical storage system (BESS), with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements
AMENDMENTS	Amended/Additional Plans received 05.07.23, 30.06.23, 02.05.23, 13.04.23, 07.02.24 and 29.02.24.
CASE OFFICER	Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved development plan or other statements of approved planning policy, adverse third-party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated to the north/eastern side of the A27. The application is located to the south of North Baddesley but within the Chilworth, Nursling and Rownhams Ward.
- 2.2 Wrens Copse to the north is subject to a woodland TPO and included areas of SINC. In addition, Misslebrook Copse, which is not subject to a preservation order, is situated to the northeast.

3.0 PROPOSAL

- 3.1 The application proposes the installation of a battery electrical storage system (BESS), with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.
- 3.2 The proposal is for a backup facility (in the form of a Battery Electrical Storage System (BESS) to store 114MWh of renewable electricity, which would be discharged over a maximum 2–3-hour period. This would be used to balance the ‘peaks and troughs’ in renewable energy production and is intended to be for installed for a 40 year, after which the site would be restored to its current condition.

4.0 **HISTORY**

- 4.1 22/02954/SCRS - Screening opinion under the Environment Impact Assessment Regulations 2017: for development of a Battery Energy Storage System (BESS). EIA Not Required 08.12.2022.
- 4.2 TVS.07134/4 - Use of land for one day only to set up and operate a park and ride facility from the site to the Highfield Campus between 0800 and 1700 hours on 21 September 2005. Permission 15.08.2005.
- 4.3 TVS.07134/3 - Formation of hard standing areas at the access gates onto Botley Road (A27) and Misselbrook Lane. Permission 15.12.2000.
- 4.4 TVS.07134/2 - Retrospective application for the construction of access track. Permission 28.04.2000.
- 4.5 TVS.07134/1 - Temporary use of land for a mediaeval pageant on 3 consecutive days in August or September 1994. 01.06.1994. Permission 01.06.1994.
- 4.6 TVS.07134 - Use of land for grass track racing. Refused 18.05.1993.

5.0 **CONSULTATIONS (in response to Jan 24 amended plans)**

5.1 **Planning Policy & Transport (Policy) – Comment;**

- The original Policy response considered the submission in the context of the relevant policies and other material considerations, which continue to remain relevant. It is noted that since the original Policy response, an additional statement has been submitted in relation to a search of brownfield sites within Eastleigh Borough.
- Since the original response, the Planning Practice Guidance on renewable and low carbon energy has been updated to include guidance on battery energy storage systems, which includes encouragement for consultation with the local fire and rescue service for proposal of 1MWh or over, along with giving consideration to guidance produced by the National Fire Chiefs Council.

5.2 **Planning & Building (Landscape) – Comment;**

- An amended site layout has been provided to reflect the changes required in the site operation; this amended buffer would provide the same level of mitigation, if not more than that of the previous proposals.
- As previously stated, the increased mitigation does not overcome a development within the Gap, should the Case Officer deem the application necessary, the proposed buffer would in time successfully mitigate the proposals and integrate within the wider landscape.

5.3 **Planning & Building (Trees) – No objection, subject to condition.**

5.4 **Housing & Environmental Health (Environmental Protection) – No objection, subject to conditions.**

5.5 **HCC Lead Local Flood Authority – No objection.**

- 5.6 **Ecology** – No objection, subject to conditions
- 5.7 **HCC Highways** – No objection, subject to conditions
- 5.8 **Hampshire & IOW Fire and Rescue Service (HIWFRS)** – Comment
- Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.
 - Hampshire Act 1983 Section 12 – Access for Fire Service Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12
 - (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage).
 - Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.
 - Fire and Rescue Services Act 2004 - BESS Safety Arrangements HIWFRS has now reviewed the information provided and, provided the contents of the Fire Safety Note are true, accurate and adhered to throughout the lifecycle of the site, has no further comments to raise with regards to the safety arrangements of BESS units at this stage.
 - Access for High-reach Appliances - High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows.
 - Roadways and structures such as bridges, which are intended to provide access to fire service vehicles should have a maximum carrying capacity of 26 tonnes.
 - Testing of Fire Safety Systems HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested, and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.
- 5.9 **Environment Agency** – No objection.
- 5.10 **HCC Archaeology** – No objection.
- 5.11 **HCC Minerals & Waste** – No objection, subject to condition.
- 6.0 **REPRESENTATIONS (revised plans)** Expired 22.03.2024
- 6.1 **Eastleigh Borough Council** – No comment
- 6.2 **Chilworth PC** – Objection;
- Chilworth Parish Council requests assurance that detailed planning has already been completed in relation to all types of emergency situations concerning this proposed application, as well as all other similar sites, including all aspects of the site's workings.

- Chilworth Parish Council is aware that schools close to the Fawley refinery and petrochemical complex benefit from being part of an emergency plan designed to safeguard the schools, their children and their staff. It is therefore strongly requested that details describing the extent to which a similar emergency safety plan would be prepared and implemented in relation to this proposed development and that of the North Baddesley Infant School which is located approximately 200 meters away from the edge of the proposed site.
- It is understood that a gas pipeline runs along the length of the eastern side of the A27 and in addition the route of the connection to the grid crosses further pipelines. No details are provided of the required works or consent from Southern Gas Networks.
- Concern regarding safety of access to the A27 and potential lack of access to emergency vehicles.
- Lack of details on construction access including delivery of hazardous cargo and access for the size of lorry required for the larger containers.
- Impact of construction traffic on Chilworth Old Village.
- Concern regarding future legacy of the scheme including ownership and responsibility for hazardous materials and decommissioning of the site.
- Lack of arboricultural method statement for the Northern section of the proposed site.
- Impact of proposed cable route on veteran trees.

6.3 **Valley Park PC**- No objection.

6.4 **52 representations of Objection received**

6.5 Principle of Development

- Development should be located on industrial estates or an alternative brownfield site.
- No need for the proposed facility.
- Industrial site in the countryside.
- Battery storage facilities have a high carbon footprint and a minimal role in low carbon development.
- No overriding need for a countryside location contrary to Policy COM2.

6.6 Neighbouring Amenity

- Noise impact
- Light pollution

6.7 Highways

- Disruption to local highways from construction works, laying of cable and in the event of an emergency.
- Traffic generation, parking and safety.

6.8 Public Safety

- Fire risk
- Lack of fire and safety consultee response.

- Unreliable water supply in the area
- Proximity to residential properties and schools.
- Lack of emergency/evacuation plans for residents and schools.
- No plan for dealing with used batteries.

6.9 Landscape, Arboriculture & Ecology

- Out of character on the approach to North Baddesley and Chilworth.
- Amended plans have extended the site and its impact.
- Adverse Impact on landscape character.
- Loss of hedgerows and habitats on Misslebrook Lane and Castle Lane.
- Adverse impact on the Local Gap.
- Overdevelopment.
- Damage to protected flora and fauna resulting from an accident.
- Environmental damage and inadequate compensation.
- Detrimental to the character of Chilworth Old Village.
- Damage to trees from proposed cables.
- Proposed landscape ineffective until maturity.
- Impact on Green Field site.
- Management Plans are required for the proposed wildflower meadows.
- Impact on adjacent SINCS and Ancient Woodland.
- Fencing restricts access between woodlands for animals.
- Impact on badgers.

6.10 Other Matters

- Submitted plans are not easily interpreted.
- No benefit to local community but rather Chandlers Ford.
- Access to required levels of water for firefighting.
- Current application is incomplete. Onus is on the developer to build in accordance with any permission.
- Impact on existing drainage routes to the north.

6.11 **2 representations of Support received**

- Great location with good access to the grid and already occupied by other industrial units.
- Desperately need to generate local renewable energy.
- Battery storage so that energy can be released at times of peak demand will help drastically reduce our dependence on polluting, harmful fossil fuels.
- The UK needs to advance battery energy storage to aid in the grids transition to renewable energy.

6.12 **REPRESENTATIONS (original submission)**

6.13 **Eastleigh Borough Council – No objection**

6.14 **Chilworth PC – Objection;**

- Inadequate consideration of alternative sites.

- No justification for development in the Local Gap.
- Flood risk
- Pollution risk from hazardous storage
- Adverse impact on heritage of Chilworth Old Village
- Impact on highways safety
- Excessive site construction hours proposed
- Inadequate ecological information and biodiversity information.
- Public safety risk as a result of fire.
- Impact on landscape character of development and access track.
- Proximity to gas pipes on Castle Lane
- Development is not justified by national policy
- National security risks.

6.15 **North Baddesley PC** – Objection;

- Fire risk, lack of information on monitoring and mitigation procedures.
- Disruption to Castle Lane and Templars Way by installation of Cable.

6.16 **Valley Park PC**- No comment

6.17 **22 representations of Objection received**

6.18 Principle of Development

- Not necessary
- Contrary to NPPF and TVBRLP
- Inadequate consideration of alternative locations
- Development will not serve the local area.
- Should be located closer to Chandlers Ford.
- Should be located on a brownfield industrial site. There are disused sites on the Chandlers Ford Industrial Estate.

6.19 Neighbouring Amenity

- Noise impacts
- Light pollution

6.20 Highways

- Highways safety
- Traffic disruption from construction and cable works
- Safety impact on public footpaths and bridleways.

6.21 Public Safety

- Fire risk from lithium batteries
- Air pollution resulting from fire
- No information on monitoring and mitigation measures.
- Electromagnetic Fields health impact
- Safety impact on nearby schools and residences.
- Applicants should engage with local schools on safety procedures.

6.22 Other Matters

- Reinstatement of land following end of life.
- No clarity on long term ownership
- Impact on local economy
- Adequate funding in place to complete construction.
- A public consultation meeting should have been held with local stakeholders.
- Impact on property values.

6.23 Landscape, Arboriculture & Ecology

- Impact on woodlands
- Loss of habitat and biodiversity
- Impact on landscape character
- Impact on the Local Gap

6.24 **1 representation of Support received**

- Battery storage systems are a core element of sustainable national energy generation and distribution.
- Education opportunities associated with development.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

SD1 – Presumption in Favour of Sustainable Development

COM2 – Settlement hierarchy

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E3 – Local Gaps

E5 – Biodiversity

E7 – Water management

E8 – Pollution

E9 – Heritage

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

7.3 Chilworth VDS

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are the principle of development, impact on the character of the area, highways, trees, protected species, ecology, archaeology, minerals and amenity.

8.2 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In consequence, the starting point is the development plan. The development plan comprises the TVLP

8.3 The site lies outside the defined settlement boundaries of Chilworth, and North Baddesley and is therefore within the 'countryside'. For development outside settlement boundaries (unless covered by other Local Plan policies) (criterion a), it must be essential to be located in the countryside (criterion b), or there are material considerations to justify permission contrary to this Policy.

8.4 In determining an appeal for a similar application (Mill Lane, Nursling) the Inspector confirmed that whilst there is no specific policy relating to power generation infrastructure, Policy COM2 is a strategic policy relating to all forms of development.

8.5 There are no specific policies relating to the proposed development. As a result, in order to comply with Policy COM2 it would need to be essential for the proposed development to be located in the countryside.

8.6 Whilst there is no specific policy relevant to the development the Councils paragraph 7.50 of the TVBRLP does state that

The Council supports the principle of energy generating proposals which help mitigate and adapt to climate change within both defined settlements and the countryside. The Council will consider the merits of such proposals against the relevant policies of the Local Plan. In line with national guidance an applicant is not required to demonstrate the need for such proposals.

8.7 National Policy

The need for energy storage facilities is set out in publications by central Government including the 'Transitioning to a Net Zero Energy System, Smart Systems and Flexibility Plan 2021 (July 2021) and Energy white paper: Powering our net zero future (2020).

8.8 It is considered that there is a need, at least Nationally for such facilities in order to support the provision of renewable energy and to assist in balancing supply/demand issues related to centralised energy generation. The proposals would also assist in providing energy security.

8.9 National Planning Policy Framework (NPPF)

Paragraph 158 of the NPPF states that 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.

8.10 The proposed battery storage site is considered to meet the NPPF's definition of low carbon technology as it would help reduce emissions compared to conventional use of fossil fuels. Whilst the site itself does not generate electricity, but rather stores it for use as needed, the development would therefore help to meet the objective of identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure.

8.11 Flexible Electricity Generation

In order to meet the government's targets under the Climate Change Act 2008 of reducing carbon emissions by 80% below 1990 levels by 2050 the energy balance is becoming increasingly reliant on renewable energy sources (such as wind and solar). With a heavy reliance on climatic conditions, these sources can be more unpredictable. Coupled with the phasing out of coal power stations, there is a growing need for new power plants that can respond quickly to local demands and provide a secure supply of energy. Battery storage facilities are an efficient and responsive technology that is able to store energy oversupply that can be delivered to the network at times of peak demand and at very short notice.

8.12 The proposed development is therefore required to complement the mix of electricity generation and to meet the Government's objective of maintaining a reliable electricity supply. Once operational, the facility would have the ability to respond rapidly to the short-term variations related to local demand and fluctuations in the output from renewable energy sources.

8.13 The Department for Levelling Up, Housing and Communities guidance on renewable and low carbon energy includes guidance relating to battery storage schemes. The guidance states that

Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.

8.14 Site Selection

The applicants have identified that a suitable site must be located in an area where there is adequate capacity on the local electricity network to accommodate the scheme and be within viable proximity to a substation with available demand capacity.

- 8.15 Beyond the technical considerations of the electricity network and the other material considerations below there is the issue of what sites are available in the locality. Many of the representations received have expressed that development should be located on a brownfield site closer to the electricity distribution site.
- 8.16 The applicants have included a review of prospective brownfield sites utilising the Brownfield Land register (A register of sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.). The site search area was 5km from the distribution site. The supporting information states that, due to the cost associated with the cable connection, sites further than 5km would be unviable. The resultant search has not revealed any suitable sites on the Brownfield Registers.
- 8.17 One site was identified in the Southampton Authority, and a further site is located to the north within Eastleigh's boundary. However, both benefit from detailed planning permission for residential development making them likely financially unviable as well as being located in close proximity to residential properties.
- 8.18 Conclusion on the Principle of Development
The use of the site is contrary to criterion b) of Policy COM2 in that it is not considered inherently essential that a battery storage site be located in the countryside. However, there is a clear national need for low carbon energy supply development and the locational requirements associated with this development precludes utilization of a brownfield site. In this instance the proposed development is considered to represent an acceptable, and justifiable departure from Policy COM2 of the TVBRLP.
- 8.19 **Character and Appearance**
The site is located within the Chilworth/North Baddesley Local Gap. The land immediately to the north (Wrens Copse) is designated as an Ancient Woodland, Site of Importance for Nature Conservation (SINC) and has a blanket Tree Preservation Order (TPO).
- 8.20 There are no public rights of way in close proximity to the site, the closest footpath is North Baddesley (9) which is over 450m to the northwest of the site. Due to the distance and mature vegetation of Misslebrook Copse there are no views from the right of way. The main public views of the site are when travelling along the A27 (Botley Road) from Chilworth to North Baddesley, whilst there is mainly bramble vegetation with some trees, there are a number of open views into the site.
- 8.21 Landscape Character
The Landscape Officer has commented that the submitted Landscape and Visual Impact Appraisal is comprehensive and accurate. The LVIA acknowledges that there would be a Moderate/Major level of adverse effect on the landscape character at a site level that is borderline Significant, however

on the wider landscape character of the area, the Proposed Development is assessed as having a Negligible-Minor level of adverse effect.

8.22 The Landscape Officer raised concern with regard to the original submission considering that the initially proposed landscape planting did little to mitigate the proposals or integrate the site within the wider landscape. Following on from the initial comments the proposed landscape scheme has been extensively revised and expanded in accordance with the Landscape Officers advice. The revised proposals have substantially increased the planting buffers around the site and now provide a robust buffer both in terms of depth of planting as well as increasing the size/height of the species proposed. These landscape proposals have been subsequently revised to accommodate the secondary access required as part of the fire service advice. The revised scheme has included an increase in landscape planting. Whilst the Landscape Officer retains an in-principal concern regarding development in the Gap they have confirmed that the proposed buffer would in time successfully mitigate the proposals and integrate within the wider landscape.

8.23 Arboriculture

As is described above the application site is situated adjacent protected woodland. However, there are no protected trees proposed to be felled as part of the development and the scheme now proposes extensive areas of new tree planting. The Arboricultural Officer raised some initial concern that the submitted information did not include surveys of the cable route to the distribution site. It has since been clarified that the cable would be laid in the highway and not therefore impact trees adjacent the carriageway. Following the submission of the additional planting details the Arboricultural Officer has also confirmed that proposed new planting is suitable. As a result, the application is considered to have no detrimental impact on tree and complies with Policy E2.

8.24 Local Gap

The site is located within the Chilworth/North Baddesley Local Gap. Policy E3 states that development within Local Gaps will be permitted provided that:

- a) it would not diminish the physical separation and/or visual separation; and
- b) it would not individually or cumulatively with other existing or proposed development compromise the integrity of the gap.

8.25 The supporting text to Policy E3 clarifies that “The purpose of the policy is not to prevent all development within a local gap. In some circumstances where the proposal is of a rural character, such as agricultural buildings, and has a minimal impact on the purpose of the gap, these may be permitted.”

8.26 The proposed use is clearly not agricultural in appearance, but it does not require the erection of any tall structures or buildings. The extent of the proposed planting scheme will significantly reduce its prominence and, once mature, will effectively visually integrate the site into the adjacent woodland. The end result is not considered to diminish the physical separation and/or visual separation of the settlements and complies with Policy E3.

8.27 **Ecology & Protected Species**

This application is supported by an Ecological Impact Assessment (Western Ecology, January 2023) and a Biodiversity Net Gain Plan (Western Ecology, December 2022). Following initial comments from the Ecology Officer and updated Ecological Impact Assessment (Western Ecology Ltd, March 2023) and the Biodiversity Net Gain (BNG) metric spreadsheet provided. The BNG assessment and net gain plans have been updated as part of the most recent amendments.

8.28 Representations have raised concern that the development would result in a loss of biodiversity. However, the sites historic use limits its ecological interest with the most significant habitats contained within the boundary planting and adjacent woodland which are retained by the proposals. The BNG metric submitted in support of the application demonstrates a 45.74% increase in Habitat Units. The net gain has increased as a result of the amended landscaping proposals which have further increased the new planting on site.

8.29 The Ecology Officer has raised no objection subject to the imposition of conditions to require compliance with the protections and enhancements in the submitted documents. In addition, further conditions are proposed to restrict the use of external lighting to emergencies and to require the submission of a Construction Environmental Management Plan (CEMP) to ensure no impact on the adjacent Sites of Importance for Nature Conservation (SINCs)/Ancient Woodlands.

8.30 Policy E5 states that “Development in the Borough that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.” The amended scheme and enhancements would result in a clear net gain in biodiversity at the site. The proposals, despite not being required to provide mandatory BNG by virtue of the date the application was submitted relative to the implementation date, would nevertheless result in an enhancement of habitats and biodiversity from the current condition of the site, represents a benefit to the proposal that should carry some weight in the decision making process, and complies with Policy E5 of the TVBRLP.

8.31 **Highways**

In summary HCC have confirmed no objection to the application subject to conditions requiring the submission of a final Travel Plan and requiring the provision and retention of suitable visibility splays. Representations have raised concern regarding the traffic impacts of laying the new cable connecting in the highway and the highways impacts associated with the delivery of hazardous materials to the site. Any road closures would be temporary and subject to further consents from HCC as the Highways Authority. The issue of delivery of hazardous materials would also be subject to separate legislation beyond the scope of the planning application.

8.32 Once running the facility will generate minimal traffic movements and utilises an existing access to the site. As a result, the development is considered to have no significant adverse impact on highways or pedestrian safety and complies with the relevant policies of the TVBLP.

8.33 **Residential Amenity**

The application site benefits from a relatively isolated location in relation to neighbouring residential properties which are situated to the northwest (approximately 320m) and North (approximately 280m) on the other side of the highway and woodland respectively. Given the scale of the equipment it is not apparent that the layout of the proposed development would result in any adverse impact on the amenities of neighbouring properties by virtue of overlooking, overshadowing or overbearing.

8.34 Light

The risk of significant impacts on amenity from a new lighting scheme are limited by the areas of woodland that border the site to the east separating it from the nearest residential properties. But in any event following concerns regarding light pollution on the character of the area and protected species control over the external lighting is proposed.

8.35 Fire Risk

Many of the representations have referenced fire safety and the resultant air quality impacts of a fire at the site. The Hampshire & IOW Fire and Rescue Service (HIWFRS) have been consulted regarding the proposals and provided some detailed guidance on suitable layout and operation of the site.

8.36 During the consideration of the application The Department for Levelling Up, Housing and Communities guidance on renewable and low carbon energy was updated to include guidance relating to battery storage schemes. The guidance states that applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made. Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council.

8.37 The guidance further states that the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.

8.38 In response to the guidance the applicants have sought further advice from the fire service and made further amendments to the scheme in response to that advice. The application is supported by an additional fire safety note prepared by a suitable specialist.

8.39 The Hampshire & IOW Fire and Rescue Service (HIWFRS) have been consulted by the LPA and has advised that subject to compliance with the revised Fire Safety Note that they have no further comments to raise with regards to the safety arrangements of BESS units at this stage. It is noted that issues relating to fire safety are further controlled by non-planning legislation including Building Regulations, the Fire and Rescue Services Act 2004 and the Hampshire Act 1983 Section 12 (Access for Fire Service). However, in this case, it is considered necessary to secure the provisions of the submitted fire safety note by condition.

8.40 Noise

Following initial concerns raised by the Environmental Protection Officer the application has been supported by additional technical information. The Environmental Protection Officer was mainly concerned about the potential for some noise impact at the closest residential property, Charlotte Court. As a result, in order to protect against noise creep over time, they have recommended a condition limiting the noise output from the site as measured at the nearest property and requiring further mitigation if this is exceeded. Whilst it is expected that the site will operate below maximum operation time for much of the year, prolonged periods of warmer weather in future may see this maximum operation reached more frequently. The limit included within the proposed condition is primarily aimed at protecting amenity at night for the closest residents. The limits to noise impact are nevertheless considered achievable, and enforceable, in compliance with Policy LHW4 of the TVBRLP.

8.41 Electromagnetic Fields

Representations have raised concern with regard to the impact of Electromagnetic Fields (EMF) on public health. The Environmental Protection Officer has advised that the site operator will be obliged to comply with the Control of Electromagnetic Fields at Work Regulations 2016 to protect those who will be working on the site. No off-site impacts would be anticipated, and any further restrictions of EMF would be a matter for Public Health England.

8.42 **Surface Water and Drainage**

The Environment Agency designates the site as falling within Flood Zone 1 which has the lowest probability of fluvial flooding (i.e. 0.1% - a 1:1000 chance). There is therefore no objection to the development on fluvial flood risk grounds. Any further/improved connection to water services is a matter to be addressed through the relevant legislation. The Lead Local Flood Authority and Environment Agency have raised no objection to the proposals. A condition is applied to require development to be undertaken in accordance with the submitted drainage details. Subject to the required condition it is considered that surface water can be appropriately managed in accordance with policy E7 of the TVBRLP.

8.43 **Archaeology**

The Archaeology Officer has raised no in principle concern regarding the main body of the site but has noted that the revised scheme includes an on-site reservoir in the interests of fire safety. In addition, the proposed cable route does cross the line of a Roman road and the submitted Heritage Statement

does advise that some archaeological excavation/monitoring of the cable trench where it crosses the line of the Roman road is merited. As a result, it is considered necessary to include a condition to require the submission of details of Archaeological works. Subject to the required condition the proposed development would have no adverse impacts on heritage assets and complies with Policy E9.

8.44 **Mineral Safeguarding**

The proposed development lies within the mineral and waste consultation Area. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15 (Safeguarding – mineral resources) of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

8.45 The purpose of this policy is to protect economically viable mineral resource deposits from needless and unnecessary sterilisation, in line with Chapter 17 of the National Planning Policy Framework (NPPF). The policy seeks to maximise the recovery of viable mineral resources prior to development, this concept is known as prior extraction.

8.46 The application has been supported by a Technical Note on mineral resources. The Technical Note concludes prior extraction of mineral is unsuitable due to the limited below ground works. However, HCC have advised that there are opportunities for incidental mineral extraction as part of the proposed construction works i.e. during the preparation and construction phases of the project, for example through the excavation of footings, roads, landscaping, drainage and utility infrastructure associated with the development. HCC have advised that a condition be imposed to secure details of viable mineral recovery during the works.

8.47 **Gas Pipelines**

The application site and the proposed cable route are situated in proximity to multiple gas pipelines. Representations have raised concern that the development may have an adverse impact on the pipelines and that Southern Gas Networks (SGN) have not yet approved the construction methods. However, the required agreements with SGN are subject to separate legislation. SGN have responded to the current application advising that specialist construction methods may be required and that additional consents will be required. The applicant has been advised of their responsibilities and the need for additional consent from SGN.

8.48 **Planning Balance**

It is not essential for the proposal to be located within the Countryside which results in conflict with COM 2 of the TVBRLP. Notwithstanding this point there is a clear national need for this type of development and clear support from the NPPF para 158. The contribution to additional capacity in the existing electricity network and meeting national and local climate change aims is a significant benefit of the scheme.

8.49 The application is situated within the local gap, but visual impact has been reduced as far as possible by the extensive additional planting and as a result there would be a substantial increase in habitat and resultant biodiversity on site.

8.50 In this case the benefits of delivering the low carbon infrastructure, and associated biodiversity improvements, are considered to outweigh the conflict with Policy COM2 regarding development in a countryside location.

9.0 **CONCLUSION**

9.1 The proposals are considered to represent a justified departure from Policy COM2. Subject to the required conditions, the development would not result in any adverse impacts on the character and appearance of the surrounding area, trees and landscape character, residential amenity, highways, ecology or flood risk. The proposals are therefore considered to comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016.

10.0 **RECOMMENDATION**

10.1 **PERMISSION subject to:**

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

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

A001.1 V3.1

A001.2 V3.

A001.3 V3.1

B107

B201 REV 2.8.2

B201.1 REV 2.8.1

B209 REV 1.1

B210 REV 1.1

B211 REV 1.1

B215 REV 1.1

B216 REV 1.1

MISB 997 REV 1.1

MISB 998

MISB 999

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

3. **Landscape works, implementation and management shall be carried out in accordance with the approved landscape plan CE-MH2164-ADW02D – FINAL.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policies LE6(a), E1 and E2.

- 4. Development shall be carried out in accordance with the approved Arboricultural Method Statement (Arbtech, 28 April 2023) and Tree Protection Plan Ref Arbtech TPP 01.**
Reason: To ensure the protection of trees during development to improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.
- 5. Development shall be carried out in accordance with the measures detailed in Section 7. 'Mitigation' of the submitted Ecological Impact Assessment by Western Ecology Ltd. (March 2023).**
Reason: to conserve and enhance biodiversity, including with respect to legally protected species and Home Covert SINC, in accordance with Policies ENV01, ENV04 and ENV05 of the Test Valley local plan.
- 6. No development shall take place until a Construction Environment Management Plan (CEMP) to ensure no impact on the two adjacent SINC/Ancient Woodlands has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.**
Reason: to avoid impacts to the nearby SINC's and Ancient Woodland, in accordance with Policy E5 of the Test Valley local plan.
- 7. Development shall be undertaken in accordance with the measures set out in the Flood Risk Assessment and Drainage Strategy Iss. No. 4 (Delta-Simons, 6/2/23).**
Reason: To ensure proper management of surface water in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.
- 8. No development shall take place, (including any works of demolition), until a final Construction Traffic Management Plan has been submitted to, and approved in writing by, the LPA. The approved plan shall include scaled drawings illustrating the provision for -**

 - 1) The parking of site operatives and visitors' vehicles.**
 - 2) Loading and unloading of plant and materials.**
 - 3) Management of construction traffic and access routes.**
 - 4) Storage of plant and materials used in constructing the development.**
 - 5) Vehicle Tracking demonstrating that the largest vehicles associated with the construction process can access, egress and turn within the confines of the site.**

Development shall be undertaken in accordance with the approved details.
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan Policy T1.
- 9. Prior to commencement on site a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site and the means of keeping the site**

access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction. The scheme shall be implemented in accordance with the approved details and shall be installed and operational before any development commences and retained in working order throughout the duration of the development. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials shall be deposited on the public highway. Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan Policy T1.

10. The development shall not be brought into use until vehicular visibility splays as detailed on the approved plan 226849_PD01 in which there should be no obstruction to visibility exceeding 0.6m in height above the adjacent carriageway have been completed. The vehicular visibility splays shall thereafter be retained for the lifetime of the development.
Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with Test Valley Borough Revised Local Plan Policy T1.
11. The development shall not begin until a scheme of signage/road markings has been submitted to and approved in writing by the LPA. The scheme so approved shall be implemented before the development hereby approved is first brought into use.
Reason: In the interests of highways safety in accordance with Test Valley Borough Council Revised Local Plan Policy T1.
12. The combined BS4142: 2014 'rating level' of noise from inverters and ancillary noise producing plant associated with the permitted battery energy storage site development shall not, at any time of operation, exceed 30 dB(A) as determined at the nearest existing residential property [Charlotte Court, Castle Lane]. The measurements and assessment shall be made according to BS4142: 2014. If requested by the Local Planning Authority (following receipt of a noise complaint) within 24 months of commencement of use, the operator shall (at the operator's own expense) appoint a competent acoustician to undertake a noise verification exercise under typically worst-case conditions to monitor site noise and determine whether the above limit is being complied with. A written report of the acoustician's findings, together with noise mitigation proposals if required, shall be provided to the Local Planning Authority within three months of any such request.
Reason: In the interests of the amenities of neighbouring properties in accordance with Valley Borough Council Revised Local Plan Policy E8.
13. No development shall commence until a scheme for the import and export of electricity to and from the site, including routes of pipes and cables has been submitted to and approved in writing by the Local Planning Authority. The connection infrastructure shall be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: In the interests of highways safety in accordance with Test Valley Borough Council Revised Local Plan Policy T1.

- 14. Development shall be undertaken in accordance with the Misslebrook BESS – Fire Safety Note (December 2023) unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of local amenities and of neighbouring properties in accordance with policy E8 of the Test Valley Borough Revised Local Plan 2016.**

- 15. Notwithstanding the information submitted, details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting. The submitted details shall include a detailed management plan of when external lighting will be used on site. The development shall be carried out, and external lighting operated, in accordance with the approved details.**

Reason: In the interests of protected species in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 16. No development shall take place (other than any approved demolition and site clearance works) until details of a method for ensuring that minerals that can be viably recovered during the development operations are put to beneficial use has been submitted to and approved in writing by the Local Planning Authority. The details shall include a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the Minerals Planning Authority. Development shall be undertaken in accordance with the approved details.**

Reason: This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding - mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and viable, safeguarded mineral resources are likely to be present.

- 17. No development shall take place (including site clearance within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.**

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**

- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 3. The applicant's attention is drawn to the advice contained in the Hampshire & Isle of Wight Fire & Rescue letter of 15th February 2023 and the Environment Agency letter of 21 April 2023. Specifically, to the requirements under the Hampshire Act 1983 Section 12 - Access for Fire Service and Fire and Rescue Services Act 2004. Water provisions should be discussed in detail with HIWFRS to ensure suitable water is available for firefighting purposes. Please contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss the proposals.**
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