
APPLICATION NO.	19/02772/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	26.11.2019
APPLICANT	Mr Warren Cann
SITE	Shb Hire Ltd, Mill Lane, Nursling, SO16 0YE, NURSLING AND ROWNHAMS
PROPOSAL	Erection of a battery storage facility
AMENDMENTS	11.12.19 - Updated acoustic design specification
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

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 northern side of Mill Lane and within Nursling & Rownhams Parish.
- 2.2 The site is situated to the north of the existing SHB Hire site in an area that was formally wooded and forming part of the Big Wellow Wood SINC. It is evident that trees were felled and the land striped prior to the submission of prior application.

3.0 PROPOSAL

- 3.1 Erection of a battery electricity storage facility.

4.0 HISTORY

- 4.1 17/00584/FULLS- Erection of a flexible electricity generation unit with woodland restoration- **ALLOWED AT APPEAL.**

5.0 CONSULTATIONS

- 5.1 **Highways** – No objection.
- 5.2 **Landscape**- No objection subject to conditions.
- 5.3 **Natural England**- No objection subject to securing mitigation.
- 5.4 **Environmental Health**- No objection subject to conditions and an additional plan showing the specification of the acoustic screen.

- 5.5 **Ecology-** The planning statement states that “This application seeks permission for an alternative development utilising battery storage. A larger compound area is now proposed, but the additional land is taken entirely from the existing vehicle storage yard. The proposed woodland restoration and management area will therefore be unchanged from the approved development”.

Given the nature of the application and the proposed works, I have no concerns that this development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

- 5.6 **Trees-** An arboricultural appraisal has been included in the application bundle, dating from nearly three years ago. The proposal is also supported by a woodland restoration plan. Both these documents are referenced to and contain plans relating to a previous, smaller scheme. This has little impact with regard to the arboricultural report, however a smaller area will be available for restoration work and new tree planting. Please run this element past our ecological colleagues.

I have found no information with regard to how the site is to be accessed by power cables.

- 6.0 **REPRESENTATIONS** Expired 03.01.2020

- 6.1 **Nursling & Rownhams Parish Council-** Object:

This area was proposed by the Forestry Commission to recover by re-generation, which appears to be happening. Any further development will affect this re-generation of the SINC.

Noise levels are not high, with the units being contained within their own 2.9m compound. The nearest residential dwelling is 220m away, the other side of the New Forest Fencing development. Taking these facts into consideration, my Council can see no requirement for a 4/4.5m wooden fence to be installed in an environmental area, which is also a SINC. There are no electrical routes quoted for the connection to the Distribution Centre.

Since the previous application was granted at appeal there have been changes to the ecological characteristics of the site and changes to the NPPF. The application must be considered afresh. A summary of the points raised are as follows:

- The ecological survey work is out of date as it is over three years old.
- No details of the electricity supply connections or cable route.
- NPPF requires new applications to deliver a net gain in biodiversity.
- Submitted Woodland restoration plan states that replanting will take place in winter 2017 and maintenance from 2018.
- There is a net loss of SINC and not the net gain required by the NPPF.

- 6.2 **Inglenook Cottage-** Object (summarised below but is largely the same as the Parish Council objection):
- Changes to the ecological characteristics of the site itself; and Changes to the National Planning Policy Framework are not reflected in the application.
 - Ecological survey work is not up to date.
 - No net increase in biodiversity.
 - Route of electricity cable and connection point not known.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Policy Statement for Energy (EN-1)

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

COM2 (Settlement Hierarchy), SD1 (Presumption in Favour of Sustainable Development), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E6 (Green Infrastructure), E8 (Pollution), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

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 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 boundary of Nursling 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 When appealing the Council's decision to refuse the previous application the appellant was of the view that the local plan was silent and that the proposal should be considered against the presumption in favour of sustainable development set out within LP Policy SD1. The Inspector did not agree with the appellant's conclusion on this matter and agreed with the Council that whilst there is no specific policy relating to power generation infrastructure, Policy COM2 is a strategic policy relating to all forms of development. There is therefore conflict with Policy COM2 (Para 8 of the Inspector's decision).

8.5 Character and Appearance

As set out in the history section above, there is an extant permission for a flexible electricity generation unit on the site which would be enclosed by an acoustic fence of a height between 4.0m & 4.5m in height. It is acknowledged that the developable site area for the current application is slightly larger than the extant consent however, its visual prominence is not dissimilar.

8.6 As with the extant permission- The compound fencing would be visible through the depot gateway onto Mill Lane, where it would be seen at a distance in excess of 200 m, against a foreground of buildings, various hire vehicles and ancillary external storage. A substantial electricity pylon rises above trees on the horizon with various overhead lines in evidence. Given this industrial context, the inspector was of the view that the proposed timber fencing would not stand out as a discordant feature. There is no reason to disagree with this conclusion.

8.7 Similarly, the inspector observed that- There would also be views of the development from the Test Way long distance footpath at the point where it meets Mill Lane. These views are already heavily influenced by the hire depot with its main building, lorry trailers and security lighting columns all visible. Having regard to these immediate surroundings, the distance at which the views are obtained and the mellow appearance of the proposed fencing against a backdrop of much taller trees. It is considered that the Inspector's conclusion on this matter is still relevant and there would be no significant harm to local landscape character.

8.8 The Inspector's conclusion on this matter is clear and concise and there is no reason or change in circumstance that would draw a different conclusion. As set out at Paragraph 8.5- The current proposal has a slightly larger developable area but the site is well contained in landscape terms, being substantially enclosed by woodland. With the exception of the limited views described above, it is screened from wider public view. The location is relatively discreet and the landscape setting of the development would be improved over time by the restorative tree planting being proposed for the remainder of the site.

8.9 As such, it is concluded that the application would not have a material adverse impact on the appearance of the immediate area or landscape character. It would thus comply with Policy E2 insofar as it seeks to ensure the protection, conservation and enhancement of the landscape of the Borough.

8.10 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.

- 8.11 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.
- 8.12 As confirmed by the Inspector at Paragraph 15 of his decision- There is a demonstrable need for this type of development and the location of the site near to the Nursling Substation is convenient for providing connection to the grid. It is agreed that this is a factor that carries significant weight in favour of the proposal.
- 8.13 Biodiversity & Woodland Restoration
The application is accompanied by a woodland restoration plan undertaken by SLR Ref 422.06725.00001 Rev 3 dated May 2017. This has been updated to reflect the timings of the new planting and the maintenance of it.
- 8.14 The woodland on the appeal site was cleared prior to the submission of the original application and this has resulted in the loss of habitat over part of Big Willow Wood SINC. The Forestry Commission did serve a restocking notice which would secure the replanting of broadleaf tree species, but this has not yet been undertaken. As concluded by the inspector, neither this nor natural regeneration can be guaranteed to restore the ecological value of the site. And though there is clearly some additional natural growth on site it would take a significant period of time to regenerate without human assistance.
- 8.15 The application is accompanied by a Woodland Restoration and Management Plan. This has the potential to deliver a more diverse habitat mosaic which benefits a range of species and better reflects the original site characteristics. Although the area of land replanted would be less than that degraded as a result of the recent woodland and less than that permitted under the extant planning permission, the quality would more than offset this. There would be compliance with Policy E5 insofar as it supports development that conserves, and where possible restores and/or enhances biodiversity, it would also comply with the NPPF.
- 8.16 Two representation received by the Council state that there has been an update in national policy since the previous appeal was determined. This is correct- the previous appeal was considered under the NPPF July 2018. The current draft of the NPPF is February 2019. The most recent NPPF update made only minor changes to the text and made no substantive changes to policies relevant to the determination of this application. It is therefore concluded that the consideration above is consistent with the NPPF and there have been no material changes to local or national policy that would lead to a different conclusion on this matter.

8.17 Highways

Hampshire County Council Highway Officer has raised no objection to the proposed development. There will obviously be an element of disturbance during the construction of the development, but 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.

8.18 Amenity of Neighbouring Properties

Discussions have taken place between the Council and applicant in relation to noise disturbance and proposed mitigation.

8.19 Additional information, plans and update statements have been provided and this adequately addresses the concerns originally highlighted. Subject to the imposition of appropriate conditions to ensure the site is constructed and operated in accordance with the submitted proposals the development would not have an adverse impact on the amenity of neighbouring properties and comply with policy E8 of the TVBRLP.

8.20 Green Infrastructure

As identified by the supporting text of policy E6 green infrastructure encompasses a wide range of land uses including SINC's. Criterion 'b' of policy E6 states that development will be permitted provided that "it avoids the loss, fragmentation, severance or negative impact on the function of the Green Infrastructure network". As identified in the previous application's Committee report and appeal decision discussed above the application site must be considered in its current state rather than the formerly existing woodland and its associated value. Only by securing the restoration works by condition will the local planning authority be able to enhance the green infrastructure restoring its previous biodiversity interest. As confirmed by the inspector this is a matter that must be given significant weight in the planning balance.

9.0 **CONCLUSION (PLANNING BALANCE)**

As concluded by the Inspector in determining the recently approved appeal, 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 it has been concluded in paragraphs 8.5-8.9 that no significant visual harm would occur and the proposal would provide additional capacity to the existing electricity network which is a significant benefit of the scheme.

9.1 The Big Willow Wood SINC was previously damaged before the submission of any application and neither the requirements of the extant consent or the restocking notice have been undertaken. The biodiversity quality is therefore likely to be low and the planning application proposal seeks to restore biodiversity within the application site and management over the long term to ensure the benefits are not short term. This is considered to be a significant benefit of the scheme. Taken in combination, these matters are considered to outweigh the harm to and conflict with the development plan and planning permission should be granted.

10.0 RECOMMENDATION

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:
101-A Sheet 1
301-A Sheet 1 of 2
301-A Sheet 2 of 2
302-A
001
003
005-A
008
JCW Reflective Sound Screen- Data Sheet 68
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until a detailed Big Willow Wood SINC Biodiversity Restoration, Enhancement and Management Plan has been submitted to and approved in writing by the local planning authority. The submitted Plan shall build on the details contained within the Woodland Restoration and Management Plan (SLR Ref 422.06725.00001 Version 3 dated May 2017) and further botanical survey work of adjacent retained habitats, to demonstrate how the local ecological network will be enhanced. It shall further make provision for the relocation of the existing perimeter fencing on the northern and western site boundaries closer to the electricity generation unit compound. The Plan shall also include timescales for implementation of the restoration measures and provision for regular monitoring over a minimum ten year period, with periodic review and reporting to the local planning authority. Remedial works shall be undertaken where a need for these is identified.
The Plan shall subsequently be implemented in accordance with the approved details, with the long-term management provisions fully implemented unless subsequently varied on the basis of proper monitoring and review.
Reason: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure the favourable conservation status of protected species and to ensure that the lands ecological significance is adequately restored to ensure compliance with the Test Valley Borough Revised Local Plan (2016) Policy E5.

4. **No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of the Oak T1 to be retained has been submitted to and approved in writing by the local planning authority. Such a scheme shall include a plan showing the location and specification of protective tree barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the local planning authority that it has been erected. The approved tree protection measures shall be maintained and retained for the full duration of construction or until such time as agreed in writing with the local planning authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the barrier.**

Reason: To prevent the loss during development of important landscape features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.

5. **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: For the avoidance of doubt and to ensure that the cable route does not result in harm to or loss of important landscape features and harm to areas of special ecological value, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2 and E5.

6. **No development shall commence (other than site clearance) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the local planning authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought into use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 7. In the event that contamination is found at any time during construction works, the presence of such contamination shall be reported in writing to the local planning authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the local planning authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the local planning authority prior to the site being brought into use.
Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 8. The combined level of sound emitted from fixed plant and machinery installed on the site, shall not exceed a 'rating level (LAr,Tr)' of 39dBA during any day time or night time period at any residential property existing at the date of the Decision Notice. Measurements and assessment for the purposes of demonstrating compliance shall be made in accordance with BS4142.
Reason: To safeguard the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
- 9. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority they shall thereafter be retained as such. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram
Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

Note to applicant:

- 1. 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.**
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