

Officers Report

Planning Application No: WL/2024/00662

PROPOSAL: Planning application for the installation and operation of a Battery Energy Storage System (BESS) with ancillary infrastructure and landscaping and biodiversity enhancements.

LOCATION:

LAND AT WILLINGHAM BY STOW FARM
MARTON ROAD
WILLINGHAM BY STOW
GAINSBOROUGH
DN21 5BH

WARD: STOW

WARD MEMBER(S): Cllr L Mullaly
APPLICANT NAME: FRV Powertek

TARGET DECISION DATE: 19/11/2024 (Extension of time agreed until 28th February 2025)

CASE OFFICER: Danielle Peck

The application is referred to the planning committee for determination due to the representations received stating material planning matters that are considered to be finely balanced.

Recommended Decision: Grant planning permission with conditions and a S106 Legal Agreement to secure a monitoring fee for the significant on site Biodiversity Net Gain. It is recommended to delegate to officers to issue an approval once the legal agreement has been signed.

Site Description: The application site comprises of an existing agricultural field (9.6ha) on the south side of Marton Road with the open countryside. The nearest settlements are Willingham by Stow located c.1.1km to the north east, Stow located c. 1km to the south east and Normanby by Stow located 1km to the east. Open agricultural fields adjoin all boundaries, the surrounding landscape is largely flat. There is a Public Right of Way c. 170m to the east of the site ref: Stow/70/1.

The site is within the Parish of Stow and Stow Neighbourhood Area. The land to the immediate north is in Willingham Parish.

The Proposal: The application seeks planning permission for the installation and operation of a 400MW Battery Energy Storage System (BESS). The total site area measures approximately 9.6Ha. The actual BESS compound unit and area to be

developed would measure c. 3.7ha, the compound will have the following equipment and approximate dimensions;

- 160 battery modules, (2.89 (W) x 6.58(L) x 3.2 m (H));
- 80 MVS inverter skids (2.89 (W) x 6.58(L) x 3.2 m (H));
- 400kV substation compound (97m (W) x 82m (L) x 13m (H (maximum)));
- 132 kV substation compound (94m (W) x 59m (L) x (6.45m (H (maximum)));
- 1 metering building (2.6m (W) x 12.2 m (L) x 3.2m (H));
- 9 car parking spaces (total 14.5m (W) and 5m (L));
- 1 welfare / office building (2.6 (W) x 12.2m (L) x 3.2 (H));
- Stores building (2.6m (W) x 12.2m (L) x 3.2m (H));
- Fire water storage tanks;
- 23no. CCTV cameras on 4.5m high poles around the site compound;
- Locked access gate;
- Sensor-controlled lighting;
- Temporary lay down area, approximately 2,500 m² (to be used during construction period); and
- Perimeter palisade fencing around the Site boundary, 2.4m in height.
- Paladin fencing at 2.4m in height around the 132kV and 400kV substations.

The remainder of the site is identified as wild meadow and biodiversity planting.

The application details that the BESS would be in operation for 40 years.

Screening/EIA Assessment: Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development has been screened under reference 148082 in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore, the development is not 'EIA development'.

Relevant Planning History

148082- Request for screening opinion for proposed battery energy storage system. Not EIA development- 27/03/2024.

147829- Pre application enquiry for the installation & operation of a 400MW Battery Energy Storage System. Response given 27/03/2024-

Conclusion stated- *To conclude, it is the informal opinion of the Local Planning Authority that the principle of the proposals submitted within this pre-application enquiry are likely to accord with the policies within the development plan, it would be useful to have more justification around the site selection process given the distance away from the Cottam Substation. There are some visual and scale concerns with the proposals, potential cumulative impacts should be given some consideration.*

Representations- Summarised below. Full versions of the comments received can be viewed on the Councils Website using the following link: [West-Lindsey | Public Portal](#)

Cllr L Mullally: My main concern with these batteries is the combustion. If one sets on fire, you must cool all the other 159 plus batteries down with water. Will water be accessible? Will the fire department come out? The water used to cool and put out the fire is then contaminated going into the water system. I'm also concerned about how far away the nearest property is.

Why are the batteries being put on arable land which is or was used for food? I also gather that the batteries store more energy than we need for the area so what's left gets sold to the national grid? Where does this money go to? The farmer or BESS?

Waste is also a concern as these batteries have a short lifespan. Where will they go when they are surplus to requirements.

I understand that we must move forward but it should be sympathetically to the area, and we must protect our hedgerows and wildlife. I would rather see solar put on every house, workplace, schools, colleges, carparks and let these people reap the benefits than have fields of solar panels and batteries spoiling natural beauty.

Stow Parish Council: Stow Parish Council strongly OBJECT to this planning application. The developers have managed to get the agricultural land this BESS is wanting to be sited on degraded to 3b (moderate) from 3a (good), based on its wetness. We find this very hard to believe. This land has successfully been used to grow agricultural crops for decades.

This BESS will be linked to Cottam Power Station and (unbelievably really) is claimed to be totally separate to the various neighbouring proposed solar farms and so it has, apparently, nothing to do with them. If this is the case, why does this BESS need to be in an agricultural field 7 km from Cottam, when land (green and brown field sites) are available right next door to Cottam? The answer, tucked away in this application, is money. Brown field sites close to Cottam were 'priced out of contention'. So the developers are not prepared to come up with the money required to use a nearby brown field site that would require some mitigation against noise, visibility, safety etc. This is quite unacceptable.

Once up and functioning this BESS will provide electricity in the event of a failure of some kind for 2 hours. That's all, just a maximum of 2 hours.

It is suggested restoration of the site to agricultural land after 40 years 'will be conditioned'. This is not good enough. It is not unknown for a company to have restoration conditions attached to a planning permission that it has, only for the company to (conveniently) go bust just before the restoration is due. Who then picks up the cost? The local authority, ie the tax payer. Therefore should planning permission be granted for this BESS, a Restoration Bond MUST be put in place by the developer before ANY work can begin.

The developers make a number of staggering statements in their application. They claim the agricultural land will be improved by siting this BESS on it for 40 years - where is any evidence to support this ridiculous claim?

Appendix 6 of the Statement of Community Involvement is a catalogue of denials. The public event held in Sturton VH was simply a box ticking exercise, given the vast majority of parishioners concerns have been totally ignored.

Stow Parish Council are therefore very strongly against approving this BESS application. No justification whatever can be given for siting such a development in the middle of rural Lincolnshire, 7 kilometres away from the power station it is designed to support and no such justification is given in this application

Willingham by Stow Parish Council: Willingham by Stow Parish Council would like to object to the installation of BESS on the land at Willingham by Stow Farm, Marton Rd due to the close proximity of a battery storage already passed in the area, why is another one needed? The proposed location will be too near the gas works – which is a very high safety issue. The land is good arable farming land – more and more land is being used for planning, where will our food be grown in the future? And have concerns over the accessibility of vehicles down an unsuitable road – very narrow, single-track road!

This application is in the wrong location!

Local residents/Third Party Representations:

6 letters of objection have been received from the following addresses:

4 Daubney Avenue, Saxilby;

2 West Farm Cottage, Normanby by Stow.

15 Ingham Road, Stow;

Grange Lane, Willingham by Stow;

Manor Farm Drive, Sturton by Stow;

Nursery House, Willingham Road, Marton.

Comments summarised as follows;

- Visual Impacts and industrialisation of green space;
- Use of agricultural land that should be used for crops, the field is regularly used for crop production;
- Why is a brownfield site closer to the grid connection not being used for the project;
- What will the impacts of the cabling route be;
- The site lies near to a gas pipeline- has this been taken into consideration;
- Concerns with water contamination and the impact upon wildlife;
- Willingham/Marton Road is not suitable for construction traffic/ HGV's;, how will the damage be controlled;
- How will this connect to the National Grid, we are concerned that there would be more disruptive cable routes that would result in further decimation of crop producing agricultural land and further air, noise, and visual pollution in the construction phase.

- Is there no foul drainage proposed?
- Concerns with errors within the submitted reports- spelling mistakes, paragraph numbering errors and incorrect settlement names.
- Cumulative impacts with Gate Burton Energy Park and other NSIP proposals within the area need to be taken into account;
- Concerns with the safety of the batteries, fire risk, fumes, and proposed spacing;
- Concerns with the long lasting cumulative effects of a large amount of developments within close proximity to each other.
- Concerns with surface water drainage;

5 letters of support have been received-

Sandybus Farm, Marton Road, Willingham by Stow: I am writing to register my support for Willingham-by-Stow BESS (WL/2024/00662) for the following reasons: I live the nearest to this field and I support this project. I am in favour of any project which helps protect energy security for the country. I think the location is very good as it is remote. Having worked in agriculture all my life I know this field is not the most productive and is very heavy clay soil.

3 Stow Road, Willingham By Stow- I am writing to register my support for Willingham-by-Stow BESS (WL/2024/00662) for the following reasons: I strongly believe in the urgency of conversion to green energy in the face of the threat of the climate emergency. I think the planned position of the battery farm is sufficient distance from the village to have little to no impact. I think the plans for planting the site and developing the ecosystem will bring significant ecological benefits to the area.

3B High Street, Willingham By Stow: I am writing to register my support for Willingham-by-Stow BESS (WL/2024/00662) for the following reasons: I feel this is the future and the best way to lower global warming.

2 Council House, Fen Lane, South Carlton: I am writing to register my support for Willingham-by-Stow BESS (WL/2024/00662) for the following reasons: As the solar panels have been approved in that area it makes sense to store the power for when we need it. I.e when it's dark and cold

Brogdale, Belchford Road, Fulnetby: I am writing to register my support for Willingham-by-Stow BESS (WL/2024/00662) for the following reasons: Hi, having kept a close eye on energy developments in Lincolnshire I am a big supporter of infrastructure in this area. Although I am not a resident in West Lindsey it's an area well known to me and think it's excellent to see our future energy supply secured in this area.

LCC Highways and Lead Local Flood Authority: No objections subject to conditions and informative notes to applicant.

Comments: There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Existing Conditions- Greenfield site

Highway safety- Developments impact on the highway network will be temporary in nature, during the construction phase of the development proposals. The impact on highway safety will require mitigation through the provision of three passing places along Marton Road, along with construction of the new site access to Lincolnshire County Council's specification.

Highway capacity- The proposed trip generation during the construction phase has a minor impact on highway capacity at this location, with an average of twenty two-way movements a day. Please see above note in the comments section. Once in operation the trip generation of the development is negligible. Additional passing places on Marton Road, along the construction route, will mitigate the impact of the construction traffic on the network.

Travel Plan- A Travel Plan is not required for this development proposal. Site Layout Site layout, as shown, is acceptable.

Flood Risk and Drainage Flood risk has been assessed and the conclusions are acceptable to the Highway and Lead Local Flood Authority. A suitable drainage strategy, that observes sustainable drainage principles, has been proposed for the site and is acceptable. It is concluded that the development site will not poses an adverse effect on surface water flood risk.

Off-Site Improvements- Three passing places along Marton Road will be required.

Note to Officer- A highway condition (delap) survey will be required prior to commencement of the development. This must be carried out with, and the detail agreed, with the Highway Authority. Any damage or premature deterioration caused to the public highway by traffic associated with the development's construction phase, will require remedial works either during or after the construction phase, as necessary.

Recommends a condition- for a Construction Management Plan and Method Statement to be submitted and a scheme for three passing places along Marton Road.

LCC Archaeology:

25/01/2025- The report demonstrates the presence of Romano-British archaeological remains within the proposed site. Whilst there is unlikely to be any archaeological impact within the footprint of the proposed BESS and substation there are archaeological remains which would be impacted by the proposed ditch with wet wildflower meadow, as well as by tree planting. There is also the consideration of potential impact on archaeology from ground disturbance and compaction due to use of heavy machinery for construction works on the site. Measures will need to be put in place to mitigate against all these impacts.

If permission is granted, I recommend that conditions are placed for an archaeological mitigation strategy. This is in order to ensure that any archaeological remains are preserved in situ where possible and excavated and preserved by record were not. This is in line with paragraph 218 of the National Planning Policy Framework and Policy S57 of the Central Lincolnshire Local Plan.

10/09/2024- This department welcomes the inclusion of an Historic Environment Desk-Based Assessment (DBA) with the application. The DBA draws from several sources including a geophysical report which has not been submitted as a supporting document. The applicant should provide a copy of this report and forward it to the Lincolnshire Historic Environment Record, the report is: SUMO. 2024. Geophysical Survey Report: Stow Manor Farm, Stow Park Road, Gainsborough. If the primary source for this is not provided, there is only a partial picture of the interpretation of the results.

It should be noted that if the results of a geophysical survey do not demonstrate any geophysical anomalies corresponding to potential archaeology, this does not mean that there is certainty that there are no archaeological remains present. The European Archaeological Council (EAC) Guidelines for the use of Geophysics in Archaeology states the following: “Geophysical data cannot be used as ‘negative evidence’, since the lack of geophysical anomalies cannot be taken to imply a lack of archaeological features. However, where a corpus of previous work is available for the same environmental and geological conditions a statistical probability for the existence of archaeological features may be derived from the geophysical data, taking the resolving power of the used methodology into account. Such estimates have to be fully qualified and explained. Where decisions have to be made in the absence of geophysical anomalies an additional evaluation procedure – for instance the use of a different geophysical technique, or trial trenching – should be considered.”

In a pre-application consultation for this site, this department recommended that a geophysical survey be carried out to inform a programme of archaeological trial trenching. Especially given the archaeological potential associated with the proximity of a known Romano-British farmstead or settlement. I continue to recommend that archaeological trial trenching is carried out prior to determination in order to allow an informed recommendation as to any potential post-consent archaeological mitigation that might be required if permission is granted.

This recommendation is informed by relevant guidance and is in line with paragraph 200 of the National Planning Policy Framework (NPPF) and Policy S57 of the Central Lincolnshire Local Plan.

Lincolnshire Fire and Rescue: No representations received to date.

HSE (via Padhi app): Does not advise against.

National Grid Plant Protection Team: Regarding planning application WL/2024/00662, there are no National Gas Transmission gas assets affected in this area.

Uniper (Pipeline Operator): No representations received to date.

Environment Agency:

We have reviewed the following reports for the proposed development with respect to controlled waters only:

- Phase 1 Contamination Assessment Report by RMA Environmental Limited (ref: RMA-C2697, Issue 2, dated 23rd April 2024)
- Flood Risk Assessment and Drainage Strategy by RMA Environmental Limited (ref: RMA-C2697, Issue 3, dated 31st May 2024)

Based on the available information, we have no objection to the grant of planning permission.

We consider that the site poses low risk to ground water but could potentially be at greater risk of surface water pollution associated with firewater or rainfall runoff after a fire. The Flood Risk Assessment and Drainage Strategy report demonstrates that an attenuation pond, penstock and impermeable membrane will be able to isolate potentially contaminated firewater from surface water.

Recommends informatives.

Central Lincolnshire Ecologist:

Comments on amended BNG metric and PEA following a meeting with the agents for the application:

I am happy with metric, and the updates. Recommends condition and a Legal S106 agreement to secure the on site gains. Including a HMMP and a one off monitoring fee of £6637.

Relevant Planning Policies and Legislation:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Stow and Sturton by Stow Neighbourhood Plan adopted 2024.

Development Plan

- ***Central Lincolnshire Local Plan 2023 –***

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S5: Development in the Countryside
Policy S16: Wider Energy Infrastructure
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S53: Design and Amenity
Policy S54: Health and Wellbeing
Policy S56: Development on Land Affected by Contamination
Policy S57: The Historic Environment
Policy S60: Protecting Biodiversity and Geodiversity
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Policy S66: Trees, Woodland and Hedgerows
Policy S67: Best and Most Versatile Agricultural Land

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Sturton by Stow and Stow Neighbourhood Plan (NP) 2024***

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey>

Relevant policies of the NP include:

Policy 1: Sustainable Development
Policy 5: Delivering Good Design
Policy 6: Historic Environment
Policy 12: Environmental Protection
Policy 13: Flood Risk

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the

closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

National Planning Policy Framework

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

In particular, NPPG: Renewable and Low Carbon energy provides planning guidance specific to Battery Energy Storage Systems:

<https://www.gov.uk/guidance/renewable-and-low-carbon-energy#battery-energy-storage-systems>

- National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

- National Model Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

Other Relevant Guidance:

National Fire Chiefs Council- Grid Scale Battery Energy Storage System Planning - Guidance for FRS (version 1, 2022):

[Document text here](#)

**Draft NFCC Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services (July 2024)
(Consultation closed August 2024)**

[Draft Grid Scale Energy Storage System Planning Guidance - NFCC](#)

Main Considerations:

- Principle of Development;
- Best and Most Versatile Land/Loss of Agricultural Land;
- Health, Battery Safety, Pollution and Fire Risk;
- Flood Risk and Drainage
- Visual Amenity inc. Trees and Landscaping;
- Highway Safety/ Access
- Archaeology;
- Residential Amenity. Inc Noise;
- Ecology and Biodiversity Net Gain;
- Contamination;
- Other Matters.

Assessment:

Principle of the Development:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site is clearly within the open countryside being separated from nearby settlements by large distances. The proposal would therefore fall under Tier 8 (Countryside) of Policy S1 of the Central Lincolnshire Local Plan.

With reference to tier 8 (Countryside) Policy S1 of the Central Lincolnshire Local Plan states that;

Unless allowed by:

*a) policy in any of the levels 1-7 above; or
b) any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or **utility services**;*
- **delivery of infrastructure**;*
- **renewable energy generation**; and*
- minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

It is noted that under criteria b) of the above there is reference to utility services being one of the restrictions allowed within an open countryside location. However, the policy also states that such proposals must be 'demonstrably essential' to its effective operation. Part E of Policy S5 relates to Non-residential development in the countryside and states that proposals for non-residential development will be supported provided that:

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*
- c) The location of the enterprise would not result in conflict with neighbouring uses;*
and
- d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

Policy S16 is also applicable here and relates to wider energy infrastructure of the CLLP states that;

Where planning permission is needed from a Central Lincolnshire authority, support will be given to proposals which are necessary for, or form part of, the transition to a net zero carbon sub-region, which could include: energy storage

facilities (such as battery storage or thermal storage); and upgraded or new electricity facilities (such as transmission facilities, sub-stations or other electricity infrastructure.

However, any such proposals should take all reasonable opportunities to mitigate any harm arising from such proposals, and take care to select not only appropriate locations for such facilities, but also design solutions (see Policy S53) which minimises harm arising.

Policy 1 of the NP relates to Sustainable Development within the Parishes of Sturton by Stow and Stow, it states that;

1. To support and enhance the sustainability of the Parishes of Sturton by Stow and Stow, development will be supported where it is consistent with the following principles as appropriate to the proposal's scale, nature and location within the neighbourhood area;

d. development outside the existing or planned built-up areas of Sturton by Stow and Stow villages will only be supported if it:

- i. is required for agricultural purposes; or*
- ii. is required to support an existing agricultural or non-agricultural use; or*
- iii. makes sustainable use of a previously developed site; or*
- iv. is infrastructure provision required by a utility provider and consistent with the objectives and policies of this Neighbourhood Plan;*

The application seeks permission for the installation and operation of a battery energy storage system. The proposal will provide a balancing service for electricity. The key determining factor to identifying the location of a BESS is proximity to available grid capacity. The Distribution Network Operator (DNO) determines where energy generation projects can connect on the network as this is based on complex technical and operational criteria. The proposed BESS will connect to the National Grid substation at Cottam approximately 6.4km away. It is acknowledged that usually a closer distance between the proposed development and the point of connection is preferred.

Part E of Policy S5 requires justification for the location of development. Whilst Policy S16 does not require justification in terms of site selection, justification has been provided by the applicant within the submission.

Grid Capacity- Cottam substation is a strategically important location. In 2019, the coal-fired Cottam power station was decommissioned. As a result, there was a significant loss in the amount of energy supplied to Cottam substation. The coal plant also provided balancing services to the National Grid network in the area, ensuring that in times of peak demand, there was enough energy provided to the National Grid network to stabilise the supply of electricity. The cessation of this power station therefore resulted in the loss of balancing services to National Grid's electricity transmission network.

Land Availability- *Given the area around the Cottam substation consists of largely agricultural land and residential settlements, it was therefore necessary to search for available undeveloped land parcels for the Proposed Development. 4.3.2 The Site is available to the Applicant and is ready for development. It is not subject to any other proposed uses or allocations that might be considered incompatible.*

Environmental Considerations- *The Site is large enough to incorporate the Proposed Development whilst also retaining the existing ecological features (perimeter hedgerows and trees) and deliver a significant biodiversity net gain. The site selection has also considered Agricultural Land Classifications (discussed in more detail within the relevant section of this report) the land is solely considered to be Grade 3b land and therefore not considered to be Best and most Versatile. In terms of landscape impacts, there are relatively few sensitive residential receptors close to the site which would be impacted by the development from a visual, noise or transport perspective. Where receptors are affected by the development from a visual perspective, those effects are deemed to be minor as set out in the LVIA accompanying the application. The area is open countryside, with very few nearby built up areas or residential properties and no protected landscapes.*

It is considered that the applicants have provided sufficient information within the application submission to justify the siting of the proposal away from the Cottam Substation.

It is acknowledged that the application has not been accompanied with details of a cabling route to the substation. Unlike NSIP proposals there is no policy requirement for proposals to detail a cabling route within an application. However, the absence of a cable route was raised with the applicant by letter dated 25/09/2024, and additional details/justification were requested by the LPA. In response to this the applicant has provided details of a connection agreement with National Grid and therefore demonstrates that the development will be able to connect to the Grid once operational.

In the absence of an identified cable route corridor, consideration needs to be given to the deliverability of the scheme. Whilst there is no evidence that would suggest the scheme is not viable. It is considered that a pre commencement condition will ensure that details of a cabling route are approved prior to any works commencing on the BESS, this has been agreed with the applicant. This would either be by a subsequent planning application or by utilising Permitted Development Rights for Statutory Undertakers. Ultimately it is a risk to the applicant if a subsequent cabling route is not approved.

The NPPF also recognises that the planning system should support the transition to a low carbon future. Paragraph 161 states that;

“The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of

existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Paragraph 168 goes on to state:

168. *When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;

b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Paragraph 032 of the NPPG (Battery Energy Storage Systems) 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.

(Paragraph: 032 Reference ID: 5-032-20230814)

There is support at local and national level to ensure low carbon infrastructure is supported. The proposal would help to deliver a sustainable energy supply and provide an important balancing service for the national grid. In principle the proposal is supported, subject to an assessment of other material considerations which are detailed in the following report.

Best and Most Versatile Land / Loss of Agricultural Land

Policy S67 states that; Proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. Development resulting in significant loss of the best and most versatile (BMV) agricultural land will only be supported if:

a) The need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and

- b) The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the best and most versatile agricultural land; and*
- c) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and*
- d) Where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).*

Footnote 65 of the NPPF states that; *Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.*

Consideration is also given to Natural England advice which states that *“You should take account of smaller losses (under 20ha) if they’re significant when making your decision.”*

The application has been submitted with an agricultural land classification report by Kernon Countryside Consultants Limited dated April 2024.

The British Geological Survey 1:50,000 scale map shows the bedrock geology to be Scunthorpe Mudstone Formation – mudstone and limestone, interbedded. The Natural England Agricultural Land Classification maps show the land to be Grade 3- good to moderate.

The site was surveyed in February 2024, the testing comprised of 1no. trial pit was dug to a depth of 120cm. In addition to this an augur was used to take approx. one sample per hectare per, also at a depth of 120cm, some smaller trial pits were also carried out at these locations to confirm soil structure. The amount of soil testing carried out is considered to be acceptable.

The results show that the whole of the site (9.5ha) comprises of Grade 3b (moderate) soils. The actual area of the site to be developed comprises of approx. 3.5ha, the remaining land will remain undeveloped. Grade 3b land is not considered to be BMV (Best and most versatile) land, which is Grade 3a and above. Given that the amount of land to be used for the development would be relatively minor (under 10Ha) and does not comprise of significant loss of Grade 1 or 2 land, it is not considered that the loss would be significant and would accord with Policy S67 and the provisions of the NPPF.

Health, Battery Safety, Pollution and Fire Risk

For BESS sites, applicants are encouraged to consider guidance produced by the National Fire Chiefs Council, by National Planning Practice Guidance. The location of such sites are of a particular interest to fire and rescue services who will seek to obtain details of the design and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.

Whilst they are not a statutory consultee, National Planning Practice Guidance (NPPG) encourages local planning authorities *"to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application"*. In accordance with the guidance, Lincolnshire Fire and Rescue have been consulted throughout consideration of this application.

No formal consultation comment has been received from Lincolnshire Fire and Rescue, despite two consultation letters being sent; however the applicant has provided email correspondence with the fire service which was carried out during the development of the proposals, the full correspondence, including email chains, is available on the Councils Planning Portal¹. A summary of the engagement between the fire service and the applicant is detailed below.

3rd April 2024- A site visit was held with the applicant and Thomas Patrick of Lincolnshire Fire and Rescue Station Manager – Fire Protection, Lincolnshire Fire and Rescue Headquarters) to discuss the proposed development and the measures which were being incorporated into the design to ensure fire safety compliance. The measures discussed include site access, internal road layout, water provision, water pressure and BESS unit spacing.

May 2024- A copy of the proposed site layout plan, incorporating the fire safety features was sent to Thomas Patrick by email dated 23/05/2024. A copy of the email is appended to the note. The email confirms that discussions had taken place with Anglian Water who determined that there are no mains supply availability for the site. The fire tanks are therefore proposed. The email also explains how the site layout accords to the NFCC guidance. An email reply dated 15/07/2024 from Thomas Patrick stated the following;

"by adding the water tank this over comes the issue [of Anglian Water not being able to supply water at the required pressure], so at this stage we can accept the proposal as it meets the NFCC guidance as stated. We have also reviewed the amended proposed layout scheme design and accept the changes at this stage."

Whilst the LPA has not received a formal consultation response from the fire service through this application, the LPA is satisfied that the proposals discussed with the fire service are those that form part of this application as this is what was shown to the LPA during pre-application discussions.

The application has been submitted with an Outline Battery Safety Management Plan by Abbott Risk Consulting Limited dated August 2024. The report sets out, in significant detail how the site will be operated with safety management. It includes details on mitigation by design, quality control, monitoring, emergency management, fire strategy, fire incident response and fire safety management.

The National Fire Chief Councils guidance details a series of measures that should be incorporated into large scale BESS sites. The Outline Battery Safety Plan details how the development would meet with the guidance. In Summer 2024, the National Fire Chief's Council undertook consultation on a draft update to their Guidance. As this

¹ [West-Lindsey | Public Portal](#)

has yet to be formally adopted by the NFCC, having taken into account the consultation responses, it has not yet superseded version 1 at the time of writing and should only carry limited weight as a material consideration.

The full list of measures and compliance are detailed in the statement, some of the main points are summarised below.

Access points (minimum of two)- The site has an external perimeter road which ensures that the BESS compound can be accessed from the east and west.

Water Supplies- On site water supply tanks with a capacity of 228m³ are included on the site plan. The tanks would provide water for a period of up to 2 hours. Furthermore an attenuation basin has been included within the drainage strategy which can be used for temporary storage of potentially contaminated firefighting water. Any firewater would be pumped from the penstock chamber into the basin prior to being removed appropriately.

Spacing between BESS units- guidance suggests a minimum of 6m. If distances are to be reduced then clear evidence why should be provided.- The suggested 6m separation is based on a 2017 Issue of the FM Global Loss and Prevention Datasheet 5-33 (footnote 9 in the NFCC Guidance refers to this). This Datasheet was revised in July 2023 and states the following:

1. For containerized LIB-ESS comprised of Lithium Ferrous Phosphate (LFP) cells, provide aisle separation of at least 5 ft (1.5 m) on sides that contain access panels, doors, or deflagration vents.

2. For containerized LIB-ESS comprised of Lithium Nickel Manganese Cobalt (NMC) cells where wall construction is unknown or has an ASTM E119 rating less than 1 hour, provide aisle separation of at least 13 ft (4.0 m) on sides that contain access panels, doors, or deflagration vents. For containerized NMC LIB-ESS where wall construction is documented as having at least a 1-hour rating in accordance with ASTM E119, aisle separation of at least 8 ft (2.4 m) is acceptable.

Following this revision to the Datasheet, the BESS containers on-site are compliant with the minimum distances and conformance to ASTM E119 1-hour fire rating will be confirmed on the down select of the BESS units to be procured. The distance between BESS container pairs is approx. 3.5m for sides that contain access panels or doors.

Water contamination- The National Fire Chief Council guidance states that; “Suitable environmental protection measures should be provided. This should include systems for containing and managing water runoff. System capability/capacity should be based on anticipated water application rates, including the impact of water based fixed suppression systems.”

The submitted Drainage Strategy for the site includes the following measures to prevent the discharge of run off water that may be contaminated following a fire incident.

- Penstock valves would be included in the granular attenuation blanket. – A penstock valve is a valve to control or stop the flow of water.
- An impermeable membrane has been specified beneath the aggregate attenuation blanket and basin. The membrane would be capable of resisting the chemical concentrations and temperatures as advised by a fire consultant at the detailed design stage of the drainage strategy.

Contaminated water would be removed from the surface water drainage system as soon as possible following an incident, so that the penstocks can be re-opened to allow the drainage system to accept rainfall. This level of mitigation and control of contaminated water is considered to be acceptable.

Safety of batteries- The battery system will be tested in accordance with UL9450A (a relevant safety standard) or its successor. The ability for 24/7 remote monitoring and control with automated shut down. Cell module level control, which enables the cell to disconnect from the battery in the event of a fire. The containers will have fire detection and suppressing systems fitted.

Subject to condition that a final Battery Safety Management Plan/ Fire Strategy is submitted and approved in writing prior to the operation of the site, the proposal is acceptable in terms of fire safety and would accord to the guidance produced by the National Fire Chiefs council. It is considered to meet with the best practice proposed by the National Planning Practice Guidance and policy S16 which requires that proposals should take all reasonable opportunities to mitigate any harm arising from such proposals.

Policy S54 of the CLLP relates to health and wellbeing and states the following: *The potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.*

The application has also been submitted with a Health Impact Assessment, this is required for developments of an area of 5ha or more. The submitted checklist details that following the implementation of appropriate mitigation measures, the development would not negatively impact upon human health. Overall, the proposal would accord to Policy S54 of the CLLP.

Flood Risk and Drainage

In relation to flood risk Policy S21 of the CLLP states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Policy 13 of the NP states that; *2. Development proposals should not increase the rates of surface water run off or increase flood risk in the area.*

The application site is located within Flood Zone 1 (lowest probability of flooding) and is therefore within a sequentially preferable location. There are some areas to the

south of the site which are at low and medium risk of surface water flooding, however these areas are outside of the location of the BESS and ancillary equipment.

In terms of surface water drainage, the application has been submitted with a Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 31/05/2024.

In developing a surface water drainage scheme the strategy has also considered water run-off in the event of a fire. There is a risk that contaminated water could infiltrate into the ground. Therefore discharge via infiltration into the ground is not considered suitable. It is necessary to ensure that surface water runoff is contained within an impermeable feature and then have a controlled discharge rate into the ditch to the south. It is proposed to attenuate runoff in the voids of aggregate used as a surface finish for the proposed development. The outflow will discharge to the ditch along the southern boundary and will be limited to 15.7l/s for all events up to the 100 year return period plus a 40% allowance for the potential impact of climate change.

There are a small number of battery containers to be located in a low-risk area of surface water flooding. To mitigate against any surface water risk all units will be raised c. 300mm above ground level.

Lincolnshire County Council as the Lead Local Flood Authority for major developments have reviewed the proposed drainage strategy and have no objections in principle given that a sustainable scheme is proposed. No foul water drainage is proposed. Overall, subject to conditions to secure a final detailed drainage scheme the proposal would accord to Policy S21 of the CLLP, Policy 13 of the NP and the provisions of the NPPF.

Visual Amenity

Policy S53 of the CLLP requires that *'all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.'*

Criteria d, Part E of Policy S5 states; *d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

Policy S16 of the CLLP states that; *wider energy infrastructure should take all reasonable opportunities to mitigate any harm arising from such proposals and take care to select not only appropriate locations for such facilities, but also design solutions which minimises harm arising.*

Policy 5 of the NP relates to Good Design and states; *As appropriate to their scale, nature and location, developments should demonstrate good quality design and respect the character and appearance of the surrounding area. All development proposals will be assessed to ensure that they effectively address the following*

matters, as described in detail in each Character Area chapter of the Neighbourhood Profile:

- a. siting and layout;*
- b. density, scale, form and massing;*
- c. detailed design and materials;*
- d. landscaping and streetscape.*

The site is located within Character Area CA 4- Rural Stow. The Character Area profile recognises that this area predominantly comprises of open countryside, with land uses comprises of mainly arable agricultural use and a number of working farms. The ditches/dykes alongside most of the lanes with hedgerows and some trees are noted as natural features within the area.

The application site is located within the open countryside and is surrounded by other agricultural fields, the land in this area is predominantly flat. The nearest residential settlements are Stow, c. 1km to the south east and Willingham by Stow c. 1km to the north east. There is an existing Public Right of Way located c. 170m to the eastern boundary of the site. Three residential dwellings are located c. 350m- 650m to the west and north west.

The application has been submitted with a Landscape and Visual Appraisal to GVLIA level 3 by Urban Green dated June 2024.

The total site area is 9.6ha with the area to be developed measuring c. 3.5ha. The area to be developed is set away from the field boundaries, the eastern part of the site is to be for Biodiversity Net Gain. In terms of built form, the proposal would comprise of the following equipment detailed below.

- 160 battery modules, (2.89 (W) x 6.58(L) x 3.2 m (H));
- 80 MVS inverter skids (2.89 (W) x 6.58(L) x 3.2 m (H));
- 400kV substation compound (97m (W) x 82m (L) x 13m (H (maximum)));
- 132 kV substation compound (94m (W) x 59m (L) x (6.45m (H (maximum)));
- 1 metering building (2.6m (W) x 12.2 m (L) x 3.2m (H));
- 1 welfare / office building (2.6 (W) x 12.2m (L) x 3.2 (H));
- Stores building (2.6m (W) x 12.2m (L) x 3.2m (H));
- Fire water storage tanks;
- 23no. CCTV cameras on 4.5m high poles around the site compound;

The area where the batteries are to be located would be fully enclosed by a green paladin fence which is to be 2.4m in height, a 2.4m high palisade fence would also be located around the substations, within the northern part of the site.

In relation the landscape baseline the site is located within the Till Vale Landscape Character Area as detailed within the West Lindsey Character Assessment 1999. Key characteristics within this area include (but not limited to);

- *Agricultural Landscape with large, flat open fields;*

- *Some fields have low hawthorn hedgerows, with few hedgerow trees;*
- *Large farm buildings and individual farmhouses on flatter land to the east;*
- *Long westward views to the power stations on the River Trent, and eastward views to the scarp face of the Lincoln 'Cliff'.*

In terms of receptors, the survey details that there are three nearby residential properties, users of the Public Right of Way, road users and employees at their place of work. The LVIA considers a Zone of Theoretical Visibility (ZTV) area of 2km and the assessment gives a montage of photographs taken from various viewpoints within the area.

The LVIA identified that there are potential partial views to the upper portions of mature vegetation within the site for residents and employees at Sandebus Farm on Marton Road, but there are not anticipated to be any further views to the site for residents of dwellings in the study area due to the intervening, mature vegetation, landform or built form. There are open and partial views to the site for users of Marton Road and for users of portions of Bridleway Stow/70/1, but views of the Site for users of roads and public footpaths elsewhere are expected to be truncated due to intervening mature vegetation, landform or built form.

The LVIA concludes that the development is anticipated to give rise to some Moderate to Negligible Adverse effects on landscape character and Minor Beneficial to Neutral effects on landscape features and vegetation, landform and watercourses at the Site level. The development is considered to have a range of Negligible to Moderate Adverse effects on visual receptors in the surrounding area, primarily for receptors immediately adjacent to the Site. The Site is generally visually contained, and any adverse effects are anticipated to reduce over time as the proposed planting matures.

The battery containers would be low lying in their scale (total height 3.2m) and would be constructed from steel, material details have not yet been finalised, such matters would be secured by condition to allow the LPA to agree the colour and finish. It is acknowledged that a small part of the 400KW substation has elements which would be at a height of c. 10m- 13m, however this element would be similar to electricity pylons and radio towers, which are not unusual, even within open countryside locations.

The findings of the LVIA are broadly agreed with. Whilst the proposal would be visible within the landscape and would have some impact, the proposed siting of the built form away from site boundaries together with the proposed landscape enhancements and planting is considered sufficient mitigation and would not be so harmful to the character of the area to warrant a refusal of permission on these grounds. Overall, the proposal accords to the aims of Policy S53 of the CLLP and would broadly accord to the aims of Policy 5 of the NP.

Cumulative Impacts with the consented Gate Burton Energy Park (NSIP)- The site is located adjacent to the Gate Burton Solar NSIP Project that has now been consented. Part of this site, where solar panels are to be located is to lie adjacent to the north boundary beyond the highway, the site also extends to the north east. Whilst the BESS scheme does propose some larger infrastructure within the northern part of the application site, much of the site would comprise of the rows of low-lying battery

containers. It is considered that the development of this site would be seen in context with the solar panels and given its siting away from site boundaries would not be so visible within the wider area to an extent that would cause adverse harm to the area.

Proposed Landscaping- The application would retain all existing field boundaries, hedging and trees as part of the development. The biodiversity enhancements plan includes significant landscaping to the eastern part of the site in the form of native shrub planting, a wet ditch and hedgerows. Existing hedgerows would also be reinforced. The landscaping is to be secured by the Habitat Maintenance and Monitoring Plan (HMMP). Given the significant landscaping proposed as part of the BNG enhancements it is not considered necessary to request any further planting is included in this case. Overall, the proposals accord to policies S53, S60 and S66 of the Central Lincolnshire Local Plan.

Highway Safety/Access

Policy S47 of the CLLP states that; *Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.*

Criteria b, Part E of Policy S5 states: *b) The location of the enterprise is suitable in terms of accessibility;*

The application has been submitted with an Access and Construction Traffic Statement by Corun- Transport and Highway Engineering dated June 2024.

The application site has an existing agricultural access point off Marton Road to the north boundary. This access will be improved and formed of a bound material as part of the proposals. The access point will be of a suitable size for use by HGV's and the proposed plans within the statement demonstrate that suitable visibility splays can be achieved.

During the construction period there will of course be numerous additional comings and goings to and from the site. The construction period is estimated to last approximately 18 months. The statement details that there would be 4 specific phases of the construction programme. The table below shows the anticipated amount of vehicle movements. The figures are based on similarly sized developments and through an assessment of the individual requirements for the delivery of specific equipment.

	Phase 1	Phase 2	Phase 3	Phase 4
Duration (Months)	3 ½	5 ½	5 ½	2
Total one-way Trips	525	605	1980	846
Total two-way trips	1050	1210	3960	1692

Table 6.1 – Total Vehicle Movements

Based on the 18 month build programme, a total of 7912 vehicle trips are anticipated. Once in operation there is only anticipated to be monthly visits to the site by workers. Construction vehicles will access the site via the A156 and then onto Willingham Road and Marton Road. Willingham/ Marton Road is a single-track road with regular passing places along the route.

It is recognised that the construction period will increase the total number of vehicles on the local highway network, in particularly when viewed against the light background traffic on Willingham/Marton Road. The proposed trip generation during the construction phase is considered to have a minor impact on highway capacity at this location, with an average of twenty two-way movements a day.

The highways authority has recommended that a condition assessment survey of the highway is carried out prior to the construction phase. Given that the road is single track and is in poor condition in some places, it is considered reasonable that this assessment is carried out and secured by pre commencement conditions. It would then be the responsibility of the applicant to repair any damaged areas of the highway that have occurred through the construction process. It is also necessary for the development to provide additional passing places (three) along Marton Road, which will help to reduce the impact of the construction traffic on the highway network.

Cumulative Highways Impacts with NSIPs- The site is within close proximity to a number of NSIP proposals, some of which have now been consented. Gate Burton Energy Park would adjoin the site to the north beyond the highway and the Cottam Solar Project is located to the north and east. The West Burton Solar Project is awaiting a decision from the Secretary of State, due by Friday 24th January. The submitted statement gives detail on how each of the projects are anticipated to impact or add to the traffic movements proposed with this BESS.

The Gate Burton Energy Park is considered to have a limited impact upon the BESS. Marton Road, from which the proposed BESS will be accessed, will only be used by the Gate Barton project as a minor construction access and will have a different traffic routing to the BESS. When in operation there will be a negligible cumulative impact upon Marton Road.

The Cottam and West Burton solar projects are not envisaged, in highways and transportation terms, to have anything other than a negligible cumulative impact when considered together with the proposed BESS. This is because the local roads

proposed to be used for access to construct and operate the Cottam and West Burton projects are not the same as for BESS. Thus, any impacts will be limited to the primary 'A' road network which is suitable for the distribution of heavy goods vehicles.

Overall, the proposal would not be expected to cause detrimental or severe highway safety issues, subject to conditions and further approvals outside the control of this application and would accord to Policy S47 of the CLLP as well as the provisions of the NPPF.

Archaeology

In relation to archaeology Policy S57 of the CLLP states that: *Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.*

The application submission was accompanied by a desk-based heritage assessment and a geophysical survey. The initial consultation response received from the Historic Environment Officer at Lincolnshire County Council stated the following:

“It should be noted that if the results of a geophysical survey do not demonstrate any geophysical anomalies corresponding to potential archaeology, this does not mean that there is certainty that there are no archaeological remains present. In a pre-application consultation for this site, this department recommended that a geophysical survey be carried out to inform a programme of archaeological trial trenching. Especially given the archaeological potential associated with the proximity of a known Romano-British farmstead or settlement. I continue to recommend that archaeological trial trenching is carried out prior to determination in order to allow an informed recommendation as to any potential post-consent archaeological mitigation that might be required if permission is granted.”

Following on from this consultation response, the applicant has carried out a series of trial trenches at the site. The trial trenching resulted in finds within the eastern part of the site. A final report by Allen Archaeology was submitted to the LPA on the 24/01/2025. Twenty four of the 31 trenches were devoid of archaeological finds, features or deposits. The remaining seven trenches which contained archaeology were located in the eastern part of the site (the area to be afforded to BNG).

The evaluation has since been reviewed by the Historic Environment Officer at Lincolnshire County Council, with their comments, received on 25/01/2025, stating the following.

“The report demonstrates the presence of Romano-British archaeological remains within the proposed site. Whilst there is unlikely to be any archaeological impact within the footprint of the proposed BESS and substation there are archaeological remains which would be impacted by the proposed ditch with wet wildflower meadow, as well as by tree planting. There is also the consideration of potential impact on archaeology from ground disturbance and compaction due to use of heavy machinery for

construction works on the site. Measures will need to be put in place to mitigate against all these impacts. If permission is granted, I recommend that conditions are placed for an archaeological mitigation strategy.”

Therefore, subject to conditions, the proposal would accord to Policy S57 and the provisions of the NPPF.

Above ground Heritage Assets- The site is not located within a Conservation Area nor are there any listed buildings within the direct vicinity of the site. It is not considered that the setting of any above ground designated heritage assets would be impacted upon.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

Criteria c, Part E of Policy S5 states *c) The location of the enterprise would not result in conflict with neighbouring uses; and*

Firstly, in relation to fire safety risks, this has been addressed in the relevant section of this report and can be managed through a Battery Safety Management Plan in accordance with standard practice, controlled through conditions. The closest residential dwellings (sensitive receptors) are as follows;

- Sandebus Farm- c. 350m to the west;
- Sandy Barr Cottage- c. 480m to the north west;
- The Old Nursery- c. 600m to west;

The closest residential settlements are as follows;

- Willingham By Stow- c. 1km to the north east;
- Stow- c 1km to the south east;
- Sturton by Stow- c. 2.2km to the south east;
- Marton- c. 2.2km to the south west.

Given the large separation distances from dwellings and settlements it is not considered that the proposal would cause any unacceptable amenity concerns in relation to dominating impacts.

Noise

The application has been submitted with a noise assessment by Stantec. There were three residential receptors (as detailed above) used in the assessment as shown on the plan below (taken from the submitted report).



The normal criteria for indoor sound levels in residential developments (BS8233) is 35dB during the day and 30dB at night, with short duration levels not exceeding 45dB at night in bedrooms. The report includes survey results from existing (baseline) noise levels, the readings were taken during the day and night.

An unattended sound survey was undertaken at the north west corner of the site (closest point to the residential receptors) between 13:00 hours on 12/03/2024 and 06:00 hours on 19/03/2024 to determine the existing sound climate of the site, measurements were taken over 15 minute periods. Much of the observed sound climate was dominated by cars passing on Marton Road, which was noted to be infrequent.

The assessment demonstrates that the noise impacts arising from the development during daytime hours would be 'Low' with night time levels assessed as being 'Low' to 'Adverse'. The assessment details that the night time levels, which are approximately 3DB above the British Standard, can be reduced through the use of an acoustic fence. The submitted planning statement details the following;

“Given the rapid developments in storage technology, it is considered likely that the technology available at commencement may have different noise impact to current technology.”

It is considered that a suitably worded condition can secure final details of an acoustic fence or if an alternative battery is to be used then information provided to the LPA to demonstrate what the alternative DB levels would be.

As detailed in the above sections of this report, a final design of the batteries, if they are to alter prior to their installation will be required to be submitted to the LPA for approval.

Given that the site is to be enclosed by fencing, it is not considered that the use of an acoustic fence would be harmful to the character of the area over and above what is already recommended for approval.

Overall, the proposal would accord to Policies S5 and S53 of the CLLP and the provisions of the NPPF.

Ecology and Biodiversity Net Gain

The 10% BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. The requirement for development proposals to provide a 10% gain is also detailed within Policy S61 of the Central Lincolnshire Local Plan.

Under the statutory framework for biodiversity net gain, subject to some exemptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). The biodiversity gain condition is a precommencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

The application has been accompanied by a suite of documents in relation to Biodiversity Net Gain, as follows;

- The Statutory BNG Metric amended version received January 2025
- Baseline Condition Assessments.
- Updated General Arrangement Landscape Plan received January 2025
- Preliminary Ecological Appraisal amended version dated January 2025.

The BNG information has been amended through the application process in consultation with the Central Lincolnshire Ecologist.

The initial baseline of the site gave 22.14 habitat units, 6.21 hedgerow units and 5.02 water course units. The proposed plans include the creation of a wet ditch to the south east of the site along with native shrub mix planting, hedgerows and wildflower meadow.

Overall, this will create 17.21 habitat units which is a 77.76% net gain, 1.12 hedgerow units which is a 17.98% net gain and a creation of 0.52 water course units which is a net gain on 10.47%. This means the proposed plans have reached the required 10% gain on site which is the preferred option.

Due to the site area being over 1ha and due to its location within the Biodiversity Opportunity Mapping Area, this makes the site strategically significant in terms of Biodiversity. Given this, the gains will require a S106 to secure a completion period of 5 years, a HMMP (Habitat Maintenance Monitoring Plan), details of the monitoring years and a one-off monitoring fee. The proposal is now acceptable in relation to BNG.

Protected Species- The application has been submitted with a Preliminary Ecology Appraisal by Tyler Grange dated July 2024. The appraisal details the following in relation to species at or nearby the site. The data search returned no Natura 2000

sites within 10 km of the site, and no statutory and non-statutory designated sites within 2 km of the site.

Birds- Trees/hedgerow on site offer some suitability for nesting bird species. Arable farmland offers suitability for ground-nesting bird species. Trees/Hedgerows on site are being retained with site proposals. As such, no mitigation is required.

Bats- The hedgerow and trees on site boundaries offer some suitability for commuting/foraging bat species. There are 9 trees around the site that show suitability for roosting bats. The proposals show that the trees identified are all shown as to be retained.

Badgers- No setts were identified to be present on site. However, the site contains suitable sett-building terrain for badgers along site boundaries where sloped sides of ditches are present.

The report concludes various mitigation measures to ensure that the ecological features of the site and protected species are protected during construction and operation (Table 2.2 of the report). A condition will ensure that the works are carried out in accordance with the mitigation measures. Subject to the inclusion of the condition, the proposal would accord to policy S60 of the CLLP.

Contamination

Policy S56 of the Central Lincolnshire Local Plan states that; *Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.*

A Phase 1 Land Contamination Desk Study Report by RMA dated April 2024 has been submitted with the application. The report contains information on the current use and condition of the site, as well as land use history and its environmental setting.

The survey details that upon reviewing data, there are no historical contamination sources recorded to be within the site boundary, with one potential contaminative land use within 250 metres of the site. The site currently comprises greenfield land in agricultural use. The site is within an area where less than 1% of properties are affected by radon. The report recommends mitigation measures in the form of an appropriate drainage strategy, good demolition and construction practices and pipes and utilities to be designed appropriately. Overall, with the recommended mitigation measures implemented, it is concluded that the contamination risk to the Proposed Development and/or identified receptors would be Negligible. The measures that have been recommended are to be requested by condition as detailed within the relevant sections of this report.

The proposal would accord to the aims of Policy S56 and no further work in respect of contamination is required.

Other matters:

Length of Consent- The application submission details that the BESS will be in operation for 40 years. It is considered necessary to condition a decommissioning and restoration plan to be submitted when site is due to cease storing energy in the preceding 6 months of the 40 year date to be conditioned.

Battery Lifetime- It is recognised that the batteries themselves will need to be replaced during the lifetime of the proposal. Most up to date technology allows batteries for run for approximately between 13-15 years, depending on how many cycles per day are carried out. Batteries would be recycled in accordance with European Directives and in most cases between 50-60% of the materials can be recycled and re used. The Environment Agency's informatives also provide guidance on battery disposal, these would be added to the decision notice in the event that permission is granted.

Conclusion and reason for decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S5: Development in the Countryside, Policy S16: Wider Energy Infrastructure, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S54: Health and Wellbeing, Policy S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S66: Trees, Woodland and Hedgerows, Policy S67: Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan 2023 and the policies within the Stow and Sturton by Stow Neighbourhood Plan 2024 as well as the provisions of the NPPF and guidance within the NPPG. Consideration has also been given to the National Fire Chief Councils guidance on grid scale BESS proposals.

In light of this assessment the proposal is considered to be supported by local and national planning policy and would help contribute toward a low carbon future. The impacts on the landscape and residential amenity have been found to be acceptable. There would be no adverse impact on highway safety matters are considered to be acceptable. Matters of fire risk and safety have been adequately addressed within the application submission. Archaeology and drainage matters are also considered to be acceptable subject to conditions. The application is therefore recommended for approval, subject to conditions and a legal agreement to secure the monitoring of on-site biodiversity net gains.

Decision Level: Committee

RECOMMENDED CONDITIONS:

Conditions stating the time by which the development must be commenced:

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No site preparation (including site clearance) or any development hereby approved shall take place until the details of the proposed cabling route to connect the Battery Energy Storage System to the Cottam Substation have been submitted to and approved in writing by the Local Planning Authority. The cabling route shall be completed in accordance with the approved scheme.

Reason: The cabling route is an integral part of the development, and the Local Planning Authority need to assess the suitability of the route, including, but not limited to the impacts upon highway safety, residential amenity, ecology and heritage.

3.No development shall take place until a Detailed Fire Safety and Battery Management Plan based on the principles within the Outline Battery Safety Plan that has been submitted with the application have been submitted to and approved in writing by the Local Planning Authority. The Plan must prescribe measures to facilitate safety during the construction and operation of the battery storage system. The Detailed Fire Strategy and Battery Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of fire and public safety and the impacts upon the environment.

4.No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP protection plan shall include the following;

- A plan showing habitat protection zones;
- Details of development and construction method measures to be taken to minimise the impact of any works on habitats/ wildlife;
- Details of any precautionary method statements for protected species;
- Details of a sensitive lighting strategy.

The development shall only proceed in accordance with the approved CEMP.

Reason: In the interests of nature conservation and to accord with Policy S60 of the Central Lincolnshire Local Plan and the NPPF.

5.No development shall take place until a Construction Management and Method Statement has first been approved in writing by the Local Planning Authority. The Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;

- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
 - the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or Downstream of, the permitted development during construction.

6.No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of three passing places along Marton Road, between the development site and the junction of the A156, together with arrangements for the disposal of surface water run-off from the highway. The agreed works shall be fully implemented before any of the works associated with the development has commenced. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

7. No development shall commence until a detailed highway condition survey (delaps survey) of Willingham Road/Marton Road has been carried out with the Highway Authority and agreed in writing with the Local Planning Authority. The condition of the road shall be documented and agreed, and any damage, over and above normal wear and tear, shall be repaired at the applicant's expense.

Reason: To ensure the safe future use of the public highway for all users, and avoid extraordinary expenses being incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic related to the development.

8. No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains in sensitive areas, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by

record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework and to accord with Policy S57 of the CLLP.

Conditions which apply or are to be observed during the course of the development:

9. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 8 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and to accord with Policy S57 of the CLLP.

10. The archaeological site work and any other development works shall be undertaken only in full accordance with the written scheme required by condition 8.

Reason: To ensure the satisfactory preservation in situ or by record of archaeological remains in accordance with the National Planning Policy Framework and to accord with Policy S57 of the CLLP.

11. Following the archaeological site work referred to in condition 10 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and to accord with Policy S57 of the CLLP.

12. The report referred to in condition 11 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and to accord with Policy S57 of the CLLP.

13. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- Site Location Plan FRV1004/02/02 Rev 0;
- Proposed Block Plan FRV1004/02/04 Rev 0;
- Battery Unit Details FRV1004/02/07 Rev 0;
- MVS Skid Details FRV1004/02/08 Rev 0;
- Substation Metering Building Details FRV1004/02/09 Rev 0;
- Stores Building Details FRV1004/02/10 Rev 0;
- Welfare and Office Building Details FRV1004/02/11 Rev 0;
- 132Kv Substation Details FRV1004/02/12 Rev 0;
- 400kV Substation Details FRV1004/02/13 Rev 0;
- CCTV Details FRV1004/02/14 Rev 0;
- Paladin fencing details FRV1004/02/15 Rev 0;
- Palisade fencing details FRV1004/02/16 Rev 0;
- Fire Water Tank Details FRV1004/02/17 Rev 0;
- Temporary Construction Compound FRV1004/02/18 Rev 0;
- Site Access FRV1004/02/19 Rev 0;
- Site Access Construction Details FRV1004/02/20 Rev 0;
- Contextual Sections FRV1004/02/06 Rev 0;
- General Arrangement Plan UG_2392_LAN_GA_DRW_01 Rev P07.

The works must be carried out in accordance with the details and materials shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy S5, S16 and S53 of the Central Lincolnshire Local Plan 2023-2043 and Policy 5 of the NP.

14. No development above ground level must take place until a detailed scheme for the disposal of surface water from the site based on the principles contained within the submitted Flood Risk Assessment and Drainage Strategy by RMA Environmental dated May 2024 have been submitted to and approved in writing by the Local Planning Authority. No operation of the development must take place until the approved scheme has been fully completed.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023-2043 and Policy 13 of the NP.

15. The development hereby permitted shall proceed in accordance with the ecology mitigation measures as detailed within the Preliminary Ecological Appraisal by Tyler Grange dated Jan 2025.

Reason: in the interests of protected species and to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S66 of the Central Lincolnshire Local Plan.

16. The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Biodiversity Metric received on 09/01/2025 and prepared by David Paton.

Reason: To ensure the development delivers a biodiversity net gain on site to accord with the National Planning Policy Framework, Schedule 7A of the Town and Country Planning Act 1990 and local policy S5, S16 and S61 of the Central Lincolnshire Local Plan 2023-2043.

17. Notwithstanding the battery container plans referred to in Condition 13 of this consent, the colour and finish of the battery containers shall first be submitted to and approved in writing by the Local Planning Authority.

If an alternative battery design is to be installed on site, prior to their installation, full details, including scaled plans shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in accordance with the approved plans unless otherwise agreed in writing.

Reason: In the interests of visual amenity to accord with Policy S53 of the Central Lincolnshire Local Plan.

18. The development hereby approved shall not be brought into operation until details/specifications of the acoustic fencing, including its positioning in relation to site boundaries (as recommended in the Noise Survey) has been submitted to and approved by the Local Planning Authority.

If an alternative battery type is proposed, then details of the decibel levels of the proposed battery type shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of nearby residential properties in accordance with Policy S53 and the NPPF.

Conditions which apply or relate to matters which are to be observed following completion of the development:

19. The Battery Energy Storage System and all associated infrastructure must be removed from the site on or before the ??/??/2065 **(40 year date to be inserted depending on the date of the granting of permission)**. Following the removal of the Batteries and associated infrastructure, the site must be restored to its former state prior to the commencement of development.

Reason: In the interests of visual amenity of the surrounding area to accord with the National Planning Policy Framework, local policies S5, S16 and S53 of the Central Lincolnshire Local Plan 2023-2043.

20. In the preceding 6 months of the ??/??/2065 **(40 year date to be inserted depending on the date of the granting of permission)** a decommissioning and

restoration scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of works for the removal and restoration of the site. The decommissioning of the site shall be implemented in accordance with the approved details.

All buildings, structures and associated infrastructure shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.

Reason: In the interests of visual amenity of the surrounding area to accord with the National Planning Policy Framework, local policies S5, S16 and S53 of the Central Lincolnshire Local Plan 2023-2043.

Notes to the Applicant

Environment Agency

Environmental Considerations- Battery Energy Storage Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off. The applicant should ensure that there are multiple 'layers of protection' to prevent the source pathway-receptor pollution route occurring.

Surface Water Drainage- Surface and groundwater drain discharges must be of clean, uncontaminated water (for example, rainwater from roofs). Discharges of any other nature are likely to require a permit. In this case, particular attention should be paid to the risk of oil from parking areas.

During Construction Surface water discharges during the construction phase of the development will need to comply with the Temporary dewatering from excavations to surface water: RPS 261. Details found here: <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>

If the conditions of the RPS cannot be met, a water discharge activity permit may be required. Further Government guidance on considering potential risks of BESS in planning applications is available online: Renewable and low carbon energy - GOV.UK (www.gov.uk)

Regulations for batteries and waste- Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage

deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Highways

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or

street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website; www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Biodiversity Net Gain Informative

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be [insert name of the planning authority].

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the

development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.

(h) any additional information requirements stipulated by the secretary of state⁵.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

¹ listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

² The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

³ Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

⁴ Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

⁵ Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report