

Planning Committee - 23 August 2023

Application No: 67827/FUL

Applicant: Chatterley Energy Storage Limited
Description: Installation of battery energy storage system, associated apparatus, vehicular accesses, control rooms, 1.5m high planted earth bund, land level changes, fencing, lighting and CCTV columns
Location: Land South-West of Outclough Farm, Whitfield Lane, Chatterley Whitfield, Stoke-on-Trent, ST6 8UW

Date Registered: 15 November 2022
Application Type: Full Planning Permission

Expiry Date: 3 July 2023
Ward: Baddeley, Milton & Norton

Case Officer: David Clarke

Tel No: 01782 235232

Recommendation Summary: Grant Conditionally



© Crown Copyright. All rights reserved. Stoke-on-Trent City Council 100024286

Development Plan Policies and Other Material Considerations Relevant to this Report

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026

SP1 - Spatial Principles of Targeted Regeneration
 SP2 - Spatial Principles of Economic Development
 SP3 – Spatial principles of Movement and Access
 ASP3 - Stoke-on-Trent Outer Urban Area Spatial Policy
 CSP1 - Design Quality
 CSP3 - Sustainability and Climate Change
 CSP4 - Natural Assets
 Strategic Aim 3 (transportation and accessibility)

Strategic Aim 17 (to minimise the impacts of climate change)

Other Material Considerations

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)
Inclusive Design Access for All SPD (2008)
National Planning Policy Framework (March 2012)
Planning Practice Guidance (PPG March 2014)
Overarching National Policy Statement for Energy (July 2011)
National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (July 2011)
Sustainability and Climate Change SPD (March 2012)
Healthy Urban Planning SPD (March 2012)

Report Summary

Update following previous committee meeting

This planning application was reported to Development Management Committee on Thursday 29th June 2023 with a recommendation for approval subject to conditions. Members discussion was centred on the proposals impact on the heritage assets of Chatterley Whitfield (the adjacent former colliery site), and the potential for a financial contribution to be secured to mitigate the perceived harm on the heritage assets, with the Chatterley Whitfield Vision document as a justification for a potential S106 contribution. During the post presentation debate, Officers advised that such a contribution was unlikely to be justified owing to the Vision document's lack of planning weight and similar advice was offered to Members by the Council's Solicitor.

Therefore, notwithstanding this, to ensure that this matter could be further explored within the context of existing planning policy, the Vision document and CIL Regulation 122 (Community Infrastructure Levy Regulations 2010 as amended and consolidated), the case was deferred.

The minutes of the meeting on 29th June 2023 set out that Committee resolved:

- *"That the item be deferred to a future meeting date, to give more time for work to be done around any potential Section 106 contribution for the adjoining Chatterley Whitfield site in line with the Council approved Chatterley Whitfield Vision, to allow time for more work to be done regarding the heritage impact and for the Design and Conservation Team to give comments and address any concerns around visual impact on the ancient scheduled monument."*

Following deferral from Committee, the LPA's retained Heritage Advisor (Donald Insall Associates) have provided formal comments in response to the proposals which assess and consider the impact of the development on adjacent heritage assets. This formal response can be seen on the public access system but in summary, it concludes that when considered against the relevant local and national policies pertaining to heritage assets, no harm is identified. This absence of harm alone precludes the development being subject to a potential S106 payment to offset heritage impacts because ultimately, there would be nothing for the payment to mitigate or compensate for.

Additionally, in response to the deferment and request from Committee to explore a financial contribution, the applicant has secured a Planning Barrister's opinion on the legality of the request for a contribution. The legal opinion concludes that *"any contribution towards the Colliery would not be a lawful consideration"* in the determination of the application or proposed development'. It also concludes, with respect to the Vision document that it is *"legally incapable of converting what would*

otherwise be an immaterial consideration into a material consideration. It has no formal status as a planning policy or guidance”.

It is now agreed by both the applicant's heritage consultant and the City Council's heritage consultant that there is no heritage harm from the proposals to be mitigated. It is also clear from the submitted advice from a Planning Barrister that the vision document has no formal status as a planning policy document; and it cannot therefore be seen as a material consideration, and ultimately, as a result, a financial contribution request would not be lawful here.

Given the above summary, the application remains to be recommend for approval subject to planning conditions.

Introduction to scheme

The proposal is considered to be contrary to the development plan given the location within the defined Green Belt. Officers consider that the proposal would not meet with the exceptions listed within the NPPF, thereby making it inappropriate development. The NPPF however does allow for development to proceed where 'very special circumstances' have been demonstrated to outweigh Green Belt harm.

In this case it is considered that the applicant has demonstrated very special circumstances, which outweigh the harm to the openness of the Green Belt and planning permission is therefore recommended subject to conditions.

Reasons for a report to the Planning Committee

The proposal constitutes development in the Green Belt and, with a recommendation for approval, and is therefore a technical departure from the development plan. The application was previously reported to Committee on 29th June 2023 and was deferred.

Site and Surroundings

The application site is a rectangular parcel of land of approximately 0.8 hectares, located on, and accessed from Whitfield Road, on the north eastern periphery of the City. The site is currently a grass field which forms part of Outclough Farm, and has been in agricultural use and recently used for horse grazing. The site is situated to the south of the access road to the Farmhouse and directly adjacent to the south of the site is the former Chatterley Whitfield Colliery, which now hosts the Chatterley Whitfield Enterprise Centre. Directly to the north of the site is an electricity substation, and the site is also situated approximately 50 metres to the north of a recently constructed gas to electricity power storage site. The site itself is relatively featureless, there is mature hedging to the western frontage of the site, interspersed with a few self-set trees, and the land slopes up to the east away from the highway. There is a brick-built single storey building to the eastern edge of the site which is to be retained. The site is located within Green Belt.

Description of the Application

The application seeks full planning permission for the construction and operation of a flexible electricity storage facility which is intended to form part of the local electricity infrastructure within the City. The facility would store excess electricity (up to 49.9MW) resulting from periods where the electricity network is effectively over supplied by existing energy generating sources (including renewable power). The proposal would help to minimise periods where generation is switched off and unable to export to the grid. The excess electricity would be stored and then fed back on to the

grid in a controlled manner for use at peak times. The storage facility would be able to serve the needs of over 140,000 homes for 2 hours if required.

The applicant benefits from an accepted grid offer which was issued by Western Power Distribution who are the District Network Operator (DNO) responsible for the safe delivery of electricity across the City.

The energy storage facility would consist of the siting of 258 small modular units which would each house batteries and 32 identical modules which would control the batteries; together with 32 inverters and electrical transformers which would serve each group of modules. A substation structure is also required together with dedicated security fencing. This is required to convert the power to the appropriate power so that it can be fed into the grid at 132 kV. Two control buildings (including one for the DNO) are also required, as is an auxiliary transformer and a storage container. CCTV cameras are also provided. The site would be accessed via a new dedicated access to the north of the site which would replace the existing field access. A further access is provided to the south of the site for use by the DNO and to allow access to the remainder of the land to the east.

The ground levels on the site would also be reduced to make it less sloped, and on the periphery of the site a planted earth bund is proposed. The planted earth bund, and additional landscaping proposed on the boundaries of the site will help visually screen the site, and as confirmed in the Biodiversity Net Gain Assessment, will also provide new habitat for biodiversity. The planting for screening would be a mix of native species.

Environmental Impact Assessment (EIA)

The application has been screened by the LPA as it is considered to be Schedule 2 development under the EIA regulations, specifically 3a - Industrial installations for the production of electricity. The development meets the threshold/criteria for screening as the site area of the development exceeds 0.5 hectare.

The site is relatively small (0.8 hectare) and only marginally exceeds the threshold (0.5 hectare) for screening in that regard. Whilst this does not categorically mean that the potential impacts will be negligible or insignificant, it is certainly a relevant limiting factor.

The LPA's Screening Opinion concludes that the proposal will give rise to a number of planning considerations that will need to be robustly assessed as part of the planning process, but neither individually nor cumulatively are likely to result significant environmental impacts, and the development is therefore not considered to be EIA development.

Planning History

- | | |
|------------------|--|
| 60801/FUL | 29/03/2017 Grant with Conditions
Land adjacent Chatterley Whitfield Enterprise Centre, Stoke-on-Trent, ST6 8UW
Installation of 10 standby gas powered generator sets and associated equipment (including 3m high compound security fencing) for the generation of Short Term Operating Reserve (STOR) electricity of up to 20MW for the local distribution network |
| 60368/FUL | 20/12/2016 Grant with Conditions |

Chatterley Whitfield Enterprise Centre, Biddulph Road, Chell, Stoke-on-Trent, ST6 8UW
Erection of five additional freestanding 6m high CCTV cameras for a temporary period only

- 48660/REG3** 20/08/2008 Grant with Conditions
Rear of Buildings 18/21 & 29 Chatterley Whitfield Colliery, off Biddulph Road, Whitfield, Stoke-on-Trent
Provision of car parking and service road together with hard landscaping boundary treatment and provision of three 6m high twin headed lighting columns
- 43466/FUL** 23/02/2005 Grant with Conditions
Former Chatterley Whitfield Colliery, Biddulph Road, Chell, Stoke-on-Trent
Change of use with remediation and repair of some structures to provide commercial, business, education, community and exhibition facilities within a shared business and cultural enterprise
- 43648/FUL** 23/02/2005 Grant with Conditions
Access road, to former Chatterley Whitfield Colliery, Tunstall, Stoke-on-Trent
New access road and junction off the A527 Biddulph Road serving, the former Chatterley Whitfield Colliery
- 43287/FUL** 24/01/2005 Grant with Conditions
Main Offices, Chatterley Whitfield Colliery, Biddulph Road, Tunstall, Stoke-on-Trent
Conversion of former colliery administrative offices with single storey extension and open sided glazed canopy to rear to provide business enterprise units and education facilities
- 00405/LBC** 18/01/2005 Grant with Conditions
Former Chatterley Whitfield Colliery, Biddulph Road, Chell, Stoke-on-Trent
Conversion of former colliery administration offices with single storey extension and open sided glazed canopy to rear to provide business enterprise units and education facilities

Responses of Consultees (updated)

Archaeology	No objection.
The Coal Authority	No objection - Subject to Conditions to secure site investigation and remediation.
Design & Conservation - Donald Insall Associates	The Built Heritage Statement by RPS has been reviewed in full alongside the comments received by Historic England with particular regard for the 2022 Vision document for Chatterley Whitfield. It is agreed that there will be some intervisibility between the proposed development and the former office and laboratory complex (Grade II) but that as existing this relationship makes no contribution to the significance of the listed building which is derived through role in

	the complex which sits to its other three sides. It would be located at a similar distance as the gas generator site to the southwest which is identified in the Vision document for the addition of further industry/manufacturing sites, supporting the provision at this distance from the listed structures whilst visual screening would further mitigate any potential impact. Notwithstanding, the modern industrial infrastructure proposed would be visually distinct so as to not blur the definition of the colliery site or intrude into views of its iconic landmark buildings and structures whilst introducing a use which builds on its legacy. This very much follows the ambitions of the Vision document which seeks to utilise the site to address the energy needs of the 21st century with a particular emphasis on providing infrastructure which would support the growth of decarbonised power. <u>Conclusion</u> As a consequence, we support the findings of the Built Heritage Statement which concludes that whilst the proposed development will lead to a visual change within the settings of the designated heritage assets which form the Chatterley Whitfield colliery, but this will not affect the character of the complex or cause any harm to the significance of the heritage assets. In the context of the NPPF, the tests for harm (paragraphs 201 and 202) need not be engaged.
Lead Local Flood Authority, Operations Division	No objection - Subject to Conditions to secure an appropriate drainage strategy.
Ecologist	No objection - satisfied that scheme will deliver biodiversity net gain.
Historic England (formerly English Heritage)	As you are aware the application site is located on the approach road to the former Chatterley Whitfield colliery site, which encompasses a scheduled ancient monument and a complex of separately listed buildings and structures, including the Grade II* Hesketh heapstead and the Grade II* pithead baths. Chatterley Whitfield is considered to be the best surviving and most complete example of a large scale colliery from the late 19th and early 20th Century. A Vision was commissioned by Historic England on behalf of Stoke-on-Trent City Council and the Friends of Chatterley Whitfield - as a significant step towards a new future for Chatterley. This Vision, supported by Stoke-on-Trent City Council Cabinet in March 2022, sets out a 10 year plan for Chatterley

	Whitfield. The plan builds on previous investment in the site to simultaneously safeguard its outstanding heritage, whilst unlocking it as a distinctive new development opportunity. It is intended to deliver significant long lasting and much need benefits - building on Chatterley Whitfield's historic sense of place and industrial past; creating an exemplary zero carbon development, realising a combination of monumentalising, reuse and new build opportunities, and helping to promote the UK as a leader in green technologies in response to the global climate crisis. With regards this planning proposal, we defer to your conservation officer for specific advice on visual and cumulative impact. Our main concern is the impact of the proposed use on the future conservation of Chatterley Whitfield, and to ensure the public benefits arising from this proposed use will complement future energy potential and beneficial outcomes for both this former colliery site and the surrounding communities. We are unclear how this proposal fits into the wider regeneration aims for Chatterley Whitfield. Although the vision document is not widely available, we believe it is vital that any proposals affecting Chatterley Whitfield are considered holistically, and with due regard to the long-term opportunities for this part of the City. Clearly the decision as to the acceptability of the proposals lies with your Authority. However, we would urge you to give appropriate consideration to the expectations, and long term aspirations, of the Local Authority and community supported Vision document for this nationally significant site.
Electricity Supplier Local Office	No response.
Staffordshire Fire & Rescue Service, Hanley Fire Station	No objection - advice provided in relation to fire mains, hydrants, vehicular access, and sprinkler systems.
Gas Supplier - Cadent Gas	No objection.
National Grid	It would not be possible for NGEDs Network Design team to provide comment against a particular application that could prejudice your planning decision. It is a condition of our distribution licence to treat all customer connection applications on a fair and equal basis. We are not party to the commercial arrangements any customer will have with suppliers, local communities or local businesses and would therefore be unable to comment on the benefits that this might bring. With regard to network effects, our

	remit is to ensure that the network is available to all users and operates within statutory limits.
Highways	No objection. The applicant has demonstrated visibility from both accesses. The highway boundary terminates immediately south of the southern access, however, any existing vehicle will have clear understanding of any movement associated with the private land to the south. The applicant has demonstrated the servicing vehicle and has revised the position of gates to ensure that vehicles will wait in private areas and not overhang into the public highway. The southern access will also provide access to the field to the east for the adjacent land owner. The frequency of movements will be low and any movements between the uses will occur in private areas and will not have an impact on the public highway.
Health & Safety Executive	The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.
Natural England	No response.
Staffordshire Police Authority	No objection - design advice and guidance provided in relation to safety and security.
Planning Policy	No response.
Public Protection - Air Quality	No objection.
Public Protection - Contaminated Land	No objection.
Public Protection - Environmental Health	No objection. We note that the follow up acoustic report has been submitted Ref In-acoustics dated 1st June 2022 Project ref 22-228. I accept the report has identified some localised excessive noise but has also identified an amelioration proposal. Section 5.1.4 recommends amelioration levels and methods and section 5.2.5 reiterates this attenuation, I would be recommending that this acoustic report is identified and its

	recommendation is conditioned and is carried out before 1st use, with post development confirmation testing. I do see that they note that the farm is the nearest receptor but also has a pecuniary interest. However, this does not guarantee no negative effects/disturbance to owner or 3rd party occupier or the wider amenity of the area. It is noted in the planning statement :- The site will not employ dusk to dawn external lighting. Infrared security lighting will be used. External lighting will be provided for use infrequently by maintenance staff when on site. Thus this should be conditioned and any additional lighting in the future should be considered via the planning process.
Stoke on Trent City Council, Energy and Sustainable Infrastructure	Our main concern is the impact of the proposed use by the applicant on the future potential of Chatterley Whitfield to be this exemplar and the site preserved as a consequence, and that the benefits arising from this proposed use by the application will not complement future energy potential and beneficial outcomes for both this former colliery site and the surrounding communities as proposed. We are unclear how this proposal fits into the wider regeneration aims for Chatterley Whitfield. We believe it is vital that any proposals affecting Chatterley Whitfield are considered holistically, and with due regard to the long-term opportunities for this part of the City and with respect to public benefit locally.

Publicity Carried Out

Site Notices Erected on: 12/5/22 and 28/11/22

Latest Neighbour Letters sent on: 28/11/22

Latest Press Notice Published on: 02/12/22

Material 3rd Party Comments Received

A number of varied representations have been received in relation to this application. Full copies of these representations are available on the Local Planning Authority's Planning Public Access website, but for the purposes of this report the key concerns raised are concisely summarised as follows:

- Potteries Heritage Society supports the proposed battery storage system in principle but would welcome assurance that the former explosives store can be made accessible for conservation and public viewing in the future, in line with the vision for the overall site.
- Concerned about lack of public consultation by applicant.

- This is on greenbelt land as such the proposal does not conform with the principles of greenbelt land, it is not renewable energy as it is not producing new energy but harvesting cheap electricity and selling it back at a much higher rate. There is no financial benefit to the community.
- The site at Chatterley Whitfield has taken many years to mature into a greenway and this proposal would be a backwards step, returning it to a brownfield site.
- There are well documented safety issues with regards to BESS battery storage
- No mention of owls in ecology assessment.
- Residents will be within the danger area should any hazardous incident occur.
- This is inappropriate development of designated Green Belt.
- The very special circumstances as required by the NPPF paragraph 147 for the development in the Green Belt are not met.
- There are no topography documents to show how the 5.5m high proposals will be seen from neighbouring properties
- Not against the principles of green energy, and provided that all hazards have been taken into account and that appropriate measures are put into place to control such risks, and that there is no adverse effect upon the wildlife of the area, may consider withdrawing objection.
- Believe there are suitable brownfield sites within Stoke on Trent for such a development and therefore policy states green belt land should not be used. I find the suggestion that the site will be returned to its original state after 40 years highly dubious.
- It will open the flood gates for further development of the greenbelt land, thus creating an urban sprawl joining up Oxford/Fegg Hayes and Ball Green.
- Additional traffic onto Biddulph Road will cause an even bigger risk. To turn right from any of the local roads is already extremely hazardous.
- Very concerned about the high value electrical materials and equipment that could be of interest to well-organised, knowledgeable criminals. This is a known area for criminal activity.
- If the application is approved as a representative of Chatterley Whitfield Friends I would like to see the brick building retained as this was the 'Explosive Stores for the colliery.

Consideration of the Planning Issues

The principal issues in deciding this application are:

1. Principle of Development including Green Belt
2. Design, Landscape, and Visual Impact
3. Heritage
4. Residential Amenity
5. Ecology and Biodiversity Net Gain
6. Other matters - Highways, Ground Conditions, and Drainage
7. Chatterley Whitfield Vision and Potential for a Financial Contribution

Principle of Development including Green Belt

The application site is within the Green Belt. The main issue in establishing the principle of the development are:

1. Whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of National Planning Policy Framework (NPPF);

and

2. If the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

- 1. Whether or not the proposal constitutes inappropriate development

Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. However, there are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF. Saved local policy GP1 from the City Plan (1993) also sets out what may be acceptable development within the Green Belt, though is not entirely consistent with the NPPF.

The erection of a battery based electrical storage facility does not fall within any of the exceptions listed in local or national policy and is therefore inappropriate development in green belt. This is not contested.

- 2. Whether the harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Having found the proposal to be inappropriate development in Green Belt, we now need to consider the other harms, and if those harms are outweighed by other considerations.

The Green Belt serves five purposes as defined in the NPPF. They are:

- a) To check the unrestricted sprawl of large built-up areas,
- b) To prevent neighbouring towns from merging into one another,
- c) To assist in safeguarding the countryside from encroachment,
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 133 of the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

The NPPG (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019) provides guidance on matters which may need to be considered in assessing the impact on the openness of the Green Belt. These include, but are not limited to:

- i. openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;

The site is an area of agricultural grassland used for grazing which slopes from the west up to its highest point on the eastern side. The site is greenfield, i.e. free from any previous development, other than for 1 small single storey brick building which is to be retained. The proposals would see this greenfield site of approximately 0.8 hectares developed with a series of battery containers, transformers, inverters, and associated control buildings and other energy apparatus. Spatially therefore there is an impact on openness as that area of currently undeveloped land would become developed with structures close together and enclosed by fencing. This harm to openness is both via the volume of that development, but also by virtue of its visual impact.

- ii. the duration of the development, and its remediation potential - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;

The applicant does not consider a temporary permission is necessary, as they do not foresee a scenario where this development would be redundant. However, if the development was no longer required at some point down the line, it would be relatively straightforward to return the land to open grassland given the modular nature of the development.

- iii. the degree of activity likely to be generated, such as traffic generation.

Regarding the level of activity likely to be generated by the proposal, the construction period would generate a reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity. However, as this activity would be temporary, the impact on the openness and permanence of the Green Belt would be minimal in life of the development. The operation of the development once constructed would result in negligible traffic generation.

In conclusion on the loss of openness in green belt, it is considered that the proposal would cause a moderate loss of openness with the visual loss of openness reducing in the medium term by virtue of the maturing screen planting.

Very special circumstances

As concluded above, the development is inappropriate development in Green Belt and the harm in terms of loss of openness to the Green Belt is considered to be moderate. Below is a summary of 'other considerations' which the applicant considers to cumulatively amount to very special circumstances that outweigh this harm to the Green Belt:

Overriding need and national energy policy support

The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the Framework. There is strong national policy support from the Government's Energy White Paper (EWP) and National Policy Statement (NPS) for Energy, for the development of battery storage, which would aid in the storage of energy generated from renewable sources.

One of the key commitments in the governments National Policy Statement for Energy (draft 2023), and Energy White Paper (2020) is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. It states that increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries. Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs.

Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

The next paragraph goes on to state that 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'

National Grid ESO's annual 'Future Energy Scenarios' report published in July 2021 estimates that 40GW of operational storage capacity by 2050 is needed to meet the UK's target of net zero carbon by 2050 and 13GW by 2030 (Page 233). The jump from the current 4GW existing capacity to a requirement of 13GW of capacity in just seven years time is clearly an ambitious and difficult task.

The urgent need for developments such as that proposed is clearly outlined in the Government's energy strategy as discussed above, and the proposal will contribute to meeting this requirement. Although the scheme is modest in size at 49.9 MW, paragraph 158 of the Framework confirms that even 'small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'. In this context I consider that the wider environmental benefits of the project are significant as part of the wider national strategy of decarbonising the country's energy system and should be given very substantial weight.

Lack of grid connections and alternative sites in the City

The applicant has submitted a substation screening report which looks at grid connections elsewhere in the City, and the potential to connect to those as an alternative to connecting to the grid connection at the Whitfield substation, which is in Green Belt.

The Substation Screening exercise set out the following criteria to find a suitable substation connection:

- 33kV Substations or above – due to the electrical generation and demand level the substation needs to have 33kV or above transformers and switchgear infrastructure to connect a battery storage facility.
- Capacity to connect a battery storage facility.
- The network is not constrained, downstream and upstream.
- Reverse Power Headroom availability and no fault level issues.
- No reinforcement works required to the grid - reinforcement works to the grid will often make the project financially unviable.

Upon review of the six potentially suitable substations in the City, the analysis concluded that the Whitfield 132kV substation is the only substation in the City that has sufficient capacity and no constraints to connect a battery storage facility. This was confirmed and supported by correspondence from Western Power Distribution. A Formal Connection Offer has subsequently been made by WPD and has been accepted.

Having identified that Whitfield is the only possible substation in the City where the energy storage scheme can be connected, the applicant carried out a review of land within 1 kilometre of the substation. As the substation itself is in Green Belt, most of the surrounding land is also in Green Belt. There are also other constraints considered, including difficult topography, and nearby residential uses. The 1km site search concludes that there is no suitable, available, and viable alternative to the proposed development taking place at the application site. The assessment includes both Green Belt and non-Green Belt land.

The City Council's evidence identifies this part of the Green Belt as making a weak contribution to Green Belt

As part of the preparation work for a new Local Plan an evidence base document entitled Green Belt Assessment (November 2017) was produced for the City Council. The assessment considers the character of differing parts of the Green Belt – Area 45 (General Area Map 1) includes the application site (which is also Area 38 on General Area Map 2). Table 8 on the Council's Assessment confirms that General Area 38 makes a weak contribution to the overall level of contribution. Appendix E of the assessment provides a detailed review in respect of a series of purposes which apply to the Green Belt Assessment and lead to the Overall Assessment conclusion that this area, of which the application site forms part, makes a weak contribution to the Green Belt.

Green Belt Balance

The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful. To this must be added further moderate harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. Paragraph 148 of the Framework indicates that any harm to the Green Belt should be given substantial weight.

Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Although modest in scale, the scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this is also attributed very substantial weight.

In summary, the proposal is inappropriate development and the impact on openness would be moderate, and as planting establishes the visual element of this harm would reduce in the medium term. The harm by reason of inappropriateness, together with the harm by virtue of the loss of openness, are given substantial weight. However, I consider that the significance of such projects in supporting the government's Energy NPS and national net zero target on emissions, together with the fact that the applicant has demonstrated that there are no suitable alternative grid connections with capacity, or viable sites which are not located in Green Belt, should cumulatively be afforded very substantial weight.

I conclude that the 'other considerations' in this case clearly outweigh the Green Belt harm that I have identified. In this case, very special circumstances are considered to exist to justify the development in the Green Belt, which would otherwise not be supported.

Design, Landscape, and Visual Impact

The application has been supported by a Landscape Visual Impact Assessment (LVIA) which sets out that the development would take place in an urban fringe landscape and the change in character of the site from the existing grazed horse paddock to a site providing additional energy infrastructure would result in moderate adverse impact at the site itself, and the effect on the wider landscape within the character area would be minor adverse, which would not be significant.

Although the development would change the character of the horse paddock within which it would be located, the scale and nature of the facility within a context of much larger industrial and

commercial development would ensure the proposals form a relatively discrete addition to the settlement edge that would have limited adverse effects on the overall character of the location.

Short-term significant effects on visual receptors would be limited to occupiers of Outclough Farm to the north of the application site, where there are currently no hedgerow field boundaries and therefore initially no screening of new development. Mitigation measures are incorporated into the scheme to provide new hedgerow and planting to the boundaries which would reinforce the hedgerow network and field pattern within the landscape effects to a level that is not significant in the long term.

There would be no significant effects on visual receptors using the wider public right of way or road network, occupiers of residential properties within surrounding settlements or farmsteads. The woodland and rising landform of the Heritage Park, the large buildings of the former colliery, the buildings at Outclough Farm, the energy infrastructure on Whitfield Road, and rising land with mature woodland and trees to the north all provide good levels of visual screening of the new development and would help to merge the scheme into the urban fringe landscape. As the proposed tree and hedgerow planting matures to provide further screening and a reinforced field boundary structure for the energy storage facility, the levels of effect would generally reduce to negligible to minor adverse in the long term.

For receptors in the majority of locations, the character of their views of public open space within residential areas, commercial industrial buildings, energy infrastructure, and an agricultural backdrop would remain largely unchanged. The existing pylon towers and disused chimney at the Heritage Centre would continue to form visually prominent energy infrastructure in many distant views within the wider study area.

In conclusion, the proposed scheme would therefore not result in long term significant harm to visual amenity within the surrounding area.

Heritage

Section 68 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the Council, as Local Planning Authority (LPA), to pay special attention to the protection and preservation of Listed Buildings in the carrying out of its planning function. The below analysis is done within the context of these duties.

With regard to archaeology considerations, a desk-based archaeological assessment identifies that the site is considered to have a low/negligible potential for significant (i.e. non-agricultural) remains for all periods. Based on the low archaeological potential and given the small size of the site, no further archaeological work is necessary within the study site.

In relation to Listed Buildings and other designated and non-designated heritage assets, the application is supported by a Heritage Statement. The assessment confirms that twelve Listed Buildings and a Scheduled Monument located adjacent to the site (on the former colliery) have the potential to be affected by the development of the site through changes within their settings. The significance of these designated heritage assets and the impact from the proposed development have been assessed together.

The assessment concludes that the site forms a small part in the wider setting of the former colliery but is a neutral element that makes no contribution to the heritage significance of the colliery or the individually designated structures within it. The development will result in a small visual change within this part of their settings, but this will be seen within the context of the existing industrial character and will not compete or change the visual and spatial relationships of the colliery.

Consequently, the applicant's heritage experts conclude that the proposed development will result in no harm to the significance of the Listed Buildings and Scheduled Monument. The case-officer agreed with this assessment and the application was reported to committee in June 2023.

As set out at the start of this report, this application was reported to planning committee on 29th June 2023 and the item was deferred in part *'to allow time for more work to be done regarding the heritage impact and for the Design and Conservation Team to give comments and address any concerns around visual impact on the ancient scheduled monument'*.

Since deferment of the case at committee in June, to address the request for more work to be done on the heritage impact and for the Design and Conservation team to comment on the application, the LPA have instructed Donald Insall Associates to provide formal consultee comments on behalf of the City Council's Design and Conservation team.

Donald Insall's formal comments on behalf of the Design and Conservation team conclude that *'whilst the proposed development will lead to a visual change within the settings of the designated heritage assets which form the Chatterley Whitfield colliery, this **will not affect the character of the complex or cause any harm to the significance of the heritage assets**'*.

The assessment of the heritage impacts of the proposals have therefore not changed from when they were reported to committee in June. Both the applicant's heritage experts, and the City Council's instructed heritage experts conclude that there is no heritage harm from the proposals. The case-officer concurs with this assessment.

The proposed development of the site is therefore in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is in line with the requirements of the NPPF and as the impact to significance of the heritage assets is considered neutral, and no harm to the significance of the heritage assets identified, the tests of paragraphs 201 and 202 are not engaged. The proposals are therefore considered acceptable from a Heritage perspective.

Residential Amenity

The development is approximately 70 metres from Outclough Farm house which is sited to the north of the application site. The visual impacts upon the outlook of that property have been considered within the LVIA which states that a moderate adverse impact would result from the development. Outclough Farm is located within a setting which already includes energy infrastructure and the proposal would add to this baseline to a small extent. The development has no moving parts and would be screened by additional landscaping. There are no other dwellings which would be impacted by the proposed development.

The application has been supported by a noise assessment. The assessment considers the potential noise generation from the plant associated with the proposed development, with respect to existing sound levels in the area, including mitigation measures presented. The nearest sensitive receptor (residential property) is the existing Outclough Farm house.

The assessment identifies that the proposed development will give rise to rating sound levels that are generally below the measured background sound level in the area, thus giving rise to a 'Low Impact'. The assessment also identifies that the proposed development may in worst case scenarios give rise to rating sound levels that are 4 dB above the measured background sound level during daytime hours only.

Firstly it must be considered that a change of 3 dB(A) is generally considered to be the smallest change in environmental noise that is perceptible to the human ear. With that in mind, the 4dB above background noise in this worst-case scenario will be barely perceptible to the human ear.

Further, British Standard 4142:2014+A1:2019 recognises the importance of the context in which a sound occurs when assessing impacts, and the assessment considers the context in this scenario. The assessment considers a worst-case scenario, with all plant operating simultaneously under 'Deep Cycling' mode during the day, where the batteries are working at their maximum output and inverters and battery cooling fans operate at full duty. In reality, 'Deep Cycling' typically occurs during limited periods of the day only and isn't a constant state. Noise levels associated with plant operating at full duty tends to occur during short periods of the daytime only, with the majority of the daytime (and night-time) periods presenting significantly lower noise emission levels.

A worst-case scenario increase in the prevailing ambient sound level would only be minor during short periods of the daytime, and barely perceptible; thus ensuring that the development would be categorised as no greater than No Observed Adverse Effect Level (NOAEL), in this regard in the context of NPPG:

NOAEL (No Observed Adverse Effect Level):

'Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.'

It should also be noted that Outclough Farm, and the application site are both within the same ownership and control. The landowner will lease the development site to the energy storage developer and therefore will be financially involved in the project throughout its duration, which reduces its sensitivity by connection to the operation of the site.

The assessment concludes that no significant change in ambient sound level at the identified receptor locations will be engendered as a result of the development in its mitigated form and that the amenity of residential receptors will not be compromised.

Officers are therefore satisfied that the residential amenity of the occupiers of the closest residential property will not be compromised.

Ecology and Biodiversity Net Gain

In respect of ecology, habitats and biodiversity net gain, mitigation is proposed on site primarily in the form of the planting of native species hedging around the boundaries of the site. This new planting will help to visually screen the site as it matures, but also delivers a net gain in terms of post-development biodiversity habitat score. The applicant's BNG assessment shows that for habitats there is an 18% increase in habitat units, primarily by virtue of a circa 107% increase in hedgerows units.

In respect of planning policy, the development complies with CSS Policy CSP4 together with paragraph 174 of the NPPF in that it has appropriately considered biodiversity and ecological matters and will deliver a net gain in biodiversity. The City Council's Ecologist has reviewed the application, has no objection and is satisfied that the proposal will result in biodiversity net gain.

Other Matters - Highways, Ground Conditions, and Drainage

In terms of the Highways implications of the scheme, whilst operational the development will generate little to no vehicular movements most days, the impact on the highway during its operational lifespan will be negligible. The construction phase will of course create movements of large vehicles and plant to and from site, however there is no suggestion that this would have any significant detrimental impact on the highway network, and would be for a temporary period during construction. The Local Highway Authority have no objection to the scheme.

In terms of ground conditions, Coal Authority information indicates that the site has been subject to historic recorded underground coal mining at shallow depth and is likely to also have been subject to historic unrecorded underground coal mining at shallow depth.

The planning application is accompanied by a Mineral Stability Report Including Coal Mining Risk Assessment. The report makes recommendations that an intrusive site investigation in the form of rotary open hole boreholes are required in order to confirm the presence or otherwise of any shallow coal seams beneath the site. Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out.

The intrusive site investigations shall assess the ground conditions on the site in order to establish the coal-mining legacy and any associated risks. The intrusive investigations inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority has no objection to the proposed development subject to the imposition of conditions to secure site investigations and any required remediation. The Contaminated Land Officer has been consulted on the proposals also, and has confirmed that he has no objection. The Lead Local Planning Officer has also reviewed the application and has no objection to the proposals subject to conditions being imposed to ensure a suitable drainage strategy is agreed and implemented on the site.

Chatterley Whitfield Vision and Potential for a Financial Contribution

When this application was reported to committee in June 2023, much of member's discussion was centred on the perceived negative impact of the proposals on the heritage assets on the former Chatterley Whitfield colliery site, and the potential for perceived impacts on the heritage assets to be mitigated by a financial payment 'in-line' with the Vision document which sets out how the former colliery site may be redeveloped in the future.

Planning Officers and the City Council legal Officer advised members that there was no heritage harm identified, that there was no policy requirement for a financial contribution, that there was no conflict identified between the proposals and the vision document, and that ultimately a financial contribution request would fail to meet the legal tests set out in both the NPPF and Regulation 122 of the CIL regulations. Notwithstanding this, the application was deferred specifically *'to give more time for work to be done around any potential Section 106 contribution for the adjoining Chatterley Whitfield site in line with the Council approved Chatterley Whitfield Vision...'*

In response to the deferment and request from Committee to explore a financial contribution, the applicant instructed Counsel, seeking a Barrister's opinion on the legality of the request for a contribution. The legal opinion obtained by the applicant is from Rupert Warren K.C., the head of the Planning Barristers team in Landmark Chambers, and currently number 3 ranked planning barrister in the country.

In short, Rupert Warren K.C. concludes that *"it is absolutely clear that any contribution towards the Colliery would not be a lawful consideration in the consideration of the application or proposed development"*, further he concludes on the Vision document that *"The Vision document is legally*

incapable of converting what would otherwise be an immaterial consideration into a material consideration. It has no formal status as a planning policy or guidance”

Conclusion on the Request for a Financial Contribution

Planning obligations such as financial contributions can only be secured where they are to mitigate the impacts of a development proposal. Given that there is no heritage harm identified, there is no harm to be mitigated by way of a financial contribution. Even if there was heritage harm from the proposals, it is clear from the submitted advice by a Planning Barrister that the vision document has no formal status as a planning policy document, and is not a material consideration, and ultimately that a financial contribution request would not be lawful.

Rupert Warren K.C's full written advice on the matter is appended to this report.

Financial Information

Section 155 of the Housing & Planning Act 2016 requires local planning authorities to include financial benefits in non-delegated reports. The information or financial benefits must include a list of local financial considerations if the development is carried out, including their value if known.

In this instance, the most likely financial benefits to be derived from the scheme are:

- Employment and jobs created through site operation
- Potential payment of business rates subject to charging tariffs and regulatory framework

Overall Conclusions on the Application

Following deferment of the case at Committee on 29th June to allow work to be done on the heritage impact of the proposals, and to consider a financial contribution relating to the Chatterley Whitfield Vision, the overall conclusion on the case is unchanged from when it was brought to Committee in June. There has been no heritage harm identified, the Chatterley Whitfield Vision has no formal status as planning policy or guidance and is not a material planning consideration, and any request for a financial contribution related to Chatterley Whitfield is considered unlawful.

The proposal has been considered against both the local development plan and the NPPF and it is considered that the development represents inappropriate development within the Green Belt. However, officers consider that a case for very special circumstances has been demonstrated and that the impacts upon the environment are considered to be acceptable. The very special circumstances in this case are afforded very significant weight in the planning balance and outweigh the significant weight of the Green Belt harm identified.

The application is therefore recommended for approval subject to planning conditions.

Recommendation: Grant subject to the conditions and reasons set out below:

- 1 The development, hereby permitted, shall be begun not later than three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
- Site Location Plan – Plan number 21/03/201/02 Rev A
 - Site Layout Plan – Plan number 21/03/201/01 Rev H
 - 132 kV Substation Plan – Plan number 21/03/201/03 Rev A
 - Site Section Plan – Plan number 21/03/201/14 Rev B
 - Battery Plan – Plan number 21/03/201/04
 - Customer Control Room Elevations – Drawing number P3090(01)-175-01 Rev O
 - DNO Control Room Plan – Plan number P3090(02)-175-01-O
 - DNO Control Room Elevations – Drawing number P3090(02)-175-02-O
 - BOP Aux Tx Plan & Elevations Plan – Drawing number P3090(03)-175-01-O
 - CCTV Lighting Details – Drawing number P3090(08)-175-01 Rev O
 - Existing Site Layout Plan – Plan number 21/03/201/11
 - Customer Control Room Floor Plans – Plan number 21/03/201/12
 - Fencing and Gate Plans – Drawing number P3090(07)-175-01 Rev O
 - Fence Plan – Drawing number 21/03/201/10 Rev A
- Reason:** For the avoidance of doubt and in order to define the permission.
- 3 (a) The use of the development hereby approved shall cease on or before 01 July 2063, and all buildings, equipment, and associated infrastructure shall be removed from the site. The land shall be restored in accordance with a decommissioning scheme that must be submitted to and approved by the Local Planning Authority. The decommissioning scheme shall include a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.
- (b) All buildings, structures, and associated infrastructure must be removed within twelve months of the use of the proposed development ceasing, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, and the land restored in accordance with the details approved pursuant to paragraph (a).
- The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production.
- Reason:** The site is in Green Belt and this condition ensures that the harm to Green Belt is reversible and temporary, albeit long-term temporary.
- 4 Notwithstanding the plans submitted, prior to installation, full details of the type, colour and texture of all external surfaces for all containers, structures and equipment, shall be submitted to, and agreed in writing by, the Local Planning Authority. The containers and structures shall be finished in accordance with the agreed scheme prior to commencement of use and shall

be maintained in that condition thereafter. Only materials approved in writing by the Local Planning Authority shall be used in carrying out the development.

Reason: To make sure that the appearance of the completed development is satisfactory.

5 No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public. A negative, pre-commencement condition is necessary because full details of land instability have not yet been provided and must be approved before full construction works commence on the site.

6 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public. A negative, pre-commencement condition is necessary because full details of land instability have not yet been provided and must be approved before full construction works commence on the site.

7 Prior to the commencement of any construction, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: In order to minimise the impact of construction activity on the surrounding environment in accordance with section 11 of the National Planning Policy Framework. A negative, pre-commencement condition is necessary because full details of construction management have not yet been provided and must be approved before full construction works commence on the site.

8 No development shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the use of sustainable

drainage techniques and surface water limitation where practicable. The development shall take place in accordance with the approved details only.

Reason: To make sure that the site can be drained in a satisfactory way. A negative, pre-commencement condition is necessary because full details of drainage methods have not yet been provided and must be approved before full construction works commence on the site.

- 9 The approved use shall not commence until the approved drainage strategy has been implemented in full on the site, in accordance with the details approved under the above condition.

Reason: To make sure that the drainage works are completed in a satisfactory way.

- 10 No removal of hedgerows, trees or scrub shall take place between 1st March and 31st August inclusive, unless a competence ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

- 11 A landscape ecological management plan, including species to be used, long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing. Schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

- 12 The development shall be undertaken in accordance with the enhancements and mitigation measures recommended in Section 5.4 of the Ecological Appraisal compiled by RPS dated 7 December 2021 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

- 13 Before the use hereby approved commences, the applicant shall install acoustic mitigation in accordance with the approved Noise Impact Assessment produced by Inacoustic (dated 7th November 2022). The mitigation measures identified in that report shall be installed, maintained, and retained for the duration of the lifetime of the development.

Reason: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

- 14 No development, including site works, shall begin until the hedge located on the western boundary of the application site has been protected, in a manner previously agreed in writing by the Local Planning Authority. The hedge shall be protected in the agreed manner for the duration of building operations on the application site.

Reason: The hedge is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

- 15 The landscaping scheme shall be fully completed, in accordance with the details approved under the terms of the above condition, in the first planting and seeding seasons following the commencement of the development or in accordance with a programme previously approved in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 10 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

- 16 No use hereby approved shall occur until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (hard and soft), have been submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall then be fully implemented through the lifetime of the development.

Reason: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policy CSP1 of the CSS and the NPPF.

- 17 Notwithstanding the details provided within the application in relation to external lighting, no external lighting shall be installed on site until such time as full details (including isolux drawings) proposed for the site have been submitted to and approved in writing by the Local Planning Authority. Any lighting to be installed shall only be in accordance with the approved details.

Reason: In the interests of safeguarding landscape impacts, residential amenity, and foraging habitats. A negative, pre-commencement condition is necessary because full details of lighting have not yet been provided and must be approved before full construction works commence on the site.

- 18 The development hereby approved shall not be brought into use until an Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.