

**To Members of the Planning Committee**

Cllr. Lee Breckon JP (Chairman)  
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Cheryl Cashmore  
Cllr. Tony Deakin  
Cllr. Richard Holdridge


Cllr. Dillan Shikotra  
Cllr. Bob Waterton  
Cllr. Bev Welsh

Cllr. Neil Wright

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 11 JANUARY 2024 at 4.30 p.m.** Please find attached a supplemental item that is required for the meeting and is in addition to the agenda and report pack that has already been circulated.

Yours faithfully



**Louisa Horton**  
**Monitoring Officer**



## **SUPPLEMENTAL ITEMS**

4. Applications for Determination (Pages 3 - 38)

**22/1204/FUL**

**Registered Date  
13.12.2022**

**Mr Andrew Mott, Exagen SPV02 Ltd**

**Construction and operation of battery energy storage facility, along with associated structures, access and landscaping**

**Land North East Of Earl Shilton, Earl Shilton Road, Earl Shilton**

**Report author: Tom White Senior Planning Officer  
Contact Details: Council Offices. Tel 0116 250 3078**

## **RECOMMENDATION:**

### **THAT APPLICATION 22/1204/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition to commence work.
2. Development to be built in accordance with approved plans and documents.
3. Details of materials to be agreed.
4. Permission granted for a period of 30 years from first export of electricity and site decommissioned and restored after this period.
5. In the event of the site being no longer required for the purposes of electricity storage, or ceases to operate for a continuous period of 6 months prior to the expiry of the 30 year period, a Decommissioning Scheme shall be submitted and approved and subsequently adhered to throughout the decommissioning of the site.
6. Detailed scheme for landscaping the site to be submitted and approved (including a proposed timetable for planting) and implemented in accordance with the approved plan.
7. Landscaping to be implemented within first planting season following commencement of development.
8. No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing. The LEMP shall cover a period of 30 years management.
9. Biodiversity Management Plan to be submitted and approved. Strategy to be based on submitted Biodiversity Net Gain metric and LEMP and adhered to for lifetime of the development.
10. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing.
11. Tree protection measures to be undertaken in accordance with plans/ measures within the Arboricultural Impact assessment.
12. Details of land levels, terracing details, retaining features and culvert crossing details to be submitted to and agreed prior to commencement of development.
13. Prior to commencement of development, details and maximum heights of the substation shall be submitted to and agreed in writing.
14. Prior to first use, details of any external lighting & CCTV provision to be agreed.

15. No development shall commence until details of a Construction Environmental Management Plan (detailing measures to control off-site environmental impacts and highway impacts from the construction phase) are submitted and agreed, and adhered to during construction.
16. Existing redundant access on Earl Shilton Road to be closed prior to development commencing.
17. New access to be constructed in accordance with submitted plans prior to commencement of development.
18. Parking facilities to be provided in accordance with approved plans prior to first use.
19. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15.0 metres of the highway boundary.
20. Surface water and foul water drainage scheme during construction phase to be submitted and agreed.
21. Noise levels not to exceed 5dB above background noise level when measured at nearest dwelling.
22. Revised Noise Impact Assessment to be undertaken within 3 months of site coming into operation.
23. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed.
24. Surface water drainage scheme to be submitted and agreed.
25. Details of long term maintenance of surface water drainage to be submitted and agreed.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policy, Guidance and Legislation**

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)**

Policy CS2 - Design of New Development  
Policy CS14- Green Infrastructure  
Policy CS18 - Countryside  
Policy CS19 - Biodiversity and Geo-diversity  
Policy CS20 - Historic Environment and Culture  
Policy CS21 - Climate Change  
Policy CS22 - Flood Risk Management  
Policy CS24 - Presumption in Favour of Sustainable Development

#### **Blaby District Local Plan (Delivery) Development Plan Document (February 2019)**

Policy DM2 - Development in the Countryside  
Policy DM8 – Local Parking and Highway Design Standards  
Policy DM12 - Designated and Non-designated Heritage Assets

#### **Fosse Villages Neighbourhood Plan 2021**

Policy FV4 – Biodiversity

Policy FV6 – Design  
Policy FV16 – Renewable Energy

## **National Planning Policy Framework (NPPF)**

### **Planning Practice Guidance**

#### **Other relevant documents**

EN 1: Overarching National Policy Statement for Energy (March 2023)

Draft EN-3: National Policy Statement for Renewable Energy Infrastructure (March 2023)

Blaby Landscape and Settlement Character Assessment (January 2020)

Blaby District Council Climate Change Strategy 2020-2030

Blaby District Council Carbon Neutral Action Plan 2020

#### **Consultation summary**

**Blaby District Council, Conservation and Historic Buildings Officer** - Acknowledges that the amended plans are more representative of the surrounding landscape, however they have stated that the level of harm to the nearby non-designated heritage asset has been assessed to be at the higher end of the “less than substantial” harm.

**Blaby District Council, Environmental Health** - No objections. Makes comments in regards to noise and construction phase. Conditions are recommended requiring a Construction Environmental Management Plan and noise mitigations.

**Earl Shilton Town Council**- Made no comments. (Initial and amendment consultations).

**Environment Agency**- Raised no objections subject to the imposition of a condition.

**Fire and Rescue Service**- Have made no representations.

**Health and Safety Executive** – Made comments stating that the development would not fall within their remit.

**Hinckley and Bosworth Borough Council** – Has made the following comments:

*“HBBC would ask that the following matters are taken into consideration when determining the application:*

*The scale and quantum of development could have a detrimental visual impact upon the landscape when viewed from Thurlaston Lane and Earl Shilton Lane, particularly the substation to the south of the site.*

*We note the objection from LCC Highways (10.02.2023) and agree that the previously proposed access and construction routes posed significant challenges. Whilst there does not appear to be a revised consultation response from LCC Highways yet, HBBC would urge BDC to consider the cumulative impacts on the Highway network and the safety and suitability of the amended access proposal.”*

**Historic England-** Have made comments stating to seek guidance from the specialist conservation and archaeological advisors.

**Leicestershire County Council, Archaeology** – Raised no objection to the application subject to the imposition of a suitable condition for the submission of a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation.

**Leicestershire County Council, Developer Contributions-** Stated that they won't be requesting contributions.

**Leicestershire County Council, Ecology-** Raised no objection to the application subject to suitable conditions.

**Leicestershire County Council, Forestry-** Raised no objections. Stated that the Arboricultural Impact Assessment adequately evidences that existing trees and hedges could be successfully retained with appropriate care and in accordance with the proposed tree protection measures. They also stated that the new access track would remove approximately 13-14 linear metres of low quality (category c) hedgerow which will be mitigated through the proposed landscaping. They have requested suitable conditions for tree protection and the submission of a Landscape Management Plan.

**Leicestershire County Council, Highways** – Following the submission of revised plans, they have no objections and consider that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

**Leicestershire County Council, Lead Local Flood Authority (LLFA)** - Raised no objection to the application subject to suitable conditions.

**Natural England-** No representations received.

**Thurlaston Parish Council** – Has commented as follows:

*“The application follows consultation with the Parish Council and a public event which was open to all Thurlaston residents.*

*The Parish Council are broadly in favour of ‘Green Energy’ and the approach from the developers on this occasion has been appreciated and note that concerns raised at the consultations have, up to a point, been addressed.*

*The most serious concerns that remain, relate to the traffic management plan submitted within the application and overall traffic management whilst the construction of the site is undertaken.*

*The Parish is facing the development of two Solar farm within its boundaries with a third just outside. Over development in this essentially rural landscape is a big concern.*

*This accumulative impact of urbanisation on Thurlaston Parish has been and remains a high agenda matter that is repeatedly being raised and questioned along with the development, of 'green field' agricultural land.*

*The request for continued discussion, involvement and consultation in the complete process of this application by all parties concerned, should this development proceed is not only essential, but critical."*

### **Representations**

Two letters of objection have been received in regards to the following:

- Impact the outlook from the local villages and local house prices
- Pollution from the proposal
- Construction traffic opposite house
- Harm to wildlife
- Loss of agricultural land
- Concerns over safety

### **Relevant History**

N/A

### **EXPLANATORY NOTE**

#### **The Site**

The application site extends to some 12.54 hectares and comprises an area of agricultural land located to the north east of Earl Shilton. The topography of the land slopes from south to north towards a small watercourse. Earl Shilton Road forms the site's southern and eastern edge and connects with Thurlaston Lane and Earl Shilton to the west, and leads east to Thurlaston. The A47 is a major highway, located to the west and off which access is now proposed, with traffic visible and audible from around the site. The M69 is located approximately 1.7km away to the south west but is not visible from the site or its environs.

The site is situated within the Parish of Thurlaston, whose western boundary runs parallel to the western administrative boundary of Blaby District Council. Beyond the western parish boundary is the Parish of Earl Shilton. The site is designated as countryside with Normanton Wood directly to the south of the site.

The site's southern edge along Earl Shilton Road is enclosed by a combination of a well-managed hedgerow and post and wire fencing. The fencing continues along the Site's eastern edge allowing views from the road into the site's interior and beyond.

The northern edge of the site sits approximately 18m lower than its southern edge and is marked by a line of mature trees and vegetation that partially screen the lower lying landscape and interrupt views out.

The western edge of the site follows an existing internal track that leads from Earl Shilton Road towards a small cluster of agricultural buildings adjacent to the Site. The slightly lower lying western boundary of the host field, towards the northwest, is marked by a hedgerow and hedgerow trees.

Normanton Millennium Wood is a publicly accessible woodland and is located immediately to the south of the site. Other small blocks of woodland are dispersed across the local area, particularly to the north and east.

The topography of the surrounding area is generally undulating and falls away towards the A47 to the west and north before rising toward the settlement of Earl Shilton to the west and towards Peckleton to the north. Due to the natural undulation of the site and surrounding landscape, views out from the site primarily extend to the west, northwest and north. Views towards Thurlaston to the north east of the site are curtailed by the rising topography and intervening vegetation and farm buildings which lie to the east of the site.

Aside from the settlements of Earl Shilton and Barwell, the landscape is predominantly agricultural with smaller scattered villages and farmsteads. The A47 and the large scale electricity pylons and overhead cables which cross the site form a strong linear and vertical feature and detract from the rural character of the immediate area. The existing powerlines crossing the site, the adjacent A47, the M69 to the south and railway line leading to Leicester all dissect the wider landscape creating urbanising detractors to the local landscape as well as creating significant noise sources within the area.

## **The Proposal**

The application proposes a Battery Energy Storage System (BESS) and associated infrastructure. The Proposed Development will connect into the existing 275kV overhead transmission line which crosses the Site. The proposal is referred to collectively as the 'Proposed Development' and the project is referred to as 'Normanton Energy Reserve'.

The Proposed Development would comprise a utility scale grid management facility using battery energy storage technology with a capacity of approximately 500MW. The Development would comprise a form of carbon zero energy storage to provide balancing energy to the National Grid. Its grid balancing mechanism specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the Renewable Energy Directive.

As part of the proposal, this would include:

- A maximum of 500 battery containers which measure a maximum of 3m in height, 6.1m in length and 2.5m in width;
- Approx. 125no. containerised MV Inverter Units which would be a similar size and appearance to the proposed battery containers and would be painted a colour such as dark green;
- Approx. 12no. auxiliary transformer units;
- Approx. 6no. Substation/HV Switchgear buildings;
- Approx. 3 super grid transformers;
- 275kV National Grid Substation Compound with associated equipment and structures;
- Access track and vehicle parking within fenced and gated compound. Fencing would be painted palisade fence to a height of 2.4 m;
- Pole mounted CCTV cameras and emergency lighting columns circa 4m in height; and
- Extensive landscape planting comprising wildflower grassland meadow and woodland

Amended plans have been received over the course of the application altering the proposed access to the scheme, which initially was from Earl Shilton Road (which was not supported by the Local Highway Authority) to the A47 instead. Additional alterations include the following:

- Removal of the bund to the eastern boundary, along with additional woodland planting to screen the development from Earl Shilton Road;
- Reprofiling of the proposed terraces on which the containers will sit;
- Advanced planting, potentially providing up to 5 years advanced growth before the energy Reserve becomes operational; and
- A new central east- west hedge to be planted between the terraces.

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case the Development Plan comprises the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, the Blaby Local Plan (Delivery) Development Plan Document 2019 and the Fosse Villages Neighbourhood Plan 2021.

## **Development Plan**

### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

#### **Policy CS2 – Design of new development**

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

#### **Policy CS14 – Green Infrastructure**

Policy CS14 notes that Green Infrastructure can include areas that are valuable for their biodiversity (flora and fauna network links), areas that are of cultural importance and areas that maintain natural and ecological processes, inter alia. The Council will seek to improve and enhance the Green Infrastructure network throughout the District. Opportunities to incorporate key landscape features such as woodlands, pond, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and use open spaces and links.

#### **Policy CS18 Countryside**

Core Strategy Policy CS18 states that within areas designated as countryside planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.

Detailed consideration has been given to the justification for the countryside location and the impact of this development on the appearance and character of the landscape (this matter is explored in more depth later in this report).

#### **Policy CS19 Biodiversity and Geo-diversity**

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and it is not considered that the proposal will significantly impact on the biodiversity and geo-diversity. The application has submitted an Ecological Impact Assessment which included bio diversity net gain calculations. The County Ecologist has not raised any objections to this proposal, subject to conditions to secure landscaping implementation and on-going ecological management of the site for the lifetime of the battery storage facility.

#### **Policy CS20 Historic Environment and Culture**

When considering development proposals on, in or adjacent to historic sites, areas and buildings, Policy CS20 seeks to ensure development protects and enhances heritage assets and their settings (criterion (a)). Policy CS20 also expects new

development to make a positive contribution to the character and distinctiveness of the local area (criterion (b)).

In accordance with paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Compliance with Policy CS20 will therefore be significant and should be given considerable weight in the planning balance. There is also a statutory requirement under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Having recognised the level of importance attributed to preservation of heritage assets the judgement should then be made as to whether there are any circumstances significant enough that outweigh this. The impacts of the development upon the Historic Environment have been discussed later on within this report.

### Policy CS21 Climate Change

Policy CS21 acknowledges that climate change is one of the greatest long-term challenges facing human development. Blaby District Council is committed to tackling climate change.

Policy CS21 states the following in respect of renewable energies:

“Development which mitigates and adapts to Climate Change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by (inter alia):

- c) encouraging the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale. Renewable and low carbon energy generation will be supported within the District where the proposal:
  - i) ensures that the siting and scale of development avoids harm to the significance of designated heritage assets and nationally important archaeological remains or their setting.
  - ii) ensures that the impact of the development on local landscape character and historic landscape character is minimised.
  - iii) ensures that the proposal does not result in significant detriment to residential amenity for new or existing residents.
  - iv) includes measures to mitigate any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any development.
  - v) does not create an overbearing cumulative noise or visual impact, when considered in conjunction with similar developments and permitted proposals in the area.”

Policy CS21 clearly supports proposals for renewable energy and whilst this application does not create renewable energy, it does enable renewable energy that is generated elsewhere to be stored and exported back to the National Grid, thereby supporting the UK's shift to renewable energy.

## Policy CS22 Flood Risk Management

Policy CS22 seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1. The use of Sustainable Drainage Systems to ensure that flood risk is not increased on site or elsewhere is also encouraged in new developments.

The vast majority of site, along with all the built environment lies within Flood Zone 1, however, the land slopes down to flood zones 2 & 3 where the watercourse is to which the amended access would be built through. The applicant initially submitted an adequate flood risk assessment, however this has not been updated to reflect the new amended access. However the Local Lead Flood Authority (LLFA) and Environment Agency have raised no objections to the proposed development.

## Policy CS24 Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that plans and decision making should apply a presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. The Council has worked with the applicant to make revisions to the proposals to render the scheme acceptable.

## **Blaby Local Plan (Delivery) Development Plan Document (2019)**

### Policy DM2 – Development in the Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the countryside. The policy does not explicitly refer to renewable energy projects but provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). Detailed consideration is given to the highways impacts of development later in this report.

## Policy DM12 – Designated and Non-designated Heritage Assets

Policy DM12 states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy states that designated heritage assets and their settings will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified, the scale of harm will be weighed against the public benefits of the proposal.

## **Fosse Villages Neighbourhood Plan 2021**

The Fosse Villages Neighbourhood Plan was made in 2021 and forms part of the statutory Development Plan. Its policies should therefore be given the same weight as the policies in the Blaby Local Plan Core Strategy and Delivery DPD.

### Policy FV4 - Biodiversity

Policy FV4 supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity. The proposed development seeks to retain and enhance with new planting existing hedgerows and trees on the site. Biodiversity net gain has also been demonstrated.

### Policy FV6 – Design

Policy FV6 requires that development reflects the distinctive and traditional character of the Fosse Villages. Development should be in keeping with the scale, form and character of its surroundings; protect locally significant features such as traditional walls, hedgerows and trees; not significantly adversely affect amenities of residents; promote sustainable design and construction and provide a safe and suitable access.

### Policy FV16 - Renewable Energy

Policy FV16 doesn't state that battery storage energy facilities will be either supported or not supported. As such, the policy is silent on the use of renewable energy infrastructure and battery storages.

## **National Planning Policy Framework (NPPF) (December 2023)**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, including meeting the climate change challenge with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

In decision-taking, paragraph 11 explains that this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, to grant permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or  
Specific policies in the NPPF indicate development should be restricted.

Chapter 14 (paragraphs 157 to 164) of the NPPF has specific relevance to the development proposals and deal with meeting the challenge of climate change.

### **Planning Practice Guidance (PPG)**

This provides supporting guidance to the interpretation of the NPPF, including specific guidance relating to ground mounted solar farms.

### **Material Considerations**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

The following are considered the key planning issues in the determination of the proposal:

- The principle of the development and supporting renewable energy infrastructure;
- Landscape and visual impacts;
  - Policy context
  - Landscape context
  - Landscape and Visual Impact Assessment
  - Effects on Ground Vegetation
  - Effects on Topography
  - Effects on Trees and Hedges
  - Landscape Impacts
  - Visual Impacts from Public Rights of Way
  - Visual Impacts from Roads
  - Visual Impacts from Residential Properties
  - Cumulative Impacts
  - Summary
- Impact on heritage assets;
- Impact on agricultural land;
- Flood risk

- Ecology and Biodiversity Impacts
  - Protected Habitats
  - Trees and Hedgerows
  - Watercourse
  - Protected Species and Species of Conservation Concern
  - Biodiversity Net Gain
- Impacts on residential amenity
- Highway Impacts
  - Site Access
  - Trip Generation
  - Internal Layout
  - Highway Safety
  - Highways Conclusions
- The need for the development
- Other Matters
- Planning Balance and Conclusion

### **The principle of the development and supporting renewable energy infrastructure**

Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making.

Paragraph 11 of the NPPF and Core Strategy Policy CS24 set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

The application site is wholly located in designated countryside which should be recognised for its intrinsic character and beauty. Core Strategy Policy CS18 states that planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. Essential to the appropriateness of scheme's countryside location will therefore be its resulting landscape and visual impact.

The Development Plan does not allocate specific locations for commercial scale renewable energy development. The explanatory text to the policy states that all renewable and low carbon energy proposals will therefore be assessed against Core Strategy Policy CS21. Policy CS21 is broadly supportive of renewable energy schemes and this policy does not differentiate between urban and rural locations for its support.

Furthermore, the NPPF is supportive of renewable energy schemes. At paragraph 157, the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk 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.”*

At paragraph 163, the NPPF goes on further to state:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

Whilst not a requirement of policy CS21 or national policy to demonstrate the need for the development and/or evidence for site selection, the applicant has provided supporting information that places the proposed battery storage development in the context of the overall national picture relating to climate change and carbon reduction, specifically, the UK government committing to the UK being carbon neutral by 2050.

The enabling of increased delivery of renewable energy also aligns with Blaby District Council’s Climate Change Strategy 2020-2030, which includes an aspiration for the district to be carbon neutral by 2050. The applicant has indicated that each year the proposal deliver back onto the grid the equivalent electricity consumption of 235,000 homes.

On balance, the policies of the Development Plan give support in favour of renewable energy proposals where their impacts are (or can be made) acceptable. Such proposals also support the Council’s commitment for the district to be carbon neutral. The principle of the proposed development is therefore considered to be acceptable when assessed against strategic Development Plan policies as a whole, subject to other material considerations being appropriately assessed.

## **Landscape and Visual Impact**

### Policy context

The application site is situated in a rural location where there is the potential for a large-scale battery storage to have an adverse impact upon the character and appearance of the surrounding countryside. Core Strategy Policy CS18 Countryside deals with landscape impact and states that planning permission will not be granted for development which would have a significant adverse impact upon the landscape.

Criterion C(ii) of Core Strategy Policy CS21 (Climate Change) also requires that impact of the development on local landscape character and historic landscape character is minimised.

Core Strategy Policy CS2 (Design) sets out that development proposals should be appropriate in their context and should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

Policy DM2 (Development in the Countryside) of the Delivery DPD provides criteria against which development proposals should be assessed. Criterion (a) requires that development is in keeping with the appearance and character of the existing landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation study, National Character Areas and any subsequent pieces of evidence.

The NPPF is also clear that the natural environment should be enhanced by protecting and enhancing valued landscapes. The NPPF also makes it clear that the adverse impacts of renewable and low carbon energy projects must be satisfactorily addressed, including cumulative landscape and visual impacts.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. It would also not qualify as a “valued” landscape as this is set out in the NPPF.

### Landscape context

In terms of its character, the application site occupies circa 12.54ha of land which slopes gradually from south to north, comprising one field parcel in a mix of pastoral and arable uses with additional parcels being used for the access which is constructed on top of the existing farm access to the field.

Field boundaries are lined by a network of mature hedgerows and scattered trees, linear tree belts and woodland blocks with public highway running to the east and south of the site. Hedgerows along the southern and eastern boundary of Earl Shilton Road are relatively open offering open views across the open field. To the northern tree lined boundary sits approximately 18 metres lower than the south eastern boundary. A post and rail fence encloses much of the Site’s eastern boundary.

There is a high degree of visibility looking west over the Site to Earl Shilton, where the Church spire forms an attractive focal point in the view.

Normanton House Farm lies to the east of the Site; this is an impressive property which can be clearly seen from many viewpoints along the roads and public footpaths to the north. It is recorded as a non-designated heritage asset in the BDC Heritage and Environment Record.

The site lies within the Normanton Agricultural Parkland Landscape Character Area (LCA) as identified in the Blaby Landscape Character Assessment (2020). The key characteristics of the character area include;

- rolling landform which becomes more elevated in the east of the LCA;
- regular shaped fields with boundaries marked by well managed hedgerows;
- channelled views over short distances within the character area;
- open views within parkland contained by woodland and topography restricting views over longer distances with hedgerows and woodland creating an enclosed character;
- few urban influences though glimpses of movement along the A47 can be seen from some areas and pylons cross the western part of the character area and form intrusive skyline features.

The Normanton Agricultural Parkland LCA is assessed as a having a medium landscape sensitivity and medium sensitivity to development (housing and transport infrastructure).

It is considered that the site is representative of the landscape character described in the character assessment and exhibits rolling landform, a mix of agricultural land uses, hedgerow boundaries and woodland blocks.

#### Landscape and Visual Impact Assessment

To support the planning application proposals, the applicants have submitted two Landscape and Visual Impact Assessment (LVIA) of the development. This has been reviewed by the Council's instructed Landscape Architect to assess its robustness for consideration of the proposals.

Following this, amendments have been sought to provide additional tree planting to the boundaries of the site to provide greater screening, in particularly from the east and south from Earl Shilton Road and west from Thurlaston Lane. In addition to this, the proposed bund to the eastern boundary has been removed as this was initially considered to be an incongruous addition to the natural landscape. The bund to the western boundary has been lowered down to 0.5 metres. Engineering terracing has also been incorporated to create level building platforms (1-4) and enable screening to be more in keeping with the natural topography. There is the inclusion of a new hedgerow roughly through the centre of the Site, orientated southwest to northeast between levels 2 and 3. This helps to break up any massing of infrastructure and at the same time introduces a natural element.

The previously proposed Permissive Path within the site is no longer considered as part of the Development as well. The lack of connectivity with other PRoWs and potential conflict with road users along Earl Shilton Road, resulted in this removal of the path in the revised layout. In addition, it is considered that omitting the path and introducing greater depth woodland planting would be more beneficial.

### Effects on Ground Vegetation

The proposed development would introduce a new type of development into what is currently agricultural land. The majority of the existing grassland, that characterises the site, would be disturbed or removed during the construction phase. Following the completion of the construction stage, the area between the battery modules and ancillary equipment would be sown with a suitable grassland mix. The remaining area, outside of the battery storage compound and terracing would be sown with a wildflower mix to benefit biodiversity. The area of the proposed substation would be laid to hard-core or left as a building platform, with no opportunities to grass within the compound for health and safety and operational reasons.

The applicant has stated within their landscape review that the proposal would result in a medium magnitude of change to the ground cover vegetation and that the effects would be moderate adverse and reversible. The Council's external landscape consultants have stated that removal of the topsoil would mean a high level of remedial treatment to restore the land back to productive agriculture, along with the creation of the perimeter earth bunds resulting in the loss of maturing trees and shrubbery.

Given that the amended plans have removed one large earth bund to the eastern boundary and have reduced in height the other earth bund to the western boundary, this would reduce the level of harm to the ground cover vegetation during decommissioning. Nevertheless it is considered that the removal of such a large amount of top soil for the creation of the battery storage energy reserve would result in a large loss of ground cover vegetation.

### Effects on Topography

The Site slopes evenly to the south, although there is a slight variation in levels at the top of the slope, bordering Earl Shilton Road. The south-western corner where the proposed sub-station will be located is on slightly lower land than the slope crest to the east. The land drops gently to the valley floor, with a height difference of around 18m.

Initially the proposal sought to create two terraces at a height of approximately 7-7.5 metres high. The ground modelling extends over 260m, with excavated soils building a substantial platform to level ground at the northern end. It was considered that the large scale engineering operations and artificial bunds would have been a significant adverse impact upon the topography of the land.

Following this amended plans were received removing one of the artificial bunds and reducing the height of the other bund. The proposal would involve a 'cut and fill' exercise, creating a series of shallow terraces or platforms, upon which the proposed modules and ancillary facilities would be constructed. Based on the currently proposed layout development would include 4 terraces secured with retaining walls: between 3.25m - 3.5m height. Although accepted as an improvement, the revised layout proposals will still require extensive groundworks across the whole of the battery storage area. The slope will be modified to provide either 4 shallow terraces, separated by retaining walls, or a solution based on each row being stepped down by 30cm from

its neighbour. In either case, there will be less disturbance to the existing contours and the Council considers to be an improvement from the initial scheme.

### Effect on Trees and Hedges

Initially the proposed development was to create an access from Earl Shilton Road which would have required the removal of a large part of the hedgerow to make way for the access. However as part of the amended plans, the access has been moved to access from the A47 roundabout, the southern boundary wouldn't have to lose the hedgerow. The proposed new access minimises any tree and hedgerow removal with the built form offset from the boundary vegetation.

With the exception of a single oak tree (assessed as being in decline), the proposed route for the new access will not lead to the further loss of existing trees. A "no dig" construction methodology has been advised, which is considered to be appropriate. Although a section of hedgerow will need to be removed, as with the original layout proposals, the hedge affected is not in as critical location in terms of its contribution to limiting visibility.

The revised Planting Proposals will create a wooded boundary to the Site, significantly increasing tree cover which is in keeping with the character of the local landscape. The revised scheme is considered to have been strengthened in terms of the incorporation of additional planting and associated habitat benefits and, as a consequence, is considered to bring about landscape benefits to the area. The proposed wooded enclosure relates well to the existing treed landscape, linking well with Normanton Wood and to the parkland landscapes to the east

The proposed two access points would require modest breaches in the boundary hedgerows, which would be as small as practical. Due to these locations being at lower land level than the previous hedgerow along the southern boundary, it is considered that the loss of these hedgerows would be less of an adverse impact than the 50 metres of hedgerow that would have been lost initially.

A relatively large area of woodland planting is being proposed in order to enclose the development and limit its visual influence, whilst creating a green corridor between Normanton Wood and the vegetation along the site's northern edge. The proposed development would bring about a considerable net gain in the site's hedgerow, tree, and woodland resource. In addition, new hedgerows are being proposed along certain sections of the site's perimeter and along one of the internal terraces to aid screening of the battery storage modules on the higher terraces.

### Landscape Impacts

It is considered that the site's character will change from open agricultural land to one that contains energy infrastructure: battery modules, ancillary infrastructure, substation compound etc, and the magnitude of change would be high, with effects major adverse. Whilst the Council's landscape advisor broadly agrees with the descriptions given for the different aspects contributing to landscape value, no mention is made of Normanton Wood, the open access woodland adjacent to the Site. There are publicly accessible paths within the wood and an informal carpark space on the

Earl Shilton Road, so although no Public Rights of Way are present, it is considered that Normanton Wood is an important local recreational space.

The Councils Landscape Advisors agreed that the site and the setting has a medium value in respect to assessing landscape value. With the amendments, the proposed planting has been strengthened to reduce the perception of change and screen the proposed development, and with time, further limiting its influence to the immediate environs and to the site itself. The surrounding landscape would not be physically affected.

Whilst the introduced woodland would change the character of the site, it is considered that such design intervention would be in keeping with the wooded context of the site and would mimic a presence of medium scale block of woodland, not too dissimilar from the neighbouring Normanton Wood. The proposals would also retain the existing field pattern, being wholly located within a single field parcel, and would result in an increase in the tree cover within the local area and enhancement to the perimeter hedgerows. The development would also not be seen and would not have any influence over the perception of the parkland estate character at Normanton Park and Oaklands, It is also physically and visually segregated from the village of Thurlaston.

However, notwithstanding the above, the Council does consider that the susceptibility of the Site to change is “high”. Whilst there is a single pylon present on the site, there is otherwise little context for the introduction of industrial features within an otherwise rural landscape. In addition to this, this is considered to adversely alter the setting of the nearby non designated heritage asset of Normanton House Farm where the Councils Historic buildings Officer has commented that the application site would have formed part of the historical association as an agricultural landholding.

#### Visual Impact from Public Rights of Way (PRoW)

The proposed development would not have any direct physical effects upon any PRoWs as none are located within or abutting the site. Other routes within the surrounding area would not be directly affected by the proposed development. However, views from the public footpaths will be impacted. The Public Footpath leading from Normanton Park towards the A47, looking west & southwest will experience views of the eastern part of the site which is considered to have moderate adverse impact. However due to the separation distance and revised terracing and increased mitigation, it is considered that this will reduce the visual impact, although works during the construction phase will be noticeable.

With regards to northern and western areas which have PRoW passing through, these distant and medium range areas of the northern and north western area, users along PRoWs would have their views either screened or filtered, however the tower and metal structures of the substation will be noticeable, given the size of these structures and siting near the top of the site. However it is considered that the revised terracing and expanded woodland landscape proposal would mitigate these impacts.

With regards to the PRoW between Earl Shilton and the A47, views do vary to a considerable degree. This is a key view as there is a direct, relatively open view towards and of the site itself. It is considered that there will be a major adverse impact

before the proposed landscape mitigation planting matures. The new approach to terracing will help result in a less intrusive scheme. By year 10 the planted mitigation will provide some enclosure and filtering of elements although those associated with the substation are anticipated to remain visible. However, it is considered that the most intrusive element of the proposal would be the substation, with the battery storage area more-readily integrating with planting.

### Visual Impact from Roads

To users of the M69 the effect is considered to be neutral as the proposed change would not be perceptible.

The application site is generally well screened from users of the A47 by mature woodland and linear tree belt vegetation and the LVIA concludes that the effect would be neutral on this receptor. The Council's landscape advisor has highlighted, however, that views would be more open in winter months when deciduous vegetation is not in leaf. Nonetheless, both post-completion and following landscape strengthening, the overall effect would be negligible.

On the approach to the roundabout of the A47 to Leicester Road, the road is low lying and the maturing mitigation planting associated with this highway screens views or serves to considerably reduce any direct or evident views towards the site. Views of the access track are not expected to be gained or be evident as the route is associated with the nearby farmstead, which is partially screened.

With regard to the northeastern section of the A47 that leads towards Leicester, this section of road is enclosed by mature and tall trees, and views are very restricted. Similarly, Leicester Road as it leads from the A47 to Earl Shilton is enclosed by slight changes in levels and vegetation.

With regard to Earl Shilton Road receptors travelling along this particular road would gain direct and very close range views of the proposed development due to lack of boundary vegetation along the site's eastern edge. Currently there are pleasant views across the site from the lane. The enclosure provided by the mitigation planting will, over time, curtail these views (however there will be adverse impact during the construction phases and early life of the development).

The amended plans omitting the 3m high bund is considered an improvement as road users will experience a wooded natural edge rather than the engineered shape of the bund. There will be filtered views of the battery containers and ancillary structures whilst the landscape mitigation planting matures. The battery storage containers would be offset from the road to reduce the perception of mass and scale and would be set in a cut.

Despite the terracing across the site, the upper parts of the modules are likely to be identifiable through the juvenile hedgerow and woodland planting in glimpsed and fleeting views.

The views from Thurlaston Lane would differ with parts of the road located to the south of the site, would have majority of the proposal being screened from view. The small

area of theoretical visibility is identified around Oakfield and Normanton Wood which would be minor.

The western section of the road, as it enters Earl Shilton would be screened by roadside vegetation and with the lower topography. In certain locations, as one travels eastbound and over the A47, the gently rising field adjacent to the A47 can be identified in the foreground but this particular field falls outside of the site.

The large scale pylon within the site is easily identifiable in these views but the site's interior is screened by the intervening mature and tall boundary hedgerow. However, in views of the site when arriving into Earl Shilton from Thurlaston Lane, the site will be seen from the eastern end of the town. This will include the view of the substations.

Mitigations will reduce the visual impact over time but the visual impact during construction is considered to be moderate and adverse. Additionally views from Earl Shilton Road between Kirkby Mallory and Earl Shilton are considered to be distant but open towards the Site. Whilst the construction phase will be visible, the proposed landscape mitigation planting should provide integration of the development by year 10.

#### Visual Impact from Residential Properties

Scattered properties close to the site include Oakfield, Bassett Farm, Riverside Cottages, Bullpit Farm, along with residents in the northern and eastern parts of Earl Shilton. The closest residential property is Normanton House Farm along Earl Shilton Road immediately to the east.

It is considered that Riverside Cottages, Bullpit Farm, an Oakfield would not experience any change to their views or change would be inconsequential, i.e., negligible with effects negligible neutral at most.

With regard to the residents at Bracknell Farm, the dwelling is enclosed to the south and southeast by large scale farm buildings, which block any lines of sight between the house and the site. It is considered that the residential receptors at Bracknell Farm wouldn't experience any change to their views, and the introduction of the proposed development would have little effects upon their visual amenity. It is accepted that the northwestern access track would cause some limited and temporary change to the visual amenity, particularly during the construction stage.

Normanton House Farm, along Earl Shilton Road, is the closest residential receptor and the Site's eastern perimeter is marked only by isolated trees without any hedgerow planting that would serve to screen or limited view in. As such, it is considered that the magnitude of change would be high with effects major adverse at year 1 and during construction.

The applicant has stated that there is potential for advance planting to take place across the site – given the anticipated timeline for the development and its connection date. The proposed mitigation planting has been purposely devised to reduce the inter-visibility between the proposed development and this particular dwelling with large scale and more mature trees introduced along the eastern edge of the site to increase

the screening immediately post-completion. The proposed woodland would, with time, screen the proposed development completely. The proposed terracing across the site would also help screen and reduce the visibility of the proposed battery storage units and ancillary infrastructure from the ground level windows and residential curtilage.

It is considered that the topography of Earl Shilton, views from within the site would extend to the eastern part of Earl Shilton. Therefore, views from these properties would include the proposed substation and energy reserve development. Given the distance, the magnitude of change is likely to be high to medium with effects major adverse at year 1. Once the proposed planting has matured at year 5 such effects are expected to mitigate these impacts.

### Cumulative Impacts

The LVIA addresses potential cumulative effects with other consented solar farms within the study area. The solar development that could bring about the greatest cumulative effects in conjunction with the application proposal is the proposed Hill Farm solar scheme, which is located to the north of Earl Shilton Road. This development is also located within the same landscape character area, the Normanton Agricultural Parkland.

The submitted amended Landscape Visual Impact Assessment identifies the potential for three proposed solar farms in the vicinity to give rise to cumulative impacts. It is considered that views from Earl Shilton Road adjacent to the eastern boundary of the site looking to the east will see the Hill Farm solar arrays on the lower ground to the north.

The degree of change is assessed as High for recreational users, with the effects as major at Year 1 and during construction. The views from the public footpath (leading from Normanton Park towards the A47 viewpoint 3 with the LVIA) to the east of the site which traverses the Hill Farm solar scheme would experience views characterised by the panel arrays which would form the foreground in views south and west towards the application proposal and Normanton Wood.

In addition to this, the views from the footpath at Earl Shilton's northern edge (viewpoint 5) would experience Clump Farm solar scheme to the north, Hill Farm solar scheme to the north-east and to the application proposal to the east. Over time, all schemes are anticipated to be screened by their associated landscape proposals, although the western edge of the proposed battery storage will remain apparent in views (even by Year 10).

### Summary

The proposed development of a battery storage on the site, will alter the site's character and its perception from the selected visual receptors, changing it from one of sloping fields and an agricultural landscape to a battery storage with associated transformers, substation, fencing and infrastructure.

Due to the large-scale changes and altering character of sloping agricultural farm land to that one more resembling an industrial site, it is considered that this would cause

significant harm to the landscape as a result of the development which would be mitigated via the implementation of the landscaping strategy.

Similarly, harmful visual effects are also identified ranging from negligible adverse to significant adverse predominantly by users of the PROW network adjacent to the site and in the surrounding area, though also by nearby residents, motorists and cyclists using the local road networks, along with nearby residential properties. However, the mitigation measures are considered appropriate and will reduce the impacts of the proposal. These measures can be appropriately secured by conditions, as set out in at the start of this report.

Overall, there will be adverse harm resulting from the development, some of which would be quantified as “significantly adverse” effects. As such, the development cannot be considered to be ‘in keeping’ with the appearance and character of the landscape as required by Delivery DPD Policy DM2 Development in the Countryside given the harm identified. It is considered that the amended plans and mitigation measures mitigates the impact on landscape character and would not create an overbearing cumulative visual impact when considered in conjunction with other permitted solar farms in the locality, as required by Core Strategy Policy 21 Climate Change. The matters will need to be considered in the planning balance.

### **Impact on Heritage Assets**

Core Strategy Policy CS20 Historic Environment and Culture states that the Council takes a positive approach to the conservation of heritage assets and the wider historic environment. This will be done, inter alia, by considering proposals against the need to ensure protection and enhancement of the heritage asset and its setting.

Delivery DPD Policy DM12 Designated and Non-designated Heritage Assets states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. In respect of non-designated assets a balanced consideration will be applied to proposals.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. These statutory duties need to be considered alongside the requirements of the Development Plan.

Section 16 of the National Planning Policy Framework (NPPF) is a material consideration and provides the national policy on conserving and enhancing the historic environment.

Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development

on its significance. Paragraph 206 continues that any harm to the significance of a designated heritage asset should have clear and convincing justification.

NPPF paragraph 207 requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 208 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 209 of the NPPF also includes a requirement for the effects on the significance of non-designated assets to be taken into account. A balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.

A comprehensive Heritage Impact Assessment (HIA) has been submitted by the applicant in accordance the NPPF or Policy DM12 of the adopted Delivery DPD. This Statement provides a detailed chronology of the site and archaeological investigations within its close proximity, identifying a range of interesting archaeological finds. A Trial Trenching report has also been submitted with the County Archaeologist confirming that no additional archaeological works or conditions are required.

There are no designated or non-designated heritage assets within the site itself, however there is a nearby non-designated heritage asset of Normanton Hall Farm located opposed Earl Shilton Road to the east of the site. In addition to this, within Blaby District, the closest listed building is located approximately 850m to the east of the application site, (a Grade II listed Ice House, some 20 metres to the north of where former Normanton Hall once stood).

It is considered highly unlikely that the Ice House would be experienced from the application site, due to the intervening distance, woodland/trees, and topography between the application site and the asset.

The Council's Conservation Officer states that the application site lies outside of the historic parkland that was a planned landscape forming part of the setting of Normanton Hall, which would have positively contributed to the Hall's significance. Although the application site is adjacent to the parkland, this is not a registered or designated space in its own right.

The HIA does not identify the Church of All Saints, a Grade II\* listed building situated on Church Street in Thurlaston, which is situated approximately 1,900 metres to the north-east of the application site. Again, due to distance, topography and tree coverage, this heritage asset cannot be experienced from the application site. The application site is not within the setting of the church and in the view of the Council, it is highly unlikely that its significance will be harmed by the proposed development. The HIA does identify a Roman Catholic Chapel as a non-designated heritage asset. This building previously adjoined the old Normanton Hall's eastern elevation, but now stands as a separate building using the name of the former building.

Over the course of the application, amended plans have been received removing the 3 metre high earth bund to the eastern boundary of the site near the boundary with Normanton House Farm. The Conservation Officer has stated that this is welcomed addition as the amount of engineered land forms on the site will be reduced and replaced with much more natural, verdant belts of woodland planting which would be more representative of the surrounding landscape. However the Council still considers that there would be a less than substantial level of harm to the setting of Normanton House Farm. (a non-designated heritage asset), a

As such, the negative impacts from the proposal upon the nearby non designated heritage assets will have to be weighed against the positives arising from the proposal. This will be discussed further at the end of the report.

In terms of archaeological impacts, the Leicestershire County Council Archaeologist has raised no objections to the proposed development, but has recommended a programme of archaeological investigation, to be agreed via a Written Scheme of Investigation, secured by condition.

### **Impact on Agricultural Land**

The NPPF states at paragraph 180 that, inter alia:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”*

Footnote 62 of the NPPF also states:

*“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.”*

The Agricultural Land Classification (ALC) system divides agricultural land into five grades (Grade 1 ‘Excellent’ to Grade 5 ‘Very Poor’), with Grade 3 subdivided into Subgrade 3a ‘Good’ and Subgrade 3b ‘Moderate’. Agricultural land classified as Grade 1, 2 and Subgrade 3a falls in the ‘best and most versatile’ (BMV) category. Planning Practice Guidance (PPG) identifies BMV land as “the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations.”

An Agricultural Land Classification Report has been undertaken which identifies that the agricultural land at the site is Subgrade 3b.

As such, due to the lower quality of agricultural land being lost for the installation and construction of a battery storage facility, it is considered that the positives that would arise from the proposal would outweigh the loss of the agricultural farmland.

### **Flood risk**

Core Strategy Policy CS22 Flood Risk Management seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1.

Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Initially, the proposal was to be entirely sited on Flood Zone 1. Due to the amendments received with the access being relocated, a small section of the access would be sited within Flood Zone 2 and 3. However No development is to be sited within Flood Zones 2 and 3 and the Lead Local Flood Authority (LLFA) and Environment Agency have raised no objection subject to suitable drainage conditions.

The proposal is therefore considered to comply with Core Strategy Policy CS22 and the requirements of the NPPF.

### **Ecology and Biodiversity Impacts**

Core Strategy Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. Cores Strategy Policy CS14 relates to green infrastructure and seeks to improve and enhance this network within the district. Policy FV4 of the Fosse Villages Neighbourhood Plan supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

Paragraph 180 (d) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.

#### Protected Habitats

The Ecological Impact Assessment (EIA) submitted with the application confirms that the site does not form part of any statutory habitat designation but there are three non-statutory habitat designations within the vicinity.

There are three potential Local Wildlife Sites (LWS) within 1km of the Site boundary, with the closest being almost immediately adjacent to the southern Site boundary.

During the construction phase, it is possible that either debris or pollutants and run-off could end up within the nearby LWS, especially Normanton Wood which is situated adjacent to the Site. A Construction Environmental Management Plan (CEMP) will be prepared to detail how the habitats within and surrounding the Site should be protected during the construction phase.

A condition requiring a Landscape and Environmental Management Plan (LEMP) will also be imposed for the operational site that will cover how retained habitats and newly planted areas should be managed so as to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation. The LEMP should also set out any measures necessary to ensure protected species are appropriately accommodated within the operational Site.

### Trees and Hedgerows

The planning application is accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA) which identifies 22 trees, groups of trees and hedgerows. Of these, 17 trees/groups of trees/hedges fall within Category B – Moderate quality trees whose retention is desirable and 5 Trees fall within Category A-high quality trees whose retention is desirable.

The proposed site design for the battery storage would not remove any significant trees or tree groups. However the access track would involve the loss of 13 linear metres of low quality hedgerow. Given the scale of the proposed development, the loss of trees/hedgerow on the site is considered to be minimal and will be compensated for with additional tree and hedgerow planting. The submission and agreement of a Landscape Management Plan is considered necessary to safeguard the successful establishment of tree planting and this can be required by condition.

The proposal includes the removal of approximately 8.18ha of modified grassland on site to facilitate the construction of a new battery storage system, as well as a substation and associated access roads and infrastructure. Approximately 0.5ha of modified grassland, as well as the extensive area of bare ground would be lost for the construction of the access track. Within the new northern access route, a small section (approximately 6m) of a hedgerow H1 would be removed to allow the access track to enter the main Site. Additionally, 8m would be removed from hedgerow H4 and 8m from hedgerow H6 would be removed, as well as incorporating a new, prefabricated culvert crossing over Thurlaston Brook to accommodate heavy goods vehicles both during construction and throughout operation of the site.

Enhancements to H1 and H2 will take the form of infilling gaps where necessary (including replacing failed whips in H2), in order to increase screening potential of these features. A new species-rich hedgerow approximately 125m in length and to be managed with standard trees will be planted along the north-eastern boundary. A second species-rich hedgerow without trees (approximately 125m in length) will be planted within the middle of the battery units and a final new species-rich hedgerow will be planted along the southern boundary, measuring approximately 14m.

### Watercourse

Thurlaston Brook which is sited in the northern access route land is a shallow but open watercourse. As such, a new prefabricated bridge/ culvert crossing will be lowered over the brook and secured appropriately, allowing the crossing of heavy goods vehicles both during the construction phase, and throughout the operational life of the

battery site. This will disturb the banks of the brook and could potentially lead to increased run-off and physical damage caused by debris.

The brook has the potential to be adversely impacted during the construction phase of the development, predominantly through an increase in run-off and sedimentation, as well as potential physical damage to the banks of the feature by construction machinery. As such, the brook will be protected from damage and accidental pollution / runoff during construction by maintaining an undeveloped, naturally vegetated no works buffer along the course of the feature apart from the proposed new crossing itself. The buffer will be demarcated by perimeter security fencing, temporary fencing or stock proof fencing installed at the commencement of construction, at least 5m from the banks of the brook. As such, with the imposition of the CEMP and the mitigation measures are adhered to, it is considered that the operational impacts on Thurlaston Brook will be negligible and not significant.

### Protected Species and Species of Conservation Concern

The Ecological Impact Assessment found no signs of badgers during the initial survey, however the site holds foraging potential for badgers within the local area. The removal of the extensive modified grassland will result in a loss of foraging habitat for badgers. The mitigation measures proposed for the badgers would include pre-commencement badger check for new setts around all site boundaries no earlier than two months prior to the start of construction.

The site was found to have low to moderate value for foraging, roosting and commuting bats due to the presence of extensive grassland, hedgerow network and several trees with potential roosting bat features within them. No additional bat surveys were undertaken, but their presence on site is assumed and therefore the site was considered to be of local value to all bats.

Additional noise and traffic throughout the construction phase may result in disturbance to roosting bats, especially along the northern boundary where several mature oak trees with potential bat roosting features were located, however it is noted that infrastructure is a long distance from the northern boundary so this risk is reduced.

The loss of approximately 8.18ha of modified grassland within the site will result in a substantial loss of low to moderate foraging habitat for bats. Additionally, the development will result in approximately 6m of species rich hedgerow loss within H1 and 16m of species-poor hedgerow in order to accommodate a new access road into the operational site. This is unlikely to disrupt commuting flightlines, however the loss of these areas of hedgerow will lead to a very small loss of foraging habitat.

No signs of water voles or otters were found during the EIA and only from 2007 within 1km of the site. No dormice were found during the survey nor from 1km from the site. Mitigation measures arising from the LEMP and CEMP can be imposed to lessen the potential impacts arising from the northern access and removal of hedgerows.

The EIA has stated that Great Crested Newts are present within 2km of the Site. Pond 2 (adjacent to the access to the centre of the site) was given an HIS assessment of 'Good' but returned a negative result for GCN eDNA (skin cells, DNA etc) from the

survey. Although the modified grassland within the majority of the Site was considered to offer very low suitability for GCN, the ONG within the north-eastern corner of the Site, as well as the hedgerows, offered suitable terrestrial habitat for resting, hibernating and foraging.

It is considered that it is highly unlikely that GCN are present on or in proximity to the Site given the absence of suitable breeding waterbodies, with confirmed absence in Pond 2. Pond 2 returned a negative result for GCN eDNA and the species is therefore assumed absent from this waterbody, however a 50m buffer will still be adopted within the battery storage proposals to ensure that should it become occupied in the future a suitable terrestrial habitat remains around this feature.

The CEMP will include the requirement of all modified grassland within the north-west of the Site to be retained as a short sward, reducing the suitability of the habitat for GCN, as well as vegetation removal being undertaken in the presence of a suitably qualified ecologist during the winter months to avoid the great crested newt active season. Biodiversity protection zones will be erected around all hedgerows and boundary features during the construction phase, which will also be outlined within the CEMP.

Planting of an additional hedgerow along the eastern boundary as well as one within the centre of the battery Site will increase hibernation and terrestrial foraging habitat for GCN, should they be present, as well as the seeding of species-rich wildflower seed throughout the Site and incorporation of a vegetated earth bund, increasing the foraging potential of the grassland from the current modified grassland.

With regards to reptiles, the EIA finds no signs of reptiles within the site or within 1km. However mitigation measures will be conditioned with the CEMP.

The removal of approximately 8.18ha of modified grassland equates to a loss of foraging habitat. Additionally the EIA has considered that the removal of this habitat could equate to the loss of an area which is suitable for skylark nesting, and possibly forms part of a single skylark pair territory. The loss of part of a territory may lead a single pair of skylarks to be displaced into neighbouring habitat in order to nest.

Displacement of a single breeding pair is not considered to be significant given the extent of suitable arable land within the immediate vicinity. The removal of approximately 6m from H1, 8m from H4 and 8m from H6 within the new northern access route to accommodate new access roads will result in the loss of several small stretches of nesting habitat and, depending on the timing of the removal works, may risk disturbance, injury or death to any birds which are using the feature for nesting. Mitigation measures have been proposed within a condition for the CEMP, LEMP and landscape planting.

Due to the large scale of development, It is considered that the proposed development will result in adverse impacts upon a number of ecological features ranging from Local to Site importance. Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced as far as possible.

### Biodiversity net gain

A biodiversity net gain (BNG) assessment has also been undertaken for the site utilising the DEFRA metric 4.0. This indicates that the development will achieve a net gain of 28.31% for habitat units and a net gain of 24.09% for hedgerow units. There would be a loss of approximately 2.5% for the watercourses to make way for the proposed new access track for the site.

The EIA assessment makes a number of recommendations and mitigation measures along with the recommendation of a Landscaping and Ecological Management Plan and Construction Environmental Management Plan to which have been reviewed by the County Ecologist and deemed to be acceptable.

### **Impacts on Residential Amenity**

Policy DM2 of the Local Plan Delivery DPD requires that development should provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)), including consideration of, inter alia, privacy, light, noise, disturbance, overbearing effect, hours of working and vehicular activity. Similarly paragraph 130 (f) of the NPPF requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.

The closest property to the application site is Normanton House Farm which is sited approximately 40 metres away from the proposal (10 metres from curtilage of Normanton House Farm to site boundary). Oaklands is the next nearest property at approximately 55 metres from the boundary site.

Normanton House Farm is sited to the east of the site with the proposed 3 metre high batteries sited some 60 metres from the house itself. Due to the proximity and size of the proposal, the house would be able to view the proposal easily, to its detriment, along with the additional noise arising from the proposal, particularly during construction.

However, along the eastern boundary, in depth landscaping has been proposed to screen the proposal from view for the public and this neighbouring property as well. As part of the proposal, the land levels have been proposed to be lowered by approximately 1.5-2.5 metres.

The neighbouring property of Oaklands is located to the southwest of the proposed site. Due to the proximity and size of the proposal, the house would be able to view the proposal, however this would be mitigated by the existing vegetation along Earl Shilton Road, along with the additional landscaping to be planted on this boundary as well.

To the north within close proximity is the neighbouring Bracknell Farm which could be most impacted by the comings and goings from the construction traffic. The farm house itself is also located to the north east of the farm buildings so would be sited furthest away from the access track at approximately 110 metres.

The nearest farm building would be set some 40 metres from the access track. Bungalow Farm (and Kings Richards holiday lodges), the Paddocks caravan park, Riverside Cottages and Normanton Hall are all approximately 600m- 1km from the proposal itself (and some within 400 metres from the access track, along with The Station, Tooley Farm, Folly Farm to the west and north west (300m-1km from the access track). Due to the proposal being sited on a hill, these properties will have partial views of the site from differed angles and viewpoints which will become more filtered over time as the tree and hedge planting proposed for the boundaries of the site.

The western side of the proposed battery storage would be visible from the north of Earl Shilton, including some properties on Thurlaston Lane and Church Street which are situated on a local high point. In these locations, it may be possible to perceive the application proposal. Nonetheless, at distances ranging from circa 500-750metres the installation is not considered to have a detrimental impact on residential amenities, being seen within a wider landscape that includes significant dwellings and associated infrastructure.

There are a number of sporadic residential properties located to the south (Greenfields and Bullpit Farm), some 180-400 metres away from the proposal. However the majority of the views would be screened behind Normanton Wood itself, along with the sloping topography away from the proposed site, which would mitigate the views.

The District Council's Environmental Services team has reviewed the submitted Noise Impact Assessment and has not objected to the potential noise from the proposal, either during construction or future operation. They have, however, recommended a Construction Environmental Management Plan (CEMP) be agreed and adhered to during construction. During the construction phase there is likely to be disturbance in the form of moving vehicles, noise, dust and light. These impacts could be controlled through the CEMP which can be required by condition.

No permanent night-time illumination is proposed. Lighting is proposed to be limited to that necessary for security and maintenance and can be controlled by condition.

### **Highway Impacts**

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

The application has received amendments over the course of the application altering the location of the proposed access from Earl Shilton Road to the existing access off the A47 Roundabout. Initially the Local Highway Authority (LHA) recommended refusal on the grounds that the applicant failed to demonstrate a safe access and construction route. Following this, the applicant submitted details amending the location of the access to the A47 roundabout where there is an existing access for Bracknell Farm.

## Site Access

Access to the site is proposed from the A47 to the north west of the proposed battery storage via the existing access to the Bracknell Farm. The A47 is a classified A road subject to a 60mph speed limit. The entrance from the roundabout to the farm track is formed via a large bellmouth with suitably kerbed entry and exit radii. The entrance is constructed with stone and bituminous macadam surfacing materials and is approximately 4 metres wide where it connects to the existing farm track.

The Local Highway Authority have welcomed the relocation of the access away from Earl Shilton Road, given this was previously considered to be unacceptable from a highway safety perspective. The applicant has submitted a swept path analysis for Heavy Goods Vehicles (HGVs) and LHA is satisfied that, providing the temporary widening works are undertaken, a HGV could access the site without conflicting with another HGV egressing the site.

The Construction Transport Management Plan (CTMP\_ indicates that a dry wheel wash facility and axle hand cleaning tools would be provided during the early phase of the development and kept at the site access. Furthermore, the CTMP indicates that a road sweeper would be provided, and that the first 20 metres of the access track would be metalled to prevent mud or other debris from entering the public highway. The LHA has welcomed these proposals.

## Trip Generation

The Construction Transport Management Plan indicates that the largest traffic impact would be associated with the construction phase, which would last for 12 months. The CTMP has undertaken a trip generation analysis during the construction phase of the development, and has calculated that the peak of construction activity would occur in month 5 of the programme, with a total of 166 construction movements per day (83 inbound and 83 outbound trips). Per day, this would break down into 98 LGVs, 68 HGVs and 166 total vehicles. The peak HGV movements per day would be in month 8 with 69 movements, however the LHA does not consider a difference of one to be statistically significant.

The Construction Transport Management Plan indicates that, when operational, the site would attract some 40 two-way movements per week (equating to between six and seven two-way trips per day based on a six-day working week) and that maintenance staff would most likely need to access the site in Light Goods Vehicles. It goes on to say that HGV traffic would only be required in the event of a replacement of a major component. The LHA have considered this to not be significant in context of the surrounding road network.

## Internal Layout

No details have been submitted indicating the location of vehicle parking during the construction phase. These details can be secured by condition as part of a Construction and Environmental Management Plan (CEMP) to ensure that no indiscriminate parking would arise on the public highway. The Site Layout Plan indicates nine off-street parking spaces on the site once complete.

The LHA is content with the proposed provision of site parking given the anticipated level of trips during the operational phase. Notwithstanding this, given the extent of internal roads within the site and the distance of the site from the public highway, the LHA is satisfied that any overspill parking would likely be accommodated within the site and not on the adopted road network.

### Highway Safety

Three Personal Injury Collisions (PICs) have been recorded in the locality in the last five years that occurred within 500 metres in either direction of the proposed access. Two of these resulted in 'slight' injuries, whilst one result in 'serious' injuries. It is noted that one of the 'slight' PICs occurred on the Clickers Way (A47) / Leicester Road (A47) / Leicester Road roundabout within close proximity to the access arm.

The LHA has considered the circumstances of the above PICs and considers that there are no spatial trends / patterns in the observed data. The LHA is therefore satisfied that there are no existing highway safety issues in the vicinity.

### Highways Conclusions

The assessment above shows that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021) or with Policy DM8 of the Local Plan Delivery DPD. Subject to the conditions and requirements outlined, the Highway Authority raise no objection to the development proposals on highways grounds.

### **The need for the development**

The applicant has highlighted that the development will bring economic benefits as part of its contribution to sustainable development by helping to improve the UK's self-sufficiency and resilience in energy supply.

Blaby District Council has adopted a Climate Change Strategy and a Carbon Neutral Action Plan which sets out the Councils vision with the district targeted to become carbon neutral by 2050, alongside the UK having legally binding target of net zero carbon emissions by 2050. Meeting these objectives necessitates a significant amount of energy infrastructure, both large and small-scale. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport these energy carriers into and around the country. It also includes the infrastructure needed to capture, transport and store carbon dioxide.

Due to the large size of the site and the potential storage of up to 500MW the implementation and operation of this proposal would assist in the Council and the Country meeting its goals and obligations to reduce carbon footprint.

## **Other Matters**

Objections were submitted during the initial scheme in regards to pollution from the proposal, construction traffic, harm to wildlife, loss of agricultural land and concerns over safety. It is considered that the loss of agricultural farmland has been discussed earlier within the report, along with the amended highways access and harm to wildlife issues/concerns.

With regards to the safety of the site and proposed storage of electricity, the Council consulted the Health and Safety Executive and the County Fire and Rescue Services to which no objections or representations were received. Furthermore, the applicant/operator will also have a duty of care to ensure that the site is safely built and operated.

With regards to the concerns about pollution caused by the development, the Council's Environmental Services Team have been consulted and they have raised no objections to the proposal subject to the imposition of conditions.

## **Planning Balance and Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In respect of the principle of the development, Core Strategy Policy CS18 does not specifically exclude or allow the development of renewable energy projects in the countryside. The policy does, however, require that development does not have a significantly adverse effect on the appearance or character of the landscape. Core Strategy Policy CS21 Climate Change adopts a positive approach to renewable energy projects, subject to conditions.

Policy FV16 of the Fosse Villages Neighbourhood Plan (FVNP) supports the development of solar farms on non-agricultural land but is silent on battery storage schemes. It is therefore considered that the development of a battery storage is acceptable in principle and complies with the relevant policies of the Development Plan, namely Core Strategy Policy CS21 and FVNP Policy FV16. However there are number of policies that the proposal would could some conflict with.

The site and its proposals are sited in a location which is poorly contained by topography (due to the high point it would be sited on) and lack of vegetation within and surrounding the site. As such, there would be a significant alteration of the landscape at this location, which currently exhibits open field parcels and rolling hills. There would also be residual harm that would occur during the operational period in respect of the landscape and visual impacts of the development. These adverse impacts would be particularly felt by users of the public rights of way neighbouring the site and in the change in character of the site from a rural landscape to one containing an engineered landscape exhibiting a more industrial nature.

The identified harm to the character and appearance of the countryside is an element that weighs against the development proposals and conflicts with the requirements of

Local Plan Delivery DPD Policy DM2 and CS18. In addition to this, the proposal would harm the current setting of the nearby non designated heritage asset of Normanton House Farm, which would be at the higher end of “less than substantial harm”.

The development proposals will result in the temporary loss of approximately 12.7ha of agricultural land which also weighs against the scheme. However, this agricultural land is found to be of “moderate” quality and as such, its loss is not deemed to be critical to the consideration of the application.

The proposal seeks to minimise its impact upon landscape character and an amended landscape strategy has been submitted which is considered to mitigate the significant adverse impacts. There are a number of other areas of compliance with Development Plan policies including matters surrounding heritage assets, drainage and flood risk, highways matters, environmental health matters and residential amenity. These are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning balance.

In respect of the benefits of the scheme, Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period, therefore having limited weight.

The proposed battery storage will store and supply the National Grid with up to 500MW of renewable energy which will provide clean energy to power homes. This is a significant environmental benefit of the scheme which makes a positive contribution to meeting the climate change challenge and it follows that this should be provided significant weight in the planning balance. The proposal also introduces other environmental benefits including enhanced green infrastructure and increased biodiversity net gain through the provision of new hedgerows and trees, and habitats.

It is suggested that the significant benefits associated with the storage of renewable energy, together with the benefits associated with the environmental enhancements and limited positive economic benefits, outweigh the significant elements of harm associated with the landscape and visual impacts arising from the development, the “less than substantial” harm to the nearby non designated heritage asset and the loss of agricultural land. The development is thus regarded to represent a sustainable form of development and accordingly it is recommended that planning permission is granted subject to the stated conditions.

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