Application Number	PA/2022/2544
Location	Field to West of National Grid Converter Station, Church Lane, Aldington, Kent, TN25 6AF
Parish Council	Smeeth
Ward	Bircholt
Application Description	The laying out of a battery storage facility, intermediate substation, water storage tank, cabling, fencing, access tracks and associated drainage infrastructure on field to west of National Grid Sellindge Converter Substation.
Applicant	Pivot Power LLP
Agent	SLR Consulting, Floor 3, 86 Princess Street, Manchester, United Kingdom, M1 6NG
Site Area	2.04 ha

(a)	3 / 12 'R'	(b)	Smeeth Parish Council 'X'	(c)	EA 'X', KCC ARCH 'X', KCC EAS 'X', KCCH&T 'X', KCC LLFA 'X', KFRS 'X', RSIDB 'X', NR 'X'

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Linda Harman.

Site and Surroundings

2. As shown in **Figure 1** below, the application site is located directly west of Church Lane which connects the A20 to the north with Roman Road to the southwest. Church Lane is a long road and the site is located towards the northern end between the M20 and railway line. The site is accessed via an existing vehicular access from Church Lane via a gated concrete access track that extends west to an area of concrete hardstanding used for storage of manure. The remainder of the site comprises part of a larger agricultural field, albeit the major portion directly to the northeast has been utilised as a temporary works site in connection with ongoing works to restore the fire-damaged Sellindge Converter station on the opposite side of Church Lane. The ground rises from east to west to a small crest before falling to the woodland to the west and the M20 to the north.

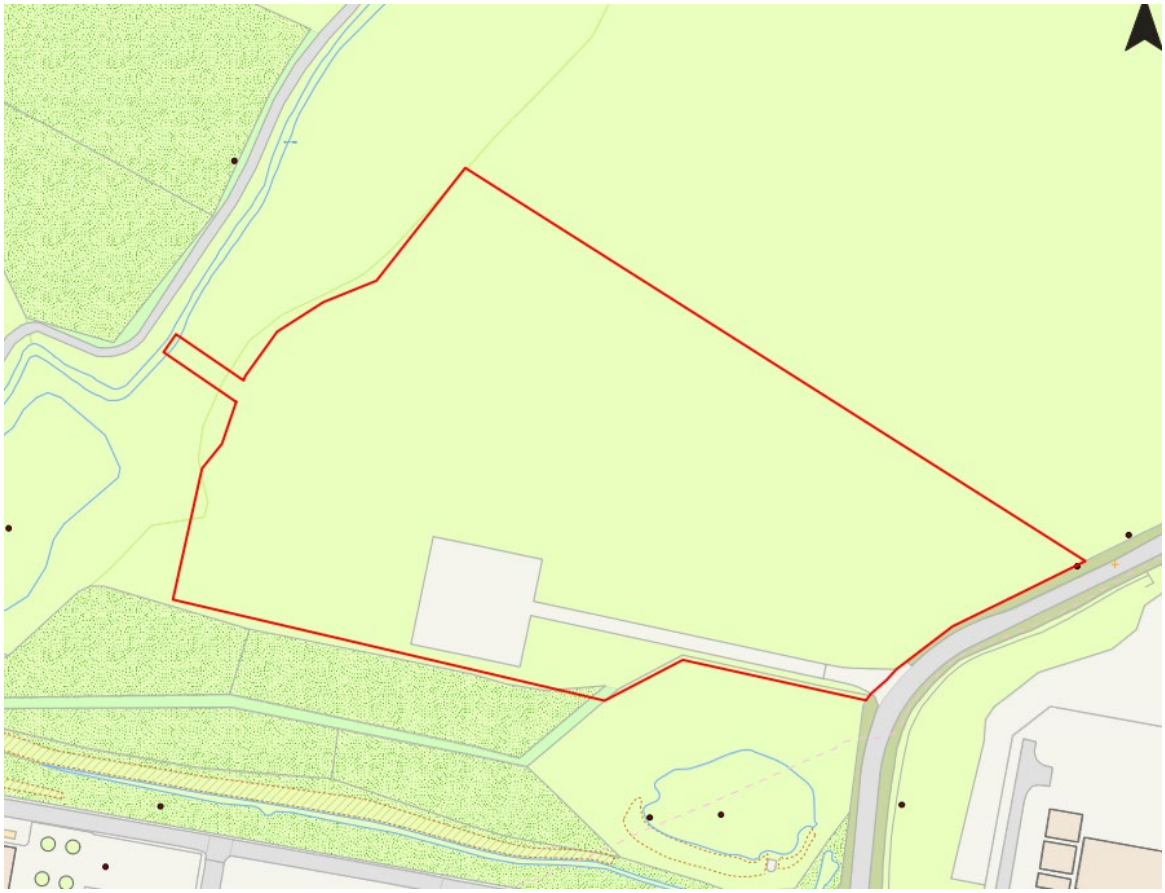

Figure 1: Site Location Plan

3. As shown in the aerial view of the site in **Figure 2** below the application site is located within close proximity to existing energy infrastructure, including the extensive Sellindge Converter Station operated by National Grid on the east side of Church Lane. There is a smaller Distribution Network Operator (DNO) Substation to the south, separated from the site by an area of trees and attenuation pond. East of the Sellindge Converter Station is Sellindge wastewater treatment works and to the west a series of ponds believed to form part of the mitigation scheme for the railway development.

4. The site is also within proximity of the High Speed railway line (HS1) and the M20 motorway corridor. Beyond the raised railway embankment is predominantly open countryside; however there is also an established solar array to the south-east (Land north of Partridge Farm). The nearest residential properties are located over 400m north beyond the M20 and over 500m south beyond the railway.

5. Much of Church Lane, including the section adjacent to the site comprises a narrow road enclosed by established hedgerows. The site is not within the Area of Outstanding Natural Beauty and does not form part of a conservation area or its setting.

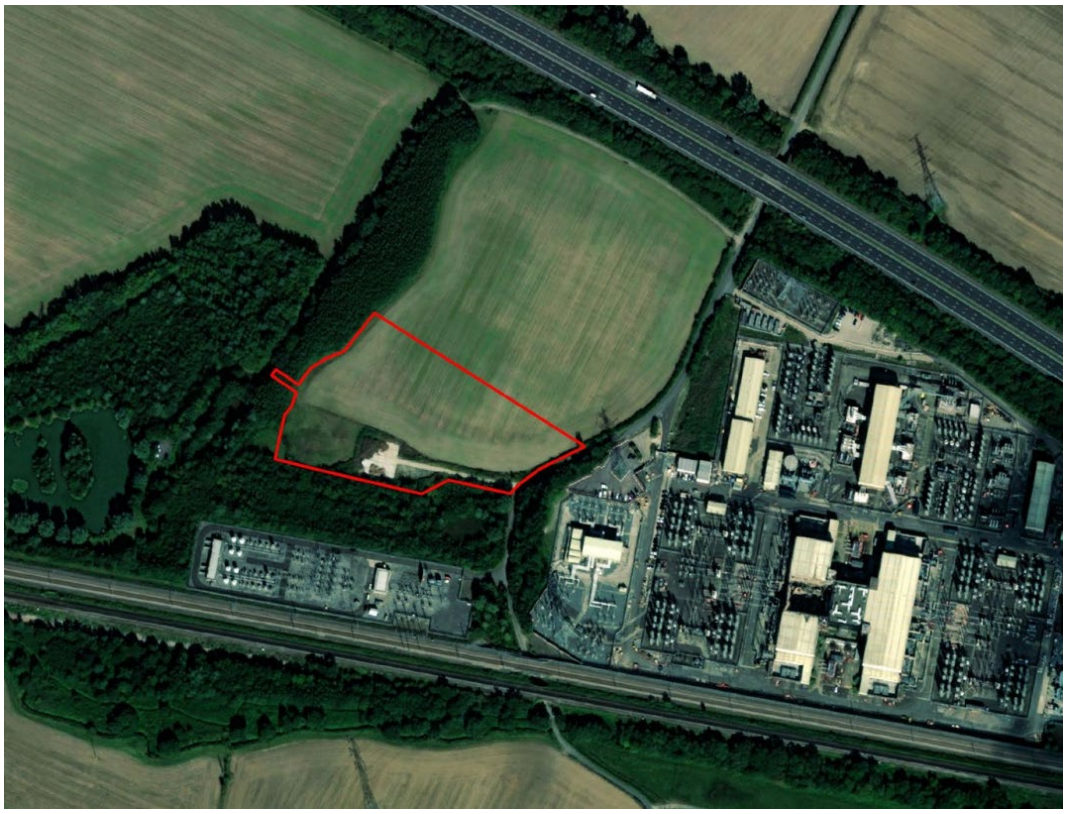

Figure 2: Aerial view of application site

Proposal

6. Full planning permission is sought for the construction and operation of a 57 megawatt (MW) battery energy storage system (BESS) facility. As shown in **Figure 3** below the proposed development comprises the following elements and operational equipment:

- Laying out of 96 battery cubes (also known as Quantum Cubes) on concrete foundations along with 8 skids of 1 transformer and 2 inverters for a total of 16 inverters 8 transformers and associated cooling units (HVAC);
- Laying out of 2 containerised switch room units, National Grid incomer substation, 132/33kV transformer unit, earthing transformer unit, auxiliary transformer unit, spare parts container and control room;
- Erection of a 2.75m security fence around the battery compound with 2.75m high access gates to the compound entrance;
- Erection of eight infrared CCTV cameras on 4.2m high poles;
- Laying out of a 4m wide crushed / compacted stone site access track into the battery compound and area of hardstanding from an existing internal access route, with dressed stone compound surfacing across the site;
- Creation of drainage attenuation pond with outfall to existing watercourse;
- New native species planting to form natural screening vegetative boundary.

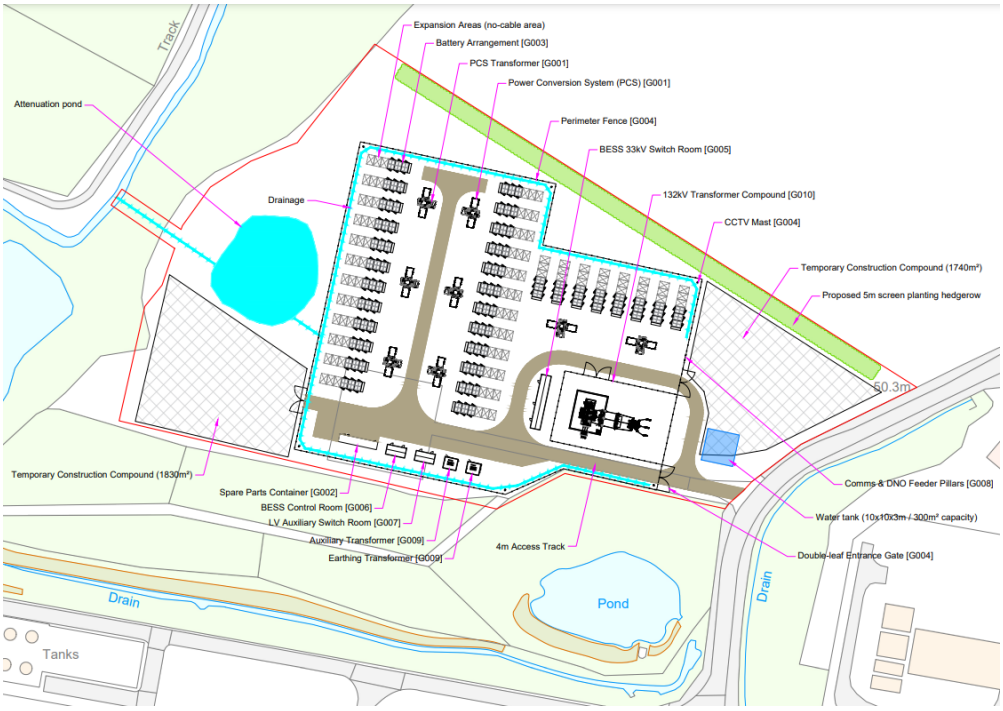

Figure 3: Compound Layout Plan

7. In response to consultation with Kent Fire and Rescue Service (KFRS) the application has been amended to also include provision of a water storage tank. The amendment has been subject to consultation with KFRS.

8. The development is proposed for a temporary 30 year period. It is dependent on a direct connection to the high-voltage transmission network operated by National Grid and the battery storage facility will therefore be connected to the existing National Grid transmission substation via underground cables. The exact locations of the cables are yet to be finalised and will be the subject of a further planning application.

9. BESS infrastructure provides a key source of flexibility to help address some of the challenges associated with the transition to a low-carbon electricity sector. Further details on the role and function of BESS is set out in the assessment section of the report below.

Environmental Impact Assessment (EIA) screening

10. The application site comprises 2.04 hectares in area and the proposal therefore constitutes major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010. In my view it is necessary to establish whether the development constitutes Environmental Impact Assessment (EIA) development.

11. The proposal is not Schedule 1 development. I have considered whether the proposal has the potential to fall under Category 3 (Energy industry) or 10 (Infrastructure projects) of Schedule 2 and I am satisfied that it is also not

Schedule 2 development. The site is not within a Sensitive Area. I am satisfied that for the purposes of the Regulations the proposal would not give rise to significant environmental effects and therefore an EIA is not required.

Planning history

12. The only planning history relating directly to the application site dates from 2008 and relates to a planning application for the '*creation of a new vehicular access road and hard standing associated with composting operation (retrospective)*'. The application (reference 08/00341/AS) was withdrawn in 2008.

13. There are two live planning applications relating to development on adjacent land as below:

14. Land to the west of Sellindge Substation, Sellindge, Ashford, Kent: Erection of a synchronous condenser plant with ancillary infrastructure, access, landscaping and other incidental works. Reference PA/2022/2950 – under assessment.

15. Land south of M20, Church Lane, Aldington, Kent: Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme. Reference 22/00668/AS - under assessment.

Consultations

16. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to occupiers of buildings in the vicinity of the application site. The statutory consultation period ended on 12.04.2023.

Ward Member(s): Cllr Linda Harman has requested the planning application be determined by the Planning Committee.

Aldington & Bonnington Parish Council: (summary) concerns regarding traffic management, light pollution, noise, fire hazards and potential for cumulative effects of the works proposed in this application coinciding with the construction of the East Stour Solar Farm, planning application 22/00668/AS and any further works occurring at Sellindge Converter Station.

Smeeth Parish Council: (summary) no objection in principle but request particular attention is given to the Construction Traffic Management Plan that is to be produced and agreed by the company should planning permission be granted.

ABC Environmental Protection Team: (summary) no objection. Recommend informatives relating to the code of practice hours in relation to potentially noisy construction/demolition activities, burning of waste and measures to minimise dust emissions from construction and demolition activities.

Environment Agency: (summary) no objection. Whilst the boundary of the site clips FZ2, the proposed infrastructure is all within FZ1 and we therefore have no objection on flood risk grounds.

KCC Archaeology: (summary) no objection subject to conditions.

KCC Ecological Advice Service: (summary) no objection subject to condition to secure a Landscape and Ecological Management Plan and details of external lighting.

KCC Highways and Transportation: (summary) no objection. All construction vehicles will need to access the site from the north via the A20 as Church Lane to the south is not suitable due to the constraints of the lane with the height restriction associated with the railway bridge and also the single file width of Church Lane south of the railway bridge. I therefore have no objections to the application subject to conditions to secure a Construction Management Plan (CMP) and highway condition surveys, including a commitment provided to fund the repair of any damage caused by vehicles related to the development.

KCC Local Lead Flood Authority: (summary) no objection subject to conditions to secure a detailed drainage scheme and verification report.

Kent Fire and Rescue Service: (summary) no objection.

River Stour Internal Drainage Board (RSIDB): (summary) no objection but note Land Drainage Consent must be sought for the proposed outfall along with any other works whatsoever within 8m of IDB 15 (or any other watercourse within our Drainage District). A Surface Water Development Contribution will also be required.

Network Rail: (summary) no objection subject to conditions.

Neighbour responses: 12 objections received from interested parties/local residents as summarised below:

- Query purpose of development;
- Query whether links to potential EV charging hub would be by underground cabling or overhead lines;
- Not sustainable development and contrary to development plan;
- Site is not brownfield land;
- Consider proposal constitutes an NSIP project;

- Construction Traffic Management Plan (CTMP), to take account of potential impacts of multiple developments required to be agreed pre-determination;
- Request closure of Church Lane;
- Traffic generation and highway safety impacts for all road users;
- Damage to highways and verges;
- Adverse visual impacts in rural location;
- Object to use of corporate livery;
- Flooding impacts;
- Light pollution;
- Public safety impacts;
- Fire risk;
- Noise impacts;
- Wildlife impacts;
- Query requirements for land remediation;
- Query extent of site clearance and levelling and amount of soil displacement;
- Request Church Lane hedgerow be protected and allowed to grow and be maintained at a height of not less than 2.5m to mitigate visual impact of new infrastructure;
- Query appropriateness of proposed landscaping species in this location;
- Inadequate public consultation.

Planning Policy

17. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

18. The draft (Regulation 14 pre-submission) Aldington & Bonnington Neighbourhood Plan is out to consultation until 10 July 2023 and can be afforded limited weight. The application site lies outside of the Neighbourhood Plan area.

19. The relevant policies from the Local Plan relating to this application are as follows:-

Vision for Ashford Borough
SP1 Strategic objectives
SP6 Promoting High Quality Design
TRA7 The Road Network and Development
ENV1 Biodiversity
ENV4 Light Pollution and Promoting Dark Skies
ENV6 Flood Risk
ENV7 Water Efficiency
ENV8 Water quality, supply and treatment
ENV9 Sustainable drainage

ENV10 Renewable and Low Carbon Energy
ENV11 Sustainable Design and Construction – Non residential
ENV12 Air Quality
ENV15 Archaeology

20. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012

Government Advice

National Planning Policy Framework (NPFF) Revised 2021
Planning Practice Guidance (PPG)
Draft National Policy Statement (NPS)

Assessment

20. The key areas for consideration are as follows:

a. Principle of development;
b. Landscape and visual impacts;
c. Amenity impacts;
d. Highways;
e. Trees and landscaping;
f. Ecology and biodiversity;
g. Surface water and drainage;
h. Archaeology.

Principle of development

21. The battery storage facility would be supplied with energy generated by both renewable and non-renewable sources. Whilst the proposed development is not therefore solely a renewable energy project, it would enable the increased uptake of renewable energy by providing the required system stability and energy resilience in the National Grid to replace existing fossil fuel plants. For this reason development of this type is regarded as renewable energy infrastructure.

22. A material consideration in the determination of planning applications for renewable energy and associated facilities are the National Policy Statements (NPS) for the delivery of major energy infrastructure. These set out the government's policy for the delivery of energy infrastructure and provide the legal framework for planning decisions and can be material considerations in decision making on applications that both exceed or fall below the thresholds

for nationally significant infrastructure (NSIP) projects. Whilst battery storage development with a capacity in excess of 50MW formerly comprised an NSIP project, changes confirmed in the Infrastructure Planning (Electricity Storage Facilities) Order 2020 now permit batteries of any scale to be determined within the Town and Country Planning System.

23. On 30 March 2023, revisions to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published for consultation. Draft NPS EN-1 acknowledges that different types of electricity infrastructure are all needed to deliver the Government's energy objectives and this includes electricity storage. It states that storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. By directly supplying energy at times of low renewable energy generation battery storage facilities can provide a consistent and balanced power supply. The applicant states this is critical to address the challenges posed by a shift from large scale, centralised fossil fuel and older nuclear power plants to multiple, smaller scale decentralised renewable energy generation sources. In this way the proposal would support the development of new energy generating facilities which will increasingly be delivered from renewable energy sources and for this reason the proposal can be regarded as low carbon energy associated infrastructure.

24. The requirement to limit significant impacts arising from global warming is recognised at the international level through the Intergovernmental Panel on Climate Change (IPCC) and at the national level through the UK Government which has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050. This is endorsed at County level through Kent's Energy and Low Emissions Strategy and at a local level through the Council's Corporate Plan. Objective GP1 of the Corporate Plan is to reduce reliance on fossil fuels in line with our carbon neutral targets. These are also material considerations. Draft NPS EN-1 acknowledges that storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.

25. Planning Practice Guidance (PPG) states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

26. Policy ENV10 (Renewable and Low Carbon Energy) of the ALP states that proposals to generate electricity from renewable and low carbon sources will be permitted subject to no significant adverse impacts to landscape or other designated land, no unacceptable impacts on traffic or amenity and subject to provision for decommissioning once operation has ceased and evidence of community engagement.

27. It is clear that there is an urgent need for increased energy storage facilities to meet our energy objectives of maintaining energy security and to assist in meeting the increase in electricity demand alongside supporting decarbonisation of our electricity system to achieve a net zero economy by 2050. A capable and consistent energy supply is vital for economic growth and I afford these national benefits significant weight.

28. The applicant refers to the delivery of local benefits through potential provision of infrastructure to facilitate large scale rapid EV charging and refers to partnerships with local authorities it has established elsewhere in the country. The site is well located to the strategically significant transport network and has the potential to supply power to a rapid electric vehicle (EV) charging superhub in the future, however as there is no evidence that such a partnership has been explored in Ashford and there is no provision for an EV charging network in this planning application, I afford these potential local benefits very little weight.

29. Battery storage facilities must be located close to high voltage substations to maximise efficiency. The applicant has described their site selection process which involves identifying substations with known connection capacity and where viable connection costs (provided by National Grid) can be achieved. Development sites are also selected for their proximity to the strategic road network. Sites subject to national environmental constraints were discounted. There is no policy requirement to adopt a sequential approach to the location of infrastructure of this kind and I am satisfied that the provision of a battery storage facility on this site would be appropriate in principle.

30. Interested parties have queried the relationship between these proposals and those within separate planning applications, most notably the application for solar panels (reference 22/00668/AS). The applicant has confirmed that '*the solar farm is not reliant on the BESS development to supply renewable energy to the grid*' and '*they are related only insofar as they will share a grid connection to the high-voltage electricity transmission network, as well as the associated transformer and cabling into National Grid'.* The applicant, Pivot Power is part of EDF Renewables UK and whilst the two developments would share a common owner and have the potential to share a grid connection I am satisfied that they are for separate developments and can be determined without prejudice to each other.

31. Some interested parties have also queried the roles of particular structures within the proposals I have no reason to doubt that they are not all necessary for the functioning of the facility.

32. In conclusion, the proposed development would be consistent with national and local planning policy and therefore acceptable in principle. PPG states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The impacts of the proposed development on the local environment are considered below.

Landscape and visual impacts

33. The proposed development would comprise over 40 pieces of operational equipment of varying sizes. With the exception of the transformer which would be 6.33m in height, the remainder of the equipment would be below 3m in height. The equipment would have a light/anthracite grey or white overall finish, with detail in orange. The equipment would be laid out within a compound enclosed by a 2.75m high security fence accessed via 2.75m high double leaf metal access gates. The development is proposed for a temporary 30 year period, after which the use would cease, all development be removed and the land restored to its previous state as agricultural land in accordance with details to be submitted.

34. Policy ENV3a of the ALP requires all proposals to demonstrate particular regard to landscape characteristics, proportionately, according to the landscape significance of the site. Policy ENV5 requires all development in rural areas to protect and where possible enhance important rural features.

35. The site is located within the Evegate Mixed Farmlands Landscape Character Area (LCA). The Ashford Landscape Character Study identifies the key characteristics of this area as its gently undulating topography and intensively farmed landscape, comprehensive network of tree cover and existence of ponds and vegetation lined water courses. The LCA recognises that the area is fragmented by major infrastructure routes, including the CTRL and M20 and hosts large pieces of dominant infrastructure, including an electricity substation.

36. Overall, the landscape is identified as in poor condition and with low sensitivity. Accordingly, the guidelines for the area are to ‘improve’, including through conserving and managing ancient woodland and ponds, avoiding further fragmentation and improving the visual impact of incongruous features through improved planting. The guidelines also include avoiding development on higher, most visible ground.

37. The application is supported by a Landscape and Visual Appraisal (LVA) that has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013). At the LCA level, the LVA concludes that the development would result in a Slight adverse magnitude of landscape change. At site level, the development would result in an overall Medium/Slight adverse magnitude of landscape change that would be permanent. I concur that the change from an arable field to a battery storage site would result in higher and more localised impacts. Wider effects on the Evegate Mixed Farmlands LCA would be lower and limited to a small area between the existing substation, M20 and CTRL and mature tree planting. At all levels the landscape effect would become more neutral as the proposed screen planting (discussed below) matures and blends into the surrounding landscaping.

38. Whilst it has been established that the site has low landscape significance, the proposals would nevertheless have regard to the landscape characteristics set out in Policy ENV3a and protect important rural features cited in Policy ENV, including by retaining the surrounding pattern and composition of trees and woodland.

39. The LVA has considered potential impacts on other landscape receptors, including the Kent Downs AONB which lies approximately 3.5km to the north east and 2.4km to the south and Hatch Park Registered Park and Garden however by reason of the sites location between the M20 and railway line none of these would be affected by the development. Consequently Policy ENV3b of the ALP relating to proposals within or affecting the setting of AONBs does not apply.

40. Views of the development site are limited by various screening features, including tall tree growth from the west and would be moderated by the presence of existing large scale electrical infrastructure. Notwithstanding this the potential visual effects of the development have been assessed from six representative viewpoints within the surrounding area. The site is most visible from Church Lane to the east of the site (Viewpoint 1) and the PROW adjacent to the motorway embankment to the north (Viewpoint 2).

41. The development would appear as highly visible and close in Viewpoint 1, however in recognition of the adjacent infrastructure the visual effect has been assessed as Moderate/Minor, changing to neutral once the anticipated proposed hedgerow and tree planting matures to screen the perimeter fence behind in approximately 6-8 years. I am mindful this assessment does not take account of the proposed water storage tank; however subject to details of appropriate finishing materials and additional landscaping I consider the visual effect from this viewpoint would not result in unacceptable harm.

42. Viewpoint 2 is from the PROW approximately 160m north of the site. The LVA notes that the land slopes up from this location with the proposed development being located beyond the crest which would help to screen the lower parts of the development from this view. The higher parts would be seen against the skyline. The visual effect has been assessed as Minor adverse changing to neutral once the planting is established. The visibility of the proposed development would be significantly reduced if the development of the synchronous condenser equipment (and associated buffer planting) is constructed in the foreground in accordance with the planning application under assessment.

43. On the basis of the LVA I am satisfied that the relative enclosure of the site means that no visual effects would occur from Viewpoint 3 (permissive path to the north west), 4 (Church Lane to the south), 5 (PROW north of the M20) or 6 (permissive path near Evegate Business Park).

44. In the short term the proposals would introduce significant change to the local landscape, however it is not highly sensitive and subject to appropriate

conditions to secure the proposed landscaping enhancement, including woodland and hedgerow planting I am satisfied that the development is capable of assimilating into its context in accordance with the requirements of Policy ENV3a and ENV5.

45. It is relevant that the applicant intends that the development would be for a temporary 30 year period after the date of first connection of any element to the National Grid. This would be secured by condition. I acknowledge that this represents a considerable period of time over which the landscape effects would be experienced, however the impact on landscape character and visual amenity would not be permanent.

Amenity impacts

- Noise effects

46. Paragraph 185(a) of the NPPF outlines how planning decisions should ensure new development is appropriate for its location, including by mitigating and reducing to a minimum potential adverse impacts arising from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. The Noise Policy Statement for England includes the key aim for development to avoid significant adverse impacts.

47. Policy ENV10 of the ALP relates to proposals to generate energy from renewable and low carbon sources. Whilst not directly applicable to this proposal it is relevant insofar as developments of this nature must not result in a loss of amenity to nearby residents, including through noise and disturbance.

48. The application is supported by a Noise Survey which has monitored sound levels at the nearest noise sensitive receptors, including the residential buildings of Water Farm (over 400m beyond the M20 to the north) and Bested House (over 500m beyond the CTRL to the south). Interested parties have queried whether the noise survey takes account of the specific nature of noise emissions from the facility or noise associated with construction works or the raised topography of the site and query whether there is a requirement for acoustic screening.

49. Noise impacts arising from construction works would be temporary in nature and more appropriately controlled by restrictions on working hours (discussed below). The methodology accounts for the specific sound characteristics of the proposals and notwithstanding that people respond differently to noise levels, the evidence concludes that the facility would operate below the background sound level at these nearest residential receptors and would have no adverse noise impacts on day or night time amenity. The methodology and conclusions have been agreed by the Council's Environmental Protection Officer who has not objected to the development. I am satisfied that the final specification of the plant and a requirement for it to be installed, serviced and operated according to the manufacturers recommendations can be secured

by a planning condition. I am also satisfied that it is reasonable to apply informatives relating to construction noise, dust emissions and burning of waste.

- Lighting effects

50. Paragraph 185(c) of the NPPF outlines how planning decisions should ensure new development is appropriate for its location, including by limiting the impact of light pollution from artificial light on local amenity. Intrinsically dark landscapes and nature conservation. The site is located in a rural location and Church Lane is unlit. The application does not include proposals for any permanent external lighting to safeguard the character of the area in accordance with the requirements of Policy ENV4 of the ALP.

51. Interested parties have drawn attention to the light pollution from adjacent sites. Lighting will be required during the construction period and in view of the sensitivity of the site I recommend a condition be secured requiring details of any external lighting used during the construction period. The details submitted will need to include measures to restrict upward light spill to minimise disturbance to wildlife and to limit light pollution. This would be consistent with the Environmental Protection Officer's comments.

- Hours of construction

52. I note that the applicant has referenced proposed hours of construction as 07:00 – 19:00 Monday – Friday and 07:00 - 17:00 on Saturdays. Interested parties have referred to noise impacts from construction works on adjacent sites and in the absence of any case as to why the hours of construction for the project should exceed the standard working hours for construction sites in the UK (08:00 – 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays) I recommend that these should be subject to condition.

- Fire and emergencies

53. Interested parties have raised concerns about the risks of a major accident or fire at the facility and the potential consequences to the local population and to the environment. The applicant draws attention to the fact it has built and operated 17 battery energy storage systems since 2014 and none have experienced a fire incident. The application includes details on the battery operation and fire warning and aerosol-based suppression systems which would be activated to either prevent or control / self-extinguish any battery unit fire.

54. Notwithstanding that the risk of fire is very low and the applicant states that battery fires are not typically suppressed with large volumes of water, Kent Fire and Rescue Service (KFRS) have requested access to an on-site water supply. This would be stored in an on-site water tank. As the stored water would not be used directly on any battery unit fire (its primary purpose would be to prevent fire spread by cooling adjacent equipment and vegetation) and

most equipment would be housed in containers, the risk of contaminated water run-off is significantly minimized.

55. Although there is no evidence that a fire event would result in contaminants being leached into the ground or nearby watercourses I recommend that prevention measures can be secured as part of the detailed drainage design and be subject to future Environment Agency consultation. Such measures may include the installation of a penstock on the drainage pipe and/or installation of bunds or infiltration trenches to capture run-off.

56. The site would be readily accessible by a fire engine and the applicant has committed to preparing an Emergency Response Plan in consultation with KFRS prior to the first use of the facility. KFRS raise no objection and encourage ongoing engagement and continued dialogue throughout the planning, design and build and occupation process.

57. In conclusion, I am mindful that the site is located within open countryside and away from residential properties such that the risk of fire of other accident effecting neighbouring residential areas would therefore be minimal.

Highways

58. It is proposed to utilise the existing concrete vehicular access into the site from Church Lane for both construction and occasional operational purposes. The Highways Authority is satisfied that it's continued use in conjunction with the proposed development acceptable and would not prejudice highway safety.

59. The layout of the development allows for informal maintenance vehicle parking however the operation of the site will not necessitate a permanent onsite presence and the main highways impacts will therefore relate to the construction phase. It is anticipated the construction will generate 169 HGV trips over a 4-6 month period, with vehicular movements predominantly occurring during the first 4 months of construction.

60. In recognition of the scale of the development the Highway Authority recommend that a Construction Management Plan (CMP) be required, to include details of lorry routing and contractor parking and signage at the Roman Road/Church Lane junction to indicate no HGV traffic to enter. Owing to the narrow single-track nature of Church Lane to the south of the site, the CMP will need to demonstrate that all construction vehicles will access the site from the north via the junction with the A20.

61. A framework CTMP has been submitted which includes confirmation that the access arrangements will be via the A20 and details of on-site contractor parking. This will prohibit any parking in Church Lane. It also contains the mitigation measures relating to methods for accessing the site; contractor responsibilities; on-site management; and driving and speed restrictions. Whilst acceptable in principle the specific constraints of the

southern end of Church Lane (including the restricted width, limited passing places and low railway bridge) are such that it is reasonable to require the applicant to consider other available measures to prevent construction-related vehicular access occurring from Roman Road. This may for example include the provision of a banksman at the junction with Roman Road or use of vehicle tracking devices. These requirements are further evidenced by the submissions from interested parties relating to highways impacts associated with ongoing works on nearby development sites, including the Sellindge Converter Station.

62. Interested parties have raised concerns about the potential cumulative impacts if this development, the adjacent development and the solar farm all undergo construction at the same time. They have requested that Church Lane be subject to a temporary or permanent road closure. This is not currently proposed. The solar farm application is subject to an Environmental Impact Assessment and will need to fully consider cumulative impacts. I have considered the potential cumulative impacts arising from the construction of this development and the adjacent development at the same time and consider it is reasonable to require evidence of a co-ordinated approach to traffic management.

63. The Highways Authority also request that pre and post-construction highways surveys of the section of Church Lane between the site and the A20 are undertaken. A number of interested parties have drawn attention to the highways damage caused by vehicles associated with the ongoing work at the Converter Station and I agree that this is a reasonable requirement.

64. I have considered the highways related concerns raised by both Parish Council's however I am satisfied that subject to the conditions discussed above, the highways impacts of the development would not result in unacceptable impacts on the local or wider highway network, including in terms of highway capacity or safety in accordance with the requirements of Policies TRA7 and ENV10 of the ALP.

Trees and landscaping

65. With the exception of an area of broad-leaved semi-natural woodland to the south east of the site, there are no other trees within the application site. Whilst the submitted Ecological Appraisal recommends that the woodland and the hedgerow to the east boundary be retained and protected during construction works, there may be some minor loss associated with the installation of a drainage pipe within a 5m wide corridor to the watercourse to the west. I recommend that the provision of root protection fencing be secured to the remainder of the site by an appropriate condition.

66. As shown in **Figure 4** below, the proposals also make provision for new tree and hedgerow planting across the site. The proposals have been amended in response to feedback from interested parties and the Council's Landscape Officer. Specifically the hedgerow, wet woodland and native tree and shrub

planting within the site has been amended to incorporate a greater diversity of mixed native species. The extent of internal planting has also been extended to provide further screening from Church Lane. As the landscaping proposals do not show provision of the water storage tank I recommend that further details, to include additional landscaping to soften the appearance of the water tank from Church Lane be required by condition.

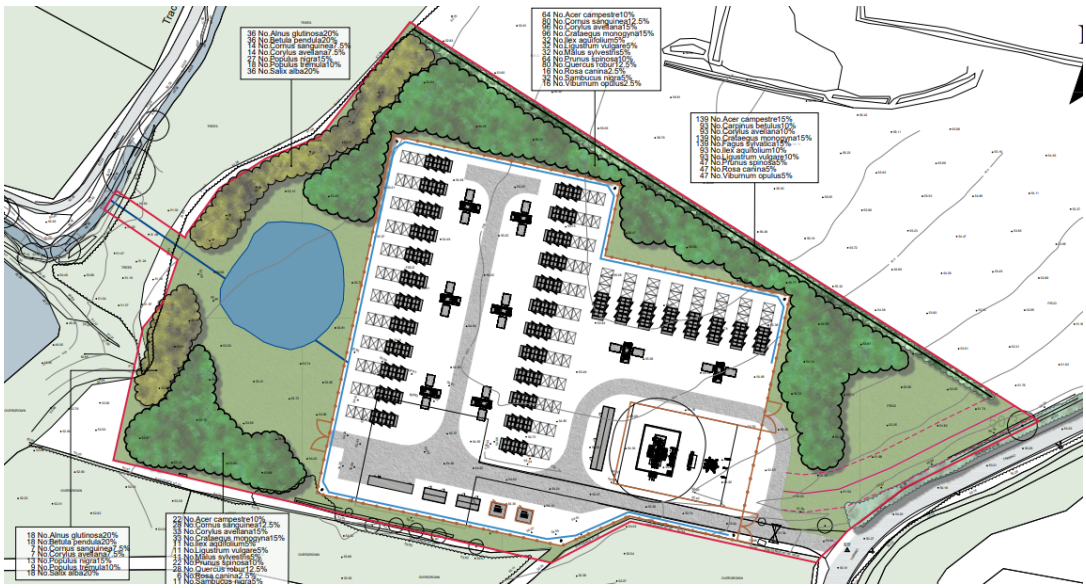

Figure 4: Indicative landscaping proposals

67. As recommended by the County Ecologist I consider it reasonable to secure a Landscape and Ecological Management Plan (LEMP) by condition. This could also include management of the roadside hedge to a height of 2.5-3m and use of biodegradable planting materials.

68. In summary I am satisfied that subject to the conditions referred to above, the soft landscaping would be suitable for this rural location, capable of providing appropriate landscape buffers to key boundaries and offering maximum screening, visual interest and biodiversity benefits in accordance with the requirements of Policy ENV1 and ENV3a of the ALP.

Ecology and biodiversity

69. The site is not subject to any national or local nature conservation designations; the nearest designated site is Backhouse Wood Local Wildlife Site (LWS) which is an ancient semi-natural woodland located beyond the CTRL over 700m to the southwest of the site.

70. The application is supported by an Ecological Appraisal and extended Phase 1 Habitat Survey which confirms the site comprises an arable field enclosed by a species rich hedgerow on the eastern boundary with areas of semi-improved grassland, tall ruderal vegetation, bare ground and hardstanding. There is an area of broad-leaved semi-natural woodland to the south east which has been identified as priority habitat. The Ecological Appraisal

recommends that the woodland and hedgerow should be retained and I recommend that these be protected during construction works using root protection fencing.

71. Subject to a precautionary approach the Habitat Survey concludes there would be no harmful impact on foraging and commuting bats, reptiles, badgers, birds and invertebrates. Whilst the risk of Great Crested Newt, Hazel Dormouse, Otter, Water Vole and White-clawed Crayfish has been assessed as negligible I concur with the recommendation to secure an Ecological Mitigation and Management Plan (EMMP) to include pollution prevention measures and relevant precautionary pre-construction surveys, mitigation measures and enhancements.

72. The application is also supported by a Biodiversity Net Gain assessment. The purpose of this report is to quantify the biodiversity benefits of the proposals. The County Ecologist has reviewed the evidence and concurs that on the basis of the low ecological value of the existing site, the extensive native planting, wildflower grassland and pond creation proposals would achieve biodiversity net gain for habitats (19.59%) and hedgerows (864.72%). This would ensure the development leaves the natural environment in a measurably better state than it was beforehand and is consistent with the requirements of Policy ENV1 of the ALP which requires proposals for new development to identify and seek opportunities to incorporate and enhance biodiversity.

73. Interested parties have queried how the achievement of biodiversity net gain will be enforced and I am satisfied that this could be secured by a condition requiring a Landscape and Ecological Management Plan (LEMP) to be submitted as recommended by the County Ecologist. This would be consistent with PPG which recommends the use of management plans to ensure appropriate management of the habitat in the long term, and to arrange for regular but proportionate monitoring on how the habitat creation or enhancement is progressing. I am satisfied that the County Ecologist's recommendation to secure further details of lighting (only proposed during construction) by condition is reasonable.

Surface water and drainage

74. The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy (SWDS). The majority of the site lies in Flood Zone 1, with a small area located in Flood Zone 2. The proposed development is classed as 'essential infrastructure' in line with Flood Risk Vulnerability and Flood Zone Compatibility in PPG.

75. The SWDS has been developed to provide attenuation and appropriate discharge of surface water using filter drains and a drainage attenuation pond which would provide an outfall to an existing watercourse (the Sellindge Stream) adjacent to the west boundary. This falls within the jurisdiction of the River Stour Internal Drainage Board who raise no objection though advise that

their formal Land Drainage Consent and Surface Water Developer Contribution will be required. The LLFA raise no objection subject to conditions to secure a detailed drainage strategy and verification report. This can include details of the measures required to mitigate any pollution risk in the unlikely event of a fire.

76. The Environment Agency note that the proposed infrastructure is all within Flood Zone 1 and therefore have no objection on flood risk grounds. In any case the development would make a significant contribution to the overall sustainable development objectives of the Local Plan, such that the wider sustainability benefits of the development would outweigh any flood risk if it existed. The proposed development and SWDS therefore complies with Policies ENV6 and ENV9 of the ALP.

Archaeology

77. The application site is designated as an Area of Archaeological Potential associated with multi period activity; evidence of prehistoric, Roman and later activity were located as part of the HS1 investigations and therefore further evidence may exist on this site. The application is supported by a Heritage Statement. As recommended by the County Archaeology Advisor I recommend that field evaluation works and any subsequent investigation, recording and reporting be secured by an appropriate condition in accordance with the requirements of Policy ENV15 of the ALP.

Other

78. The application site is located approximately 130m from the Channel Tunnel Rail Link (CTRL) and although it is not located within the HS1 Safeguarding Zone, Network Rail have commented on the application. Following dialogue with the applicant all of the comments made by Network Rail have been addressed without the requirement to impose specific conditions. The exception to this relates to a request to be consulted on the detailed Construction Management Plan to be submitted. In view of the proximity of the site to the nearby HS1 substation and the requirement for unrestricted access to it I concur that this is a reasonable request.

Working with the applicant

79. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

80. It has been established that there is an urgent need for increased energy storage facilities to meet our energy objectives of maintaining resilience and

to assist in meeting the increase in electricity demand alongside supporting decarbonisation of our electricity system to achieve a net zero economy by 2050. The proposed development would be appropriately located to make an important contribution to these aims and to deliver significant benefits at both the national and local level.

81. Battery storage facilities are classed as renewable energy infrastructure and Government advice states that local planning authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable.

82. Planning Practice Guidance (PPG) makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections. It also states that protecting local amenity is an important consideration which should be given proper weight in planning decisions.

83. I have had regard to the various objections received, however I am satisfied that the proposal would not cause significant or demonstrable harm and that impacts on highway safety and residential amenity can be mitigated through the use of appropriate planning conditions.

84. Whilst I have identified the proposal would result in some harm to the local landscape and visual amenity, the impacts would be restricted to short distance views. The development would incorporate extensive soft landscaping and be time limited. It would also deliver biodiversity net gain. In my view none of the adverse impacts would outweigh the overarching benefits of the development when considered against the Development Plan as a whole.

85. I recommend that a number of conditions will be necessary. My Recommendation further below deals with delegation to add/amend/remove planning conditions as appropriate

Recommendation

A PERMIT, subject to the planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018 with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

Conditions:

1. Standard time implementation condition

2. Development carried out in accordance with approved plans
3. Temporary consent – operational life of 30 years and requirement for a detailed decommissioning strategy
4. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site and measures to ensure compliance, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage, control of dust, evidence of a co-ordinated approach with adjacent development sites etc. To be subject to consultation with HS1.
5. Provision of tree protection measures
6. Before and after construction of the development, highway condition survey for section of Church Lane between the A20 and application site
7. Implementation of a phased programme of archaeological work in accordance with a written specification and timetable to be approved
8. Details of plant and requirement for it to be installed, serviced and operated according to the manufacturers recommendations
8. Details of the external finishing of the water tank to be submitted prior to installation
9. No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays
10. Details and provision of SuDS scheme including verification and details of the measures required to mitigate any pollution risk in the unlikely event of a fire
11. Details and provision of on-site hard and soft landscaping
12. Landscape and Ecological Management Plan (LEMP)
13. Ecological Mitigation and Management Plan (EMMP) in accordance with the recommendations of the Update Ecological Appraisal
14. Details and provision of external lighting strategy (construction phase)

Notes

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by as appropriate updating applicants/agents of any issues that may arise in the processing of their application.

2. Expect applicant to continue liaising with Kent Fire and Rescue Service
3. Environmental Protection notes relating to burning of waste/control of dust

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference PA/2022/2544

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