# **SCHEDULE A: Applications with Strategic Significance**

Application Reference Number:	23/0833
Application Type:	Full Planning Permission
Application Address:	Land Situated Between the Villages of Todhills and Westlinton, Carlisle, CA6 6AL
Proposal:	Construction & Installation Of A Battery Energy Storage Facility, With Associated Infrastructure, Access, Landscaping & Buried Cable Grid Connection Route
Applicant:	CSWE 4 Ltd
Agent:	Stephenson Halliday
Valid Date:	05/12/2023
Case Officer:	Barbara Percival

#### Cumberland Area and Carlisle Region

Ward/s: Longtown **Parish/s:** Multiple Parishes Westlinton Rockcliffe

# **Relevant Development Plan**

Carlisle District Local Plan 2015-2030

#### **Reason for Determination by the Planning Committee**

This application is of strategic significance and is reported to Planning Committee as the application is for a renewable energy development which covers an area of 1 hectare or more.

#### Recommendation

It is recommended that this application is approved with conditions.

#### 1. Site and Location

1.1 The application site consisting of 3no. fields, equating to approximately 6.4

hectares, excluding the underground grid connection cable corridor to Harker National Grid Substation. The village of Todhills is located approximately 1 kilometre to the southwest whilst Westlinton is approximately 800 metres to the northeast. The proposed battery energy storage system (BESS) would be connected to the National Grid via a buried cable to Harker Electricity Grid Substation located approximately 2.7 kilometres south of the application site.

- 1.2 The western and southern fields of the application site are delineated by mature hedgerows whilst the north-eastern field boundary is open with occasional trees; the surrounding agricultural fields are also enclosed by mature hedgerow boundaries. Pockets of mature woodlands are located to the west, northwest, south and southwest of the application site.
- 1.3 Pine Glen, the closest residential property to the application site, is located immediately adjacent to the western boundary of the application. Other residential properties are located further to the northwest and southwest of the application site adjacent to the U1072 county highway and to the southeast adjacent to the U1075 county highway. Public Footpath Number 137008 runs east to west along the southern boundary of Pine Glen and the application site.
- 1.4 The site is not subject to any statutory designations, it is not located within a conservation area and nor are there any listed buildings within or immediately adjacent to the site.

# 2. Proposal

- 2.1 The application seeks full planning permission for the construction and installation of a circa 200MW battery energy storage system (BESS) with associated infrastructure, access, landscaping connected to the National Grid at Harker Substation by an underground cable.
- 2.2 The proposed development, primarily comprises two main equipment areas, the BESS deployment area in the north eastern field with the on-site substation area located in the north western field. The field to the south would remain largely undeveloped except by the formation of an emergency access route along its eastern boundary. The proposed facility briefly comprises of:

# **BESS Deployment Area**

- 162no. battery containers / units (3000mm high exc. base)
- 54no. inverters and 27no. transformers within twin skid units (2300mm high exc. base)
- 8no. back-up auxiliary transformers (600mm high exc. base)
- internal cabling

# On-Site Substation Area: Switchgear and HV Compounds

- maintenance parking
- 3no. BESS switchgear containers (3100mm high exc. base)
- BESS control building (5900mm high)
- 1no. 33/440kV transformer (12000mm high)
- harmonic filters (6000mm high exc. base)
- 1no. earthing auxiliary transformer (3000mm high exc. base)
- 1no. circuit breaker
- 4no. storage containers (2600 high exc. base)
- 3no. surge arrestors
- 3no. post insulators
- 2no. rotating centre post disconnector C/W switch earth switch
- 1no. marshalling kiosk
- 1no. free standing earth switch
- 3no. cable sealing ends

#### Other On-Site Infrastructure

- permeable internal access tracks (5000mm wide)
- infra-red CCTV cameras mounted on 4200mm high poles
- perimeter security fencing (2400mm high)
- acoustic fencing (4500mm high)
- 3 metre high by 12 metre wide screening bund with native shrub planting

#### Grid Connection Cable Route

- underground cabling between the BESS and Harker National Grid Substation located approximately 2.7 kilometres to the south of the application site
- the majority of the underground grid connection cable route will run along the adopted highway; however, a small section along the access track leading to the application site may need to pass through the adjacent field
- 2.3 Landscape and biodiversity enhancements are proposed along and within the application site. This includes new mixed species hedgerow to northern BESS deployment area site boundary (maintained at 3 metre in height); proposed enhancement of existing native hedgerow along eastern, southern and western BESS area boundaries (maintained at 3 metres in height) and existing boundaries of the substation part of the site; plus, new woodland areas to the west and south of the equipment.
- 2.4 The site will be accessed via an existing vehicular access track currently serving 'Pine Glen' and surrounding agricultural fields off the U1072 county highway. Public Footpath 1137008 also partly runs along the access track. A secondary access point is proposed from the south east, which would ultimately link to the U1075 county highway, providing a separate access into the BESS deployment area in case of an emergency.

#### 3. Relevant Planning History

3.1 There is no relevant planning history.

#### 4. Consultations and Representations

**Rockcliffe Parish Council:** - no objections subject to effective landscaping / raised bund, noise attenuation, woodland planting / nature walk, fire safety and restoration of site following decommissioning;

Westlinton Parish Council: - no response received;

Natural England: - no response received;

**National Grid Company:** - no objection to the proposal provided the developer follows the use of National Grid Electricity Transmission (NGET) land process to agree a cable easement for the cable connection into the Harker substation site. Additionally, the developer must follow NGET guidance to ensure their proposed cable route does not interfere with any NGET assets associated with and nearby to Harker Substation (e.g. the statutory safe clearances from our overhead lines and sufficient distance from our towers from their underground cable must be maintained);

The Ramblers: - no response received;

**Cumberland Council - (Highway Authority - Footpaths):** - no objection to the proposed development. The method of work that's proposed is sufficient enough that no temporary closure of the path would be required;

#### **Environmental Health: -**

#### Noise Assessment

The noise assessment has been considered. Environmental Health have some concerns relating to the predicted noise levels. It is noted that the predicted levels are reduced with the addition of acoustic fencing, it is recommended that this mitigation measure is included in the proposal, as a minimum. The council routinely request that noise levels from large new installations do not exceed 5dB below background at the nearest noise sensitive receptor. Even with the acoustic fencing, this recommended level is exceeded at several locations during the day and at all locations during the night time hours. It is recommended that further consideration is given to further mitigate the noise impacts from the site, to protect nearby residential receptors. The assessment states that acoustic penalties were not necessary in this case. This requires further investigation, it is of particular importance in relation to tonality and intermittency. For this reason we request that the BS4142 assessment should be revised and presented using the one-third octave method. It is noted that another similar, nearby, proposed battery storage facility carried out a BS4142 assessment using this method. The assessment concluded that it was necessary to add a tonal penalty of +4dB to the specific sound level. This would have a bearing on the outcome of this assessment, as the predicted noise impacts could be significantly higher. This would require a much more robust system of noise mitigation from the facility. The revised assessment should also consider the cumulative impact of any other nearby proposed battery storage facilities.

#### Construction noise

Consideration should be given to limit the permitted hours of work, during the construction phase, in order to protect any nearby residents from possible statutory noise nuisance, this includes vibration. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during operation.

#### **Lighting**

A lighting impact assessment to prevent nuisance to nearby sensitive receptors should be provided. The proposed lighting scheme should comply with the published Carlisle locality local plan around night time skies. Only information provided indicates 6 metre columns will be erected across the site, with no further modelling.

In summary, recommends the imposition of pre-commencement conditions in respect of the submission of a full noise impact assessment; employment of an independent consultant in the event of a complaint received relating to noise nuisance; submission of a lighting impact assessment; employment of an independent noise consultant in the event of a complaint received relating to light overspill; and submission of remediation scheme in the event that contamination is found;

**Cumberland Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of conditions requiring the submission of a surface water drainage system; funding of transport to serve the development; and construction traffic management plan. Applicant should be aware that works within the highway would require permission under the Highway Act 1980;

**Cumbria Constabulary - Force Crime Prevention Design Advisor:** - no response received;

Cumbria Fire & Rescue Service: - no objections.

4.1 This application has been advertised by the direct notification of the occupiers of twenty-one neighbouring properties and the posting of site and press notices. No verbal or written representations have been made during the consultation period.

# 5. Planning Policy

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 5.2 The relevant national planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG).

# **Development Plan**

Carlisle District Local Plan 2015-2030

SP1.	Policy SP 1 - Sustainable Development
SP2.	Policy SP 2 - Strategic Growth and Distribution
SP6.	Policy SP 6 - Securing Good Design
IP2.	Policy IP 2 - Transport and Development
IP3.	Policy IP 3 - Parking Provision
CC3.	Policy CC 3 - Energy Conservation, Efficiency and Resilience
CC4.	Policy CC 4 - Flood Risk and Development
CC5.	Policy CC 5 - Surface Water Management and Sustainable Drain
CM4.	Policy CM 4 - Planning Out Crime
CM5.	Policy CM 5 - Environmental and Amenity Protection
GI1.	Policy GI 1 - Landscapes
GI3.	Policy GI 3 - Biodiversity & Geodiversity
GI6.	Policy GI 6 - Trees and Hedgerows

# 6. Other Material Planning Considerations

- 6.1 The 'Cumbria Landscape Character Guidance and Toolkit (March 2011)' together with Carlisle City Council's Supplementary Planning Documents (SPD) 'Trees and Development (November 2009)' and 'Designing Out Crime (November 2009)' are also material planning considerations.
- 6.2 Also relevant in the determination of this application are the National Policy Statement for Energy (EN-1 July 2011) and National Policy Statement for Renewable Energy Infrastructure (EN-3 July 2011) as updated by the Department for Energy Security & Net Zero's "Overarching National Policy Statement for Energy (EN-1)" (March 2023).

# 7. Assessment

- 7.1 The proposal raises the following planning issues:
  - 1. Principle of development
  - 2. Impact of the proposal on the landscape and visual character of the area including cumulative impacts
  - 3. Impact of the proposal on existing trees and hedges
  - 4. Impact of the proposal on the living conditions of the occupiers of neighbouring residents
  - 5. Impact of the proposal on ecology and nature conservation
  - 6. Impact of the proposal on highway safety
  - 7. Proposed method for the disposal of surface water drainage
  - 8. Other Matters
  - 1. <u>Principle Of Development</u>
- 7.2 Internationally, in 2005, the UK together with 37 other countries signed the Kyoto Protocol, an international agreement that aimed to reduce carbon dioxide emissions and the presence of greenhouse gases in the atmosphere. Subsequently, leading on from the from the global agreement and climate pact established at COP26, during the 27th United Nations Climate Change conference in November 2022, governments were requested to revisit and strengthen 2030 targets for mitigating climate change in their national climate plans by the end of 2023, to limit global warming to 1.5 degrees.
- 7.3 Nationally, The Climate Change Act (2008) set legally binding carbon budgets for the UK to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. These figures were

revised on 12th June 2019 when the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100%, thereby, constituting a legally binding commitment to end the UK's contribution to climate change. This revision reinforcing the objectives of both the National Policy Statement for Energy (EN-1 July 2011) and National Policy Statement for Renewable Energy Infrastructure (EN-3 July 2011) setting out how the energy sector can deliver the Government's climate change objectives for low carbon energy infrastructure and the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation. More recently, The Electricity System Operator (ESO) are driving the changes needed to achieve the 2035 and 2050 targets. Future Energy Scenarios outline four different pathways for the future of the whole energy system to reach carbon zero by 2050. Recognising that electricity storage so that it can be used during later periods, when and where it is most needed, is vital to accommodate higher renewable penetration in power systems and ensure security of supply.

- 7.4 Further national legislation includes The UK Clean Growth Strategy (2017) which outlines the Government's objective of achieving clean growth, whilst ensuring an affordable energy supply for businesses and consumers. The Strategy recognises that there will be a need for a significant acceleration in the pace of decarbonisation, while ensuring a secure energy supply at minimum cost to both industry and domestic consumers. The Energy White Paper (2020) sets out the UK Government's commitment to deliver net zero by 2050. The Energy White Paper stipulates the importance of renewable energy schemes in reaching net zero by 2050 and in ending coal in the electricity mix by 2025. Specifically, in respect of the application before Members, The Energy White Paper recognises the importance of energy storage systems in achieving the goals of becoming carbon neutral. The Paper states that "flexibility will come from new cleaner sources, such as energy storage in batteries ... by 2050, we expect low carbon options, such as clean hydrogen and long duration storage, to satisfy the need for peaking capacity and ensure security of supply at low cost".
- 7.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions to sustainable development being: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform several roles; however, should not be taken in isolation, because they are mutually dependent. Paragraph 10 outlining that: "So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

- 7.6 To meet the challenge of climate change, flooding and coastal change, paragraph 157 of the NPPF highlighting: "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". Paragraph 163 expanding by stating that: "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 significant cutting greenhouse gas emissions; 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; and c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable".
- 7.7 The Planning Practice Guidance (PPG) provides guidance to assist local councils in developing policies and identifies planning considerations. In respect of renewable and low carbon energy, the PPG recognising 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. 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". In respect of electricity storage, the PPG goes on to highlight that: "electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost. maximising the usable output from intermittent low carbon generation (e.g., solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity".
- 7.8 At a local level, the Carlisle District Local Plan 2015-2030 recognises the importance of protecting the natural environment whilst making the most effective use of our natural resources through renewable energy generation. Policy SP1 of the local plan promotes sustainable development whereas Policy SP2 requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified. Further policies of the local plan, Policies CC1 and CC3, relate to renewable energy development and energy conservation, efficiency, and resilience respectively.

- 7.9 The application seeks permission for the construction of a BESS which provides energy storage as opposed to renewable energy generation. As such, the policies within the local plan do not appear to be applicable to the proposed development; however, is supported by the local plan when taken as a whole.
- 7.10 Nevertheless, as highlighted above, there is as clear international and national drive to move the country from a fossil fuel-based energy network to a net zero renewable energy network, and nuclear power plants and BESS's will play an important part in reducing carbon emissions, providing energy security, and ensuring energy affordability by mitigating the frequency volatility created by a renewable energy network. Without these mitigating systems, the energy network that the country is moving towards would be subject to energy fluctuations.
- 7.11 In overall terms, the proposed development would contribute towards sustainable development, and it is a type of development that is nationally supported through EN-1, the NPPF and PPG. It is also supported by the local plan when taken as a whole. The benefits towards a net-zero carbon future must be given substantial weight, as must its contribution towards sustainable development due to it meeting the environmental role of sustainable development. The principle of development, therefore, is acceptable. The remaining issues raised by this application are discussed in the following paragraphs.
  - 2. <u>Impact of the proposal on the landscape and visual character of the area</u> <u>including cumulative impacts</u>
- As previously outlined, paragraph 162 of the NPPF indicates that local 7.12 planning authorities should approve applications for renewable or low carbon energy if the impacts are, or can be made, acceptable. In respect of conserving and enhancing the natural environment, paragraph 180 details that: "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; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land,

where appropriate".

7.13 Paragraph 6 of the National Design Guide refers to the expectations of good design in the NPPF. Paragraphs 131 to 136 of the NPPF emphasises that the creation of high-quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 135 outlines that:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- *b)* are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."
- 7.14 It is further appropriate to be mindful of the requirements in paragraph 139 of the NPPF which states:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/ or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".
- 7.15 At a local level, in respect of this proposal for the formation of a BESS and associated infrastructure and potential impact on the landscape and visual character of the area, Policies SP6 and GI1 are relevant. These policies

seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials. Highlighting that all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development seeking to ensure that development proposals do not have an unacceptable impact on the location, in relation to visual impact caused by the scale of development, on the character and sensitivity of the immediate and wider landscape, townscape or heritage assets and their settings.

- 7.16 As such, it is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses, roads, rights of way etc) that relate to individual outlooks within that landscape. To assess the effect of the proposal on the character of the area, it is important to understand the quality and sensitivity of the landscape, the sensitivity of visual receptors, and the magnitude of change. These issues are separately discussed as follows:
  - i) Landscape
- 7.17 The application site is not subject to any national or local landscape designations. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) provides a base line of information that can be used by landowners, managers, developers, communities, and planning authorities when making decisions on future land use and management and provides a strategic framework that includes visions and objectives for future landscapes and guidelines to help protect, manage, and plan changes to maintain and enhance landscape distinctiveness.
- 7.18 The application site is identified in the CLCGT as being within Sub Type 2c 'Coastal Plain'. The key characteristics of which are: "flat and slightly undulating coastal plain; long and narrow fields in undulating areas with larger fields in flat areas; intersected by shallow rivers and watercourses; hedges form main field boundaries; scarce tree cover; predominantly pasture with some arable in drier areas; frontiers of the Roman Empire - Hadrian's Wall World Heritage Site is a significant archaeological feature in the Solway; historic field pattern strongly linked to settlements".
- 7.19 The toolkit identifies that "telecommunications masts and pylons provide prominent and contrasting vertical features in some of the areas." With regards to development, it continues "minimise the impact of major developments such as large-scale wind energy, roads, pylons, masts and infrastructure linked to offshore developments by careful siting to maximise screening from public view and high standards of design and landscape treatment. Open and exposed sites and those that affect key views should be avoided, especially where development would become the dominant feature; reduce the impact of new farm buildings by careful siting, breaking down mass, choice of sympathetic colours and non-reflective finishes and screen planting; encourage horse grazing and equestrian uses to respect field boundaries and field patterns. Stables and other facilities should be sited

sensitively with appropriate landscape mitigation to prevent the erosion of the pastoral farmland character".

- 7.20 The site occupies 6.4 hectares (excluding the buried connection cable) over three rectangular agricultural fields approximately 800 metres south-west of the village of Westlinton. The western and southern fields of the application site are enclosed by mature hedgerows; however, the north-eastern field boundary is open with occasional trees; the surrounding agricultural fields are also delineated by mature hedgerow boundaries. There is a single residential property, Pine Glen, directly adjacent to the western boundary of the application site. The U1072 county highway is located approximately 320 metres west of the site with the U1075 county highway located 290 metres to the east of the application suite. Public Footpath 137008 (PRoW) runs east to west along the southern boundary of the site.
- 7.21 The primary change in landscape character would arise from a localised change in land cover from agricultural fields to BESS infrastructure and an on-site substation compound. In respect of impact on the landscape character of the area, whilst the proposals will inevitably give rise to some landscape change, it would be a highly localised development. In mitigation, the existing field boundaries would be retained and reinforced as part of the proposals together with the formation of a 3 metre high planted bund. Further areas of native woodland tree blocks with woodland edge scrub planting would also be introduced to help screen the proposed development and integrate it with the surrounding landscape with the effects being reversible following the decommissioning of the BESS.
- 7.22 The proposed BESS would have a utilitarian appearance as this type of development is designed for a functional purpose rather than delivering aesthetically pleasing development; however, following the establishment of mitigation planting the proposal will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of its impact on the wider landscape character.
  - ii) Visual Impact
- 7.23 With regard to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. Right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest.
- 7.24 The application is accompanied by a Landscape and Visual Appraisal (LVA) which contains a detailed appraisal of the surrounding study area undertaken in accordance with published best practice guidance namely the Guidelines for Landscape and Visual Impact Assessment (Third Edition), Landscape Institute and IEMA 2013 (GLVIA3) and associated technical guidance notes. The LVA outlines that the data subsequently informed the on-site field analysis to identify key viewpoints, analyse the landscape character and visual environment of the local area, and determine the extent and

significance of any potential landscape and visual effects.

- 7.25 A total of eight viewpoints have been selected from representative viewpoint locations to inform the assessment of landscape and visual effects arising because of the proposed development. The LVA detailing that: "the visual receptor groups include different categories of receptors including local residents, users of PRoW and local road users. Existing views within the study area towards the site are generally views across a well-maintained agricultural landscape in good condition. The landscape however includes commonplace elements and lacks distinctiveness. Tall manmade vertical elements, including steel pylons and wind turbines, and the busy M6 and A7 highways are detrimental factors impacting visual amenity".
- 7.26 The LVA concluding that from visual receptor groups (residential properties / villages) that: "once the proposed planting around the periphery of the site and the proposed woodland blocks have matured, in the medium to long term, screening and backclothing of the proposed development would be increased. This would also help integrate the site into the wider landscape. However, the scale of change in the view would remain as Small/Negligible over a Limited extent. The magnitude of change would remain as Slight/Negligible over the long term and the visual effects would be Minor to Minor/Negligible adverse". In respect of key routes (PRoW 1370080) that: "once the proposed mitigation planting measures have matured, in the medium to long term, there would be further screening of the development. particularly from the eastern section of the PRoW; and the western end of the PRoW; where woodland would now be prominent in views. The scale of change in the view would reduce to Medium over a Localised extent. In the Long term there would be a Moderate magnitude of change and Moderate adverse visual effects".
  - iii) Cumulative Impact
- 7.27 In addressing the 'Cumulative Effects', the accompanying LVA states:

"In October 2023 a planning application for a BESS development at Blackford, Carlisle was consented by the local planning authority. The northern boundary of the Blackford site is approximately 1.46km south south-east of the Harker site and overlaps the study area boundary. There are three intervening woodland blocks between the sites, and the Harker BESS indicates that there is limited intervisibility between the sites, with only the potential for heavily filtered views of the substation infrastructure visible from the northern boundary of the Blackford site and no possible views of the BESS units; this is before considering the proposed mitigation planting within both proposals. It is considered unlikely that both developments would be visible simultaneously (excluding very long-distance views from high ground) and any cumulative effects on landscape character and/ or visual amenity would not be greater than minor/negligible adverse".

7.28 The LVA concludes that: "*in addition, there are electricity infrastructure developments outside the southern boundary of the study area including an* 

application to extend Harker Substation and an application for an Energy Storage System to the north of Harker Moss. In addition to being outside the study area, both these applications include landscape proposals for tree and hedgerow planting to the north of the schemes. As a result, it is extremely unlikely there are any locations from which the proposed development and either of these schemes would be visible concurrently, excluding very long-distance views from high ground. From here the impact on the viewer would be negligible or very rare, glimpsed views where at least one scheme would be heavily screened by intervening landform, vegetation and/or built form. There could, however, be sequential views for users of local roads but there would not be large-scale adverse impact on road users".

- 7.29 As highlighted earlier in the report, the proposed BESS would have a utilitarian appearance as this type of development is designed for a functional purpose rather than delivering aesthetically pleasing development. Large scale, adverse effects would be limited to the site itself and the immediate vicinity, where there would be a fundamental change in character from agricultural fields to a BESS development. Over-time this would be significantly reduced through proposed and reinforced landscaping and the formation of a planted bund.
- 7.30 The relatively low-level development of the BESS on land with limited public viewpoints together with existing and reinforced landscaping would mitigate for any wider visual impact on the character of the area and help to settle the BESS within the wider landscape. Furthermore, there are electricity transmission lines within the vicinity with the closest located approximately 600 metres south-east of the site with others to the west and north-west of the application site. The transmission lines connect to Harker Substation to the south of the site, and due to the flat local landscape are often prominent vertical features within the landscape character of the area.
- 7.31 The submitted Landscape Mitigation Plan (Drawing No. 1000 Rev. 02) illustrates the formation of a 3 metre high by 12 metre high bund with planting to the west of the on-site substation area together with additional areas of new landscaping and reinforced landscaping. The Arboricultural Assessment also details measures to be taken to protect the existing trees and hedges. Nevertheless, should Members resolve to approve the application, a condition is recommended requiring the submission of a landscaping scheme to be submitted and agreed that would, over time, adequately landscape and partially screen the development from the immediate and wider landscape. A further condition is also recommended requiring the applicant to agree a colour for the exterior of the proposed structures with the local planning authority.
- 7.32 In overall terms, subject to compliance with the recommended conditions and acknowledging that the development is function led and designed to meet a certain functional requirement, the cumulative impact of the development would not demonstrably harm the character or appearance of the area.
- 7.33 On balance, the development would not result in a significant impact on any

designated landscape and there would be no detrimental landscape or visual impact arising from the development.

#### 3. Impact Of The Proposal On Existing Trees and Hedges

- 7.34 Paragraph 136 of the NPPF outlines that; "trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible ... ".
- 7.35 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to consider important landscape features and ensure the enhancement and retention of existing landscaping.
- 7.36 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 7.37 The application was supported by an Arboricultural Survey Report, the scope of which was to an assessment of any impact of the proposal to the tree cover. The survey focused on any trees present within or bordering the site that may potentially be affected by the future proposals or will pose a constraint to any proposed development. The application was also accompanied by a Landscape Mitigation Plan (Drawing No. 1000 Rev. 02) which illustrates the retention and reinforcement of the existing landscaping, the formation of a planted 3 metre high by 12 metre wide planted bund together with blocks of native trees planting to the west of the substation compound and the south of the BESS compound. Should Members resolve to approve the application, pre-commencement conditions are recommended requiring the submission of a drawing illustrating the type and position of the root protection barriers around the retained trees and hedgerows with the submission of a Landscape and Environmental Management Plan ensuring further details in respect of enhancement / maintenance of landscaping.

#### 4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Residents

- 7.38 The NPPF emphasises that the creation of high-quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process.
- 7.39 Moreover, Policies SP6 and CM5 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development and that development should not be inappropriate in scale or visually intrusive.
- 7.40 The nearest residential property to the application site Is Pine Glen which immediately adjoins the application sites western boundary. There are also other residential properties to the west and east of the application site adjacent to the U1072 and U1075 county highways respectively. In respect of Pine Glen, the proposed development would be sited sufficiently far from the residential property with intervening landscaping and a planted earth bund to not cause material harm to residential amenity because of it being overbearing or through loss of light.
- 7.41 The application was accompanied by a Noise Assessment. The report summaries that:

"an assessment of potential noise impact associated with the proposed development has been made following the guidance presented within BS 4142. Following an initial estimate of noise impact, along with consideration of the context and any potential effects of uncertainty, the development is unlikely to result in any 'adverse' or 'significant adverse' impacts.

In addition to the embedded noise mitigation measures outlined in section 6.1 – 6.2 of this report, the use of acoustic fencing has been considered to further minimise noise emissions from the proposed scheme and reduce the likelihood of any potential adverse impacts. Following the inclusion of the proposed acoustic screening along with the complementary landscaping and planting, the proposed scheme is expected to have a 'low impact' in accordance with BS 4142.

In relation to the noise exposure hierarchy outlined in PPG-Noise which supports the NPPF and NPSE, it is suggested that potential noise at the most affected noise-sensitive premises is likely to be below the 'Lowest Observed Adverse Effect Level' where noise will have little adverse effect as the exposure is unlikely to cause any change in behaviour, attitude or other physiological responses of those affected by it.

As a result, the proposed development is considered to be consistent with the aims of the NPSE and NPPF which seek to mitigate and minimise potential

adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

At a local level the proposed development also accords with policy CM 5 of the Carlisle District Local Plan which seeks to avoid development that would generate unacceptable levels of noise which cannot be satisfactorily mitigated.

The overall noise impact of the development is therefore considered to be in line with current national and local planning policy which seeks to prevent and avoid any significant or unacceptable adverse impacts and, where necessary, mitigate and reduce to a minimum other adverse impacts".

- 7.42 The council's Environmental Health Officer has been consulted and has raised issues in terms of:
  - routinely request that noise levels from large new installations do not exceed 5dB below background at the nearest noise sensitive receptor. Even with the acoustic fencing, this recommended level is exceeded at several locations during the day and at all locations during the nighttime hours. It is recommended that further consideration is given to further mitigate the noise impacts from the site, to protect nearby residential receptors.
  - The noise assessment states that acoustic penalties were not necessary in this case. This requires further investigation; it is of particular importance in relation to tonality and intermittence. For this reason, request that the BS4142 assessment should be revised and presented using the one-third octave method.
  - a revised assessment should also consider the cumulative impact of any other nearby proposed battery storage facilities.
  - permitted hours of work, during the construction phase, to protect any nearby residents from possible statutory noise nuisance, this includes vibration should be imposed. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during operation.
  - A lighting impact assessment to prevent nuisance to nearby sensitive receptors should be provided.
- 7.43 In order to ensure that the proposal does not give rise to unacceptable noise and light spillage arising from development, the council's Environmental Health Officer has recommended the imposition of pre-commencement conditions requiring the submission of a full noise impact assessment, submission of a lighting impact assessment and a construction environmental management plan. Further conditions details the measures to the employed in the event of the receipt of a noise nuisance or light nuisance complaint and the submission of remediation scheme in the event that contamination is found.

# 5. Impact Of The Proposal On Ecology and Nature Conservation

- 7.44 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative, and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the siting of a solar array and associated infrastructure within agricultural land.
- 7.45 The application was also accompanied by a series of ecological and biodiversity reports including an Ecological Impact Assessment (EIA) and a Biodiversity Impact Assessment (BIA). The EIA outlines that the key objectives of the EIA are to: "gain an understanding of the baseline ecology of the site and immediate surrounding area; determine whether the site supports or has the potential to support protected species; identify any likely ecological constraints and use this to inform the development design process; assess the likely significant impacts of the proposals on the Important Ecological Features; identify mitigation measures likely to be required; identify the opportunities offered by the potential project to deliver ecological enhancement".
- 7.46 The EIA identifies the following Important Ecological Features which could be affected by the proposals or warrant consideration due to the legal protection afford to them:
  - Solway Firth SPA / SAC / RAMSAR / SSSI
  - River Éden SAC / SSSI
  - Rockcliffe Moss CWS & Special Roadside Verges at Rockcliffe Moss (SRV)
  - Breeding and Wintering Bird Assemblage
  - Great Crested Newts
  - Badger
  - Roosting and Generalist Bat Species
  - Red squirrel
  - Hare
  - Hedgehogs
- 7.47 The EIA concludes that no impacts are expected on any designated site within the specified zone of influence. The proposals will result in the loss of improved grassland and arable land which is of low ecological value and a small amount of hedgerow (approximately 10 metres to facilitate internal access. Habitats were identified that had the potential to support important bird assemblages in association with Solway Firth SPA, great crested newts,

breeding birds, hedgehog, hare, generalist, and roosting bat species. Given the proposed layout and results of the ecology assessments undertaken it is considered that there are no statutory constraints with regards to these species / species groups. The construction phase impacts on retained features, nesting birds and hedgehog could be minimised through careful control of construction activities through an industry best practice Construction Environmental Management Plan (CEMP). All other predicted effects on more valuable onsite habitats such as boundary trees and hedgerows, which are largely retained within the scheme, will be minimised. This will also reduce the impacts on species that may utilise these habitats, such as foraging and commuting bats and nesting birds. The EIA and BIA includes a series of biodiversity compensation / enhancements which would maximise the biodiversity value of the site.

- 7.48 Should Members resolve the approve the application, conditions are recommended that would include the submission of a CEMP and that the development is undertaken in strict accordance with the compensation / enhancement's measures outlined in the EIA and BIA.
  - 6. Impact Of The Proposal On Highway Safety
- 7.49 Paragraph 108 of the NPPF outlines that transport issues should be considered from the earliest stages of plan-making and the development proposals so that the potential impacts of developments on transport networks can be addressed. Paragraph 1115 expanding by stating that: "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". These aims are reiterated in Policies SP6, IP2 and IP3 of the local plan which also seeks to ensure that all new development is assessed against its impact on the transport network and that well designed, safe, and appropriate parking provision is provided.
- 7.50 The application was supported by a Transport Statement which contains details of how the traffic (both on and off site) during the construction period will be managed. The Transport Statement outlining that: "the primary access to the site, which will be used throughout the construction phase of the BESS, will be via the unnamed track that begins adjacent to the property 'Arndore' then runs past the property 'Pine Glen'. Vehicle movements along the access track from the adopted highway will be controlled by the use of Banksmen. Priority will always be given to vehicles arriving at the site with those exiting being held back to ensure that HGVs do not have to wait on the adopted highway".
- 7.51 The Highway Authority has been consulted on the proposal and raises no objections to the proposal subject to the imposition of conditions and an informative. The recommended pre-commencement conditions require the submission of further details in respect of funding of a mini-bus service for construction operatives, and a construction traffic management plan. The informative would require the developer to obtain the relevant permissions

from the local highway authority for works within the highway. In such a context and subject to compliance with the relevant conditions, the proposal will not have a detrimental impact on highway safety.

#### 7. Proposed Method for the Disposal Of Surface Water Drainage

- 7.52 Paragraph 173 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. In respect of surface water drainage, the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:
  - into the ground (infiltration)
  - to a surface water body
  - to a surface water sewer, highway drain, or other drainage system
  - to a combined sewer
- 7.53 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of foul and surface water facilities is achievable prior to commencement of any development. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.
- 7.54 The Lead Local Flood Authority (LLFA) has been consulted on the proposal and has advised that the submitted drainage information provided does not illustrate sufficient details and recommend the imposition of a condition requiring full details of the surface water drainage system. Subject to compliance with the recommended condition and subsequently discharged through the submission of an appropriate scheme, which would be subject to consultation with the LLFA, the scheme would be acceptable in terms of the drainage issues.

# 8. Other Matters

7.55 As highlighted earlier in the report, the Planning Practice Guidance (PPG) provides guidance to assist local councils in developing policies and identifies planning considerations. In respect of renewable and low carbon energy, the PPG recognising 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. 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". In respect of electricity storage, the PPG goes on to highlight that: <i>"electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g., solar and wind), and deferring or avoiding the need for costly network* 

upgrades and new generation capacity".

- 7.56 The PPG outlining (paragraph 035 Reference ID: 5-035-20230814) that: "when planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application. Local planning authorities are also encouraged to consider guidance produced by the National Fire Chiefs Council when determining the application".
- 7.57 The National Fire Chiefs Council *d*ocument 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' encourages engagement in the planning process. It then provides advice and guidance in respect of system design and construction; testing; design; detection and monitoring; suppression systems; deflagration prevention and venting; site access; access between BESS units and units spacing; distance from BESS units to occupied buildings and site boundaries; site conditions; water supplies; signage; emergency plans; environmental impacts; and recovery.
- 7.58 Cumbria Fire and Rescue Services has been consulted and their consultation response advises that no objection is made against the application.
- 7.59 Whilst there may be a potential for a fire safety risk to occur, this can be mitigated through a planning condition that requires the developer to agree a Battery Safety Management Plan (BSMP) with the local planning authority prior to works commencing. The BSMP would need to include safety measures and risk mitigation and it shall cover the construction, operational and decommissioning phases of the development.
- 7.60 Subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) outlines that every planning permission granted should be subject to a condition that the development to which it relates must be begun not later than the expiration of a set period of time beginning with the date on which the permission is granted. The time period is usually 3 years; however, Section 91(b) permits such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
- 7.61 In this instance, should Members resolve to approve the application a period of 5 years from the date of approval is sought. The justification provided by the Agent detailing that: *"there is a request for 5-year consent period to address the requirements of delivering the project. The current grid*

connection date is 2031, to ensure development can be commenced and energised, a 5-year consent period is required. Both the land lease and planning term are both 40 years, if the 3-year consent period is applicable, with the current connection date this would reduce the operational period by 4 years. Increasing it to 5-years ensures the grid opportunity can be maximised. The 5-year period is in the interest of sustainable development and would meet the condition tests".

7.62 In light of the justification it is considered reasonable to recommend that the period for commencement of development be permitted for 5 years from the date of approval.

# 8. Planning Balance and Conclusion

- 8.1 National and local planning policy supports the development of renewable energy resources where impacts are or can be made acceptable and the government has recognised the need to not only harness the energy from renewable sources but also to ensure that the power can maintain a secure network of power supply through flexible energy storage. The proposed development would contribute towards sustainable development, and it is a type of development that is nationally supported through EN-1, the NPPF and PPG. It is also supported by the local plan when taken as a whole. The benefits towards a net-zero carbon future must be given substantial weight, as must its contribution towards sustainable development due to it meeting the environmental role of sustainable development. The principle of development is therefore acceptable.
- 8.2 There would be some localised change to the landscape; however, any adverse effects would be limited to the site itself and the immediate vicinity, where there would be a fundamental change in character from agricultural fields to a BESS development. The relatively low-level development of the BESS on land with limited public viewpoints together with existing and reinforced landscaping together with the formation of a planted earth bund would mitigate for any wider visual impact on the character of the area and over time would help to settle the BESS within the wider landscape.
- 8.3 The attachment of conditions ensuring that appropriate measures are put in place to reduce noise levels and light spillage emanating from the site, the impact on neighbouring residential amenity would not be materially harmful either.
- 8.4 Conditions are recommended to ensure that the proposal would not have a detrimental impact on biodiversity and would also secure ecological enhancements in line with the NPPF. Furthermore, the imposition of other recommended conditions would mitigate against any potential negative impact on highway safety and surface water drainage.

- 8.5 The potential of fire risk and the potential safety implications of this have been given due consideration. The relevant consultees have been consulted in relation to this matter and no objections have been raised to the proposal. However, some form of safety management plan for the site is required and with this in mind, a condition requiring a Battery Safety Management Plan to be agreed with the local planning authority and other relevant parties should be attached to the permission to ensure that the potential safety issues are mitigated against.
- 8.6 In overall terms, the proposal is considered to the compliant under the provisions of the NPPF and the objectives of the relevant local plan policies. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

#### Recommendation

It is recommended that this application is approved with conditions.

#### Appendix 1 List of Conditions and Reasons

**Grant Permission** 

- 1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.
  - **Reason**: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  - 1. the Planning Application Form received 5th December 2023;
  - 2. the Planning , Design and Access Statement received 4th December 2023;
  - 3. the 2no. Notice under Article 13 of the T&CP (DMP)(England) Order 2015 received 4th December 2023;
  - 4. the Press Notice published 21st November 2023;
  - 5. the Statement of Community Involvement received 4th December 2023;
  - 6. the Flood Risk and Drainage Strategy received 4th December 2023;
  - the Aerosol Based Fire Suppression System received 4th December 2023;
  - 8. the Agricultural Land Classification Report received 4th December 2023;

- 9. the Transport Statement received 4th December 2023;
- 10. the Landscape and Visual Appraisal received 4th December 2023;
- 11. the Arboricultural Assessment received 4th December 2023;
- 12. the Noise Assessment received 4th December 2023;
- 13. the Ecological Impact Assessment received 4th December 2023;
- 14. the Biodiversity Impact Assessment received 4th December 2023;
- 15. the Historic Environment Assessment received 4th December 2023;
- 16. the site location plan Figure 1 received 4th December 2023;
- 17. the site location plan Figure 1a (Inset 1) received 4th December 2023;
- 18. the site location plan Figure 1b (Inset 2) received 4th December 2023;
- 19. the site location plan Figure 1c (Inset 3) received 4th December 2023;
- 20. the site location plan Figure 1d (Inset 4) received 4th December 2023;
- 21. the site location plan Figure 1e (Inset 5) received 4th December 2023;
- 22. the cable route received 4th December 2023 (Drawing No. WIN-BES-04-DR-01-05-01 Rev. 04):
- 23. the BESS design received 4th December 2023 (Drawing No. WIN-BES-04-DR-03-01-01 Rev. 12);
- 24. the BESS design received 4th December 2023 (Drawing No. WIN-BES-04-DR-03-02-01 Rev. 03);
- 25. the BESS design received 4th December 2023 (Drawing No. WIN-BES-04-DR-03-02-02 Rev. 03);
- 26. the BESS design received 4th December 2023 (Drawing No. WIN-BES-04-DR-03-02-03 Rev. 03);
- 27. the substation layout 22/400kV 200MW received 4th December 2023 (Drawing No. SUB-01 Rev 05);
- 28. the substation layout Elevations 1 received 4th December 2023 (Drawing No. SUB-02 Rev. 03);
- 29. the substation layout Elevations 2 received 4th December 2023 (Drawing No. SUB-03 Rev. 03);
- 30. the substation layout Elevations 3 received 4th December 2023 (Drawing No. SUB-04 Rev. 04);
- 31. the indicative BESS detail received 4th December 2023 (Drawing No. A1-3);
- 32. the indicative BESS detail received 4th December 2023 (Drawing No. A1-4);
- 33. the typical Spare Parts Container received 4th December 2023 (Drawing No. SPAREPARTS-01);
- 34. the MV Twin Skid Compact Gen3+ HEMK Gen2 received 4th December 2023;
- 35. the Manufacturers Specification for Jesiva Transformers received 4th December 2023;
- 36. the Notice of Decision;
- 37. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason**: To define the permission.

3. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and address the following matters (where appropriate):

- provision of appropriate protective barriers/ boundary hoarding and lighting;
- dust management and details of the proposed means of dust suppression;
- details of deliveries times to the site during the construction phase;
- noise management measures;
- programme of works (including measures for traffic management and operating hours);
- loading and unloading of plant and materials;
- piling techniques;
- location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- waste storage and removal and litter management;
- temporary buildings and boundary treatments;
- details of checks of vehicles and other plant for leaks;
- static plant to the placed on drip trays;
- preparation of cement and other construction materials;
- waste minimisation and management measures;
- bio-security measures to prevent the introduction of disease and invasive species;
- measures to prevent pollution including the management of site drainage such as the use of silt traps during construction;
- the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species;
- noise and vibration management (to include arrangements for monitoring, and specifically for any concrete breaking and any piling);
- there shall be no burning of materials on the site;
- any external lighting associated with the development during any ground works / construction for the purposes of security and site safety shall prevent upward and outward light radiation;
- protocols for contact and consultation with local people and other matters to be agreed with the local planning authority;
- vibration management.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local planning authority.

- **Reason:** To avoid hazard and obstruction being caused to users of the public highway, in the interest of public safety and to protect biodiversity and wildlife in accordance with Policies SP6, IP3, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.
- 4. Prior to commencement of development a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
  - pre-construction road condition established by a detailed survey for

accommodation works within the highways boundary conducted with a local highway authority representative; with all post repairs carried out to the satisfaction of the local highway authority at the applicants expense;

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details and management of any proposed access points (vehicular / pedestrian);
- surface water management details during the construction phase.
- **Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-20230.
- 5. Prior to commencement of development details of a scheme of workforce commute for construction operatives for the development shall be submitted to the local planning authority, thereafter, the scheme of workforce commute shall be retained for the duration of the construction period.
  - **Reason:** In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.
- 6. Notwithstanding the submitted details, full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the local planning authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.
  - **Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies CC4 and CC5 of the Carlisle District Local Plan 2015-2030.
- 7. Notwithstanding the submitted details, prior to commencement of development hereby approved, a landscaping scheme shall be submitted to

and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees and hedges to be planted including planting densities;
- new groups and individual specimen trees and hedges to be planted;
- specification/age/heights of trees and hedges to be planted;
- existing trees and hedges to be retained or removed;
- any tree surgery/management works proposed in relation to retained trees and hedges;
- any remodelling of ground to facilitate the planting;
- timing of the landscaping in terms of the phasing of the development;
- protection, maintenance and aftercare measures.

The landscaping scheme shall then be implemented in strict accordance with the approved details and completed prior to the development being commissioned.

- **Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.
- 8. Notwithstanding the submitted details, prior to the commencement of development, details of the height of the bund, including cross-sections through the site and proposed landscaping including height and species shall be submitted to and agreed in writing by the local planning authority. The development shall then be constructed in strict accordance with the approved details and completed prior to the development being commissioned.

**Reason:** To ensure an appropriate form of development and landscaping in accordance with Policy SP6, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.

- 9. Prior to the commencement of the development hereby permitted, a detailed Battery Safety Management Plan (BSMP) shall be submitted to, and approved in writing by, the local planning authority. The BSMP shall include safety measures and risk mitigation and it shall cover the construction, operational and decommissioning phases of the development. Thereafter the batteries shall be installed and maintained for the duration of the permission in accordance with the approved BSMP.
  - **Reason:** In the interests of safeguarding the water environment and preventing a pollution incident or danger to the adjacent electricity substation.
- 10. Prior to commencement of development, an assessment on the potential for noise from the development affecting residential properties in the area shall be submitted to and been approved in writing by the local planning authority. The Noise Impact Assessment (NIA) shall be carried out by a suitably

qualified acoustic consultant/ engineer in accordance with British Standard BS4142 assessment and should be presented using the one-third octave method. The NIA should cover all stages of BS4142 and provide explanation of each step. The assessment should detail predicted noise impacts at several of the nearest sensitive receptors, details of the mitigation measures used to reduce sound emissions from the site and propose additional mitigation where necessary.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

- **Reason:** In order that noise levels may be agreed prior to the commencement of works on site to minimise the potential for noise and disturbance both through the construction phase and the future operation of the development in accordance the Policy CM5 of the Carlisle District Local Plan 2015-2030.
- 11. In the event that a complaint is received relating to noise caused by the proposed facility: within 28 days from the receipt of a written request from the local planning authority, the operator of the proposed facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of noise emissions from the facility at the complainant's property. This should be carried out in accordance with the most appropriate current standard (such as BS4142) and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. If necessary the applicant shall, within 28 days, propose a scheme of noise mitigation to the local planning authority, to utilise any appropriate on site measures as is necessary, to ensure that sound levels from the site are reduced to an acceptable level. This scheme shall specify the time scales for implementation.
  - **Reason:** To prevent disturbance to nearby occupiers in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.
- 12. Prior to the installation of any external lighting within the development hereby approved, details of the lighting scheme including measures to minimise light spillage, shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to "Lighting Design for Bats", following Guidance Note 8 Bats and Artificial Lighting (ILP and BCT 2018) and the design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places and to prevent nuisance to nearby sensitive receptors. All external lighting shall be installed in strict accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.

- **Reason:** In order to ensure no adverse impact on European Protected Species and residential amenity in accordance with Policies GI3 and CM5 of the Carlisle District Local Plan 2015-2030.
- 13. In the event that a complaint is received, relating to light over spill from the facility: Within 28 days from the receipt of a written request from the local planning authority, the operator of the facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of light over spill from the facility, at the complainant's property. This should be carried out in accordance with the most appropriate current standard and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. If necessary, the applicant shall, within 28 days, propose a scheme of mitigation to the local planning authority, to utilise any appropriate on-site measures as is necessary, to ensure that any light over spill from the site is reduced to an acceptable level. This scheme shall specify the time scales for implementation.
  - **Reason:** To prevent disturbance to nearby occupiers in accord with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.
- 14. Notwithstanding the submitted details, prior to first use of the development hereby permitted, details of the colour for the exterior of all buildings and structures shall be submitted to, and approved in writing by, the local planning authority. The aforementioned structures shall then be coloured in accordance with the approved details prior to first use of the development and they shall be retained in that colour thereafter.
  - **Reason:** In the interests of visual amenity and the satisfactory appearance of the development upon completion in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 15. The development hereby permitted shall be constructed in strict accordance with the compensation / enhancement measures contained within Section 7 of the Ecological Impact Assessment compiled by Future Ecology (Report Reference Number FE242/EcIA01) received 4th December 2023 and Section 4 of the Biodiversity Impact Assessment compiled by Future Ecology (Report Reference Number FE242/BIA01) received 4th December 2023. Any subsequent reports and mitigation strategies shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.
  - **Reason:** To afford protection of protected habitats and species during the construction phase of the development in accordance with Policies GI1 and GI3 of the Carlisle District Local Plan 2015-2030.
- 16. The development hereby permitted shall be for a maximum temporary period

of 40 years from the date when the development is brought into use. Thereafter, the site shall be decommissioned and returned to its former state in accordance with details that have been submitted to, and agreed in writing by, the local planning authority. Such details shall include a time scale of the decommissioning works.

- **Reason:** To determine the scope of this permission and in the interests of visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 17. Notwithstanding the submitted details, construction and de-commissioning works shall not take place outside the hours of 0730 hours to 1800 hours Monday to Friday inclusive and 0730 hours to 1300 hours on Saturdays. No construction or de-commissioning works shall take place on a Sundays or Public Holidays. Exceptions for work outside these hours may be carried out only with the prior written approval of the local planning authority. Emergency works may be carried out at any time provided that the operator retrospectively notifies the local planning authority in writing of the emergency and works undertaken within 24 hours following the event.
  - **Reason:** In the interests of amenity to restrict noise impact and the protection of the local environment in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.
- 18. Notwithstanding the submitted details, deliveries of any construction materials or equipment for the construction of the development shall not take place outside the hours of 0900 hours to 1400 hours Monday to Friday inclusive with no such deliveries on Saturday, Sunday or Public Holiday unless otherwise approved in writing by the local planning authority having been given a minimum of two working day's notice of the proposed delivery.
  - **Reason:** In the interests of minimising disturbance to local residents during the construction process in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 19. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.
  - **Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.
- 20. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Further guidance can be found on the Cumberland Council website "Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers."

Site investigations should follow the guidance in BS10175:2011 (or updated version) *"Investigation of Potentially Contaminated Sites.- Code of Practice ".* 

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

#### List of Informatives/Advisory Notes

National Grid advises that the developer must follows the use of NGET land process to agree a cable easement for the cable connection into our Harker substation site. Additionally, the developer must follow NGET guidance to ensure their proposed cable route does not interfere with any NGET assets associated with and nearby to Harker Substation (e.g. the statutory safe clearances from our overhead lines and sufficient distance from our towers from their underground cable must be maintained). Any further support for working near NGET assets can be obtained via assetprotection@nationalgrid.com.

National Grid has provided the National Grid Technical Guidance Note 287 which has been forwarded under a separate cover to the Agent by the local planning authority.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The Local Highway Authority advises that:

the BESS is to be connected to the Harker substation using a 2.76km cable route to be buried in the adopted highway. The applicant is not presumably a statutory undertaker, so will need the appropriate highway license for this apparatus in the highway together with an appropriate agreement for the highway works to be carried out. This advice also applies for the hardened works as shown on the Transport Statement to accommodate HGV turning where it falls within highway. The applicant should at an early stage discuss this matter with the Structures team of the Local Highway Authority to confirm that the the bridge on the C road at Low Harker can indeed accommodate the

potential increased HGV movement over it during construction phase.

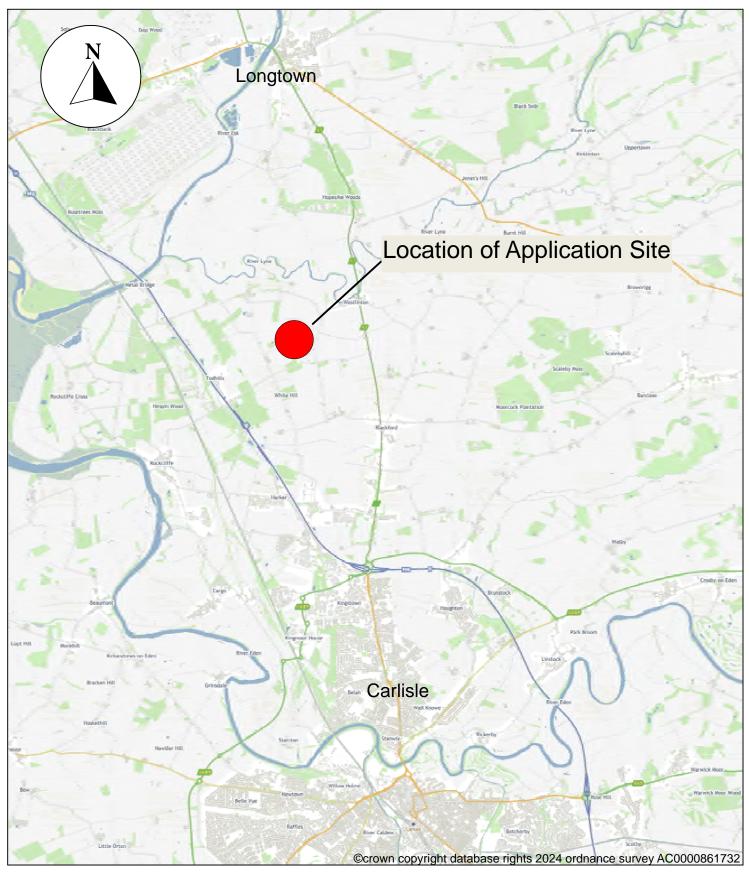
There will be the need for a Pre start survey of the network.

Many species and their habitats are protected under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000, the Hedgerows Regulations 1997. If any protected species are found during development all work must cease immediately and the Local Planning Authority notified.

No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established in accordance with the Wildlife And Countryside Act 1981.

# Appendix 2

Copy of the plans/drawings including red line boundary.



# 23/0833 Land Situated Between the Villages of Todhills and Westlinton, Carlisle, CA6 6AL

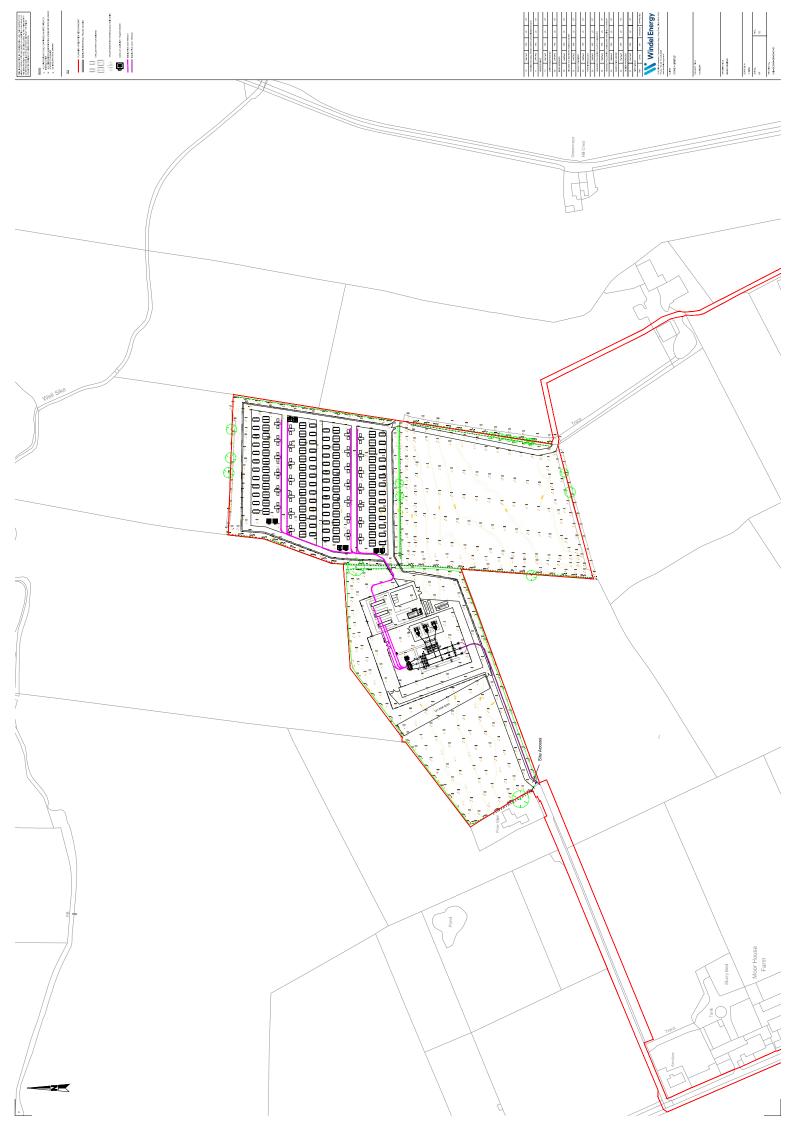
# Wider Location Plan



Thriving Place and Investment, Planning, Civic Centre, Rickergate, Carlisle, CA3 8QG Scale 1:65,000

Date February 2024



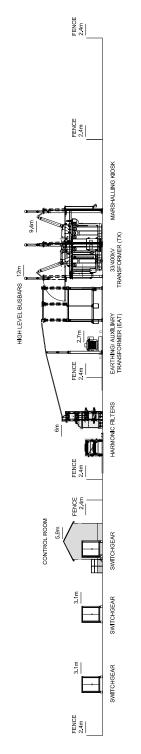




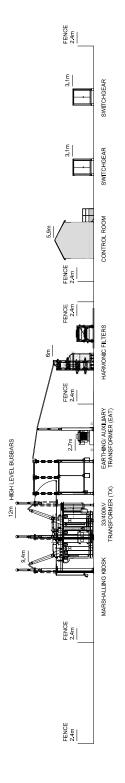


# NOTE: LAYOUT AND ELEVATIONS ARE INDICATIVE AND SUBJECT TO DETAILED DESIGN

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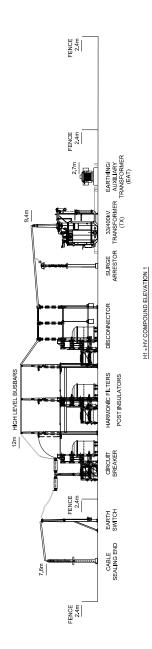
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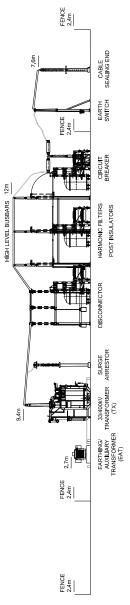
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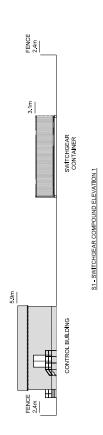
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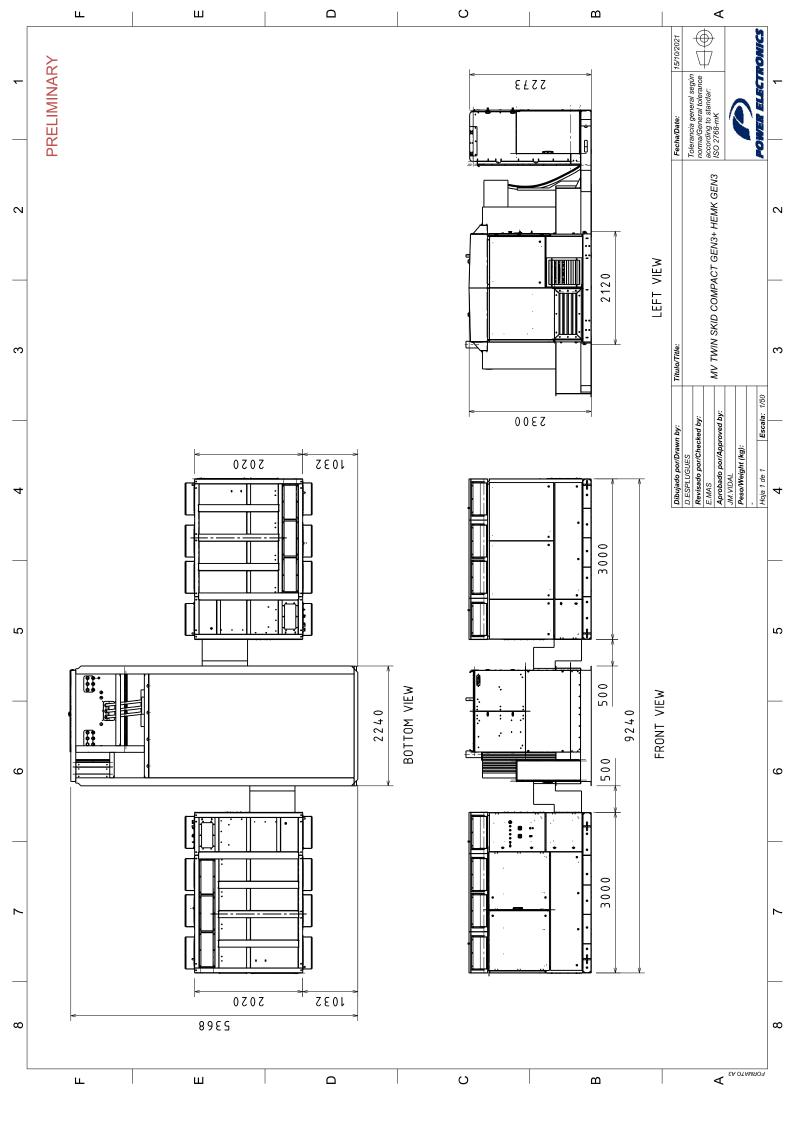
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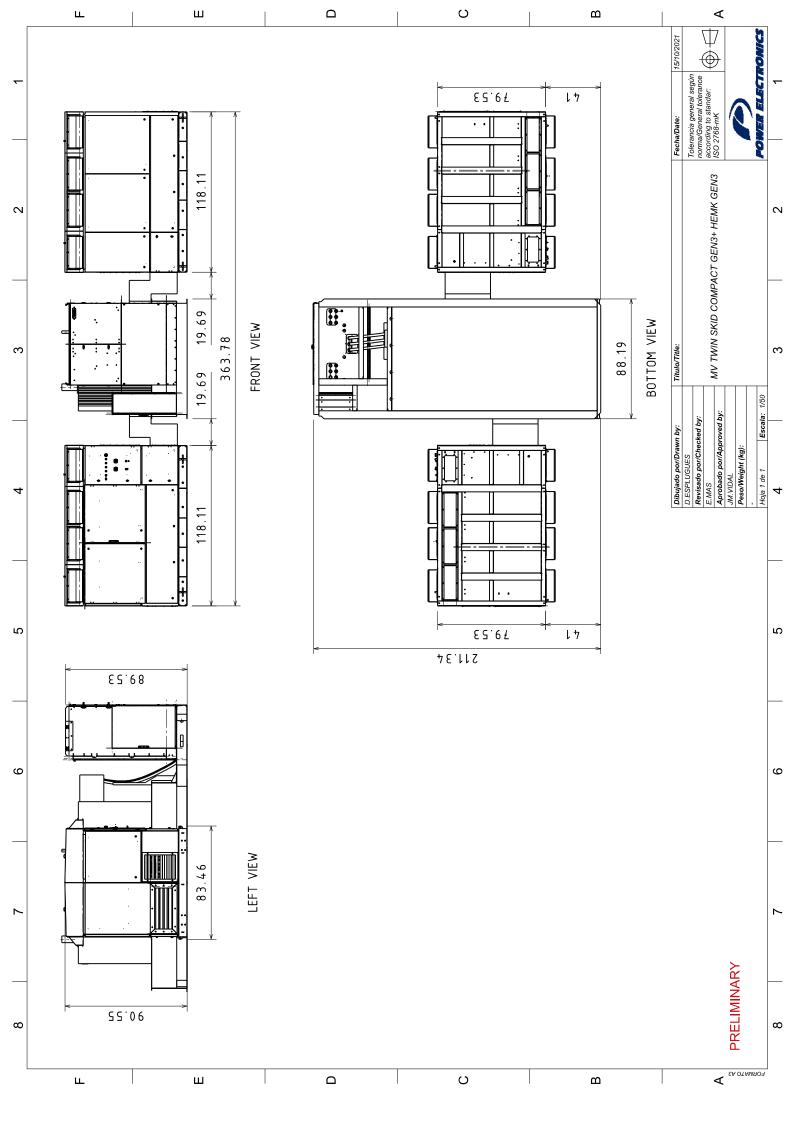
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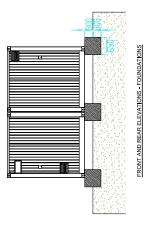
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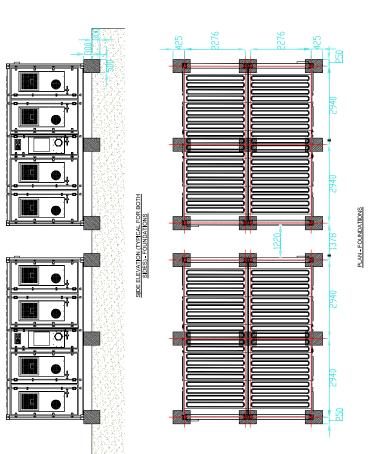
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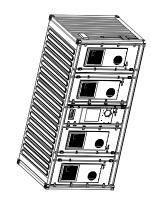


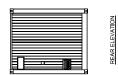


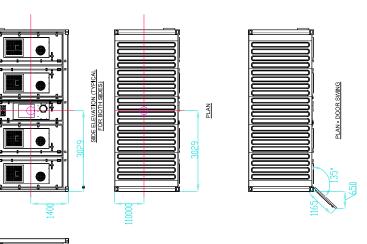




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