

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 9<sup>th</sup> December 2024**

<b>Application No:</b>	HPK/2023/0193	
<b>Location</b>	Land adjacent to Marsh Lane, New Mills	
<b>Proposal</b>	Construction and installation of Energy Storage System (ESS) including the formation of site levels and associated access, landscaping and site infrastructure	
<b>Applicant</b>	Mr Kirk Denton, Novus Renewable Services Ltd	
<b>Agent</b>	Mr Andrew Stevenson, RPS Consulting UK & Ireland	
<b>Parish/ward</b>	New Mills / New Mills East	<b>Date registered:</b> 16 <sup>th</sup> May 2023
<b>If you have a question about this report please contact:</b> James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

**1. SUMMARY OF RECOMMENDATION**

**Approve with Conditions**

**1. REASON FOR COMMITTEE DETERMINATION**

- 1.1 This application has been brought before the Development Control Committee owing to significant public interest in the application and that the proposal constitutes major development.

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The application site comprises a triangular parcel of agricultural land that spans an area of approximately 2.4ha situated to the north of Marsh Lane, on the fringes of New Mills, with the public highway running parallel with the boundary on its south-western side.
- 2.2 The site benefits from an existing field gate access from Marsh Lane, which connects Furness Vale to New Mills, which is characterised by maintained grassland bordered by mature trees and other natural vegetation including hedgerows. The strong boundary treatment described above provides considerable screening to nearby visual receptors (e.g. public footpaths) and nearest residential properties.
- 2.3 The nearest footpaths to the site are (1) Footpath HP19/158/1 that runs northwards from Marsh Lane on the northern side of the railway in the direction of Beard Hall Farm, (2) Footpath HP19/106/2, which runs westwards to New Mills from Gow Hole Farm, and (3) Footpath

- H19/156/1 that runs north-eastwards from Dolly Lane, near to the junction with Marsh Lane, in the direction of Beardwood Farm.
- 2.4 The site slopes eastwards away from the highest point of the site close to a railway bridge which spans the Manchester – Sheffield railway, which runs west-east parallel to the northern boundary of the site.
- 2.5 The nearest residential properties to the site are located on Marsh Lane, with the nearest being Gow Hole Farmhouse to the south east. A row of three properties (Nos. 3, 5 and 7 Carr View Cottages) are situated a short distance beyond the railway bridge to the north-west.
- 2.6 The Peak District National Park boundary is located some 1.2km to the north-east of the site at its nearest point in an elevated position some 150m higher than the application site.
- 2.7 As shown by Figure 1 within the supporting Planning, Design and Access Statement, there are a number of Listed Buildings within a 1km radius of the site, with the nearest heritage asset located within the built up area of Furness Vale.
- 2.8 For the purposes of the Local Development Plan, the site lies outside of the built-up area boundary of any town or village, in the open countryside and within the North Derbyshire Green Belt.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 The proposal consists of the following aspects of development as set out on the latest Proposed Site Plan:
- Internal access road from the existing access with Marsh Lane
  - Energy Storage Units clustered in groups of 6
  - 4m high acoustic fence immediately surrounding storage units
  - DNO Substation laid on concrete platform plinth
  - 3m high palisade security fence
  - Tree Planting
  - Native Hedgerow Planting
  - Other Biodiversity Enhancement
- 3.2 Each Storage Unit (Transformer) is shown to span a width of 2m and a length of 10.5m reaching a height of 3m, having a simple rectangular form essentially having the appearance of a box.
- 3.3 The DNO Substation which would be located close to the vehicular access, spans a width of 2.7m and length of 8.1m with a height of 3.25m surrounded by a gantry supported by metal railings which stands at a height of 0.75m. The substation itself is situated on a concrete plinth some 0.6m above ground floor level.

- 3.4 The application as presented to Committee is made up of the following plans and technical reports/documents which are the subject of assessment within this report:

Plans

- 12456-0006-03 Site Sections AA & BB
- 12456-0009-02 Site Location Plan
- 12456-0010-02 Site Layout Plan
- 12456-0011-01 Site Sections AA & BB
- 20230426 Acoustic Fence Elevations
- 20230426 Bund Elevations
- 20230426 Palisade Fence Elevations
- 20230426 PSC Elevations
- 20230426 Substation Elevations
- JNY11357-07 Visibility Splays
- P22-0639.002A Detailed Landscaping Proposals

Technical Documents

- Noise Assessment
- Bat and Badger Surveys Report
- Landscape Visual Assessment
- Landscape and Ecological Management Plan
- Agricultural Land Classification
- Alternative Site Search Assessment
- Biodiversity Nett Gain Report
- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Transport Statement
- Construction Traffic Management Plan
- Arboricultural Method Statement
- Heritage Statement
- Statement of Community Involvement

- 3.5 The above represents the latest set of plans and associated documentation that make up the application that is to be assessed and determined.

- 3.6 During the consultation period, the applicant submitted a Visibility Splay Plan, to address initial queries raised by the Highways Authority, and revised Landscaping proposals to address comments made by the external Landscape Consultant acting on behalf of the Council. A legal position was also submitted in response to concerns raised by Network Rail.

- 3.7 All plans documents and representations associated with the application can be found online via the following link:  
<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=261210>

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 The site has been subject to the following planning history:  
DET/2004/0005 Erection Of 10 Metre High Monopole With Three Panel Antenna And One Dish Antenna (Approved 01/09/2004)

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

##### **Whaley Bridge Neighbourhood Plan 2024**

WB-E1	Sustainable Design
WB-E3	Natural Environment
WB-E4	Rural and Landscape Character
WB-T1	Transport and Movement

##### **High Peak Local Plan 2016**

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S6	Central Sub-area Strategy
EQ1	Climate Change
EQ2	Landscape Character
EQ3	Rural Development
EQ4	Green Belt Development
EQ5	Biodiversity
EQ6	Design and Place Making
EQ7	Built and Historic Environment
EQ9	Trees, Woodland and Hedgerows
EQ10	Pollution and Unstable Land
CF3	Local Infrastructure Provision
CF6	Accessibility and Transport

##### **Supplementary Planning Documents**

Landscape Character Assessment SPD (2006)  
Design Guide SPD (2018)

##### **National Planning Policy Framework 2023**

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Protecting Green Belt Land	Chapter 13
Meeting the Challenge of Climate Change	Chapter 14
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

#### **6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 29 <sup>th</sup> June 2023
<b>Neighbour letters</b>	Expiry date for comments: 13 <sup>th</sup> June 2023
<b>Press Notice</b>	Expiry date for comments: N/A

## **NEIGHBOURS AND GENERAL PUBLIC**

6.1 10 neutral representations have been received in connection with the application. Some representations are objections sent via the local MP. The issues raised are summarised as follows:

- Increase in traffic will exacerbate existing issues with traffic
- Understand that electricity generated is for outside of County, why does the development have to be here when the electricity is not for here?
- Questioning why it can be right to approve something as large as this in the Green Belt when smaller household extensions are refused?
- Battery Storage can play a vital role in supporting our energy infrastructure and help drive the UK towards climate change and low carbon emissions targets
- Inappropriate development in the Green Belt
- Request for all correspondence between agent and Network Rail to be submitted in the interest of openness and transparency
- Concerns relating to overheating of Battery Storage Units at risk to public health and safety

6.2 208 objections (some of which have are multiple submission from the same individual) have been received in connection with the application. The grounds of concern/objection are summarised as follows:

- Lack of consultation from developer with neighbours
- Does not amount to a renewable energy project
- Benefits would not be felt within the High Peak
- Existing highway network cannot cope with volume of traffic, development with exacerbate this problem
- Marsh Lane not suitable for HGV's
- Battery Storage is not an environmentally friendly solution
- Noise Impacts
- Inappropriate development in the Green Belt – no Very Special Circumstances demonstrated
- Brownfield land should be pursued for this development
- Landscape and Visual adverse impacts – eyesore on landscape
- Not in keeping with local landscape character
- Negative impact on setting of Peak District National Park
- Highway Safety impacts on existing residential driveways
- Negative impact on wildlife and biodiversity
- Environmental and safety impacts – thermal runaway and overheating (fire)
- Proximity to railway line and local rivers, pollution

6.3 26 letters of support have been received in connection with the application. The grounds of support are summarised as follows:

- Energy Storage vital for energy security and decarbonisation and to ensure consistent sustainable and constant supply during peak times
- Visual impacts very limited due to tree cover and hedgerows
- Misleading arguments and facts rife on social media
- Increase in traffic will be negligible and not significant
- Development will generate funds to allow landowner to have more sustainable income for farming business which is currently struggling to provide produce for local shops and community
- Proposals that sustain farming are essential
- Alternatives suggested by locals within the PDNP non-sensical
- Impacts would be limited to the construction phase
- Proposals include significant amount of Biodiversity Enhancement
- Site is very well screened limiting landscape and visual impacts
- Suitable sites are in short supply and this represents a good opportunity to introduce this needed infrastructure
- Scheme is visually unobtrusive due to modest scale of development
- Farm diversification should be supported and encouraged
- Battery Storage capable of storing sufficient power for 10,000 homes which is a significant public benefit
- Proposal represents a fantastic opportunity for the local community

## **CONSULTEES**

6.4 The following comments have been received in connection with this application:

### **New Mills Town Council**

Objects on several grounds:

- Marsh Lane totally unsuitable for large vehicles and has a very narrow access. Construction will therefore cause significant disruption to local residents.
- Significant risk to local environment and residents. Lithium battery storage sites are considered high risk by the Fire and Rescue Service because fires are extremely difficult to put out and can emit poisonous gases when burning.
- Whilst there is no statutory requirement to do so, insufficient engagement between developer and Fire Service has taken place in light of the risks.

- Whilst it is true that the facility will store renewable energy, it is not a green energy project. There will be significant impacts to Green Belt land and on the wider natural environment.

### **Whaley Bridge Town Council Comments**

Supports application subject to issue with Network Rail being resolved.

### **Environment Agency**

No comments to make due to the fact that the site lies within Flood Zone 1 and that no other environmental constraints fall within the remit of the Environment Agency.

### **Network Rail**

#### Initial Comments

The proposal has the potential to impact the stability of the railway and its boundary, which includes the proposed fencing and bund works which could compromise the boundary and its treatments. Network Rail will require an interface with the developer and the application construction works as well as the layout as a permanent arrangement must not impact the railway and its boundary.

- (1) All outside party (OP) fencing must be set back at least 1m from the railway boundary and must be constructed, maintained wholly on the OPs land & this includes foundations.
- (2) NR is concerned that the works for the bund could impact the cutting including loading/pressure on the cutting. NR cannot agree to the bund until further details are provided.
- (3) Excavation/earthworks/piling/scaffolding on site will need to be agreed with NR
- (4) NR are concerned by the proposed planting adjacent to the bund – any vegetation must be in line with the attached matrix.
- (5) The FRA states that infiltration/soakaways are proposed for the site. Soakaways/infiltration systems must not be used within 30m of the railway boundary to ensure that pollution/flooding are not issues for the railway. All surface & foul waters must be drained in the direction away from the railway in closed sealed pipe systems.
- (6) NR will need to agree the ESS fire mitigation measures to ensure no fire risk is imported to the railway & to review the potential for any electro-magnetic interference on railway equipment. ESS equipment on site must not impact railway signalling/comms etc.

(7) RAMS to be reviewed & agreed with NR.

### Further Comments

Network Rail has further comments to add to our submissions.

NR are also objecting to the proposal for the following reasons.

The proposal poses a fire risk if it is constructed there is potential for the management of a fire to leave it until it goes out and given its location that would most likely stop trains for some time, plus the risk of explosion. Then there is also a risk of loadings to our cutting in this location and also drainage and lighting (as we have no design details/ distances etc) so NR need to understand what is being proposed in detail.

There are other questions also i.e. what happens to all the contaminated water in the event of a fire and are there any fire hydrants nearby to supply water the fire service may require; there is also a possibility of EMC issues depending on type of signalling in this location? NR have very scant information from the applicant on these issues .

There is also the issue with the NR bridge TTA1 BR127 at this location and a 7.5t weight limit that is currently not sign posted. The applicant cannot move heavy equipment over this structure ie: 13t excavators on trailers etc, and the porta cabins as NR understand it weigh 6t each without being on a lorry for delivery, there are 43no units as NR understand but the split between BESS (batteries), switchgear and transformers is unknown at present.

NR will need to get further advice from a Fire Engineer regarding the proposal/ design when they start progressing this as we do not have a BAPA (basic asset protection agreement) in place for these works even though it was sent back in January this year.

### Latest Comments

Network Rail is submitting additional comments on this proposal. We have had email discussions with the developer – however, these appear not to have included inclusion of the LPA. In light of the developer comments we would respond to the LPA as follows:

The holding objection remains. The issues NR raised previously remain as the developer will need to provide far more detail than they currently have or are willing to share.

The objection regarding TTA1 BR127 Overbridge use remains; the NR asset protection eng has had a looked at the TMP (Traffic Management Plan) and it appears all construction traffic intend to use this bridge (est. 435 movements or 5/day over 4mths) which currently has a 7.5t environmental weight limit and unfortunately is not in good condition, rated fair to poor, with poor being mostly the structural elements (2016 full exam), so using this bridge for



HGV's, an 80t crane movements, and rigid HGV's etc needs to be avoided unless the developer has a solution which is acceptable to Network Rail. The weak bridge is not mentioned in the TMP.

The main risks; EMC (electro-magnetic) and Fire concerns remain as does the other issues like the new bund to hide the containers, surface water drainage, loadings on the cutting, tree planting and boundary treatments outwith the usual concerns of excavation/ ground works, piling TBC, ground movement, noise, dust etc in close proximity which can/ will be resolved by way of design/ delivery methodology going forward.

At this stage Network Rail cannot accept the proposal as is. Whilst we recognise the LPA have to determine proposals within a statutory deadline, NR would highlight that Network Rail are regulated by the Office of Rail Regulation (ORR) and are obligated under our Network Licence to ensure the safe and efficient operation of the Network to the reasonable satisfaction of railway service providers and funders.

Going forward the applicant must interface directly with the Network Rail asset protection team and submit required documentation to them for review & agreement.

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary.

The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario.

Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker.

The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

## **Environmental Health**

No objection subject to compliance condition controlling noise levels omitting from the site.

## **Derbyshire County Council Highways**

### Initial Response

The highway authority has previously agreed the most suitable routing option for construction traffic to and from the site in pre application discussions with the applicant's agent, that being option one in the submitted transport statement via the A6/A6015/Marsh Lane in and Marsh Lane/A6015/A624 out. However, the site access plans indicate a visibility splay of 2.4m x 43m based on a temporary TRO being in place to reduce the speed limit from 40 mph to 30 mph.

The suitability of the site access to achieve appropriate emerging visibility splays should be assessed on the existing scenario i.e. Marsh Lane being subject to a 40 mph speed limit in the vicinity of the site access and not on a TRO being applied for and introduced. It does appear that visibility splays of 2.4x x 103m, commensurate with a vehicle approach speed of 40 mph, can be achieved albeit with the removal of some vegetation within the highway verge being required.

Can the applicant please submit revised access plans indicating visibility splays of 2.4m x 103m in both directions which can then be conditioned accordingly?

There are no highway issues with the remainder of the application subject to the construction phase being in accordance with the construction management plan (this will require revision in line with the aforementioned comments relating to the 30mph temporary traffic regulation order on Marsh Lane).

On receipt of the revised site access plans, further comments and recommended conditions will be provided.

### Further Response

Further to previous comments and following recent discussion with yourself and the applicant's agent, after further assessment it is considered that the provision of visibility splays of 2.4m x 43m in both directions on Marsh Lane at the site access, as indicated in the CMP and submitted plans, are acceptable with the provision of a TTRO to reduce the existing speed limit from 40 mph to 30 mph.

It is recognised that the application includes a CMP; however, the CMP does not provide full details of such issues such as on site parking arrangements, turning facilities, the storage of materials or workers accommodation and facilities. These details will be required in a revised CMP to ensure that all works required within the site do not spill over on to the adjoining highway.

Based on the above comments and the previous submitted comments, there are no highway objections to the application subject to the following conditions being included in any consent granted:

1. The development hereby approved shall not be brought into use until the access has been provided as shown on the submitted drawings.
2. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be kept free of all obstructions to visibility over 0.6m in height above carriageway level for the duration of the construction phase of the development.
3. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the site clearance/construction period. The plan/statement shall include but not be restricted to:
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
4. The development hereby approved shall not be occupied until any proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.
5. Before any work is commenced upon the development hereby approved representatives of Derbyshire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads within the agreed routing plan to identify existing defects with a further joint survey/inspection being undertaken following completion of the construction phase of the development and with any necessary remedial works being completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale of the inspection.

Please also attach the following advisory note to any consent granted for the information of the applicant:

1. You are advised that a Temporary Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TTRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TTRO process is not straightforward; involving advertisement and consultation of the proposal(s). You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TTRO measures until the TTRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TTRO process until the appropriate fee has been received. To arrange for a TTRO to be processed contact the Highway Authority's Highways Hub via [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

### **HPBC Planning Policy**

Confirmation that the scheme amounts to inappropriate development in the Green Belt and that any Very Special Circumstances associated with the application which includes the benefits associated with the scheme will need to be balanced against the harm to the Green Belt by reason of inappropriateness, any other harm (to openness) and other planning considerations.

### **CPRE**

We do not wish to object outright to this proposal as we are supportive of essential infrastructure to achieve carbon reduction in energy supply.

However, we would wish the Local Planning Authority to absolutely establish if it considers that, in line with NPPF paragraph 151, the scheme is justified as having exceptional need such as to be located in the Green Belt. Secondly, we consider that if the scheme is on balance permitted, more robust additional landscaping is required to reduce any harm to landscape quality and to reduce visual landscape impact.

The proposed energy storage facility is approximately 2.4 hectares in size and is sloped upwards from Marsh Lane, making it somewhat visible for people if the development is not well screened by trees/hedgerows.

Policy EQ2 of the Local Plan sets out the requirements for developments to 'protect, enhance and restore' the landscape character of High Peak. This application would have a biodiversity net gain, but the site may not be very

well screened from Marsh Lane near the proposed entrance and the south the southwestern site boundaries, especially considering the topographic conditions of the site.

The hedgerows and trees there are unable to screen the site from the road. The development only proposed the plantations of six trees to the south of the site facing Marsh Lane, with the rest of the vegetation being existing ones. The site may still be relatively visible in the landscape from the south as the new plantations are insufficient to screen the site as much as possible.

This development could be an important infrastructure for ensuring a stable supply of renewable energy and conserving excessively generated electricity for use when there is a high demand of energy consumption. More hedgerows/trees should be planted to the site boundary facing Marsh Lane to minimise the landscape impacts as its gradient would make the proposed facility relatively visible.

Therefore, we believe if the Local Planning Authority is to decide that this proposal is in accordance with the NPPF, additional landscaping and vegetation should be required to reduce the visual landscape impact and minimise any harm to the quality of the landscape.

### **United Utilities**

No objections subject to conditions.

### **Peak District National Park**

The landscape character type in this Dark Peak Western fringe area of the National Park is classed as Valley Pastures with Industry. This is described as small scale, settled pastoral landscape on undulating lower valley slopes. There are filtered views through scattered hedgerows and dense streamside trees. Stone built terraced housing on lower slopes is associated with historic mills. These are dispersed gritstone farmsteads as well as small clusters of farms with associated dwellings. Pastoral farmland is bounded by hedgerows and drystone walls.

The applicant raises various policy issues in the submitted planning statement and concedes that the scheme represents inappropriate development in the Green Belt. The Planning Statement argues that the automatic harm to Green Belt plus any other harm is outweighed by other considerations.

In relation to landscape impact the Planning Statement explains how the submitted landscape and visual assessment concludes that landscape and visual effects would be localised and limited in nature, and would not affect the setting or the purpose of the Peak District National Park.

It is considered that the LVA under represents the potential visual effects of the scheme. It predicts a low/very low magnitude of effect (which is probably fair) but under assesses the sensitivity of receptors. The sensitivity of

recreational receptors within the National Park should be high, combining this with a low magnitude of effect which may result in a moderate level of effect (rather than the minor effect predicated by the LVA).

It is also considered that the assessment does not adequately consider views from the National Park. Views from higher ground further east should have been used to assess the impact on the protected landscape. It is noted that views are possible from a PRow at approx. 80m higher elevation.

It is noted a landscape plan has not been submitted with this application (detailing species, location, size, tree protection, establishment, maintenance etc.) and this should be required.

### *Conclusion*

Further mitigation is required to reduce the magnitude effect on the National Park, as a protected landscape. This could include increasing the width of the woodland buffer mix on the northern edge of the proposed bund (rolling it over the top of the downslope), potentially increasing the height/slope of the bund where planted (is a 1:3 gradient required in the planted section?) and reducing the gradient in the wildflower seeded section, and additional tree planting on the south eastern section of the site. A detailed landscape plan is also required.

### **HPBC Regeneration**

The proposed development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.

The application will create nil additional employment and as such will not benefit the local economy through employees household spend within the area of employment. The council would benefit from an increase in NNDR from the scheme.

### **Derbyshire Wildlife Trust**

No objections subject to conditions.

### **Stuart Ryder Landscape (on behalf of HPBC)**

HPBC appointed Stuart Ryder Landscape Consultancy to review the application, including the Landscape and Visual Assessment (LVA), and to offer a professional independent opinion on the likely landscape and visual impacts of the scheme and its acceptability having regard to relevant policy considerations.

The full document can be found and read in full on the Council's website.

The key conclusions contained under Section 4.0 (Landscape Effects), Section 5.0 (Visual Effects from Surrounding Areas) and Section 6.0 (Analysis of LVA Conclusions) are summarised as follows:

### Landscape Effects

Site is not designated in any national or local landscape designation, nor does it form the immediate setting to the Peak District National Park. It is however located in the Green Belt.

Proposal will effectively put the central portion of the pasture field into an industrial styled energy complex with repeated units set with a compound area. The south eastern clough will retain its landscape appearance and act as a separating buffer between the proposals and the existing Ladypit Road substation

The more important landscape effects derive from how the site relates to and is perceived with the landscape context around the site.

The strong existing tree line to the north-east (railway side) of the site means that the site and these proposals would have no effects on the landscape character to the north east as they will sit below the existing tree line as long as it is protected during the installation of the proposals.

To the south east the proposed bund could appear highly artificial in the landscape without the benefit or more sensitive land forming and disguising the raised edge of the central compound with tree and scrub cover. The current block of native woodland and scrub planting appears angular in shape and would better ameliorate the change in topography by being more naturally shaped and running down the bunded landform.

Continuing to the south east the native hedgerow to the top of the clough appears a sensible proposal and a good way of defining the small valley and adding further screening. Additional hedgerow trees in its length would better its ecological and screening value and scenic appeal.

To the south west the most notable landscape features which is the Marsh Lane outgrown hedgerow is retained in full with the exception of felling near the site entrance. This will have the effect of opening up the site entrance visually and needs to be mitigated with replacement planting and downplaying the appearance of a large power infrastructure facility beyond the boundary. The presence of security fencing should be downplayed with screen planting and possibly retreating it into the site with more agricultural scaled gates positioned where the existing field gates sit. Painting security fencing a dark colour and fronting or backing it scrub vegetation would limit its adverse appearance within the landscape.

The giveaway in landscape terms that there is a power facility within the field will be the DNO Customer substation set near the site entrance and a

possibility to see up the short, straight access track to the top of clusters set at the end of the track. The DNO Customer substation would appear utilitarian and out of character with the pasture field and surrounding buildings and could receive better and more appropriate architectural detailing so it appears more in keeping. It would also benefit from low screen planting as would the clusters aligned at the top of the short access track where small scrub blocks or a limited hedge length would not affect operational clear space around the units.

Further south west the landscape character of the Goyt Valley would be unaffected given the robust hedge and tree line along the site's boundary to Marsh Lane as long as it is protected during construction and the entrance break is mitigated with new planting.

In considering the acoustic fence its appearance, height and uniformity has the potential for considerable visual and landscape character impacts creating an artificial enclosure within a rural landscape. Screening the presence of the noise attenuation fence is critical. The railway tree line to the north east and ultimately the bund planting to the south east will screen out the presence of the 4m tall fence. However, there is the potential to see it to the north west corner of the site through the Marsh Lane tree line and this pointed corner of the site would benefit from more screen planting to ensure this does not happen.

The landscape character of the Peak District National Park to both east and west of the site is not affected by the proposals.

There are no notable landscape benefits from the proposals but nor are there any wider adverse landscape effects beyond the immediate context to the site. With BESS developments it is sometimes useful to consider what the landscape legacy would be on their removal and plan for the remediation of the site after they have ceased operation.

The additional trees and hedgerow would continue to grow after the site's licence duration. Whether the central development plateau is removed along with the bund that holds it in place can be a matter to be decided at the time depending on the quality of the established woodland. Proposals for secondary uses, say transport or storage hubs, should be resisted as its primary purpose is to return to a rural field after the temporary use.

### Visual Effects

Of the eight receptor groups as listed under Section 5 there are three that have the greatest potential for visual change, as assessed below:

#### *Marsh Lane road users*

Predominately motorists using this relatively busy cut through from New Mills to Furness Vale, and also forms part of the Pennine Cycleway.



When travelling in a southerly direction (from New Mills) the site is first experienced after crossing the railway bridge where it is passed to the left. There is outgrown hedge/scrub line and behind that there is a low stone wall grown over with ivy. Given the stroboscopic effect of travelling past vegetation at speed an appreciation of the open field to the left of the road can be built up even though the view is not clear and open. This would allow sight of the 4m high noise attenuation fence.

Travelling further down the lane the existing layby is reached that is proposed as the site entrance. An appreciation of the proposals and the sense of separate units placed on the land to the left of the road will be gained by looking up the site access. Once past access the distance between the road corridor and the development compound increases as does the level difference and amount of intervening vegetation. These all combine to make it unlikely that the proposals will be visible from Marsh Lane once south east of the site access.

Travelling northwards from Furness Vale the viewing experience is reversed with no anticipated views into the site until the access is reached and then partial, screened views up to the railway bridge and then road users would have passed the development and have it behind them.

The group of people will experience the largest visual change of all the visual receptors considered however it is a moving (kinetic view) never fully open and is taken in snippets. The sense of development will increase with leaf fall but will not become open, or complete.

#### *Footpath New Mills FP156 users*

Users on a north-south route pass the Ladypit Road Sub-Station and are able to look north west over the clough at the south end of the site towards the development platform. They would have the greatest sense of change during the construction period with the bund construction being plain to see. In operation the noise attenuation fence would be clearly visible set to the south east end of the platform until planting on the bund matures and starts to screen the solid fencing behind.

#### *Footpath Whaley Bridge FP92 users*

Users walking at a similar elevation to the site have the opportunity to look directly across the valley at a distance of approximately 2km to see both Ladypit Road and Sub-Station and its radiating pylons and the site set to the west (left) of the view. As this is an elevated view, the tree screening along Marsh Lane is not as effective at screening sight to the open ground in the middle of the field.

The regular patterns of units in their clusters will be visible until greater planting occurs on the site. Users of these paths are typically recreational walkers and have a high sensitivity to change within their views. It will be regularity and frequency of unit size possible combined with visually bridge

colours e.g. white to aid solar heat reflection that will make the site elements notable in the view.

### Analysis of LVA Conclusions

#### *LVA Conclusion:*

The proposals will adversely alter the physical and perceptual attributes of the site. This is judged as Moderate long-term effect.

#### *Response:*

I agree with the first part of the Statement. However, I consider the change to be Major/Moderate adverse long term landscape effect on site character for the central development platform area and a lesser Moderate/Minor adverse for the clough end with the new bund positioned above it.

#### *LVA Conclusion:*

Settled Valley Pastures Landscape Character Type (LCT) and Pastures with Industry LCT both unaffected by small scale of proposals.

#### *Response:*

Agree the proposals are small in scale when compared to the LCT total area but it should be remembered that an LCT is not the same as a Landscape Character Area (LCA) that displays the LCT's characteristics.

#### *LVA Conclusion:*

Site linkages – very limited or no effects on the LCT's in proximity.

#### *Response:*

Agreed

#### *LVA Conclusion:*

Landform – there would be notable change to landform on site to accommodate development. This is a Moderate, temporary, adverse effect that would reduce to Minor in the longer term

#### *Response:*

A Moderate, adverse effect to the site's landform is considered as a fair assessment but it is judged as a permanent effect until it is removed on remediation of the site after it has ceased operation. The flat platform on the side of a valley, combined with artificially uniformed gradients will remain at odds with the wider and localised landform.

*LVA Conclusion:*

Land Use – change from an agricultural field to an operational energy storage facility. A Moderate, adverse level of effect is predicted in the longer term.

*Response:*

Agree that the proposals would alter the land use character as described and agree that this is a Moderate adverse sense of land use change for the longer term. It would be a higher sense of change if it was not for the local precedent of the Ladypit Road Sub-Station.

*LVA Conclusion:*

Landscape Features – limited areas of clearance for access but wider planting proposals would enhance landscape structure giving rise to landscape and wildlife benefits.

*Response:*

Agree that the site would have a greater degree of vegetation with the proposals and it would be more ecologically diverse. The perception of this planting improvement would be local to the site and in part necessary to screen the noise attenuation barrier.

*LVA Conclusion:*

Visual Receptors – sought to integrate and minimise harmful effects through retention and addition to trees and hedges on site.

*Response:*

Agree but there is little benefit to clearing boundary vegetation on a sloping site where development is not proposed. The new planting is the primary source of additional screening and should be added to further at the entrance and to the north of the site.

*LVA Conclusion:*

Visual Receptors (Marsh Lane) – A single Moderate to Major adverse effect in the short term for views at the site entrance and no greater than Moderate adverse for other stretches of the route running past the site.

*Response:*

Agree, this appears as a fair assessment as it has identified that there will be a greater degree of visibility at the site entrance. However, what the LVA does not explain is what mitigation proposals can be achieved to reduce the adverse effects and typically the design proposals would be amended to seek reduction of the harmful effects.

*LVA Conclusion:*

Visual Receptors (New Mills FP156) – Limited part of path would experience Moderate adverse and short term change to their views with filtering occurring in the long term.

*Response:*

Agree that the visual effect on views from the section of FP156 is reasonably assessed as a Moderate adverse effect and I would consider given the opportunity and depth of possible planting to the south east that the proposed development could be totally screened within an estimated 8 to 12 years.

*LVA Conclusion:*

Visual Receptors (Footpaths near The Hague and above Buxton Road) – Limited part of paths would experience Moderate adverse and short term change to their panoramic views reducing to Moderate/Minor adverse with filtering from planting.

*Response:*

Agree that this is a reasonable assessment noting the elevated nature and panoramic scale of the view and association with the existing sub-station. The effect is more likely to be notable in winter when the planting around the site provides less screening benefit.

*LVA Conclusion:*

Visual Receptors (General) – Other receptors are mostly considered to experience Moderate to Minor adverse effects

*Response:*

Having reviewed the assessment tables to see who these other receptors are I think the lower assessment of visual change is a reasonable one.

*LVA Conclusion:*

Effects on National Park – Due to very limited landscape and visual effects recorded within and adjacent to the PDNP it is concluded that the proposals do not affect the setting or purpose of the National Park.

*Response:*

Agreed, given difficulty in discerning the site from the edge of the PDNP and the lack of a role in the setting to the Park.

*LVA Conclusion:*

Conclusion - Any effects on landscape character would be confined to the site itself and the surrounding local area. Visual effects reduced by the proposed mitigation planting and no adverse effects on the PDNP.

*Response:*

Agree that the landscape effects are primarily local and that the mitigation planting will reduce but not remove all visual effects whilst looking at the site from Marsh Lane and from the other side of the Goyt Valley. As stated at 9.13 the landscape and visual qualities of the PDNP and its setting are not altered by these proposals.

Agree that landscape effects would be localised in nature but visual effects from the opposite side of the valley cannot be classed as localised.

#### Further Response

At the request of Officers, a Detailed Landscaping Scheme prepared by Pegasus Group Ltd was submitted by the applicant in September 2024, and was forwarded to Stuart Ryder for further comment, which was duly provided in October.

Section 6.0 contains a table which summarises comments made by the applicant, and assessment/analysis of these comments by Stuart Ryder. These comments can be read in full online on the Council's planning portal, as per the link provided above under Paragraph 3.20.

The overall conclusions as stated by the applicant, and assessed by Stuart Ryder, are set out in full below:

#### ***Applicant Conclusion***

*Any effects on landscape character would be confined to the Site itself and the surrounding local area. Visual effects reduced by the proposed mitigation planting and no adverse effects on PDNP.*

#### ***Stuart Ryder Response***

*Agree that the landscape effects are primarily local and that the mitigation planting will reduce but not remove all visual effects whilst looking at the Site from Marsh Lane and from the other side of the Goyt Valley. As stated at 9.13 the landscape and visual qualities of the PDNP and its setting are not altered by these proposals.*

*Agree that landscape effects would be localised in nature but visual effects from the opposite side of the valley cannot be classed as localised.*

Section 7.0 of the updated response from Stuart Ryder contains an assessment of the landscaping proposals submitted in September 2024, which are presented as follows:

No.	Topic Area and Comment
1	<b>North west wooded corner</b> – Positive addition to planting proposals to screen acoustic fencing mass in views from Marsh Lane.
2	<b>Marsh Lane vegetative edge planting</b> – It is a positive to see planting to fill any gaps in the boundary but the chosen species must be shade tolerant as establishing a hedge under existing canopies is slow and difficult to achieve. A different hedgerow mix is suggested.
3	<b>Higher content evergreen hedge</b> – welcomed to provide more screening near the site entrance
4	<b>Gated access and DNO sub-station building</b> – The site access gate still needs to be illustrated to understand its appearance and the DNO building still appears ubiquitous and uncharacteristic in form set at a visible part of the Site. Better cladding, pitched roof and removal of the gantry walkway would all go some way to improving its architectural appearance.
5	<b>Painting of palisade fence</b> – in black or dark green is welcomed.
6	<b>Bund planting</b> – the planting on the bund is welcomed but a more natural curved shape to the south east is recommended to assist in the assimilation of the proposed bund landform into the wider landscape.
7	<b>Acoustic fence</b> – the details provided a ‘de-minimum’ and its final appearance cannot be judged from them. Does the fence at 4.0m high require steel I-Beam posts? These can give a stripped look to a fence if not clad adding notability and possibly reflectivity to them in views.
8	<b>New native hedgerow</b> – Still considered a positive landscape feature and useful in building up layers of screening to the south east of the Site.
9	<b>Marsh Lane vegetative edge planting</b> – good to augment but need to be shade tolerant species. The root protection area of this block of existing trees and scrub needs to be carefully established and protected to prevent damage by the installation of the supply cable run to the Site.
10	<b>Tree and Native Woodland Mixes</b> – in agreement with them, the addition of native Black Poplars could add further diversity and BNG value.
11	<b>Goat Willow in the native hedge mix</b> – Salix caprea is very fast growing which is good from a screening point of view but could dominate some of the slower growing species, possibly reduce from 20% to 10% or less modifying the mix to suit.

No.	Topic Area and Comment
12	<b>Bund design information</b> – remains lacking and only indicative on what are meant to be Full Planning Application drawings. I recognise the uncertainty about the amount of fill material that may be generated from Site but as it is an important screening element to the SE of the BESS its final form should be defined in terms of plan form, curved profile, crest width, spot heights and safe access onto and off it for grass cutting machinery.
13	<b>BS Topsoil reference</b> – initially marked as missing but then seen in the drawing notes.
14	<b>Tree pit depth</b> – a 900mm tree pit is too deep. Planting techniques have moved away from placing a lot of organic topsoil/compost material under a rootball as it leads to drainage issue, soil souring and tree death particularly in an upland setting such as this where rainfall quantities are high. Better to have a tree pit that is shallower to accommodate rootball depths up to the planting collar but not excessive.
15	<b>Hedgerow mulch</b> – given the maintenance difficulty of weeding a thorny hedgeline it is recommended that a barrier mulch is laid under the bark mulch. 300m wide rolls of permeable barrier mulch can be used between and either sides of the planting lines.
16	<b>Shrub guards</b> – broader shrub guards will be required for the evergreen holly stock as they do not take well constrained in a tree shelter or spiral tube.
17	<b>Rabbit proof fencing</b> – is considered a positive planting investment but deer proof fencing may be required for the larger woodland blocks – what is the deer population like in the area?
18	<b>Meadow seed mix (as specified)</b> – this is not yet specified. I have seen the key reference to tussock grassland to ecologist's specification, but no suggested mix or supplier – this just needs to be confirmed.
19	<b>All hedgelines maintained to 3.0m</b> – do you mean existing hedgelines as the newly planted hedges would not be approaching 3.0m in the first 5 years.
20	<b>Meadow grass areas</b> – what happens to arisings from annual cut
21	<b>Cutting tussock grass</b> – some tussock grass mixes recommend a bi-annual cut rather than annually to give the grass species a chance to form tussocks.

The updated response concludes with suggested Planning Conditions as follows:

1. That full material and colour choices are required for the BESS equipment and fenestration at the Site with particular attention paid to

detailing of the DNO Customer Sub-station and the general entrance area where the greatest opportunity to see into and appreciate the development is taken. *Reason – To ensure that the proposals have the greatest opportunity to assimilate with the local landscape and be visually recessive when viewed from more distant locations.*

2. Confirmation of all earthworks through the provision of an earth modelling plans and sections are provided to and agreed with the Local Planning Authority along with a Materials Management Plan produced by a suitably qualified Geotechnical Engineer including the source of material to ensure that the bunding associated with the central development platform is assimilated into the local landform, is structurally stable set on its valley side location, can receive tree and scrub planting and be safely maintained. *Reason – To ensure stability of earthworks and assimilation of the feature into the local landscape.*
3. That a detailed hard and soft landscape mitigation scheme, including plant and material schedules are submitted for consideration. *Reason – to ensure that the proposals maintain the boundary character and respect the neighbouring landscape.*
4. The soft landscape proposals should be implemented in the first growing season after the project has commenced and replacement of dead, diseased or dying stock should be undertaken in accordance with a Landscape Management and Maintenance Plan for a minimum period of 10 years. *Reason – to ensure the quality of the landscape mitigation measures and appropriate maintenance until they become effective.*
5. That no tree felling is undertaken on , or excavation within root protection areas, without the express written agreement of High Peak Borough Council's Arboricultural Officer and after consideration of tree sensitive construction processes – *Reason to protect the mature tree and hedge stock that contributes to the local landscape.*
6. That a Landscape Management and Maintenance Plan (LMMP) is prepared for implementation by the site owners / tenants / operators for the full operational life of the development and that an arrangement for continuation of the LMMP by any future owners is entered into – *Reason – to reflect the importance of the soft landscape mitigation proposals for the local landscape character.*
7. Low light level scheme – *Reason – to reduce the intrusive nature of lighting in the rural landscape in the hours of darkness.*
8. That a schedule of works activities in the form of a site restoration plan is produced to explain the removal of the battery storage facilities,



transformers, ancillary equipment, fenestration surfaces and tracks as part of full restoration of the Site back to pasture fields is submitted for agreement with SMDC prior to the Site becoming operational – *Reason to protect local landscape character and rural amenity on the cessation of use as a power storage park.*

### Latest Reponse

Further to updated comments from Stuart Ryder in October 2024, an updated Detailed Landscaping Scheme was submitted by the applicant at the request of Officers, received on 4<sup>th</sup> November, further comments have been received (11<sup>th</sup> November) that state the following:

The applicant has responded to the design modifications in such a way that the proposals are now more appropriate for the location. I consider the proposals are achievable and enforceable through suitably worded conditions similar to those listed in my previous response dated 25/10/24.

Two areas that I highlight as benefitting from specific citation within any conditions you apply if you are minded to grant planning permission are as follows:

1. The form, facing and roofing materials for the DNO Sub-Station require detail design to produce a small building that appears in keeping with traditional building styles and materials with the area
2. That the formation of the hedgerows under or adjacent to existing or proposed tree planting is given elevated levels of care and monitoring in the Landscape and Environmental Management Plan (LEMP) or equivalent to ensure successful establishment and ongoing screening benefits.

### **Arboricultural Officer**

No objection.

The supplied tree report and mitigation plans are all good quality and confirm that the development will lead to a negative impact on tree cover in this location. The proposed tree planting, woodland and hedgerow creation will more than make up the loss of two trees and will result in additional benefits going forward.

### **DCC Flood Risk Team**

#### Initial Response:

We are unable to provide an informed comment until the applicant has provided further information:

- The applicant should demonstrate consideration of above ground conveyance and attenuation options for the drainage scheme.

- Clarification of what the permeable area of 0.147 ha is made up of.

#### Further Response:

Further to clarification by the applicant no objections subject to pre-commencement drainage condition

#### **Derbyshire Fire and Rescue Service**

No objection.

Recommends that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site. Reference to guidance document published by National Fire Chiefs Council for 'Grid Scale Battery Energy Storage System' (Nov 2022).

Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.

To assist developers, responsible persons and Fire and Rescue Services with the requirements of BESS sites, the NFCC have produced a guidance document which can be found at <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>. This guidance gives advice on how to reduce the risk of fire and fire spread and the requirements for firefighting purposes.

Once the site is near to completion, DFRS must be notified, and arrangements made with us, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information.

## **7. PRINCIPLE OF DEVELOPMENT**

### **Introduction**

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless

there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016 and the Whaley Bridge Neighbourhood Plan 2022-2032.

- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained at paragraph 11 of the NPPF.

### **Background**

- 7.5 The application seeks full planning permission for the construction and installation of an Energy Storage System (ESS), which is a facility used to harness and store energy at times where there is an excessive supply at the New Mills Substation. Excess energy is then transmitted back to the national grid via the substation when there is insufficient supply to meet demand. The electricity to be stored at this site would be diverted back to the National Grid and is not for any specific region or town. The expected lifespan of this development is 35 years, which would be decommissioning after this time, returning the land to its former condition.
- 7.6 The motivation and justification for the proposed development is informed by a legally binding target by the UK Government to fully decarbonising the National Grid by 2035. Energy Storage Systems are a crucial part of the overall strategy to reach and achieve this target, allowing energy demand to be balanced and greater flexibility delivered in the supply of electricity.
- 7.7 ESS also provide what are often referred to as 'ancillary services' to the network, which work in a similar way, but with additional benefits. One example is to provide 'frequency response' services. In order for the electricity network to operate efficiently, the grid needs to maintain a narrow frequency rate with limited variation, deviating as little as possible.

- 7.8 That frequency is affected by shifts in electricity demand across the network. Having the ability to store energy at specific times, on demand, means that electricity can be taken on and off the network, keeping the wider system stable, in turn reducing the risk of system failure and potential power cuts.
- 7.9 The project has been subject to a systematic and comprehensive site selection process, which is set out in detail within the 'Alternative Site Search Assessment' document submitted with the application.
- 7.10 To summarise, the site selection process compromised an initial exercise to consider the grid capacity associated with substations within the local distribution network. As detailed within the submission, supported by relevant maps and figures, it has been identified that the only substation within the local distribution network with grid capacity is the New Mills substation.
- 7.11 Having established that the only substation that has capacity to accommodate an ESS within the local distribution network, and discounting sites within the Peak District National Park, due to its landscape designation and heightened sensitivity, the site selection process considered all potential sites within a 1km radius of that substation. It is understood that a connection greater than 1km from the substation is not viable or feasible, both financially or practically.
- 7.12 Site selection considered all potential sites within the existing urban area. Searches were carried out using the Council's Brownfield Register and reviewing emerging evidence through the Local Plan process which includes the Strategic Housing Land Availability Assessment and the Employment Land Availability Assessment.
- 7.13 This search through a detailed methodology reveals that there are no deliverable sites within the urban area within a distance of 1km from the New Mills Substation. This is primarily due to the fact that the urban areas are residential in nature and other physical constraints including the River Goyt and Manchester-Sheffield railway line.
- 7.14 Four sites within the urban area were identified within the Furness Vale settlement, three of which are associated with the Goyt Valley Industrial Estate and the remaining site located at the Knowle Industrial Estate. However, the agent submits that following feasibility studies, no sites are available to purchase, and in any event are not deliverable due to the cost of laying associated cables to connect the New Mills Substation.
- 7.15 Having identified that no sites exist within the urban area within a 1km radius of the New Mills Substation, the site selection process then moved towards other sites that are located in rural areas and those which are available.

- 7.16 All greenfield sites within a 1km radius of the Substation are located within the Green Belt, on sites that are not located within Flood Zones 2 and 3 associated with the River Goyt.
- 7.17 The site selection process carried out by the applicant has concluded that this site represents the only viable deliverable option for introducing an ESS within a 1km radius of the New Mills Substation, and would result in the least possible landscape and visual impact.

### **Principle of Development**

- 7.18 The application seeks full planning permission for an Energy Storage Solution scheme (ESS) (i.e. strategic infrastructure to support the national grid) on a site that lies outside of the built-up area boundary of any town or village, in the open countryside, and in the Green Belt.
- 7.19 Local Plan (LP) Policy EQ1 requires new development to contribute to achieving national targets to reduced greenhouse gas emissions and supports the move towards a more sustainable renewable energy supply.
- 7.20 LP Policy CF3 relates to local infrastructure provision and supports the provision of strategic enhancement of the energy and utilities network.
- 7.21 Chapter 14 of the NPPF contains relevant policies aimed at responding to the challenge of climate change. Paragraph 164 requires local authorities to give significant weight to the need to support energy efficiency in determining applications.
- 7.22 Having regard to comments from the Council's internal Planning Policy Team and contrary to some comments made by members of the public, it is important to clarify that the proposed development, whilst not responsible directly for renewable energy generation, forms a crucial part of the renewable energy infrastructure portfolio, both regionally and nationally. Electricity stored at this site will be transmitted to the National Grid, and diverted as appropriate, and will not be allocated or ringfenced for specific towns or regions. As a consequence, the application complies with the strategic aims and objectives set out under LP Policies EQ1 and CF3, and relevant paragraphs contained under Chapter 14 of the NPPF.
- 7.23 The application site is located within the Open Countryside and the Green Belt and thus the application is subject to LP Policies EQ3 and EQ4, which relate to rural development proposals and the Green Belt respectively.
- 7.24 LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

- 7.25 LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policies, contained under Chapter 13 of the NPPF.
- 7.26 As such, the principle of development can only be supported where the application is found to comply with these policies, or, where conflict arises, that as a result of a planning balance, the benefits associated with the proposal outweighs any identified harm, notwithstanding all other material planning considerations.

### **Green Belt**

- 7.27 Paragraph 142 highlights that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.28 Paragraph 152 of the NPPF states that 'inappropriate development' is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.29 Paragraphs 154 and 155 of the NPPF set out the instances whereby new buildings and other forms of development are not 'inappropriate' (and thus acceptable in principle).
- 7.30 An assessment of the application confirms that the proposed development fails to meet any of the exceptions set out under paragraphs 154 and 155 of the NPPF and as a consequence amounts to 'inappropriate development' in the Green Belt. Paragraph 156 identifies that elements of renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 7.31 As such, the applicant is required to demonstrate the Very Special Circumstances to outweigh the substantial harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt, which equates to any harm to the openness of the Green Belt. The term 'openness' has been established as a matter of legal judgement to have a spatial and a visual element.

- 7.32 With regards to the spatial aspect of openness, there would be moderate degree of harm, by virtue of introducing built development on a site which is situated in a relatively isolated location in relation to other existing built development, on a site that currently displays no development.
- 7.33 Similarly, there is considered to be a degree of harm to the visual aspect of openness, by virtue of introducing built development to a greenfield site that is currently undeveloped. However, the degree of harm is considered to be limited given the fact that the scale and height of the structural elements of development are modest, and that the site benefits from strong boundary treatment and natural vegetation, which would be further enhanced through landscaping and biodiversity enhancement.
- 7.34 In a recent Appeal Decision for similar development on a site near Werrington, near Stoke-on-Trent (Appeal Ref: APP/B3438/W/23/3335922) the Inspector concluded the following at Paragraph 13 of the Appeal Decision:

*13. The limited amount of short-term spatial and visual harm to Green Belt openness due to the relatively temporary nature of the proposed scheme would only be experienced from a very small part of the overall Green Belt area. This harm would be increasingly addressed by the substantial mitigation measures and enhancements incorporated into the development and completely addressed when the development would be removed at the end of its operational life (35 years).*

The Inspector went on to state the following at Paragraph 14:

*14. Nonetheless, taking all relevant evidence into account, whilst the impact on openness would be mitigated to some extent, and increasingly over time, by the proposed enhancements, inevitably some limited harm to openness would ensue from the scheme. Accordingly, substantial weight must be attributed overall to Green Belt harm in accordance with Paragraph 153 of the Framework. Therefore, as the proposal is inappropriate development, the development of Very Special Circumstances (VSC) that would outweigh the totality of the Green Belt and non-Green Belt harm is required for the scheme to be acceptable.*

- 7.35 Whilst this appeal relates to a different scheme, Officers take the view that similarities are present by virtue of the degree of harm to the spatial and visual aspects of openness, and that these would be mitigated to some degree, improving over time, by way of securing a detailed Landscaping Scheme and by recommended planning conditions. Nevertheless, even with such mitigation, the harm to the

openness of the Green Belt remains, and the scheme therefore constitutes 'inappropriate development' in the Green Belt.

- 7.36 This harm must be balanced against Very Special Circumstances, which are presented and assessed within the 'Planning Balance and Conclusions' section.

## **8. MATERIAL PLANNING CONSIDERATIONS**

### **Design, Landscape and Visual Impacts**

- 8.1 Whaley Bridge Neighbourhood Plan (WBNP) Policy WB-E1 contains a list of sustainable design principles, which amongst other things require development to complement the character and topography of a site and incorporate high quality and well-functioning green infrastructure.
- 8.2 WBNP Policy WB-E4 refers to rural and landscape character, and states that development proposals should adhere to the following:
- Boundary treatments should complement the rural character of the area with support given to boundary treatments comprising native species hedges
  - New buildings on the edge of settlements should include landscaping and natural boundary treatments to create a soft transition between the built and rural areas
  - Development should take account of the area's topography and avoid harmful visual impacts on the wider rural area, taking account of long distance views as specified within the Plan
  - Development must preserve or enhance and not harm the rural and open landscape character within the Peak District National Park and its setting
- 8.3 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 8.4 LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.



- 8.5 LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.
- 8.6 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 8.7 The Landscape Character Assessment SPD (2006) provides useful guidance for rural developments and to ensure that due regard is had to the specific context of the site and surrounding landscape. The SPD identifies that the site is located within the 'Settled Valley Pastures' Landscape Character Area.
- 8.8 The Design Guide SPD (2018) contains useful guidance as to how to secure a high quality design that responds to and respects the immediate and wider rural context of a site. Paragraph 3.2 states that in the countryside or on the edge of settlements, buildings should sit comfortably in the landscape.
- 8.9 Paragraph 135 of the NPPF states amongst other matters that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.
- 8.10 Paragraph 180 of the NPPF states that policies and decisions should enhance the natural and local environment by (amongst other things) 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;
- 8.11 Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
- 8.12 A number of objections have been received on the grounds of the adverse harm to the landscape and rural character of the site and to the setting of the Peak District National Park. Conversely, a letter of support point to the limited scale of the proposed development and that the site benefits from being well screened by mature trees and natural vegetation.
- 8.13 The existing site comprises an undulating sloping greenfield site that is bounded by the public highway (Marsh Lane) to the west and the Sheffield-Manchester railway line to the east. A site visit, including to the nearby footpaths, confirms that the site is indeed well screened by mature trees and natural vegetation, and benefits from existing strong boundary treatment.

- 8.14 Whilst it is fully acknowledged that the site has a degree of sensitivity to change, it is considered that the sensitivity of the site with regards to landscape and visual impact, is lower than other more exposed and elevated locations outside of the built-up area boundary in the open countryside.
- 8.15 Turning firstly to the aspects of development within the site, there would be 6no. clusters of 6 x Battery Storage Units (36no. units in total) configured in a formation with four units sitting in a row orientated in a north-west – south-east direction, flanked by two units on each side orientated parallel. Each unit would have a height of 3 metres.
- 8.15 A single DNO Substation unit would be situated a short distance from the site entrance, with a ‘Y’ shaped internal access track providing access for maintenance vehicles.
- 8.16 The more sensitive eastern part of the site is characterised a bund which has an approximate height of 3m, and has a length consistent with the internal operations including the battery storage containers located within the site.
- 8.17 The above aspects of development are contained by a 4m acoustic fence.
- 8.18 Taken in its own right, the aspects of built development are of a modest scale and height. There can be no doubt however that as reference by the detailed and comprehensive response from Stuart Ryder Landscape on behalf of HPBC, that some degree of harm will inevitably occur as a result of introducing development to a greenfield site.
- 8.19 In response to these detailed comments, Officers have sought more thorough and comprehensive Detailed Landscaping Proposals prior to determination, in order to fully assess the likely impacts and balance any landscape harm against the public benefits associated with the overall scheme. The latest Landscaping Proposals show a comprehensive and detailed planting schedule which will mature over time, and will provide much needed screening, particularly to the more open eastern end of the site.
- 8.20 The latest Detailed Landscaping Proposals have been reviewed by Stuart Ryder Landscape, again on behalf of HPBC, and concluded that on balance the scheme can be made acceptable in landscape terms, subject to a schedule of planning conditions.
- 8.21 Whilst a revised landscaping scheme has been submitted which significantly enhances the planting and screening bordering the site, the design of the substation remains unaltered. In line with recommendations from Stuart Ryder, it is considered that a condition

that secures the appearance of the substation includes materials and colour is applied.

- 8.22 Similarly, whilst additional planting has been incorporated into the final landscaping scheme which has been found to be acceptable by Stuart Ryder, the shape and steepness of the bund to the east of the site remains unchanged. It is considered that owing to the additional planting, and that this bund will be read in conjunction with a large degree of both existing and proposed trees and other natural vegetation, the lack of revision to the bunding does not represent cause for concern with regards to its overall impact on the immediate and wider rural landscape.
- 8.23 The latest (enhanced) landscaping proposals respond positively to Stuart Ryder's initial concerns with regards to screening the presence of the noise attenuation fence and potential visuals from nearby receptors north-west of the site, most notably the public footpath heading northwards from Marsh Lane a short distance beyond the railway bridge.
- 8.24 The expected lifespan of this development is 35 years, and, as stated within the supporting Transport Assessment and Construction Management Plan (CMP), the applicant has confirmed that they anticipate suitably worded conditions that require a Decommissioning Strategy to be in place prior to commencement of development.
- 8.25 Such a condition will ensure that the site is returned to its natural state after the development has ceased, and, given that the landscaping to be introduced will have matured considerably in that time, is considered to appropriately mitigate what is essentially a temporary landscape impact, albeit over a long period of time.
- 8.26 Comments from the Peak National Park and the CPRE are acknowledged. Given that the Park is located some 1.2km from the site at its closest point, and when allowing for the extensive landscaping and biodiversity enhancement surrounding the proposed built development, Officers concur with Stuart Ryder Landscape's view that the landscape and visual impacts are confined to the site and its immediate local area and that there would be no any adverse impacts to the setting of the Peak District National Park.
- 8.27 With regards to landscape and visual impacts, Officers accept that whilst views of the development would be limited, owing to the existing strong boundary treatment, the modest scale and height of proposed plant and hard standing, and extensive proposed landscaping, there will inevitably be some degree of adverse impact from Marsh Lane, Dolly Lane and from nearby public footpaths in more elevated locations to the north and north-east, but importantly, this harm will be mitigated by some degree by virtue of securing Detailed Landscaping Proposals.

8.28 It is nevertheless considered that the adverse landscape and visual impacts that exist, even with proposed mitigation, amount to conflict with WBNP Policy WB-EN1 and WB-EN4, LP Policies S1, EQ2, EQ3 and EQ6. This identified harm will, with other identified harm, be weighed against the public benefits of the scheme, in the overall planning balance, contained at towards the end of this report.

### **Amenity**

8.29 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes the residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

8.30 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

8.31 Paragraph 191 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse noise impacts, and limit the impact of light pollution from artificial light on local amenity.

8.32 Public objections have been received which raise matters of public amenity and health and safety as cause for concern. These include potential noise impacts emitting from the proposed battery storage units, the overheating of units and potential for fire, and increased risk to members of the public resulting from increase in volume of traffic.

8.33 The nearest residential properties to the site are located on Marsh Lane, with the nearest being Gow Hole Farmhouse to the south east, positioned some 100m from the nearest battery storage unit. A row of three properties (Nos. 3, 5 and 7 Carr View Cottages) are situated a short distance beyond the railway bridge to the north-west, some 200m from the nearest battery storage unit.

8.34 The public footpath (HP19/158/1) that runs northwards from Marsh Lane on the northern side of the railway bridge lies approximately 95m from the nearest battery storage unit.

- 8.35 The application comprises a series of Battery Storage Units that are contained within a 3m palisade fence, and in addition, a 4m noise acoustic fence, in order to ensure that no adverse noise impacts emanate from the development.
- 8.36 The application is supported by a Noise Assessment, which together with the Site Layout and all other plans, has been reviewed by the Council's Environmental Health Officer. The submitted noise assessment considers the potential of noise arising from plant associated with the development, with respect to existing noise levels and with the presence of the proposed 4m high acoustic fence. It concludes that noise levels will not exceed background levels and consequently the development will not compromise the amenity of local residents. The EHO has reviewed the submitted details and raises no objection subject to the imposition of a condition to ensure that the plant and associated machinery do not exceed acceptable levels during both daytime and night time. With respect to the concerns raised about fire risk, this matter is considered at 8.91 of this report.
- 8.37 As such, Officers consider that when taking account of the nature of the proposed development, the distance to nearest sensitive receptors, the provision of suitable mitigation measures to mitigate noise impacts, and comments from Environmental Health, there will not be any adverse impacts to either public or residential amenity, in accordance with LP Policies EQ6 and EQ10, and relevant paragraphs contained under Chapter 15 of the NPPF.

## **Trees**

- 8.38 LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.
- 8.39 The application is supported by a comprehensive Landscaping Enhancement Strategy, a Tree Constraints Plan, and an Arboricultural Method Statement, prepared having regard to the Topographical Survey and Proposed Site Plan.
- 8.40 The Tree Survey has identified 40 individual trees on site, and 12 groups of trees, categorised as: 'A' - highest quality, value; 'B' - moderate quality, value; 'C' - lower quality and value; and 'U' - trees that are in poor condition having no retention value. The plans show that two individual trees (T30 Sycamore - Category 'B' & T31 Ash - Category 'C') are to be removed.
- 8.41 The latest detailed landscaping proposals contains a significant provision of tree, woodland and hedgerow planting as set out within the schedule. A total of 25 x trees of approximately 3-3.5m are to be

planted within the site. The planting schedule also proposes hundreds of hedgerow species of between 40 and 60cm in height.

- 8.42 In considering the initial landscaping proposals the Council's Tree Officer has confirmed that the information submitted with the application is good quality and comprehensive and that whilst there would be a minimal impact on tree cover, the proposed tree planting, woodland and hedgerow creation will more than make up for the loss of two trees, thereby resulting in a net positive.
- 8.43 In light of the above, and given that the latest detailed landscaping proposals show a significant uplift in planting, it is considered that the proposed development, when considering positive enhancement, to be controlled by condition, will not result in any adverse harm to Trees in accordance with LP Policy EQ9.

## **Ecology**

- 8.44 WBNP Policy WB-E3 relates to the Natural Environment and requires that development should avoid adverse impact on ecology, wildlife habitats or biodiversity and should demonstrate they pursue opportunities to enhance ecology and wildlife habitats and create biodiversity net gain.
- 8.45 LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.
- 8.46 Chapter 15 of the NPPF contains the relevant paragraphs relating to the conservation and enhancement of the natural environment. Paragraph 186 states that when determining applications, local planning authorities should ensure that significant harm to biodiversity resulting from development is avoided, through appropriate mitigation, and where possible biodiversity enhancement is secured.
- 8.47 Objections submitted in relation to this application raise concerns regarding the potential impact on wildlife and other habitat.
- 8.48 The application is supported by a Preliminary Ecological Appraisal (PEA), which concluded that the site is dominated by habitats of low ecological importance, but that a Badger Survey was required to determine the importance and context of the sett in the wider landscape, and that furthermore, two trees with bat roost potential were also required to be surveyed.

## **Badgers and Bats**

- 8.49 As a consequence of the conclusions within the PEA, a bat survey along with a badger survey were undertaken on 13<sup>th</sup> May 2022, concluding that no active setts were identified within the boundary of the proposal. The report recommends that a precautionary survey be carried out 3 months prior to works taking place, to ensure that any identified sett is still inactive. The bat (dusk emergence) surveys confirmed that evidence of bat activity was recorded, however there was no indication of bats roosting within the two identified trees, and thus no further surveys are required.
- 8.50 This information has been reviewed by Derbyshire Wildlife Trust who have confirmed that there are no objections to the application and that no further surveys are required prior to determination. Conditions are requested, and considered reasonable with regards to lighting, to ensure that potential impacts to bats throughout the lifetime of development are avoided.

### Birds

- 8.51 Derbyshire Wildlife Trust note that any risks to breeding birds during the construction phase of the project can be appropriately addressed through mitigation contained within a Construction and Environmental Management Plan, to be secured by way of planning condition.

### Biodiversity Nett Gain (BNG)

- 8.52 The application was submitted in 2023, before the Environment Act came into force in February 2024, which places a legal requirement on all developments that are not exempt, to secure a 10% Biodiversity Nett Gain (BNG). Nevertheless, local and national policy still places an emphasis on the desirability to secure biodiversity enhancement for all developments.
- 8.53 Comments received from Derbyshire Wildlife Trust confirms that the site is comprised of species poor modified grassland, hedgerows, trees and small strands of broadleaf woodland. In reviewing the technical documentation, it has been identified that the main loss of habitat would be modified grassland, in addition to a small area of woodland, owing to the creation of a widened access road into the site.
- 8.54 The proposals show an enhancement of 0.7ha of existing grassland to the east and well as re-seeding of grassland around each proposed battery storage unit, in addition to proposals for mixed scrub, additional hedgerow and tree planting, culminating in an overall nett gain of 1.25 habitable units (11.6%). It is important to note that these conclusions were made prior to additional and enhanced landscaping proposals being submitted.
- 8.55 The latest comments from Derbyshire Wildlife Trust concludes that whilst the BNG metric has not be observed, it is nevertheless the case

that the plans present a BNG increase in excess of 10%, and that such plans are achievable providing they are properly resourced, with other potentially adverse impacts to protected species being suitably mitigated via the use of planning conditions.

- 8.56 The extensive and comprehensive landscape and ecological management plan as secured by planning condition, will, once implemented, provide a positive enhancement of biodiversity on site, a modest benefit that should be taken into account in the overall planning balance.
- 8.57 As such, having regard to the above and comments provided by Derbyshire Wildlife Trust, it is considered that that the proposed development would, subject to planning conditions that secure appropriate mitigation and biodiversity enhancement, accords with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

### **Parking Provision and Highway Safety**

- 8.58 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.
- 8.59 Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.60 Public objections have been received in relation to potential impacts to the safety of users of the nearby road network, an increase in traffic congestion, the fact that Marsh Lane cannot accommodate heavy goods vehicles (HGV's) and other vehicles associated with construction site, the increase in traffic volume more generally and impact on highway safety, including to existing residential properties.
- 8.61 The site benefits from an existing agricultural field gate access to the public highway which is to be utilised to accommodate the proposed development, with no new access being created. The access is set back a considerable distance from the highway with an intervening area of hard standing between the gate and carriageway edge. In order to access the site, construction vehicles must either approach the area from Furness Vale or New Mills.
- 8.64 The application is accompanied by a Transport Statement and Construction Management Plan (CMP) which confirms that the majority



of the deliveries to site will be carried out by HGV's, amounting to a total of 435no. movements, equating to an average of 5no. trips throughout the construction period over a 4 to 6 month period, with a maximum of 10no. staff on site per day.

8.65 The components to be delivered to site amount to the following:

- 1 x mobile crane
- 12 x deliveries for construction materials for access tracks
- 19 x deliveries of concrete for the power control unit plinths, energy storage unit plinths and substation base
- 100 x deliveries of miscellaneous items (small and plant deliveries e.g. oil tank, generator, fencing); and
- 43 x deliveries for gravel

Once operational, the proposed development will not require significant maintenance, except for occasional visits.

8.66 At the end of the operational period (typically 35 years) the site will be decommissioned, dismantled and removed from the site, to be fully reinstated to agricultural land. This period is expected to generate a similar number of trips as the construction phase.

8.67 As set out within the Transport Statement, 3no. access routes were considered with regards to construction (HGV) vehicles:

*Option 1 – Station Road and Marsh Lane via the A6 Junction*

It is stated that the swept path analysis undertaken for the Station Road/A6 Junction confirms that a 16.5m articulated HGV and a 16.2m low loader would be unable to manoeuvre into Station Road from the A6 without overrunning the footway on both sides of the carriageway.

Further, a bridge located on Station Road that crosses the River Goyt, a 7.5 tonne weight restriction in place on Station Road and Marsh Lane (except for access), together with a 90 degree bend immediately after the bridge, presents a significant constraint to HGV vehicles from accessing the site.

*Option 2 – A6 via A6015 and Marsh Lane*

This second option leaves the A6 at its junction with Albion Road, before heading through New Mills and turning right on to Marsh Lane at the junction close to New Mills Football Club.

This option identifies that construction vehicles over 12m in length would only be able to egress the site via the A6015 south arm of the junction without overrunning the footway, and that (as above) Marsh Lane is constrained by a 7.5 tonne restriction. In addition, Marsh Lane narrows within a residential area.

*Option 3 – A624 via A6015 and Marsh Lane*

This third option would see vehicles approach the site from Hayfield (A624) through Birch Vale (A6015) before turning left on to Marsh Lane at the same junction as identified under Option 2 near to New Mills Football Club. The same constraints identified in relation to this junction and narrowing of Marsh Lane apply to this option.

- 8.68 In light of the detailed analysis contained within the Transport Statement as summarised above, the preferred access route will be to combine and utilise a mixture of Options 2 and 3, with all HGV construction vehicles travelling to the site using Option 2. HGV's that are 12m in length or under will leave the site by turning right onto Marsh Lane, and then turning right from its junction with the A6015 near the Football Club on to the A624, heading away from New Mills towards Hayfield (Option 3). HGV's that are over 12m in length will utilise the same access, but turn left on to the A6015 towards the A6 junction. Traffic management measures will be adopted to ensure turns on to the A6015 junction are undertaken safely.
- 8.69 The CMP makes clear that all deliveries within HGV's over 3.5 tonnes in weight will be undertaken outside of school peak hours (08:00 to 09:00 & 15:00 to 16:00).
- 8.70 An initial response from the Highways Authority (HA) requested information on the basis that the submitted information indicated a visibility splay of 2.4m x 43m based on a Temporary Traffic Regulation Order (TRO) being in place to reduce the speed limit from 40mph to 30mph, and that the site access to achieve emerging visibility splays should be assessed on the existing scenario (i.e. Marsh Lane being subject to a 40mph speed limit in the vicinity of the site access. The HA requested that plans be submitted that demonstrate visibility splays of 2.4m x 103m in both directions.
- 8.71 Following ongoing engagement between the agent, the Local Planning Authority, and the Highways Authority, further comments were received that made clear that provision of visibility splays in each direction of 2.4 x 43m at site access would be acceptable, with the provision of a Traffic Regulation Order to reduce the speed from 40mph to 30mph.
- 8.72 With regards to traffic movements and intensification, the Highways Authority did not in their initial response raise any concerns regarding a potential increase in the number of vehicle movements utilising Marsh Lane either during construction or operation, and as such there are no

grounds to resist the application on such matters. It is clear that once the construction phase has been completed, there will be minimal vehicle movements associated with the scheme until such time as a decommissioning plan is required at the end of the lifespan of the development. Such a plan will be secured by way of a planning condition.

- 8.73 On this basis, Officers are satisfied that matters of highway safety can be addressed by way of appropriate planning conditions and that the proposed development will not result in any adverse harm to highway safety, in accordance with LP Policy CF6 and paragraph 114 of the NPPF.

## **Other Matters**

### Impacts to Railway

- 8.74 The latest response from Network Rail (13/02/24) maintains its initial objection, owing to concerns regarding the use of and structural integrity of the bridge that crosses Marsh Lane to be used for construction traffic, which has a weight restriction of 7.5 tonnes. Other risks are also identified in the form of electro-magnetic and fire safety concerns, surface water drainage and piling.

- 8.75 The applicant has made clear to the Local Planning Authority that they are willing to accept pre-commencement conditions requiring the submission and approval of details required by Network Rail prior to works commencing on site.

- 8.76 The applicant has sought legal advice, as to whether it is legally sound for a Local Authority to apply conditions in spite of a holding objection from a statutory consultee. This legal advice was shared with the Local Authority which in summary presents the following position:

*“Given the extensive regulatory regime in place in respect of health and safety as well as fire and pollution, together with the ability to secure Network Rail’s ongoing engagement with the proposal through consultation, it is clear that in our view, the Council can apply appropriately worded planning conditions which cover off these concerns. On this basis, we consider the Council can proceed to determine the planning application at its earliest convenience.”*

- 8.77 This legal advice has been considered by the Council’s Solicitor to has advised Officers that she concurs with this advice.

- 8.78 Crucially however, Network Rail state the following within their latest comments:

*“Going forward, the applicant must interface directly with the Network Rail Asset Protection Team and submit required documentation to them for review and agreement.”*

*“The developer is advised that works must not commence on site (even if planning permission is granted) until such time as a Basic Asset Protection Agreement (BAPA) has been agreed with Network Rail.”*

- 8.79 The above comments infer that should details come forward to be secured by way of planning conditions, prior to commencement of development, to the satisfaction of Network Rail, these outstanding issues can be made acceptable. Such conditions would relate to land that sits outside of the control of the applicant.
- 8.80 The online Planning Policy Guidance (PPG) provides specific guidance on where conditions relating to land not in control of the applicant can be used, as follows:

*“Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.”*

Paragraph: 009 Reference ID: 21a-009-20140306  
Revision date: 06 03 2014

- 8.81 The test therefore as to whether such conditions can be relied upon to make this application acceptable in connection with the concerns put forward by Network Rail. It is a test of whether there any prospect at all of the actions (issues) in question being performed (addressed) within the time limit imposed by the permission.
- 8.82 Legal advice has been sought from the Council’s Solicitor as to whether the outstanding issues presented by Network Rail can be addressed via a ‘Grampian’ condition (i.e. a negatively worded condition that requires all details to be submitted and agreed prior to commencement of development). Such advice has confirmed that such conditions can be applied to make the application acceptable with regards to Network Rail concerns.
- 8.83 As such, the concerns raised by Network Rail can be overcome by way of suitably worded Grampian planning conditions that require discharge prior to commencement of development.

### Flood Risk and Drainage

- 8.84 The site lies within Flood Zone 1 and is therefore not at risk from flooding from rivers or any other watercourse.
- 8.85 The LLFA requested further information regarding the consideration of ground conveyance and attenuation options for the drainage scheme and clarification of what the permeable area of 0.147ha was made up of.
- 8.86 The applicant has subsequently submitted further information to clarify these points which confirms that above ground storage was considered to be unfeasible give the constraints of the site as there is very limited space within the site boundary to accommodate above ground storage, due to the protection zones of existing trees, the bunded area, and steep topography. As a consequence the surface water storage will be provided to below ground in geocellular crates. Additionally, details of the permeable area were provided.
- 8.87 Upon providing further comment in response to this information, the LLFA have confirmed that they do not object to this application subject to appropriate conditions.

### Impact on Heritage Assets

- 8.88 It has been identified that the nearest heritage asset is the Grade II Listed Howcroft Farm located some 300m distant from the site, with other assets located within a 1km radius as set out at paragraph 2.15 of the supporting Planning, Design and Access Statement.
- 8.89 A comprehensive Heritage Statement has been submitted with the application that assess the potential impacts of the scheme on the significance of assets within the specified radius and concludes that the site does not form part of the setting of any asset, and thus the construction and operation of the proposed development would not result in any harm to the significance of such assets.
- 8.90 Having visited the site and surrounding area and considered the nature and scale of the proposals and its spatial and visual relationship to the identified heritage assets, Officers concur with the conclusions with the Heritage Statement. The proposed development would not give rise to any adverse harm to historic assets including their setting, in accordance with LP Policy EQ7, and relevant paragraphs contained within Chapter 16 of the NPPF, the latter underpinned by Sections 66 and 72 of the Act 1990.

### Fire Risk

- 8.91 Concerns have been expressed from members of the public with regards to the proposed battery storage units being fire hazards and the consequential potential harm to public safety.
- 8.92 In considering this application, Officers have consulted Derbyshire Fire and Rescue who have confirmed that they have no objections to the proposed development, and that furthermore, separate legislation exists outside of the planning system that ensure that the scheme does not give rise to any concerns to public safety.

### Public Consultation

- 8.93 Complaints have been received regarding the inadequate nature of public consultation carried out by the applicant. It should be noted that the applicant is not under any statutory legal obligation to carry out pre-application consultation with the local community and has therefore gone above the minimum requirements, by holding community events and by submitting a Statement of Community Involvement (SCI) as part of the application.

## **9.0 PLANNING BALANCE AND CONCLUSIONS**

- 9.1 LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.
- 9.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.3 The application seeks full planning permission for an Energy Storage System comprising a series of Battery Storage Units, a DNO Substation, an internal access road, and an extensive landscaping and ecological management strategy, on a site that lies outside of the built-up area boundary in the open countryside and in the Green Belt.
- 9.4 The starting point therefore for assessing the application is LP Policy EQ4 and relevant restrictive policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

- 9.5 The proposals do not meet any of the exceptions to inappropriate development set out under Paragraphs 154 and 155 of the NPPF and as such constitutes inappropriate development in the Green Belt. Paragraph 156 of the Framework clarifies that elements of renewable energy projects will comprise inappropriate development. Inappropriate development, is by definition harmful to the green belt. Therefore, very special circumstances need to be demonstrated for the development to be supported.

### **Very Special Circumstances**

- 9.6 The Very Special Circumstances that the applicant puts forward in support of the application are as follows:

- The contribution to the urgent national need for energy including:
  - *the significant contribution of energy to meet the needs of households and the wider economy;*
  - *the significant contribution it would make to the decarbonisation of the UK Economy and to the climate change emergency;*
  - *the significant contribution it would make to the security of energy supply, especially in the context of the current acute energy crisis;*
  - *the provision of relatively low-cost energy, especially in the context of the current acute cost of living crisis; and*
  - *the significant contribution to the ability of grid directly to the transmission network to balance supply and demand at peak times and ultimately to the avoidance of power cuts;*
- The lack of less harmful alternative sites to deliver the project and its associated benefits;
- The contribution to Biodiversity Net Gain; and
- The contribution to the local and national economies

- 9.7 The proposed development would provide infrastructure to support and increase the capacity for the supply of low carbon and renewable energy related energy. National Government have made their intentions clear in the recent consultation on changes to the NPPF, which indicates that decision makers will be directed to give significant weight to the benefits associated with renewable and local carbon energy generation. To support renewable projects, development proposals including Energy Storage System infrastructure will be needed, to enable the National Grid to respond flexibly to demand

and to support the Governments transition to clean power. This proposal would make a positive contribution to that required infrastructure, and as such it is considered that considerable weight should be attached to this benefit.

- 9.8 As evidenced within the Alternative Site Selection document, the site has been selected following a detailed methodology that prioritised sites within the built up area boundary within a feasible and viable distance from the New Mills Sub Station which is the only available with sufficient capacity. This site represents the only available site that is least harmful in landscape, visual and environmental terms within the 1km radius from the New Mills Sub Station. From the evidence, it is clear that the location of the proposals must be practically be close to the New Mill sub station. Accordingly, it is considered that significant weight is attributed to the location of the proposals.
- 9.9 The public benefits associated with sustainable energy and security and lack of suitable sites within the required radius of the New Mills Sub Station similarly attracts considerable weight in the overall planning balance
- 9.10 The proposals include a comprehensive landscaping and ecological management plan that results in a notable nett gain for biodiversity as evidenced by comments received from Derbyshire Wildlife Trust. This benefit attracts moderate weight in the overall planning balance.
- 9.11 The indirect benefits to the local and national economies that arise during the construction and operational phases of the development are considered to be on a local level negligible but on a wider scale more modest, and thus attract limited weight in the overall planning balance.

## **Harm**

### *Impact on the Green Belt*

- 9.12 The proposals amount to harm to the Green Belt by reason of inappropriateness.
- 9.13 Turning to the harm to the openness of the Green Belt, the term 'openness' has both a spatial and visual aspects. Spatially there would be a degree of harm given the fact that built development is being introduced to a greenfield site which does not currently contain any development, and consequential impact on the immediate rural landscape character.
- 9.14 There would also be harm to the visual aspect of openness, due to the introduction of built development to this greenfield site, when experienced from Marsh Lane and from nearby public footpaths. However, this harm is limited, to the strong existing boundary



treatment, and extensive and comprehensive landscaping strategy that forms part of the application submission.

- 9.15 The identified harm to the Green Belt attracts substantial weight in the overall planning balance.

#### *Landscape and Visual Impacts*

- 9.16 As set out within the body of this report, the comments received from the Peak District National Park Authority and CPRE are acknowledged. Officers are satisfied, based on a visit of the site and surrounding area, and having regard to detailed comments from Stuart Ryder Landscape on behalf of HPBC there would be no adverse effects on the setting of the Peak District National Park, located some 1.2km from the site, when taking account of the modest scale and nature of the proposed development, the extensive landscaping and screening at the site boundary, and distance between this landscape designation and the site.
- 9.17 However, it is clear that the introduction of this proposed development would result in a degree of landscape and visual impact, experienced from the nearby public highway and public footpaths. Whilst these impacts are localised, it is nevertheless the case that the landscape and visual harm that arises from the proposal results in conflict with WBNP Policies WB-E1 and WB-E4, and LP Policies S1, EQ2, EQ3 and EQ6, which in the view of Officers, attracts moderate weight in the overall planning balance.

#### *Highway impacts*

- 9.20 The site will take between 4-6 months to construct with 435 HGV's, movements, equating to an average of 5no. trips throughout the construction period. The submitted Transport Statement identifies two preferred routing options. All HGV construction vehicles travelling to the site would use Option 2. Any HGV's that are 12m in length or under will leave the site by turning right onto Marsh Lane, and then turning right from its junction with the A6015 near the Football Club on to the A624, heading away from New Mills towards Hayfield (Option 3). HGV's that are over 12m in length will utilise the same access, but turn left on to the A6015 towards the A6 junction. Traffic management measures will be adopted to ensure turns on to the A6015 junction are undertaken safely.
- 9.21 The Highways Authority (HA) considers that with the imposition of a TRO on Marsh Lane to reduce speed from 40mph to 30mph, the required visibility splays of 2.4m x 43m can be provided. As such the safe means of access can be achieved at the site.
- 9.22 Whilst local residents have raised concerns about the level of traffic movements on the local road network, the Highways Authority do not

consider the potential increase in vehicle movements utilising Marsh Lane either during construction or following its operation, to be significant. It is clear that once the construction phase has been completed, there will be minimal vehicle movements associated with the scheme until such time as a decommissioning plan is required at the end of the lifespan of the development. Overall, it is considered that the development proposals do not raise any highway safety concerns and that cumulative impact on the local road network would not be severe, to justify refusing this application.

- 9.23 In terms of the of the objections raised about the proposal relating to pollution and public safety based on all the evidence and the proposed mitigation measures to minimise any harmful impacts, it is concluded that these objections and concerns can be overcome either by the delivery of the development or through the conditions set out below. As such, these objections do not give rise to any materially sound reasons to refuse planning permission and attract minimal weight against the proposal.

### **Planning Balance**

- 9.24 When taking the above paragraphs into account, Officers acknowledge that the benefits and harm associated with this application are very finely balanced.
- 9.25 The proposed scheme would be inappropriate development in the Green Belt. However, it has been judged that the delivery of low carbon and renewable energy related infrastructure and storage would on this occasion outweigh the identified harms, as set out above. Based on the significant weight given by national policy to the delivery of this type of development, the mitigating measures to minimise the proposed impacts on the landscape, ecological enhancement and the wider environmental benefits of renewable energy production, as supported through Paragraph 156 of the NPPF, and the very limited impact on living conditions, it is judged that these combined factors, when considered cumulatively, outweighs the limited Green Belt harm identified, in relation to inappropriateness, and openness, and as such Officers are satisfied that the existence of Very Special Circumstances has been appropriately and sufficiently demonstrated to justify the proposal in the Green Belt.

## **10. RECOMMENDATIONS**

### **A. APPROVE subject to conditions as follows;**

#### Standard Conditions

1. *Time Condition 3 years*

2. *Development to be carried out in accordance with approved plans*

#### Implementation of Landscaping

3. *Hard and soft landscaping works to be carried out in accordance with latest Landscape Masterplan Works to be carried out prior to occupation of any part of the development in accordance with timetable to be submitted to and agreed by LPA*
4. *All soft landscaping to be carried out in first planting and seeding season following completion of the development.*

#### Tree Retention and Protection

5. *Tree Protection Measures*
6. *No trees other than those on approved plans to be removed without prior consent*

#### Public Amenity

7. *Maximum noise levels*
8. *Restrictions on hours of construction operations*

#### Highway Safety

9. *Development not to be operational until site access has been achieved in line with approved visibility splays. Splays to be kept free of all obstructions for lifetime of development*
10. *Construction Management Plan to be submitted and agreed prior to commencement of development*
11. *Any proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.*
12. *Prior to commencement of development, applicant and DCC to carry out joint road survey/inspection within agreed route plan to identify existing defects with further inspection following completion, with any remedial work being completed within 1 month or otherwise agreed timescale.*
13. *Traffic Regulation Order to be secured to the satisfaction of Highways Authority prior to commencement of development.*

#### Ecology and Biodiversity

14. *No development shall commence (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.*
15. *Notwithstanding the information submitted with the approved application, a revised Landscape and Biodiversity Enhancement and Management Plan*

*(LBEMP) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.*

16. *Prior to installation of any light features, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife.*
17. *Precautionary survey for badgers, 3 months prior to commencement of development*

#### Flooding and Drainage

18. *Prior to commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.*

#### Network Rail

19. *Prior to the commencement of development, a Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority.*
20. *De-commissioning strategy securing long term future of the site to be submitted and approved in writing prior to commencement of development*

#### Materials

21. *Details of design and materials for the DCO building to be submitted prior to commencement.*

#### *Informatives:*

*The applicants attention is drawn to the comments made by Derbyshire Fire and Rescue.*

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

#### Site Plan

