

**APPLICATION REFERENCE: PL/2022/02308/PPFL****Site Address:** Land At Little Beanit Farm Waste Lane Balsall Common Solihull

<b>Proposal:</b>	Development of a Battery Energy Storage System (BESS) including ancillary works and access arrangements.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>The application has been called in for Committee determination by Councillor Diane Howell</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS AND REFERRAL TO NATIONAL PLANNING CASEWORK UNIT.</b>
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**EXECUTIVE SUMMARY***The Site*

The proposal is for a battery energy storage system (BESS) facility with a design capacity of approximately 200MW on land at Little Beanit Farm, Waste Lane for a temporary period of 30 years.

The application site is located to the south of the Berkswell National Grid Substation, to the southeast of Waste Lane, the site is comprised of portions of two agricultural fields (extending to approximately 6 hectares) surrounded by existing mature field boundaries. It is accessed from Waste Lane, by a proposed extension to the existing farm access. The site lies within the Green Belt.

*The proposal*

The proposed development comprises of the following components:

- 31 groups of equipment configured in 7 rows within a main compound. Each of the groups, which covers an area of approximately 17m x 26m contains 2x rows of battery storage modules (2.28m height); 2x DC containers (2.74m height); and 1x inverter container (3m height).

- A substation set in a separate compound to the north (7.4m maximum height).
- A row of 7 switchgears (3m height) and aux transformers (2.2m height) are to be positioned adjacent to the entrance to the compound along the eastern boundary, with an additional container for spare parts to the south.
- A grid of internal access tracks facilitates maintenance access to each group of battery equipment.
- 9x CCTV posts (4.3m height) are to be installed in the main compound, with a perimeter post and wire security fence up to 3m in height surrounding the equipment. 5x CCTV posts are to be installed in the secondary substation/transformer compound to the north.
- A section of new access track will be constructed to link the proposed site to the existing farm access road from the north. This route is included within the red line location plan.
- An underground cabling route to link with the national grid substation will also be required, this route is included within the red line application site and extends approximately 175m to the north-east of the main part of the site.

### Planning assessment

The application seeks full planning permission for the development of a Battery Energy Storage System (BESS) with a capacity of 200MW on land at Little Beanit Farm, Waste Lane for a temporary period of 30 years. The site is located in the Green Belt and the proposed development would constitute inappropriate development in the Green Belt.

The development would have a significant impact upon the openness of the Green Belt. The harm identified by inappropriateness and significant harm to openness are given substantial weight in the planning balance.

The proposal would, due to mitigating factors, not have an adverse impact upon the character of the area in the long term. The proposed landscaping and planting would introduce a significant visual barrier which would protect views into the site from the nearby public footpaths and viewpoints.

No other harm has been identified in terms of residential amenity, drainage and flooding, ecology, contaminated land, archaeology and subject to conditions the consultees raise no objection.

The applicant has put forward a comprehensive case of very special circumstances for the proposed development. The harm by reason of inappropriateness (VSCs), and any other harm, are clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework) and is recommended for approval.

## **MAIN ISSUES**

The main issues in this application are:

- Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the amenities of the occupiers of neighbouring properties.
- Climate Change
- Other Material Considerations
  - The effect of the proposal on highway safety and the free flow of the road network;
  - Heritage;
  - Loss of agricultural land;
  - Ecology;
  - Drainage;
  - Health and safety;
  - Public sector equality duty; and
  - Human rights.
- Whether the harm by reason of inappropriateness (VSCs), and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **CONSULTATION RESPONSES**

**Statutory Consultees** - The following Statutory Consultee responses have been received:

Berkswell Parish Council - Berkswell Parish Council do not object to this application but ask SMBC to ensure that appropriate screening is provided which is sympathetic to the rural setting and acts as a shield to any view from neighbouring roads. We also ask that there is a stated requirement to return the land to its former use if and when the storage facility is no longer required.

HS2 – No objection subject to conditions.

Lead Local Flood Authority – No objection subject to conditions.

**Non Statutory Consultees** - The following Non-Statutory Consultee responses have been received:

SMBC Contaminated Land – No objection subject to condition.

SMBC Ecology – No objection subject to conditions.

SMBC Highways – No objection subject to conditions.

SMBC Landscape - No objection subject to conditions.

SMBC Public Protection – No objection subject to conditions.

SMBC Rights of Way – No objection.

WCC Archaeology – No objection subject to conditions.

National Grid - Neutral

West Midlands Fire Service – Neutral. Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 15.2).

West Midlands Police – Recommend that the development should conform with Secure by Design Standards.

## **COMMUNITY INVOLVEMENT**

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Solihull Metropolitan Borough Council adopted its Statement of Community Involvement (SCI) in 2007. The SCI was updated in January 2020. The new SCI is entitled: Reviewing the Plan for Solihull's Future, Solihull Local Plan Review, Statement of Community Involvement (January 2020).

The SCI contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document states that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed redevelopment options to residents and stakeholders. A public exhibition was undertaken on 6<sup>th</sup> October 2022 at Balsall Common Village Hall. The purpose of this consultation was to allow residents, local ward and parish councillors and other interested parties the opportunity to be involved in the proposals from the beginning, providing opinions on the use of the site and to ask questions about the proposed development.

An invite to the event was sent by post to 1008 local addresses on 20<sup>th</sup> September 2022 and a section of the Penso Power website to provide information. 82 people attended the exhibition. A total of 11 feedback forms were submitted. The submitted

Statement of Community Involvement details the outcomes of the consultations and how the proposed development has been influenced through community and stakeholder feedback.

The applicant has undertaken a robust consultation exercise in accordance with the Council's adopted Statement of Community Involvement and guidance in the Framework.

## **PUBLICITY**

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

Three objections were received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

### Principle of Development

- Inappropriate development in the Green Belt;
- Encroachment in the Green Belt in the open land between Solihull and Coventry and depleting the Meriden Gap;
- Battery storage should be on previously developed land/industrial land; and
- The proposed BESS site is opposite one of the busiest HS2 Compounds also situated in Waste Lane. The Proposal will add to the already unacceptable levels of HGV traffic and the safety issues and congestion of our local roads and lanes.

### Landscape and Character of the Area

- Harm to the character of the area, the open countryside and the irreplaceable Arden landscape; and
- Ugly development harming the character of the area.

### Environmental

- The Green Belt has a vital part to play by providing permeable land to prevent flooding in extreme weather events;
- Mature trees, hedgerows and vegetation must be preserved;
- Loss of irreplaceable wildlife;
- Disruption to wildlife;
- Loss of agricultural land; and
- Noise.

### Highways

- Combined with HS2 compound the proposal will add to already unacceptable levels of HGV traffic and the safety and congestion of local roads and lanes.

### Health and Safety

- Concerns relating to fire safety and emergency responding

Six letters of support were received; the main issues raised are summarised below:

- Well located project neighbouring the substation;
- Farm biodiversity;
- Landscape enhancements;
- Biodiversity enhancements;
- Reducing carbon emissions;
- In line with the Council's commitments and climate emergency status;
- Limited impact in the wider landscape; and
- The site would hold enough energy to power all the homes in the borough for 9 hours.

#### Councillor Burrows:

I am of the opinion that with this screening, which I assume will form part of any consent, that the balance between the harm to the greenbelt as mitigated is offset by the importance of energy storage to the nation/west midlands and Meriden Ward/Solihull Borough needing to play a part in that.

Therefore, I consider that the very special circumstances test has been met. This screening proposal sets a clear example for other proposals in the greenbelt of what can be done and hence the level of mitigation required. I also consider that this location is not massively prominent despite being in a narrow part of the greenbelt. The screening will ensure that to those walkers etc who come upon it see an enlarged Beanit Spinney.

#### **RELEVANT PLANNING HISTORY**

None.

#### **PLANNING ASSESSMENT**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13<sup>th</sup> May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination. At the current time the Plan remains subject to the Examination process and there has been a range of hearings and correspondence in relation to that since the Plan was submitted. With the agreement of the Inspectors however, that process has been 'paused' pending the publication of the updated NPPF. Further hearings and modifications to the Plan are then expected prior to its adoption.

This marks the continuation of preparing and adopting the plan. The advice in the NPPF at paragraph 48 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance

### **Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies**

The Solihull Local Plan 2013 identifies the site within the Green Belt.

In relation to Green Belt Policy, the development plan (Solihull Local Plan 2013) and NPPF confirms that both the Local Plan and Government guidance 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 (Para 133 NPPF).

Paragraph 134 of the NPPF confirms that the Green Belt serves five purposes:

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

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Para 143 NPPF).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 144 NPPF).

Paragraph 147 of the NPPF advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 145 of the framework states that the construction of new buildings is inappropriate in the Green belt and identifies a number of exceptions to this. The proposed development is not included within the list of exceptions.

Paragraph 146 confirms some other, named, forms of development are not inappropriate in the Green Belt if they preserve openness and do not conflict with Green Belt purposes. These include engineering operations and some changes of use of land.

Paragraph 147 confirms that many elements of renewable energy projects will comprise 'inappropriate development' in the Green Belt. Developers will need to demonstrate 'very special circumstances'. These may include wider environmental benefits associated with increased production of energy from renewables.

Policy P17 of the Solihull Local Plan 2013 - Countryside and Green Belt advises that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances.

It can be seen that there is a strong presumption against new development unless it is considered to be appropriate in the Green Belt as defined by the policies in both the NPPF and Policy P17 of the Solihull Local Plan.

The application site is in the Green Belt and the proposal is not development enabled by NPPF 145 and 146 as an exception to the normal presumption against development in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted unless there are material planning considerations of such weight to clearly override that Green Belt harm and



any other harm. Very special circumstances (VSCs) will therefore be needed to justify any grant of consent.

### **The effect of the proposal on the openness of the Green Belt**

“Openness” is not defined either in the NPPF or in any development plan policies but is widely taken to mean an absence of building or development. It is also widely accepted that the extent to which a building or development may be seen from the public realm is not a decisive matter.

Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts; the fundamental aim of Green Belt policy is to prevent urban sprawl but keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The site is currently undeveloped agricultural fields located approximately 300m to the southeast of Waste Lane and the site presents an open rural character and appearance. To the north of the site the openness is significantly eroded by the presence of the HS2 route currently under construction and the existing Berkswell Substation. The Green Belt and its open nature towards the borough boundary to the south and southeast, is valuable in its continuity and appears vulnerable to erosion of the essential characteristics of Green Belt land and the purposes of the Green Belt.

The nearest public vantage points into the fields are from the public footpath M186 which runs along the southeast and south-western boundaries of the site. The application site is approximately 6 hectares, the proposed built form would cover approximately 3.2 hectares (55%) of the site area. The proposed containers, inverters and other equipment would be relatively modest in size and widely distributed throughout the site. These would be relatively low-lying, and the facility would be enclosed by a relatively dense landscaping screening. Although utilising a large area of land, the proposal would result in only a negligible adverse visual impact on the surrounding area due to screening which is discussed further in the Landscape section of the report.

In spatial terms, the proposal would include a number of industrial features that would cumulatively erode the undeveloped nature of the existing site. The BESS is proposed for a temporary 30-year period. This represents a considerable period of time, however, the impact upon the Green Belt would not be permanent, limiting its long-term effects. Therefore taking both visual and spatial impacts of the proposal together, the proposal would result in a significant impact upon the openness of the Green Belt, notwithstanding the landscape mitigation proposed.

Whether the proposal causes harm to the purposes of including land within the Green belt.

Paragraph 138 of the NPPF defines the five key purposes of the Green Belt, safeguarding the countryside from encroachment being one of them. In terms of encroachment, the proposed scheme would place a range of industrial plant within a fenced compound. This would enclose the existing open green space and result in

development and subsequent significant encroachment, in contradiction to 1 of the 5 purposes of including land within the Green Belt.

- Green Belt Summary

In summary, the proposed BESS represents inappropriate development which is by definition harmful to Green Belt. The proposal causes significant harm to the openness of the Green Belt since it would involve significant new development into an area which is currently open countryside. Further, given the physical extent of the land take required for the development, it would also cause significant encroachment upon the countryside harming 1 of the 5 purposes of including land within the Green Belt. The harm identified attracts substantial negative weight in the planning balance.

The proposal therefore does not accord with the Development Plan in respect of Policy P17 of the Local Plan nor does it accord with those categories of development deemed appropriate within Green Belts by the Framework. The fundamental question then becomes whether there are very special circumstances. These do 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.

**The effect of the proposal on the landscape character and appearance of the area**

Policy P15 'Securing Design Quality' of the Local Plan states that all development will be expected to achieve good quality, inclusive and sustainable design, which meets 7 key principles including "conserve and enhance local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment" and "ensures that new development achieves the highest possible standard of environmental performance through sustainable design and construction and the location and layout of the development in accordance with the guidance provided in Policy P9."

Local Plan Policy P10 expects developers to incorporate measures to protect, enhance and restore the landscape, unless it is demonstrated that it is not feasible, disproportionate or unnecessary.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA identifies and outlines the existing landscape character and visual amenity receptors within the area, to assess the potential impact of the proposal. Impacts and effects are assessed at significant stages in the life of the proposed development, including construction, operation and decommissioning.

The report demonstrates (Section 2.8) that the site includes a great number of characteristics of the National Character Area 97 Arden, the Ancient Arden landscape character area (Warwickshire Landscape Guidelines) and the Eastern

Fringe LCA6. It further identifies and discusses the relevant aspects of the site which display these characteristics.

The landscape proposals have been developed to respond to the relevant strategies and Guidelines for Ancient Arden as contained within the Warwickshire Landscape Guidelines. Hedgebanks and hedges, small scale woodland planting are all characteristic and are being proposed.

There are two footpaths which run near to the proposed development: The Kenilworth Greenway and M186.

The Kenilworth Greenway was a linear country park linking Kenilworth (southeast) to Berkswell (north west) along an improved and enhanced disused railway line to allow for use by walkers, cyclists, and horse-riders with a total length of around 6.5km. Almost the entire section that runs through the area has now been turned over to the construction of HS2 so is currently inaccessible. As a result, the route of Kenilworth Greenway has been temporarily diverted with a new path created following along agricultural field boundaries including running along the inside of the south-eastern boundary of the southern field within the site that would contain the battery storage facility where direct views would be available through the open post and wire stock fencing that defines this route. It is understood that this temporary diversion will be in place during the construction of HS2 which is expected to last for approximately ten years, at which point the route of the Kenilworth Greenway will return to follow the old railway/new HS2 line and the temporary path would be returned to its previous condition, part of the agricultural field.

There is an extensive network of other footpaths that cross the agricultural landscape linking to and from the original route of the Kenilworth Greenway that followed the old railway line. Foot path M186 runs along the inside of the south-eastern boundary of the southern field that will contain the battery storage facility, so would allow for open views of the proposals.

Currently the site would be most visible from the temporary diversion of the Kenilworth Greenway and footpath M186 that runs along the inside edge of the south-western boundary of the southern field that will contain the battery storage facility. This has not been diverted and is not open due to the construction of HS2 and it will continue to be closed until HS2 is complete when it will be re-opened and connected to the reinstated Kenilworth Greenway.

Both compounds that comprise the BESS proposed would be contained within the existing fields and other than the removal of a short section of hedgerow in the creation of the access track into the northern field, all other field boundary hedges will be retained. The two individual oak trees towards the south-eastern boundary within the southern field will be retained with no BESS equipment located within the root protection areas (RPA's) of these trees.

A Landscape Strategy has been prepared by Redbay Design proposing additional planting and landscape/ecological enhancement to screen the proposed BESS from public views and integrate it into the surrounding landscape. This includes new hedgebank along with tree and shrub planting around the perimeter of the battery

compound adjacent the outside of the fence line to the north, east and south in the southern field. Beyond the hedgebank towards the south-western boundary tree planting will be to a depth of between 10-30m. New hedgerow will also be planted offset from the fence line to the north west of the battery compound that will continue into the northern field and turn to run outside of the new access track. Within the triangle created by the new hedgerow between the two compounds the existing grassland will be managed for ecological benefit. All planting proposed will be a mix of native species that are prevalent in the area.

The proposals will introduce technical/infrastructural elements into the agricultural landscape that are not characteristic but would be experienced in the context of other features of a similar nature that already exist in this landscape that are of a larger scale such as the Berkswell Substation and overhead lines. While the proposals would be noticeable and a recognisable new feature they would avoid being overly prominent or dominant due to their general low level and being contained within the existing field pattern. Furthermore, the low-level of the proposed development and the opportunity to mitigate its impact through the enhancement of hedgerow and tree planting, together with these existing urbanising influences, the actual impact on the landscape character of this additional development is considered to be local in extent and limited in scale. This conclusion is given added weight when the landscape impact of the construction of the HS2 line is added into the assessment.

The assessment found that the site could accommodate the development proposed without significant adverse impacts to the landscape character or visual amenity of the area, which can be lessened by the mitigation proposed through the landscape strategy.

It is considered that the proposal would result in limited landscape and visual harm. This is given limited negative weight in the planning balance.

### **The effect of the proposal on the amenities of the occupiers of neighbouring properties**

Policy P14 of the Solihull Local Plan seeks to protect the amenity of existing and potential occupiers of houses and businesses when considering new developments. Policy P14 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The nearest dwelling to the application site is adjacent to the Beanit Farm Livery operation and is located 250m south of the site's southern boundary, set back from Hob Lane. Further from the site to the south, there are other dwellings either side of Hob Lane.

Given the separation distances involved the proposed development would not harm residential amenity in terms of daylight and sunlight, loss of privacy or an overbearing impact. Potential noise impact is considered below.

- *Noise*

Paragraph 185(a) of the Framework confirms that planning policies and decisions should also 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:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

The Noise Policy Statement for England includes the key aim for development to avoid significant adverse impacts. British Standard BS4142 'Methods for Rating and Assessing Industrial and Commercial Sound' is typically used to measure the effects of existing and proposed noise levels. This indicates that adverse impacts are likely to be experienced where noise levels are recorded, at noise sensitive receptors, which are 5db above background noise levels.

Policy P14(vii) of the Solihull Local Plan 2013 seeks to minimise the adverse impact of noise. Development likely to create significant noise will be permitted if it is located away from sensitive uses or it incorporates measures to ensure adequate protection against noise.

The submitted Noise Assessment considers the potential noise generation from the plant associated with the proposed BESS, with respect to existing sound levels in the area. Section 5.2.6 of the submitted report states that the worst-case scenario has been considered:

*“It is noted that the assessment considers a worst-case scenario, such as all plant operating simultaneously under ‘Deep Cycling’ mode during the day, where the batteries are working at their maximum output and inverters and battery cooling fans operate at 100% duty. In reality, ‘Deep Cycling’ typically occurs during limited periods of the day only. Commercially, ‘Deep Cycling’ is not a normal practice during the night, and the operator has confirmed that there is no foreseeable case when the fans should operate at night due to a requirement for ‘Deep Cycling’. At night, batteries typically operate in a ‘Shallow Cycling’ mode where there is hardly ever any need for fan use. In any case, this assessment considers a worst-case approach of fans operating at reduced duty speeds during the night.”*

The assessment identifies the Proposed Development will give rise to rating noise levels that are below the measured background sound level in the area, at each assessed residential receptor, thus giving rise to a low impact.

The Council’s Public Protection Officer has reviewed the evidence submitted and confirms the findings and raises no objection to the proposed development.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. This should be accorded neutral weight in the planning balance.

Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage can be secured, a net gain in biodiversity can be achieved and landscaping limits tree loss and providing mitigation where appropriate.

There is little doubt that battery storage units are set to play an important role in the transfer of energy supplies from fossil fuels to renewables. Renewable energy amongst other sources is created through the capture of energy from solar arrays, wind and tidal. Here in Solihull, it is likely that the majority of green energy will be sourced from wind and solar sources. Net Zero is a goal that the energy sector is working to, with an aim of achieving this by 2050. As Britain moves towards achieving this goal more and more reliance will be placed on renewable energy sources, whereas creation and supply of energy from non-renewables (carbon) is set to decrease.

There is therefore a challenge to capture and store renewable energy within National Grid's infrastructure so that the demands of the consumer during night time hours and over darker winter months is met, because clearly energy sourced through solar cannot be created during night time hours or in certain weather conditions. Whilst a BESS does not increase the overall capacity of energy travelling through national grids infrastructure, a BESS will allow electricity to be stored at times when supply exceeds demand. At these times, energy can be stored by the BESS and is only released when demand exceeds supply along the main network. The reliance on the use of coal fired powered stations during evening hours will therefore be diminished. Whilst National Grid have commented that they neither support or object to this planning application, they do acknowledge that battery storage will help towards reducing reliance on fossil fuels.

Presently, BESS can only be proposed, where any particular substation is not working at full capacity and therefore has unused capacity to move electricity around the network. For the avoidance of doubt, a BESS do not in themselves create

additional capacity for creating electricity, they simply make best use of capacity within the existing grid. National Grid has confirmed that they cannot rely on battery storage as a guaranteed source of power for the network, the core capacity of the grid won't change only the method of energy generation. It is the responsibility of the National Grid to expand its network to respond to economic development needs.

The proposal accords with provision of Policy P9 'Climate Change' and positive weight is given to the planning balance.

### **Other material considerations**

- **The effect of the proposal on highway safety and the free flow of the road network**

The NPPF indicates that developments should only be prevented if a safe and suitable access to the site cannot be achieved.

Policy P8 of the Solihull Local Plan 2013 requires all development proposals to have regard to transport efficiency and highway safety.

Paragraph 109 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

A Transport Statement (TS) has been submitted on behalf of the applicant in support of this planning application. The Council's Highway Engineer has reviewed this document and is satisfied with its content.

- *Parking.*

There is no fixed parking standard for the proposed use which, therefore, has to be assessed individually having regard to the demand profile of the development. There is no designated parking proposed within the site. The Transport Statement considers that on-site car parking is not required. Once operational, the BESS will be remotely monitored and requires occasional maintenance visits on an, as required basis. Vehicle parking will be accommodated using the access track that run past the batteries.

- *Construction Traffic.*

During the construction period it is proposed that there will be on average 4 vehicle movements a day for HGVs, equating to 10 deliveries per week over a 78 week

construction period. In addition to the construction traffic for the proposed site, Phase 1 (London to Litchfield) of HS2 is currently under construction and passes within 100m of the site area as the HS2 route for HGVs. The HS2 access is located on the northern side of Waste Lane, opposite the access to Little Beanit Farm. Therefore, the cumulative scenario with both sites has been considered.

It is likely that the construction traffic will increase the overall trips of HGVs on the surrounding highway network. However, as the application site is proposed to generate, on average 1, two-way vehicle trips per day the Highway Authority consider that it is unlikely that the development proposals will generate a significant increase in vehicle trips to have a severe impact on public highway safety, or on the operation or capacity of the local highway network.

- Access.

The existing access is proposed to be retained. The Transport Statement submitted provides swept path plans to demonstrate that HGVs travelling north-east and south-west bound can access the site.

The proposal therefore accords with Policy P8 of the Local Plan and guidance within the Framework. This should be accorded neutral weight in the planning balance.

### **Heritage**

The site is not within the setting of a listed building or conservation area; however, the development lies within an area of archaeological potential.

The NPPF paragraph 189 requires that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

It is probable that the site has been in agricultural use since at least the medieval period. The applicant has submitted a Geophysical Survey Report with the supporting information for this application. Limited evidence for prehistoric activity has been recorded across the surrounding area this may be a reflection of the limited number of previous archaeological interventions. The potential for prehistoric archaeological remains to survive across the site should therefore be considered as unknown. Recent archaeological fieldwork undertaken elsewhere in Warwickshire on sites with similar underlying geology that have produced a largely negative geophysical response but, have been shown to contain significant and extensive archaeological deposits following further investigation.

A condition is therefore proposed which will require trial trenching on the site, which will define the character, extent, state of preservation and importance of any archaeological remains present and will provide useful information for identifying options for minimising or avoiding damage to them.



Subject to conditions the proposal would comply with policy P16 of the Local Plan and the NPPF. This should be accorded neutral weight in the planning balance.

### **Loss of agricultural Land**

Policy P17 of the Solihull Local plan seeks to safeguard the “best and most versatile” agricultural land in the borough and will encourage the use of the remaining land for farming. Development affecting the “best and most versatile” land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations.

The applicant has submitted an Agricultural Land Classification report in support of the proposal.

The findings of the report confirm that the land is classified as Grade 3b – Moderate quality agricultural land, capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.

It is considered that the land is not the “best and most versatile” agricultural land with a grading of 3b and therefore the proposal, in this respect, would comply with P17 of the Solihull Local Plan. Further, it should be noted that the BESS is for a temporary period on 30 years and the land would then return to its existing use as agricultural land. This is given neutral weight in the planning balance.

### **Ecology**

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

The NPPF contains a number of policies relating to ecology including “minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

The Warwickshire Biological Records Centre holds records of protected and notable species near the site, including great crested newts and bats. The applicant has submitted a Phase 1 Ecological Appraisal and a Great Crested Newt Survey Report.

The site layout preserves and enhances boundary vegetation and existing trees. As a result of the proposed habitat creation, the woodland and grassland connectivity in the wider area would also improve.

There are eight ponds within 250m from the site boundary. A survey of six ponds has been undertaken, which showed that the ponds did not support great crested Newts at the time of the survey. Two ponds adjacent to the site could not be surveyed due to access issues. However, as part of HS2 works, great crested newt surveys were carried out in the area, which showed that one pond adjacent to the site (not

surveyed) supported great crested newts in 2018 and 2019. The Great Crested Newt Survey report has identified appropriate mitigation measures which can be secured by condition.

The Council's Ecologist is satisfied that Biodiversity Net Gain can be achieved. Through additional planting and enhancements on the site which the proposal is expected to deliver a 19.32% net gain to habitat units and 100.35% net gain of hedgerow units. All of these enhancements will be required to be managed for 30 years.

Subject to the inclusion of the requested conditions, it is concluded that the proposal is compliant with Policy P10 of the Solihull Local Plan 2013. Limited positive weight can be attributed to this matter in the planning balance.

### **Drainage**

Policy P11 of the Solihull Local Plan relates to water management and states that the Council recognises the need for water efficiency in all new development, and that all new development shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so.

Paragraph 167 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The PPG advises that when considering major development (such as the current application), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

In term of what sort of sustainable drainage system should be considered, the PPG advises '*generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

*Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate' (Paragraph: 080 Reference ID: 7-080-20150323).*

The site is greater than 1 hectare and is within Flood Zone 1, as such a Flood Risk Assessment and Sustainable Drainage System (SUDs) scheme have been submitted to support the planning application. According to mapping produced by the Environment Agency and held by the Council, areas of the site along the southernmost site boundary are at risk of surface water flooding. It is therefore recommended that the development is constructed using flood resilient construction techniques and permeable surfaces where possible and ensuring the site levels design does not cause an increased flood risk to third parties.

The Lead Local Flood Authority (LLFA) have confirmed no objection to the proposal and notwithstanding the submitted documents, a scheme to manage the surface water runoff from the development will be required by condition. Subject to condition the proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. This should be afforded neutral weight in the planning balance.

### **Health and Safety**

Local residents have raised concerns that the development could be vulnerable to fire, providing references to fires that have occurred at other BESSs. The site is a considerable distance (250m) from the nearest residential property and is adjacent to an existing substation and therefore the risk of a fire effecting neighbouring residential areas would be minimal. There is no compelling evidence to demonstrate that the facility would be hazardous or incompatible with its location within the open countryside. In the event of a fire, the facility would be accessible by a fire tender and West Midlands Fire service have raised no objection.

Moreover, National Grid have confirmed that at the time an application is submitted to them requesting a licence to connect to National Grid infrastructure, a network study and review is undertaken by National Grid to ascertain that proposed inverters are compliant with relevant safety standards set by the Energy Networks Association. If the battery storage is sufficient in size, witness testing may be required by National Grid to ensure the inverter is in working order. This aspect is dealt with outside of the planning system.

### **Public sector equality duty**

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

### **Human rights**

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents'

right to respect for their private and family life, home and correspondence. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this Report.

**Whether the harm by reason of inappropriateness (VSCs), and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development**

The proposed development would constitute inappropriate development within the Green Belt. Inappropriate development in the Green Belt is, by definition harmful and should only be allowed in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In addition to the harm by definition, it is considered that the proposed development would have a significant impact upon the openness of the site through the increase in built form and cause significant harm to 1 of the 5 purposes of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. Additionally, the proposal would cause limited harm to the landscape character of the area, which attracts limited negative weight in the planning balance.

The applicant acknowledges that the proposal would constitute inappropriate development in the Green Belt, which causes harm to openness and harm to the purposes of the Green Belt and has therefore put forward a case for very special Circumstances (VSCs).

- *The Need for the development.*

Electricity storage is widely recognised a key technology in the transition to a smarter and more flexible energy system and the Government acknowledges that it will play an important role in helping to reduce emissions to net-zero by 2050.

In July 2017, the Government and Ofgem published the 'Smart Systems and Flexibility Plan', followed by a 'Progress Update to the Plan in 2018. These documents set out 38 actions for the Government, Ofgem and the industry to take forward to support the transition to a smarter and more flexible system, including removing barriers to electricity storage. This document has recently been updated by the 'Transitioning to a net zero energy system which was published in July 2021.

In June 2019, the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a legally binding target to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least 80% reductions from 1990 levels.

The UK Government published its Energy White Paper in December 2020. The Paper builds on the Prime Minister's Ten Point Plan to set the energy-related measures consistent with net zero emissions by 2050. One of the key aspects of achieving net zero identified in the paper is the modernisation of the energy system. The Paper indicates that electricity demand in the UK could double by 2050 due to the electrification of transport and heating.

Furthermore, in October 2019, members of Solihull Council unanimously recognised the scale of the climate change emergency. In response to the seriousness of the situation, the target is for Solihull as a Borough to reach net zero emissions by 2041, whilst the Council hopes to make its own operations net zero by 2030. In addition, tackling climate change is an integral part of the Council Plan.

All forms of electricity generation exhibit uncontrolled increases or decreases in output (intermittency) and the term intermittency is typically associated with the renewable technologies of wind and solar. The inflexibility of large-scale generation facilities and renewable energy sources to respond to peak power variations in energy demand mean that Battery Storage developments are essential to balance the supply and therefore maintain energy security for the neighbouring communities and businesses.

The Government supports National Grid's position that these energy storage facilities plants are a crucial balancing mechanism to ensure continuous supply of power during the transition to a low carbon economy and are therefore an important solution to the emerging energy crisis.

Policy P9 (Climate Change) of the Solihull Local Plan aims to make the community more resilient to climate change through passive measures such as the lifespan of housing and other energy consuming development. It also notes that the policy encourages decentralized energy and heating networks. The policy also states that impacts of infrastructure on the natural, built, and historic environment will be considered and that considerable weight will be given to reduction of greenhouse gas emissions.

- *The contribution of the development to the local area.*

The applicant identifies that the proposal would provide additional renewable energy storage capacity and would make a significant contribution towards generating energy through renewable sources in the local area. This in turn would reduce carbon emissions and contribute to mitigating climate change.

The proposed BESS would (at capacity) hold enough energy to power approximately 460,000 homes (assuming the average of 3,800 kwh/year per household) for 2 hours or all the homes in Solihull Borough for 9 hours.

It is considered that although the power held within the batteries would not be solely for use by local residents and this could not be controlled. It is therefore not possible to place a clear local benefit, however, there is an identified regional and national need for energy storage in the UK.

- *Lack of available non-Green Belt Sites.*

The National Grid infrastructure means that there are only limited assets available to provide stability and control to the network which renewables require as they provide fluctuating energy when demand may be low.

National Grid have identified the Berkswell Substation, as the only National Grid substation in the Solihull Borough, as having capacity for a BESS of 200MW.

Furthermore the applicant has identified key locational requirements for BESS developments of this size:

- Substation Proximity Close proximity to electricity infrastructure (for example an existing National Grid Substation of sufficient scale and capacity). Beyond 2km is likely to be financially unviable not least for reasons of costs laying cables, associated environmental harm, there is also a landownership consideration that the applicant would need to take into account. .
- Open Land Approx 6 ha of land is required to accommodate 200MW BESS facility.
- Topography a relatively level and clear site is required.
- Land-use Previously developed land or lower-grade agricultural land preferred due to conformity with planning policies.
- Landscape Existing screening or potential for additional screening to minimise visual impacts.
- Environmental Designations Avoidance of sensitive protected landscape locations such as AONBs.
- Flooding/Drainage Ideally outside of Flood Risk areas.
- Accessibility Appropriate and functional access is required, including for larger vehicles during construction.
- Residential Amenity Suitable separation distance (minimum 150-200m) from residential properties.

Practical factors also include:

- an active grid connection offer from the National Grid/Distribution Network Operator, and
- a landowner willing to enter into a lease agreement.

Given that the Berkswell Substation has been identified as the only connection point with sufficient capacity within Solihull Borough the site selection process has been limited to a 2km radius of the connection point. Sites beyond 2km are automatically discounted due to the viability of connection to the grid beyond this distance, as explained above.

Section 4 of the Site Selection Statement highlights constraints within the site search area and the statement concludes that there are no feasible locations for the proposed development that are outside of the Green Belt and the entire search radius is within the Green Belt.

This consideration carries substantial weight as the locational requirements for this proposal are limiting and site specific with no more suitable, non-Green Belt sites being available.

### Conclusion

The application proposed development to provide a BESS facility which will allow the more efficient used of energy and will as a result, help to reduce carbon emissions to

the benefit of the environment. This is in accordance with national and local planning policy and weighs strongly in favour of the development.

It is considered that the proposed development would conflict with the purposes of the Green Belt; namely encroachment. There is potential for adverse landscape and ecological impacts, however, it has been demonstrated that these can be mitigated through landscaping and significant biodiversity net gain. There will be no significant adverse impacts on residential amenity locally or any potential for significant noise impact. Whilst there would be some impact on the openness of the Green Belt in both spatial and visual terms, these are very limited in terms of the surrounding context, the low scale of the development and proposed additional planting.

Any harm to the Green Belt attracts substantial weight. The 'very special circumstances' required to approve 'inappropriate' development in the Green Belt 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.

Very special circumstances relating to the locational need, the sustainability benefits of the proposal in helping to contribute to the nation target of decarbonisation by balancing the supply and demand of the electricity network have been put forward. As such great weight should be afforded to this.

It is considered that very special circumstances exist which clearly outweigh the harm caused by inappropriateness to the Green Belt. Landscape enhancements will ensure that there is an increase in biodiversity and that the development is well integrated into the wider landscape.

In conclusion therefore, there is merit in the argument that there are limited site opportunities for developments of this nature. Energy storage facilities do need to be sited in locations where available connection into the National Grid exist. In this case that means that a Green Belt site is almost inevitable. Given the national and local policy in providing energy infrastructure, it is considered that these factors clearly are sufficient to tip the balance in favour of finding that the proposal can be supported and thus that they amount to the very special circumstances necessary to support the proposal.

Therefore, notwithstanding that the proposals would represent inappropriate development in the Green Belt, in the particular circumstances of the case, very special circumstances do exist in this instance.

## **CONCLUSION**

Therefore, the recommendation is that a 'minded to grant' planning permission for the development should be resolved subject to referral of the planning application to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) Direction 2021.

## **RECOMMENDATION**

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 - Compliance with all plans
2. CS05 - Commencement within 3 years
3.
  - a) Prior to installation of the structures, including battery containers, storage and utility containers, generators and transformers and fencing, details of the external finishing colour shall be agreed in writing by the Local Planning Authority.
  - b) The structures and fencing shall be retained and maintained in the agreed finish for the lifetime of the development.

Reason: In the interests of the visual amenity of the Green Belt.

4. (a) The use of proposed development shall cease on or before (**insert decision date**) 2058 and all buildings, equipment and infrastructure removed and the land shall be restored in accordance with a decommissioning scheme that must be submitted to and approved in writing by the Local Planning Authority. The decommissioning scheme shall include a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.
- (b) All buildings, structures and associated infrastructure must be removed within six months of the proposed development ceasing, and the land restored in accordance with the details approved pursuant to paragraph (a).

Reason: To protect the openness of the Green Belt.

5. No development shall commence, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details (where appropriate):
  - i. a construction programme including a 24 hour emergency contact number;
  - ii. complaints procedures, including complaint response procedures;
  - iii. air quality mitigation measures, including dust suppression;
  - iv. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - v. arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
  - vi. arrangements to minimise the potential for noise and vibration disturbance,
  - vii. locations for loading/unloading and storage of plant and materials used in constructing the development;
  - viii. details showing the siting, design and maintenance of security hoardings;
  - ix. wheel washing facilities and measures to control the emission of dust and dirt during construction;
  - x. site lighting details; xi. site drainage control measures; xii. tree protection measures in accordance with BS 5837:2012;



- xiii. details of ecological mitigation measures including an operational lighting scheme for bats;
- xiv. details of specific mitigation in relation to breeding or foraging black redstart;
- xv. details of biodiversity and arboricultural mitigation measures including a pre-commencement check by an ecological clerk of works (ECoW) to determine whether nesting birds are present;
- xvi. a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles;
- xvii. An Unexploded Ordnance assessment to be undertaken;
- xviii. Membership of the Considerate Constructors Scheme.

The development, including any works of demolition, shall only be carried out in accordance with the approved CEMP.

Reason: To safeguard the HS2 Phase One programme and to protect HS2 assets.

6. No development shall commence, including any works of demolition, until a detailed Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include information on:

- i. forecast programme and construction trips generated;
- ii. booking systems;
- iii. consolidated or re-timed trips; and
- iv. secure off-street loading and drop off facilities;
- v. use of logistics and consolidation centres;
- vi. re-use of materials on-site;
- vii. collaboration with other sites in the area; viii. use of rail and water for freight; and
- ix. implementation of a staff travel plan x. any areas for the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).

The development, including any works of demolition, shall only be carried out in accordance with the approved CLP.

Reason: To safeguard the HS2 Phase One programme and to protect HS2 assets.

6. The development hereby permitted shall not commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan to include short (1-5years), medium (5-15 years) and long term (15-30 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat mitigation and compensation works. The LEMP shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protected species and habitats in accordance with Policy P10.

7. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the

Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted at the periphery of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal species. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 06/2005.

8. The development hereby permitted shall be timetabled and carried out to wholly accord with the Reasonable avoidance measures as set out in the Great Crested Newt Survey Report produced by Western Ecology in July 2022 (updated December 2022) (pages 12-14). A brief letter/report shall be submitted to the Local Planning Authority within 1 month following completion of the works to confirm the measures have taken place and the outcome.

Reason: In accordance with NPPF and Policy P10.

9. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

- a) Drawings showing overall site concept design principles
- b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:
  - o Confirmation of the lifetime of the development
  - o Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'),
  - o Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
  - o Confirmation of discharge rates and volumes (both pre and post development)
  - o Confirmation of proposed discharge location, including the network downstream of the Kenilworth Greenway
  - o Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMBC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.

- o Engineering details for all surface water drainage features
- o Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
- o Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details.

Reason: In accordance with P11 of the SLP

10. CL05 submission of soft landscaping scheme

11. CL06 implementation of landscaping scheme

12. Prior to commencement of development, an Arboricultural Method Statement, providing comprehensive details of tree protection measures to the requirements of BS5837, including a dimensioned tree protection plan shall be submitted for approval in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.

Reason: To protect trees during construction.

13. In the event that it is proposed to import soil onto site in connection with the development, full details of the soil or soil forming materials must be provided to the LPA for approval.

Soils must be tested for contamination to determine their suitability for use on site. Full donor details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined via appropriate risk assessment) must be submitted to and approved in writing by the Planning Authority.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Planning Authority prior to any soils or soil forming material being imported to site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P14 of the Solihull Local Plan 2013.

14. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

Reason: In accordance with policy P16 of the SLP.

: