



# Appeal Decision

Inquiry held on 9 April 2024

Site visit made on 12 April 2024

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> May 2024**

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**Appeal Ref: APP/B3030/W/23/3334043**

**Staythorpe, Newark, NG23 5RG**

**Grid Ref 475454 353713**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Ecap Staythorpe BESS Ltd against the decision of Newark and Sherwood District Council.
  - The application Ref is 22/01840/FULM.
  - The development proposed is the construction of a battery energy storage system and associated infrastructure.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of a battery energy storage system and associated infrastructure at Staythorpe, Newark, NG23 5RG, Grid Ref 475454 353713 in accordance with the terms of the application, Ref 22/01840/FULM, and the plans listed in Condition 3, subject to the conditions in the attached schedule.

## Applications for costs

2. The appellant has made an application for costs against Newark and Sherwood District Council. This is the subject of a separate decision.

## Preliminary Matters

3. The layout was amended by the appellant after the appeal was submitted. Plans of the amended scheme are listed in section 1.12 of the Statement of Common Ground dated 12 March 2024. The agreed description of development is set out in paragraph 1.8 of the Statement of Common Ground.
4. The amendments were as follows.
  - Conversion of an area of land (0.7ha) originally allocated for battery storage to landscape and ecological enhancement area.
  - Increase in separation between the acoustic fence and storage units and the nearest residential homes, to approximately 116m.
  - Amendments to the dimensions of the Battery Energy Storage System (BESS) containers, changing from 1.7m wide, 9.3m long and 3.8m in height to 2.4m wide, 6.1m long and up to 3.9m in height.

- Reorientation of the battery energy storage system containers so that they would be side-on rather than end-on when seen from Staythorpe Road.
  - Reduction in the number of BESS containers and an increase in the distance between units.
  - Reduction of the overall hardstanding from 1.08ha to 1.04ha (a reduction of approximately 4%).
  - Minor reconfiguration of the 400kV substation, including the reduction in the number of transformer and switch room structures.
  - Minor amendments to the CAT2 Mesh Fence surrounding the 400kV substation.
  - Updates to the illustrative Landscape and Ecological Enhancement Plan.
5. At the stage the amendments were proposed by the appellant, I asked the parties:
- whether the proposed revisions would make the scheme appear materially different when seen from beyond the site, notably from public viewpoints and residential property;
  - the extent of any such difference, and whether it would increase or reduce the visual impact of the scheme from those locations; and
  - whether the revised drawings would introduce other material differences in respect of scheme impacts, and their nature and extent.
6. The Council responded that it considered that the revised scheme had the potential to look materially different from public viewpoints, including Staythorpe Road, residential properties and the public right of way (PROW) FP 1, for a number of reasons; among other things it considered that the north-eastern field would include a larger footprint of development, with additional, re-orientated substations and more linear metres of access track.
7. I decided to accept the revised scheme because the alterations did not amount to a substantial difference or fundamental change to the application. Beyond the site the effect would not be substantial, and there would be no material adverse impact, and a number of improvements. In particular:
- the amended layout increased the distance between the battery storage units and nearby residential properties, and the separation between the acoustic fence and the nearest residential homes;
  - notwithstanding the changes in the north-eastern field, the distance between the installation and the residential properties in Staythorpe Road is such that the changes would not appear substantial and would not be materially adverse;
  - the change in the perception of the development from the public right of way would be little changed;
  - an area of land originally allocated for battery storage would now be a landscape and ecological enhancement area;

- the number of battery energy storage system containers would be reduced and the separation between them would increase;
  - the overall hardstanding would be reduced;
  - there would be a reduction in the number of transformer and switch room structures;
  - the amendments to the CAT2 Mesh Fence surrounding the 400KV substation would be minor;
  - the updates to the illustrative landscape and ecological enhancement plan would not have a substantial additional impact.
8. Interested people were notified of the amendments and were invited to submit representations on them. The alterations did not prejudice anyone's interest or cause unlawful procedural unfairness. I have taken into account all representations made in connection with the application and the appeal.
9. The appeal has been determined on the basis of the amended scheme.
10. The appellant also submitted an enhanced mitigation strategy in November 2023 which among other things introduced heavy standard trees to supplement the landscaping scheme and proposed the translocation of 110 metres of roadside hedge. This was not an amendment to the scheme, but provided further information about landscaping, which would be secured by a condition.

### **Main Issues**

11. The main issues in this case are: the benefits of the scheme; the visual impact of the scheme; the impact on landscape character; the effect on flood risk; and the effect on the stock of agricultural land.

### **Reasons**

#### *The benefits of the scheme*

12. The proposed battery energy storage system (BESS) would allow intermittent renewable energy such as wind and solar power to be stored when supply is high and released to the electricity grid network during times of peak demand. It would connect to the nearby Staythorpe Substation and would serve the National Grid rather than a specific local generation facility, with the capacity to store 720MWh of surplus energy before feeding it into the grid.
13. Battery storage is an essential part of the system services that will enable the National Grid to handle the change in power flows arising from the growth in power from renewable energy sources and the decommissioning of coal and gas power stations. Without the system services to support zero carbon technologies, stabilising the National Grid will be challenging and will constrain the amount of renewable energy that can be utilised by the grid, ultimately hindering the ability to decommission further coal/gas power plants.
14. Staythorpe Substation is a priority area where power capacity support is needed on the 400kV network. Staythorpe is one of a limited number of substations which have available capacity to accommodate a battery energy storage system of this kind before 2033, and the only one in Nottinghamshire. The scheme would provide an important service in a strategic part of the grid;

the substation has four transmission circuits and can provide balancing services to several regions where coal and gas stations are being decommissioned and where there will be increasing power flow from North Sea windfarms and other renewable sources.

15. In 2019, the Climate Change Act (2050 Target Amendment) Order 2019 increased the UK's commitment to a 100% reduction in carbon emissions by 2050 (net zero), and in 2021 the Government adopted the Sixth Carbon Budget (2033-37) to cut emissions by 78% by 2035. The Government's intention is to have a fully decarbonised electricity system by 2035. ESO Future Energy Scenarios expects that to secure net zero could require as much as 47GW of electricity storage by 2050, of which 31GW would be at transmission level, which is the type of storage represented by the appeal scheme.
16. There is therefore considerable urgency for system services including battery energy storage schemes to come forward to enable the National Grid to handle the transition to low carbon energy sources and to underpin energy security. The appeal scheme is in a position to respond to this urgency. The appellant has a contract in place which would allow for the scheme to be connected to the National Grid in 2026, with procurement, construction and commissioning of the development taking place during the preceding period. The benefits of the proposals would therefore start to be realised in 2026.
17. In respect of the policy framework, Core Policy 10 of the adopted Newark and Sherwood Amended Core Strategy (2019) supports renewable energy, whilst Spatial Policy 3 exercises strict control over development in the open countryside. The policies to deal with development in the countryside are set out in the Newark and Sherwood Allocations and Development Management Document (DPD) 2013. Policy DM4 promotes energy generation from renewable and low-carbon sources subject to certain qualifications concerning, among other things, flood risk, landscape character, heritage assets, amenity, highway safety and ecology. The Council sought to argue that the scheme conflicts with Policy DM8, which does not mention renewable energy as a development suitable in the open countryside. However, Policy DM4, not Policy DM8, is the most directly relevant policy in this case and its criteria clearly envisage that development related to renewable energy may take place in the countryside in certain circumstances. The scheme is not in conflict with the most directly relevant policy.
18. At the level of national policy, National Policy Statements (NPS) EN-1, EN-3 and EN-5 recognise the key role that electricity storage has to play in achieving net zero, providing flexibility in the energy system and ensuring the security and reliability of the UK's energy supply. Support for renewable and low carbon energy and associated infrastructure is also expressed in paragraph 157 of the National Planning Policy Framework (NPPF).
19. For all the above reasons the scheme would have very significant benefits in supporting the transition to net zero and in helping to secure stability and security in energy supply; and there is a very positive planning policy framework both nationally and locally which supports such development, subject to its impacts being acceptable.

*The visual impact of the scheme*

20. The site consists of 10.1ha of flat agricultural land in two fields, separated by a public right of way. It is largely contained behind a hedge, and although it can be glimpsed from Staythorpe Road, and seen from the windows of some houses, its character is influenced by the presence of nearby Staythorpe Power Station and the adjacent electricity infrastructure, including many pylons. Its main visual contributions to the character and appearance of Staythorpe Road are therefore its agricultural use, its openness and the occasional views of the power station and associated electrical infrastructure.
21. The BESS scheme would be substantial; it would consist of an array of 268 containers each 6.1m by 2.4m, and 3.9m high, raised where necessary on plinths above the design flood level, with an adjacent DC box and inverter, 67 power control units, a substation compound with two transformers, access tracks, perimeter mesh fencing, and a 4m high acoustic fence around the main battery infrastructure. This would clearly change the visual appearance of the site, taking away its open agricultural character and giving it an industrial appearance. However, beyond the site, the scheme's visual impact would be more limited than the extent of the development would suggest, due to a combination of siting and landscaping.
22. The BESS structures would be set well back from the Staythorpe Road boundary. In the more northerly field, there would be an 82m deep landscape buffer between Staythorpe Road and the battery containers. This would contain two bands of planting with advanced nursery stock specimen trees together with scrub and woodland mix and hedgerow planting. Behind this there would be a 4m high acoustic fence. In the more southerly field, there would be a 35m landscape buffer with two bands of woodland planting, again backed by an acoustic fence.
23. The enhanced mitigation strategy would supplement this landscaping, to provide additional screening in the areas near Pingley Lane and Behay Gardens, with heavy standard trees including oak (3m to 3.5m tall at the time of planting), and alder and aspen (3.5 to 4.25 tall). The intention is to implement the planting ahead of the main construction works, some 22 to 24 months prior to the BESS coming into operation, giving it an opportunity to put on some early growth. The long term maintenance of the enhanced mitigation scheme is secured through the planning obligation discussed under paragraph 58.
24. The existing hedgerows on the roadside would be maintained at a height of 3m. Originally the scheme proposed the removal of part of the hedgerow on Staythorpe Road to allow for visibility splays at the site exit, and the Council cited the loss of an ancient hedgerow as part of the reason for refusal. However, ecological investigation has demonstrated that the hedgerow does not qualify as important, and the scheme now proposes to translocate 110m of the hedgerow back by between 2m and 5m from its current alignment. This part of the reason for refusal was not pursued at the inquiry. The translocation will enable the hedgerow to maintain any inherent biodiversity it may have. As with the enhanced mitigation scheme, the long term maintenance of the translocated hedge is secured through the planning obligation discussed under paragraph 58.

25. Seen from Staythorpe Road, structures would be visible within the site in the initial years, and the access and hedge translocation would open up views into the site at first. However, 5 years after first operation (about 7 years after planting), views of the acoustic fence would be partially screened and filtered, and the translocated hedge would be restored to the current baseline position. Although it would take some time for the screening to become fully effective, it would be thick enough and mature enough to provide a degree of mitigation even in the short term. After 15 years of operation (17 years after planting) the planting would be more established and would screen the acoustic fence and BESS structures from Staythorpe Road. It would also screen views of the chimneys of Staythorpe Power Station, especially when the trees are in leaf. The substation, at 12.5m, would be the tallest element of the scheme, but it would be a long way back into the site, located where it would be read with other power infrastructure, and substantially screened as the planting matured. These conclusions take into account the modest drop in level between Staythorpe Road and the site, particularly towards its southern end, and the effect of reduced leaf cover in winter, which would be countered to a large extent by the density and depth of planting.
26. The scheme would be seen initially from some of the front windows of a small number of houses in the area of Staythorpe Road Behay Gardens and Pingley Lane, mainly upper floor windows. The view from some houses is already partially obstructed by front garden planting, but where there is a view of the site, residents would see construction work, and in the early years they would see fencing and operational structures at some distance. It is recognised that the landscaping would take a few years to mature, but over time it would gradually reduce the visual impact of the scheme. These are private views rather than impacts on the public realm, and the scheme would not be so intrusive in those views that it would actually harm residents' living conditions. Overall, the impact of the scheme on those properties falls well short of a reason to resist the scheme.
27. The site is experienced more directly by walking the public right of way that crosses the site, which ultimately leads to the River Trent and to a wider footpath network. Views from the footpath are generally limited by its enclosure by hedges and by the flatness of the nearby landscape. Where the footpath approaches the railway line, it is possible to look back across the site towards Staythorpe and to Upton, but these are unexceptional views, and as the footpath moves further into the site, away from Staythorpe Road, the character of the site is increasingly dominated by the power station and power lines.
28. The impact of the scheme on the public right of way would be greater than that on Staythorpe Road because the battery storage units and fences would be closer and the landscape belt narrower. Instead of being a hedged path through open landscape, the footpath would become a landscaped corridor through a battery storage installation. That said, the existing planting along the footpath would be supplemented by landscaping, and it is not especially unusual for footpaths to be narrowly confined between hedges and fences. Moreover, the part of the footpath that would be affected by the scheme would be relatively short: less than a quarter of the total length of the footpath that leads to the River Trent. A permissive path would be created to enable the route to continue to function during the construction phase and this would be retained thereafter as part of the landscaping scheme.



29. Whilst not underestimating the relevance of the site's openness to people who can see the site from their windows, walk along Staythorpe Road, or use the footpath, its visual contribution to the area is modest. In the short term the scheme would result in very limited visual harm to Staythorpe Road, which would lessen over time as the landscaping matured. The scheme would cause some diminution in the quality of the public right of way through the site. However, the effect on the appearance of the area, including the experience of walking the footpath, would not merit dismissing the appeal.
30. For the above reasons, the scheme would accord with Policy DM5 (3 and 5) of the Allocations and Development Management DPD which aims to protect the quality of living conditions and avoid unacceptable impacts from new development, protect the character of the landscape, and protect and enhance trees, woodlands, biodiversity and green infrastructure.

*The impact on overall landscape character*

31. The site has the landscape characteristics of a site in the Trent Washlands. It is flat and open, bounded by hedges and a railway line with a tree belt, and is influenced by views of nearby power infrastructure. Its landscape quality is not especially high and it is not widely visible. The scheme would result in the site appearing less open and more planted, but there are examples elsewhere in this landscape of bands of larger scale planting and trees; that along the railway line is only one example of many. Planting is certainly not confined to clipped hedges.
32. The site itself would be changed by the planting and the power infrastructure structures; the visual impact is discussed above. But given the nature of the site, its degree of self-containment, the fact that it is not seen over a wide area, the notable influence of existing power infrastructure, and the congruity with the landscape character of the Trent Washlands, the scheme would not have any significant effect on overall landscape character.
33. For these reasons, the scheme would accord with Policy DM5 (4) of the Allocations and Development Management DPD which seeks to protect the local distinctiveness of the District's landscape character.

*Flood risk*

34. Policy DM5 (9) of the Allocations and Development Management DPD indicates that the Council will aim to steer new development away from areas at highest risk of flooding; where development is appropriate, it should be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones. Where development is necessary within areas at risk of flooding it will also be necessary to satisfy the exception test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.
35. About 70% of the site is in Flood Zone 3 and is prone to fluvial flooding from the River Trent. The flood risk assessment and sequential test analysis considered 18 alternative sites, of which 9 had a lower risk of flooding. Of these, some were too small and others were crossed by power lines. The officer's report to committee mentioned site PDA16 as a sequentially preferable site, but the site is subject to a separate application for a BESS proposal and the Council accepts that it should be discounted because it is not reasonably

available. At the inquiry the Council argued that a number of sites could be sequentially preferable. These were discussed individually, but it is clear from the evidence that these are not suitable for a variety of reasons: size, access, difficulty of connection to the grid, unavailability and fragmentation by power lines. The appellant presented credible arguments as to why there are practical constraints to combining groups of smaller sites or developing sites fragmented by power lines. The scheme therefore passes the sequential test.

36. Even if the scheme did not pass the sequential test, it would pass the exception test. It would be designed to deal with a flood event of up to 1% plus 40% climate change allowance and 300mm freeboard; the battery containers in the affected area would be raised on concrete plinths and compensatory water storage would be provided on site to deal with displacement. The scheme would therefore not worsen flooding elsewhere, and peak runoff up to the 1% event would be restricted to the greenfield QBar rate, thus providing a degree of betterment. In normal conditions there would be no operatives on site and an emergency plan would be in operation so risk to personnel would be very low. An operational stage flood incident plan and a detailed surface water management plan are required by condition.
37. It is agreed between the main parties to the appeal that the scheme would not cause flooding or worsen flood risk in any practical sense. The scheme is essential infrastructure, would be safe for its lifetime, and would provide very considerable sustainability benefits to the community in helping to contribute towards the transition towards renewable energy and the reduction in carbon emissions. None of the relevant consultees, including the Environment Agency, the Lead Local Flood Authority, Trent Valley Drainage Board, or Severn Trent Water, object to the proposal. Having regard to all the above, the proposal would accord with Policy DM5 (9) of the Allocations and Development Management DPD and with paragraphs 165 to 175 of the NPPF.

*The effect on the stock of agricultural land*

38. Policy DM8 of the Allocations and Development Management DPD seeks a sequential approach in respect of the loss of the most versatile areas of agricultural land and requires proposals that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss. This approach does not accord with national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4, which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.
39. According to the updated agricultural land report, which took into account the influence of potential flooding on part of the site, most of the land is Grade 3b quality. Only 2.4ha, or 23.8%, of this 10.1ha site is Grade 3a agricultural land. Although the site has raised crops, evidence given to the inquiry is that the farm owner regards the land as not viable for agriculture. Even if, despite this



- evidence, this 2.4ha were still considered best and most versatile land, the amount of such land that would be lost would be limited in area.
40. The Council argue that since the general agricultural land classification does not distinguish between Grades 3a and 3b, intrusive samples of a wider spread of sites should have been carried out to find out whether there are sites with a greater proportion of lower agricultural quality in the area. But – and notwithstanding other appeal decisions referred to by the Council – to insist on a widespread exercise of this sort on land not in the control of the appellant would be impractical and unreasonable, and would be entirely disproportionate given the small proportion of Grade 3a land that would be lost on the appeal site. In any case, the additional data that has been collected from the detailed surveys of PDAs 4, 5, 16 and 18 shows that it is unlikely that other possible sites would be better in this respect, even leaving aside their other constraints.
  41. The BESS would be decommissioned after 40 years and the land restored; an outline soil management plan has been produced and this would be developed as a requirement of the attached landscape condition prior to construction and adhered to during construction and reinstatement. A condition is attached requiring a decommissioning plan. The scheme demonstrates clear environmental benefits in terms of improved biodiversity, and community benefits in supporting the transition to low carbon energy generation.
  42. In conclusion, the loss of a small amount of Grade 3a agricultural land during the lifetime of the development would not represent a significant loss in the stock of agricultural land, best and most versatile land, or productive agricultural capacity, and does not constitute a sound reason for dismissing the appeal. The scheme would not conflict with Policy DM8 (even if it were construed to be relevant) and would accord with Policy DM4 and the National Planning Policy Framework.

## **Other Matters**

### *Health, safety, fire risk and pollution*

43. Perception of fire risk was originally cited by the Council as part of its reason for refusal, and although the Council withdrew that part before the inquiry, local residents have continued to express concern about the potential for thermal runaway in the scheme, and about the discharge of fumes and groundwater contamination from such an event. I have read the residents' submissions and the reports attached to them.
44. The appellant provided a Fire Safety Note to the inquiry which was based on expert advice. The note confirms that the proposed development has had regard to all relevant British Standards, guidance and policy in respect of fire safety and is considered to comply with all current legislation, guidance and best practice. The appellant is committed to only selecting suppliers with battery systems certified under UL9540, which is subject to tests under UL9540A at system level. UL9540A is a test methodology at battery cell, battery module and battery system level to assess the level of fire propagation between these subcomponents. This is the strictest test under the UL940A test group.
45. The scheme would be in a secure compound and would be a considerable distance from the nearest homes. It would not contain hazardous substances.

Any fire would be contained to a single container, which is a robust structure. Fire propagation would be mitigated by the current spacing of 3m between containers. Adjacent containers would be unaffected by such an event and the incident would remain within the confines of the site boundary. This builds on best practice and lessons learnt from past incidents such as the 2019 McMicken and 2020 Carnegie Road incidents which were referred to by residents at the inquiry.

46. Best practice for managing a fire event is for the Fire Services to let the container burn from a safe inaccessible distance. As regards the smoke plume from burning lithium-ion batteries, the toxicity of the fumes from a burning BESS are generally accepted as being comparable to those from burning diesel or petrol vehicles. There would be more hydrofluoric gas, but this is highly reactive, and residues have not been found in the analysis of fire incidents at BESS sites. There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK was at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases.
47. From the number of worldwide BESS sites and the number of fires that have occurred, the Fire Safety Note comes to an estimate of 2.1% of BESS being potentially susceptible to incident during its lifetime, but such incidents are becoming statistically less likely due to improvements in fire safety management plans, technological improvements and lessons learned from other events such as the McMicken incident. Smoke plume modelling has been undertaken and it is estimated that the combined probability of a plume reaching residential properties on Staythorpe Road as a result of a coincidence of wind speed, wind direction and a thermal runaway incident would be 0.01%. This uses an incident rate of 2.1%, which is considered to be dropping.
48. The BESS is designed to remain fully operational during a flood event and would be designed so that it could be safely accessed by the fire and rescue services. If a container were to enter thermal runaway during a flood event, the project would have a detailed management of State of Charge, where the number of BESS containers at 100% charge would be minimised. The affected container alongside its power control system would be isolated and electrically disconnected from the grid and the fire services would cool the area with water surrounding the container. An impermeable membrane would capture fire water, which would be pumped away in a controlled manner by a licenced operator. The Fire Safety Note estimates that the probability of a container fire and a design flood event (an event that would occur on average once in 100 years) occurring at exactly the same time would be very small indeed.
49. A fire safety management plan has been evolved through collaborative working between the appellant, the Council and Nottinghamshire Fire and Rescue Service (NFRS) and it has been independently reviewed by leading experts in the field. The plan includes consultation, organisational roles and responsibilities, fire safety arrangements, monitoring checks, maintenance and testing, audit and review, a risk management plan, an emergency response plan and provision for a post-incident recovery plan.

50. Table 1 of the appellant's Response Note dated 23 April 2024 demonstrates that the proposed development and the accompanying fire safety management plan would meet, and in a number of instances go beyond, the recommended good practice measures set out in the newly issued good practice guidance document "Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems" (Department for Energy Security & Net Zero, March 2024).
51. NFRS has no objection to the scheme subject to a condition requiring an updated fire safety management plan. Subject to the condition, the scheme would be acceptable in respect of fire safety and would accord with Policy DM10 of the Allocations and Development Management DPD which seeks to control the potential for pollution from development proposals.

#### *Biodiversity and protected species*

52. The scheme would provide 27.5% biodiversity net gain (BNG); a condition is attached requiring the submission of a landscaping scheme to secure at least this amount of BNG. The long term maintenance of the biodiversity mitigation measures is secured by the planning obligation discussed under paragraph 58. The translocation of 110m of hedgerow as discussed above would assist in retaining the biodiversity of the existing hedge line.
53. Residents have observed otter in local watercourses. Records from the Nottinghamshire Biological and Geological Records Centre and ongoing surveys for Great North Road Solar Park show that otter is relatively widespread in the local area and is generally associated with larger watercourses, including the River Trent.
54. However, the Records Centre has no pre-existing records of otter within the BESS site. The submitted Ecological Impact Assessment also reported no such records, and surveys have recorded no evidence of the species on the site and only suboptimal aquatic habitat. The Ecological Impact Assessment predicted negligible and unlikely effects from the development and proposes mitigation measures in line with standard good practice. These include the avoidance of works in or near watercourses and the covering of open excavations overnight. Appropriate measures can be included in a construction environmental management plan (CEMP), which is made the subject of a condition. The evidence demonstrates that, as far as reasonably practicable, legal offences will be avoided and therefore a mitigation licence will not be required.
55. For the above reasons the scheme would accord with Core Policy 12 of the Core Strategy and Policy DM5 (7) of the Allocations and Development Management DPD, which seek to conserve and enhance the biodiversity of the District and avoid harm to protected species.

#### *Heritage assets*

56. It is agreed that the scheme would have a neutral effect on the setting of The Manor House on Pingley Lane, which is Grade II listed, on the setting of Averham Conservation Area and its listed buildings, and on the Averham Moat and enclosure Scheduled Monument. The proposal would initially cause a small degree of harm to the setting of the nearby non-designated heritage assets along Staythorpe Road, including Grange Farm and Behay Gardens, but with growing maturity the proposed landscaping would mitigate the impact. The degree of harm would be significantly outweighed by the public benefits of the

scheme. A condition is attached requiring the submission of a scheme of archaeological investigation. The proposal would not conflict with Policy DM9 of the Allocations and Development Management DPD.

### **Conditions**

57. In addition to the standard conditions, conditions are attached requiring archaeological investigation, because of the potential for the site to contain archaeological remains; a landscaping scheme and hedge translocation plan, for the reasons discussed in this decision; details of the site access, in the interests of highway safety; a construction environment management plan and construction traffic management plan, to protect the quality of the environment, highway safety and living conditions; a surface water management plan, a flood risk mitigation plan, a fire safety management plan and an operational stage flood incident plan, for the reasons discussed in this decision; a public right of way diversion scheme to address the diversion of the public right of way during construction and the details of the proposed permissive path; details of materials, to control the appearance of the scheme; noise mitigation, to protect the living conditions of nearby residents; details of lighting, to protect the living conditions of residents and mitigate the impact on wildlife; and a decommissioning scheme for the site at the expiry of 40 years or in the event that battery storage ceases at the site.

### **S106 obligation**

58. An obligation dated 30 April 2024 requires the owner and/or the developer to translocate the hedgerow discussed in paragraph 24 and to maintain it until the development is decommissioned or for a period of 30 years from the date of the full implementation of the biodiversity net gain measures, whichever is the later; to maintain the biodiversity net gain measures discussed in paragraph 52 within the same timetable; and to maintain the enhanced mitigation measures discussed above in paragraph 23 until decommissioning. These requirements are necessary to ensure that the landscaping and planting on site remains effective throughout the life of the development.

### **Conclusions**

59. The scheme would have very significant benefits in supporting the transition to net zero and in helping to secure stability and security in energy supply. Planning policies both nationally and locally support such development, subject to its impacts being acceptable. The scheme would accord with Core Policy 10 of the Core Strategy and Policy DM4 of the Allocations and Development Management DPD, National Policy Statements (NPS) EN-1, EN-3 and EN-5, and paragraph 157 of the National Planning Policy Framework.
60. The site's landscape quality is not especially high and is influenced by existing power infrastructure, and its visual contribution to the character of the area is modest. Beyond the site the development would not have a harmful effect on landscape character and the scheme would not harm residents' living conditions. The visual impact of the fencing and structures would be mitigated by extensive planting, which once established would provide effective screening. The scheme's visual and landscape impacts including the effect on openness and the footpath through the site do not outweigh the benefits of the scheme. The proposal would accord with Policy DM5 (3, 4 and 5) of the Allocations and Development Management DPD.

61. In respect of flood risk, the scheme passes the sequential test and even if it did not, it would pass the exception test. The scheme would not cause flooding or worsen flood risk in any practical sense. The proposal would thus accord with Policy DM5 (9) of the Allocations and Development Management DPD and with paragraphs 165 to 175 of the NPPF.
62. The loss of a small amount of Grade 3a agricultural land during the lifetime of the development would not represent a significant loss of best and most versatile land or in productive agricultural capacity; and there is no evidence of any preferable site in this respect. The scheme would thus not conflict with the particular part of Policy DM8 that addresses agricultural land, were this applicable to the scheme, and does not conflict with the relevant part of the NPPF which seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.
63. The scheme would be acceptable as regards fire safety and potential pollution and would accord with Policy DM10 of the Allocations and Development Management DPD.
64. Protected species would not be affected and there would be an improvement in biodiversity in accordance with Core Policy 12 of the Core Strategy and Policy DM5 (7) of the Allocations and Development Management DPD.
65. The development would be acceptable in respect of its impact on heritage assets and would accord with Policy DM9 of the Allocations and Development Management DPD.
66. The benefits of the proposal would be very substantial, and none of the scheme's impacts, individually or taken together, would be so significant as to justify dismissing the appeal. I have considered all the other matters raised but they do not alter the balance of my conclusions. For all the reasons given above, the appeal is allowed.

*Jonathan Bore*

INSPECTOR

## **ANNEX**

### **Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first import of electricity to the development. Written confirmation of the first import date shall be provided to the local planning authority within one month after the first import date.
- 3) The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans/drawings:
  - i) Site Location Plan (Red Line Boundary) Drawing Ref: 4951-REP-040
  - ii) Amended Scheme Enhanced Mitigation Strategy, Drawing Ref: TPLV.3.4, 3.5 and 3.6
  - iii) Site Layout Plan, Drawing Ref: Drawing Ref: UK008\_LYP (Rev R)
  - iv) BESS Battery Container Elevation Plan, Drawing Ref: Drawing Ref: UK008\_031 Rev 06
  - v) Elevations 400kV Substation, Drawing Ref: 1408-121/1 (Rev A)
  - vi) Fence Details, Drawing Ref: UK008\_036 (Rev 02)
  - vii) CCTV Elevation, Drawing Ref: UK008\_037 (Rev 02)
- 4) Except for archaeological works, no development shall take place until the Phase 2 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The Phase 2 WSI shall include:
  - i) an assessment of significance and research questions;
  - ii) the programme and methodology of site investigation and recording;
  - iii) community involvement and/or outreach proposals;
  - iv) the programme for post investigation assessment;
  - v) Provision to be made for analysis of the site investigation and recording;
  - vi) provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - vii) provision to be made for archive deposition of the analysis and records of the site investigation; and
  - viii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Phase 2 WSI.

The development shall not be brought in to use or the site occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Phase 2 WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.



- 5) Save for any works approved by Condition 6, no site clearance or vegetation clearance works shall be commenced until a detailed hard and soft landscape scheme for the site has been submitted in writing to the local planning authority for approval. The submitted landscaping scheme shall be in accordance with the details set out in the Enhanced Mitigation Plan (drawing number TVLP3) and shall include details of proposed landscape and ecology works, including:
- i) soft landscape details;
  - ii) hard surfacing materials;
  - iii) proposed finished ground levels;
  - iv) species type, size and planting density;
  - v) vehicular and pedestrian access;
  - vi) soil management measures;
  - vii) tree protection measures set out in an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with BS5837;
  - viii) how a biodiversity net gain of at least 27.5% calculated using Metric 4.0 published by the Department for Environment, Food & Rural Affairs will be achieved, comprising at least +15.8% net gain for habitat units, +72.54% net gain for hedgerow units, and +31.2% net gain for river units;
  - ix) a implementation timetable; and
  - x) a landscape and ecological mitigation, management and maintenance plan.

The planting proposed adjacent to Staythorpe Road shall be implemented in the first available planting season following the approval of the landscaping scheme, and the remainder of the approved landscaping scheme shall be implemented in its entirety no later than the first available planting season following completion of the development. The approved landscaping scheme shall be retained and managed in accordance with the approved landscaping scheme for the duration of the development.

If any tree or shrub is removed, dies or becomes seriously damaged or diseased within the lifetime of the development it must be replaced with suitable replacement plants or trees to the approved details.

- 6) No translocation of the hedgerow identified on the Hedge Translocation Plan (Ref TC.203) shall take place until a translocation method statement, including a timetable for the works, that has been prepared in compliance with BS5837, has been submitted to and approved in writing by the local planning authority. The translocation of the hedgerow shall thereafter be carried out only in accordance with the approved details.
- 7) No development shall take place until details of the site access have been submitted to and approved by the local planning authority. The details shall be in accordance with the details shown in Site Entrance Junction - Visibility Splays Assessment (Ref: 4951\_DR\_P\_0001 Rev 02) and Emergency Access Junction Design (Ref: 23065/GA/01 Rev B) and include details of necessary vegetation clearance, culverts and a programme for the delivery of the site access works. All works shall be carried out in accordance with the approved details.

- 8) No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should be prepared in accordance with the outline CEMP dated May 2023 and shall contain the following details:
- i) a scheme to control noise and dust;
  - ii) construction working hours, which shall be limited to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) details of the temporary compound area, including fencing;
  - vi) full details of any temporary external lighting;
  - vii) a construction stage flood incident plan;
  - viii) measures for the protection of habitats and species within the site;
  - ix) construction stage emergency response plan and incident response system(s), including responsible persons and lines of communication.

The construction of the site shall be carried out only in accordance with the approved CEMP.

- 9) No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall be prepared in accordance with the outline CEMP dated May 2023 and shall confirm the following details:
- i) deliveries shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays, unless otherwise agreed for abnormal load deliveries;
  - ii) an indicative programme for the number of HGV and Articulated Indivisible Load (AIL) movements;
  - iii) approved access and egress routes for HGV and AIL movements;
  - iv) a traffic safety management plan showing the location and type of traffic management signage and the location of any traffic marshals required to oversee the access and egress of HGVs and AILs;
  - v) parking details of vehicles of site operatives and visitors;
  - vi) wheel washing facilities to prevent mud and debris from migrating on to the adjacent highway.

The construction of the site shall be carried out only in accordance with the approved CTMP.

- 10) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be in substantial accordance with the principles set out in in the Outline Sustainable Drainage Strategy (dated May 2023). The approved surface water drainage scheme shall be implemented and maintained for the lifetime of the development.

The development shall be implemented and maintained for its lifetime in accordance with the following flood risk mitigation measures:

- i) finished floor levels for all battery containers located in land indicated to flood during the design flood event (1 in 100 AEP event plus an appropriate allowance for climate change) shall be 300 mm above the peak flood level during the design flood event;
  - ii) compensatory flood storage shall be provided in accordance with the principles set out in the Flood Risk Assessment (Rev 2 May 2023).
- 11) No development shall commence until a public right of way diversion scheme for Staythorpe FP1 has been submitted to and approved by the local planning authority. The diversion scheme shall provide details of:
- i) the permissive path shown on Site Layout Plan (UK008\_LYP\_ Rev R);
  - ii) any temporary diversions of Staythorpe FP1;
  - iii) details of the footpath specification;
  - iv) timing of delivery; and
  - v) maintenance and public access arrangements to the permissive footpath.

The footpaths shall be implemented for the duration of the development in accordance with the approved public right of way diversion scheme.

- 12) The battery containers, substation, fencing and associated structures shall not be installed until details of the external materials have been submitted to and approved in writing by the local planning authority. The details shall include an updated site layout plan that shall be in accordance with Site Layout Plan Drawing Ref: UK008\_LYP (Rev R) and at a scale of not less than 1:500. The development shall thereafter be carried out only in accordance with the approved details.
- 13) The development shall not be brought into use until an operational noise mitigation scheme has been submitted to and approved by the local planning authority. The scheme must detail how the following noise limits will be met, determined in accordance with British Standard (BS) 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'. The rating level of the noise due to the operation of the development shall not exceed 5 dB above the representative daytime (07:00 to 23:00 hours) and night-time (23:00 to 07:00 hours) background sound levels at the noise sensitive receptors listed below:
- i) Crossing Cottage (475261 353489)
  - ii) Orchard House (475266 353610)
  - iii) 2 Behay Gardens (475273 353662)
  - iv) Pingley Close (475316 353914)
  - v) Grange Cottage (475410 353909)

The approved operational noise mitigation scheme shall be maintained for the lifetime of the development.

- 14) The development shall not be brought into use until an updated fire safety management plan has been submitted to and approved by the local planning authority. The updated plan shall be prepared in accordance with the Fire Safety Management Plan dated November 2023 and the operational stage flood incident plan (Condition 15). The development shall be implemented in accordance with the approved updated fire safety management plan.

- 15) The development shall not be brought into use until an operational stage flood incident plan has been submitted to and approved by the local planning authority. The plan shall be prepared in accordance with the Flood Risk Assessment (dated May 2023). The development shall be implemented in accordance with the approved operational stage flood incident plan.
- 16) No permanent external lighting shall be installed until details have been submitted to and approved in writing by the local planning authority. Lighting shall be prepared in accordance with the Outline Lighting Plan (Rev D) and be designed to prevent light spillage and be directed away from sensitive receptors and habitats, such as woodland. External lighting shall be installed in accordance with the approved details.
- 17) No later than 12 months prior to the expiry of the planning permission, or within 18 months of the cessation of electricity storage on the site, whichever is the sooner, a decommissioning scheme shall be submitted to and approved by the local planning authority. The decommissioning scheme shall include a programme and a scheme of work and shall be implemented in accordance with the approved details.

The operator shall notify the local planning authority in writing within five working days following the cessation of electricity storage.

All buildings, structures and associated infrastructure shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.

## **APPEARANCES**

### **FOR THE APPELLANT:**

David Hardy	Barrister and Solicitor, Partner, CMS
He called:	
Matthew Sharpe BA (Hons) DipTP, MRTPI	Senior Director, Quod
Lee Morris BSc(Hons) PGDipLA, MA PIEMA CMLI	Managing Director, Tir Collective
Dr Bruce Lascelles BSc (Joint Hons) PhD CEnv FISoilSci MCIEEM	UK Director of Sustainable Land Management, Arcadis
Dr Mike Gray BSc MRes PhD CEnv MCIEEM	Ecology Director, Envams
Andres Blanco MEng PGDip MSc CEng MIET	Managing Director, Blanboz Ltd
Dr Kevin Tilford BSc (Hons) MSc (Eng) PhD	Managing Director, Weetwood
Elena Sarieva MA (Hons) MSc	Head of Planning, Elements Green
David Cowling BEng (Hons) MIET	Head of Power Systems, Elements Green
Mark Noone BSc (Hons)	Head of Development, Elements Green

### **FOR THE LOCAL PLANNING AUTHORITY:**

Howard Leithead	of Counsel, No 5 Chambers, instructed by Newark and Sherwood District Council
He called:	
Nigel Wakefield BA (Hons) BA (Hons) BTP DipLA MA UD MRTPI	Managing Director, Node Urban Design Ltd
Jonathan Weekes BSc (Hons) MA MRTPI	Director, Aitchison Raffety

### **INTERESTED PARTIES:**

Mr Ian Bradey	Chair, Averham, Kelham and Staythorpe Parish Council
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Ms D Storey	Staythorpe resident and member of Staythorpe Action Group
Ms C Bradbury	Staythorpe resident
Ms P Hall	Staythorpe resident
Ms F Hughes-Stanton	Staythorpe resident
Mr D Gillen	Staythorpe resident



<b>DOCUMENTS, PLANS AND PHOTOGRAPHS</b>	
<b>CD Ref.</b>	<b>Drawing / Document Title</b>
<b>CD1 Application Documents and Plans</b>	
<b>1.1</b>	Application form, ref PP-11545825, 20 September 2022
<b>1.2</b>	Covering letter, ref 4951, September 2022
<b>1.3</b>	Transport Statement, September 2022
<b>1.4</b>	Superseded Noise Impact Assessment, August 2022
<b>1.5</b>	Superseded Outline Battery Safety Management Plan, September 2022
<b>1.6</b>	Schedule of Drawings, 16 September 2022
<b>1.7</b>	Superseded Public Right of Way Statement, September 2022
<b>1.8</b>	Superseded Planning, Design and Access Statement, September 2022
<b>1.9</b>	Superseded Outline Construction Environmental Management Plan, September 2022
<b>1.10</b>	Superseded Landscape and Visual Appraisal (LVA), September 2022
<b>1.11</b>	Superseded Flood Risk Assessment, September 2022
<b>1.12</b>	Flood Risk Assessment - 1 in 20-Year Flood Levels with Layout Fig. 1, Appendix E Flood Incident Plan, Appendix F Infiltration Testing Results, Appendix G Landscape Mitigation Plan, September 2022
<b>1.13</b>	Superseded Fire Safety Management Plan, September 2022
<b>1.14</b>	Superseded Ecological Impact Assessment, September 2022
<b>1.15</b>	Superseded Biodiversity Metric Assessment, September 2022
<b>1.16</b>	Staythorpe BESS consultation feedback form, September 2022
<b>1.17</b>	Air Quality Assessment, September 2022
<b>1.18</b>	Statement of Community Involvement, September 2022
<b>1.19</b>	Sequential Test Analysis/Site Selection Report, September 2022
<b>1.20</b>	Outline Surface Water Drainage Strategy, September 2022
<b>1.21</b>	Ground Stability Non-Residential Report, ref. 61003833524001, April 2022
<b>1.22</b>	Economic Statement, September 2022
<b>1.23</b>	Arboricultural Report, August 2022
<b>1.24</b>	Agricultural Land Classification, May 2022
<b>1.25</b>	Superseded Viewpoints (Figures 1.10c, 1.10d, 1.10e, 1.10f, 1.10g, 1.10h, 1.10i, 1.10j, 1.10k, 1.10l, 1.10m, 1.11a, 1.11b, 1.11c, 1.12a, 1.12b, 1.12c, 1.13a, 1.13b, 1.13c), September 2022
<b>1.26</b>	Superseded Viewpoints (Figures 1.13d, 1.13e, 1.13f, 1.14a, 1.14b, 1.14c, Appendix C Landscape Mitigation Plan 1:1000@A1, 4951-DR-LAN-101 Rev. C August 2022), September 2022
<b>1.27</b>	APPENDIX A BRIEFING REPORT, September 2022
<b>1.28</b>	Superseded APPENDIX 1 BMA CALCS, August 2022
<b>1.29</b>	Superseded Heritage Impact Assessment, September 2022
<b>1.30</b>	ADDENDUM TO APPENDIX 2 ECIA - REPTILE SURVEY REPORT, October 2022
<b>1.32</b>	ADDITIONAL BAT SURVEY, October 2022
<b>1.33</b>	Covering letter, 21 November 2022
<b>1.34</b>	Site Location Plan (Red Line Boundary) Planning Drawing 1, 1:2500@A3, September 2022
<b>1.35</b>	Superseded Landscape Mitigation Plan, 1:1000@A1, September 2022

<b>1.36</b>	Landscape and Visual Appraisal - Landscape Character Areas, Figure 1.7, 1:20000@A3, September 2022
<b>1.37</b>	Landscape and Visual Appraisal – Bare Earth ZTV - Figure 1.4, Screened ZTV – Figure 1.5, Landscape and Related Designations – Figure 1.6, 1:20000@A3, September 2022
<b>1.38</b>	SuDs Strategy - Superseded Outline Surface Water Drainage Layout, Fig. 1, 1:2500@A3, September 2022
<b>1.39</b>	Superseded Landscape and Biodiversity Masterplan Planning Drawing 4, 1:1000@A1, September 2022
<b>1.40</b>	Superseded Civils Site Layout, 1:500 @ A1, August 2022
<b>1.41</b>	Superseded 132kV/33kV COMPOUND LAYOUT GT1 & GT2 CIRCUIT, 1:250 @ A1, July 2022
<b>1.42</b>	STANDARD ELEVATIONS & DETAILS CAT2 MESH FENCE, External Elevation 1:20@A1, Section 1-1 1:20@A1, Detail A 1:5@A1, July 2022
<b>1.43</b>	STANDARD ELEVATION CAT2 5.5m WIDE MESH GATE, 1:50 @ A0, July 2022
<b>1.44</b>	STANDARD ELEVATION CAT3 MESH PEDESTRIAN GATE, 1:10 @ A0, July 2022
<b>1.46</b>	400/132kV Substation Compound Plan View, 1:250@A1, August 2022
<b>1.47</b>	400/132kV Substation Compound Elevation View, 1:100@A0, August 2022
<b>1.48</b>	Superseded 132kV Compound Layout, 1:200@A1, August 2022
<b>1.49</b>	132kV Compound Elevation View, 1:100@A2, September 2022
<b>1.50</b>	Topographical Survey Sheets 1 and 2, 1:500@A0, May/June 2022
<b>1.51</b>	Fence details, 1:50@A2, UK008_036_Rev02, August 2022
<b>1.52</b>	CCTV elevation, 1:50@A3, UK008_037_Rev02, August 2022
<b>1.53</b>	TYPICAL 33KV CABLE CROSS-SECTION, 1:50@A4, UK008_040_Rev02, August 2022
<b>1.55</b>	Wooden Acoustic Fence, 1:50@A2, UK008_042_Rev02, August 2022
<b>1.56</b>	Wooden Fence, 1:50@A2, UK008_043_Rev01, August 2022
<b>1.57</b>	SECTIONS 400kV TRANSFORMER BUND, 1:50 @ A1, UKGC-RCL-UG-004 S2 Rev P3, July 2022
<b>1.58</b>	SECTIONS 132KV TRANSFORMER BUND, 1:50 @ A1, UKGC-RCL-UG-005 S2 Rev P3, July 2022
<b>1.59</b>	OIL INTERCEPTOR TANK 400/132KV CIRCUIT, 1:25 @ A1, UKGC-RCL-UG-010 Rev. P2, July 2022
<b>1.60</b>	OIL DRAW-OFF DETAILS 400/132KV CIRCUIT, 1:20 @ A1, UKGC-RCL-UG-011 Rev P2, July 2022
<b>1.63</b>	PRIMARY COMPOUND ELEVATIONS 400/132kV CIRCUIT SHEET 2 OF 3, 1:100 @ A1, UKGC-RCL-UG-012 S1 Ref P5, 17 November 2022
<b>1.64</b>	OUTLINE SITE LIGHTING PLAN, 1:1500 @A1, Ref UK008_049_RevA, 14 November 2022
<b>1.65</b>	ELEVATIONS 400KV TRANSFORMER BUND, 1:50 @ A1, Ref UKGC-RCL-UG-004 S3 P1, 11 November 2022

<b>1.66</b>	ELEVATIONS 400KV TRANSFORMER BUND, 1:50 @ A1, Ref UKGC-RCL-UG-004 S4 P1, 11 November 2022
<b>1.67</b>	ELEVATIONS 132KV TRANSFORMER BUND, 1:50 @ A1, Ref UKGC-RCL-UG-005 S3 P1, 15 November 2022
<b>1.68</b>	STANDARD ELEVATIONS RELAY & CONTROL ROOMS 400/132KV CIRCUIT, 1:50 @ A1, Ref.UKGC-RCL-UG-009 S1 P2, 16 November 2022
<b>1.69</b>	STANDARD ELEVATIONS RELAY & CONTROL ROOM 132/33KV CIRCUIT, 1:50 @ A1, Ref.UKGC-RCL-UG-009 S2 P3, 16 November 2022
<b>1.70</b>	STANDARD ELEVATIONS STATCOM BUILDING 400/132KV CIRCUIT, 1:50 @ A1, Ref UKGC-RCL-UG-009 S3 P1, 17 November 2022
<b>1.71</b>	PRIMARY COMPOUND ELEVATIONS 400/132KV CIRCUIT SHEET 3 OF 3, 1:100 @ A1, Ref UKGC-RCL-UG-012 P2, 15 November 2022
<b>1.72</b>	PERMANENT_WELFARE_CENTRE_AND_CONTROL_ROOM_ELEVATION_PL A N UK008_44)Rev02 1:50 @ A1
<b>1.73</b>	SUPERSEDED GENERAL ARRANGEMENT PERMANENT WORKS (LAYOUT PLAN), 1:1000@A1, Ref 4951_DR_P_0005, 15 November 2022
<b>1.74</b>	TEMPORARY CONSTRUCTION COMPOUND LAYOUT, 1:1000@A1, Ref 4951_DR_P_0006_P1, 21 November 2022
<b>1.75</b>	ESS BATTERY CONTAINER ELEVATION PLAN, 1:50@A1, Ref UK008_31_Rev04, 3 November 2022
<b>1.76</b>	DC BOX & INVERTER ELEVATION PLAN, 1:50@A2, Ref UK008_32_Rev04, 3 November 2022
<b>1.77</b>	TRANSFORMER STATION, 1:50@A1, Ref UK008_033_Rev04, 3 November 2022
<b>1.78</b>	AUXILIARY TRANSFORMER CONTAINER, 1:50@A3, Ref UK008_034_Rev04, 3 November 2022
<b>1.79</b>	SMART CONTROLLER ELEVATION PLAN, 1:50@A3, Ref UK008_035_Rev04, 3 November 2022
<b>1.80</b>	TEMPORARY WAREHOUSE / WORKSHOP ELEVATION PLAN, 1:50@A3, Ref UK008_41_Rev02, 3 November 2022
<b>1.80b</b>	Permanent Welfare Centre & Control Room Elevation Plan, 1:50@A3, UK008_44_Rev02, 2, 03 Nov 2022
<b>1.81</b>	Water tank, 1:50 @A1, Ref UK008_046_Rev02, 3 November 2022
<b>1.82</b>	GENERAL ARRANGEMENT 400KV TRANSFORMER BUND, 1:50 @ A1 Ref UKGC-RCL-UG-004 S1 P4, 11 November 2022
<b>1.83</b>	GENERAL ARRANGEMENT 132KV TRANSFORMER BUND, 1:50 @ A1, Ref UKGC-RCL-UG-005 S1 P4, 16 November 2022
<b>1.84</b>	SECTIONS 33KV TRANSFORMER BUND, 1:50 @ A1, Ref UKGC-RCL-UG-006 S1 P3, 8 July 2022
<b>1.85</b>	PRIMARY COMPOUND ELEVATIONS 400/132KV CIRCUIT SHEET 1 OF 3, 1:100 @ A1, Ref UKGC-RCL-UG-012 P5, July 2022
<b>1.86</b>	33KV SWITCHROOM AND DISTRIBUTION SUBSTATION OF LV SUPPLY, 1:50 @A1, Ref UK008_051_Rev01, 20 November 2022

<b>1.87</b>	Pre-app advice (July 2022)
<b>CD2 Additional/Amended Reports and/or Plans submitted after validation</b>	
<b>2.1</b>	Email from Applicant on Staythorpe scale, 5 July 2023
<b>2.2</b>	Update note to Flood Risk Assessment and Drainage Strategy, June 2023
<b>2.3</b>	Agent email accompanying an Update note to Flood Risk Assessment and Drainage Strategy, 26 June 2023
<b>2.4</b>	Agent email accompanying Noise Assessment Addendum, Staythorpe BESS, Version 3.0, 26 June 2023
<b>2.5</b>	Noise Assessment Addendum, Staythorpe BESS, June 2023
<b>2.6</b>	Amended Outline Site Lighting Plan, 1:1500@A1, ref. UK008_049 Rev C, June 2023
<b>2.7</b>	Agent email accompanying amended Lighting Plan Outline Site Lighting Plan Rev. C, 23 June 2023
<b>2.8</b>	Battery Energy Storage System site internal site layout swept path analysis preliminary with NFRS fire tender, 1:500@A1, ref. 23065/ATR/02, June 2023
<b>2.9</b>	Amended Fire Safety Management Plan Recommendations, June 2023
<b>2.10</b>	Topic
<b>2.11</b>	Amended ESS Battery Container elevation plan, 1:50@A1, ref. UK008_31_Rev05, June 2023
<b>2.12</b>	Amended MV Control Unit, 1:50@A1, ref. UK008_054_Rev01, June 2023
<b>2.13</b>	NFRS comments and response, June 2023
<b>2.14</b>	Archaeological Evaluation Phase 1, November 2022 (submitted June 2023)
<b>2.15</b>	Staythorpe BESS Fire Smoke Plume Wind Simulations -1392554, June 2023
<b>2.16</b>	Staythorpe BESS Fire Smoke Plume Wind Simulations -1392553, June 2023
<b>2.17</b>	Staythorpe BESS Fire Smoke Plume Wind Simulations -1392552, June 2023
<b>2.18</b>	Staythorpe BESS Fire Smoke Plume Wind Simulations -1392551, June 2023
<b>2.19</b>	Proposed emergency access to Staythorpe Road Battery Energy Storage System site, layout 1:500@ A2, insets 1:250 @ A2, ref. 23065/GA/01 Rev. B, June 2023
<b>2.20</b>	CFD Modelling Report for Staythorpe BESS Fire Smoke Plume Wind Simulations, ref. Report Issue 0, 12 June 2023
<b>2.21</b>	Superseded NFRS comments response sheet 1, June 2023
<b>2.22</b>	Plate 2: Surface Water Bodies Surrounding the Site, June 2023
<b>2.23</b>	Email from Agent providing clarifications, 18 May 2023
<b>2.24</b>	BMA Calculations, 11 May 2023
<b>2.25</b>	Superseded Noise Impact Assessment, May 2023
<b>2.26</b>	Biodiversity Metric Assessment, May 2023
<b>2.27</b>	Flood Risk Assessment, May 2023
<b>2.28</b>	Landscape and Visual Appraisal (LVA), May 2023
<b>2.29</b>	Outline Construction Environmental Management Plan, May 2023
<b>2.30</b>	Public Right of Way Statement, May 2023

<b>2.31</b>	Photomontages (Figures 1.11a, 1.11b, 1.11c, 1.12a, 1.12b, 1.12c, 1.10c, 1.10d, 1.13b, 1.13c, 1.13d, 1.13e, 1.13f, 1.10e, 1.10f, 1.10g, 1.10h, 1.10i, 1.10j, 1.10k, 1.10l, 1.10m, 1.14a, 1.14b, 1.14c), May 2023
<b>2.32</b>	Heritage Impact Statement, May 2023
<b>2.33</b>	Superseded General Arrangement Permanent Works (Layout Plan) Planning Drawing 2, 1:1000@A1, ref. 4951_DR_P_0005_P3, May 2023
<b>2.34</b>	Temporary Construction Compound Layout Planning Drawing 3, 1:1000@A1, ref. 4951_DR_P_0006_P2, May 2023
<b>2.35</b>	Ecological Impact Assessment, May 2023
<b>2.36</b>	Landscape Mitigation Plan, 1:1000@A1, ref. 4951-DR-LAN-101 Rev. E, May 2023
<b>2.37</b>	Emergency Gate, 1:20@A2, ref. UK008_052 Rev. 01, May 2023
<b>2.38</b>	Wooden acoustic gate, 1:20@A2, ref. UK008_053 Rev.01, May 2023
<b>2.39</b>	Civils Site Layout, 1:500 @ A1, ref. UKGC-RCL-UG-001 Rev. P4, May 2023
<b>2.40</b>	400kV & 132kV COMPOUND LAYOUT SGT1, 1:250 @ A1, ref. UKGC-RCL-UG-002 Rev. P7, May 2023
<b>2.41</b>	132kV/33kV COMPOUND LAYOUT GT1 & GT2 CIRCUIT, 1:250 @ A1, ref. UKGC-RCL-UG-003 Rev. P7, May 2023
<b>2.42</b>	PRIMARY COMPOUND ELEVATIONS 400/132kV CIRCUIT SHEET 3 OF 3, 1:100 @ A1, ref. UKGC-RCL-UG-012 S3 Rev. P3, May 2023
<b>2.43</b>	PRIMARY COMPOUND ELEVATIONS 400/132kV CIRCUIT SHEET 1 OF 3, 1:100 @ A1, ref. UKGC-RCL-UG-012 S1 Rev. P6, May 2023
<b>2.44</b>	PRIMARY COMPOUND ELEVATIONS 400/132kV CIRCUIT SHEET 2 OF 3, 1:100 @ A1, ref. UKGC-RCL-UG-012 S2 Rev. P5, May 2023
<b>2.45</b>	Outline Surface Water Drainage Strategy, ref. REVISION 1: MAY 2023, May 2023
<b>2.46</b>	Planning, Design and Access Statement, ref. REVISION 1: MAY 2023, May 2023
<b>2.47</b>	Email chain on additional drawings proposed emergency access to Staythorpe Road battery energy storage system site ref. 23065-GA-01 and Site Layout Plan, Ref. UK008_LYP Rev. H, 15 May 2023
<b>2.48</b>	Example 2 Acoustic Fence, 1 March 2023
<b>2.49</b>	Landscape and Visual Rebuttals Comments, 21 February 2023
<b>2.50</b>	Superseded Secondary means of access for fire safety reasons – alternative mitigation strategy, April 2023
<b>2.51</b>	Vegetation Management near BESS Units, 24 February 2023
<b>2.52</b>	Responses to comments raised by Case Officer, 28 February 2023
<b>2.53</b>	Superseded ECAP Clarifications, 1 March 2023
<b>2.54</b>	Acoustic Fence, March 2023
<b>2.55</b>	BESS clarifications, 22 March 2023
<b>2.56</b>	Staythorpe 400Kv Cable highway Permitted Development Route, 22 March 2023
<b>2.57</b>	Superseded BESS Fire Safety Management Flow Chart, March 2023
<b>2.58</b>	Further clarifications, 29 March 2023
<b>2.59</b>	ECAP Clarifications, 28 March 2023

<b>2.60</b>	Addendum to Appendix 12 Outline Battery Safety Management Plan, 3 April 2023
<b>2.61</b>	Planning Committee Members briefing, March 2023
<b>2.62</b>	Site Entrance Junction Visibility Splay Assessment 2.4m setback distance, 1:1000@A3, ref. 4951_DR_P_0001 Rev. 2, February 2023
<b>2.63</b>	Appendix 2 Response to comments – members of the public, February 2023
<b>2.64</b>	Appendix 1 Statutory consultee summary, February 2023
<b>2.65</b>	Appendix 3 Other approved BESS applications, February 2023
<b>2.66</b>	Agent letter providing responses public consultation, 7 February 2023
<b>2.67</b>	Community Survey Report, January 2023
<b>2.68</b>	LVIA Winter Viewpoints of Site, December 2022
<b>2.69</b>	Schedule of drawings, 21 June 2023
<b>2.70</b>	SUPERSEDED FIRE SAFETY MANAGEMENT PLAN, Ref 70109641.REP.003, 14 June 2023
<b>2.71</b>	Superseded Outline Site Lighting Plan, 1:1500@A1, UK008_049 Rev B, May 2023
<b>2.72</b>	Schedule of drawings, 17 May 2023
<b>2.73</b>	Landscape Mitigation Plan 4951-DR-LAN-101 Rev H @ A1
<b>CD3 Committee Report and Decision Notice</b>	
<b>3.1</b>	Officer's Report 6 July 2023
<b>3.1.1</b>	Minutes of the Meeting Planning Committee 6 July 2023
<b>3.2</b>	Decision Notice 7 July 2023
<b>CD4 The Development Plan</b>	
<b>4.1</b>	Newark & Sherwood Plan Review - Amended Core Strategy 7 March 2019
<b>4.2</b>	Newark & Sherwood Allocations & Development Management Development Plan Document 16 July 2013
<b>4.3</b>	Nottinghamshire Minerals Local Plan March 2021
<b>4.4</b>	Newark & Sherwood Landscape Character Assessment SPD 2013
<b>4.5</b>	Newark & Sherwood Development Contributions and Planning Obligations SPD December 2013
<b>CD5 Emerging Development Plan</b>	
<b>5.1</b>	Second Publication Newark & Sherwood Plan Review Amended Allocations & Development Management Development Plan Document September 2023
<b>CD6 Relevant Appeal and Court Decisions</b>	
<b>6.1.1</b>	Appeal Ref.: APP/N2739/W/22/3300623 - Rawfield Lane, Fairburn, Selby LS25 5JB
<b>6.1.2</b>	Appeal Ref.: APP/P1615/W/22/3307140 - Land off Northington Lane, Awre, GL14 1 EL, Grid Ref Easting: 370092, Grid Ref. Northing: 208722
<b>6.1.3</b>	Appeal Ref.: APP/G2713/W/23/3315877 - Land South of Leeming Substation, west of the village of Scruton, bordering Fence Dike Lane, part of Low Street and Feltham Lane, DL7 0RG
<b>6.1.4</b>	NRS Saredon Aggregates v SSLUHC & another [2023] EWHC 2795 (Admin)



<b>6.1.5</b>	Appeal Ref: APP/R0335/W/22/3304460 - Athol Villa and Woodside, Westbourne Road, College Town, Sandhurst GU47 0QX
<b>6.1.6</b>	Called in Application ref: APP/A0665/V/15/3013622 - Land at Clifton Drive, Sealand Road, Chester
<b>6.1.7</b>	Appeal Ref: APP/N5090/W/22/3298962 - National Grid Mill Hill Substation, Land west of National Grid Mill Hill Substation, Mill Hill NW7 1NT
<b>6.1.8</b>	High Court Judgment [2024] EWHC 279 (admin) - Mead Realisations Ltd v SSULHC and North Somerset Council; Redrow Homes Ltd v SSULHC and Hertsmere Borough Council
<b>6.1.9</b>	Appeal Ref: APP/D3505/A/13/2204846 - Valley Farm, Wherstead, Ipswich, IP9 2AX
<b>6.1.10</b>	High Court Judgment [2024] EWHC 295(admin) - Lullington Solar Park Ltd & SSULHC and South Derbyshire District Council
<b>6.1.11</b>	Appeal ref: APP/F1040/W/22/3313316 - Lullington Solar Park Ltd
<b>6.1.12</b>	High Court Judgment [2021] EWCA Civ 104 Gladman Developments Ltd v SSULHC, Corby BC and Uttesford DC
<b>6.1.13</b>	Save Stonehenge World Heritage Site Ltd and another -v- Secretary of State for Transport [2021] EWHC 2161 (Admin)
<b>6.1.14</b>	R (Substation Action Save East Suffolk Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 3177 (Admin)
<b>6.1.15</b>	R (Bramley Solar Farm Residents Group) v Secretary of State LUHC [2023] EWHC 2842
<b>6.1.16</b>	R (Substation Action Save East Suffolk Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2024] EWCA Civ 12
<b>6.1.17</b>	Appeal Ref: APP/L3245/W/23/3329815 - Land to the South of Hall Lane, Kemberton, Telford
<b>6.1.18</b>	Appeal Ref: APP/V2635/W/23/3323065 - Land SE of Poplar Farm, Harps Hall Road, Walton Highway, Wisbech, Norfolk, PE14 7DL
<b>6.1.19</b>	Appeal Ref: APP/L3245/W/23/3332543 - Land west of Berrington, Shrewsbury, Shropshire, SY5 6HA

## **CD8 Relevant Material Considerations**

### **CD8.1 Legislation**

<b>8.1.1</b>	Infrastructure Planning (Electricity Storage Facilities) Order 2020
<b>8.1.2</b>	The Climate Change Act 2008 (2050 Target Amendment) Order 2019
<b>8.1.3</b>	The Energy Act 2013
<b>8.1.4</b>	Five Year Review of the Energy Act 2013
<b>8.1.5</b>	Planning and Compulsory Purchase Act 2004 [Section 38(6)]
<b>8.1.6</b>	Planning (Listed Buildings and Conservation Areas) Act 1990 [Section 66]
<b>8.1.7</b>	The Conservation of Habitats and Species Regulations 2017
<b>8.1.8</b>	Natural Environment and Rural Communities Act (2006)
<b>8.1.9</b>	Environment Act 2021
<b>8.1.10</b>	The Hedgerow Regulations 1997

### **CD8.2 National Planning Policy and Guidance**

<b>8.2.1</b>	National Planning Policy Framework (2023)
<b>8.2.2</b>	Planning Practice Guidance Renewable and Low Carbon Energy
<b>8.2.3</b>	Planning Practice Guidance Flood Risk and Coastal Change

<b>8.2.4</b>	Overarching National Policy Statement for Energy (EN-1) (November 2023)
<b>8.2.5</b>	National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023)
<b>8.2.6</b>	National Policy Statement for Electricity Networks Infrastructure (EN-5) (November 2023)
<b>8.2.7</b>	Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015)
<b>8.2.8</b>	New Perspective on Land and Soil in Environmental Impact Assessment (IEMA, 2022)
<b>CD8.3 National Energy Policy and related documents</b>	
<b>8.3.1</b>	National Infrastructure Assessment (October 2023)
<b>8.3.2</b>	Powering Up Britain. Energy Security Plan (March 2023)
<b>8.3.3</b>	Infrastructure Progress Review 2023 (March 2023)
<b>8.3.4</b>	British Energy Security Strategy (April 2022)
<b>8.3.5</b>	Transitioning to a net zero energy system: smart systems and flexibility plan 2021 (July 2021)
<b>8.3.6</b>	Industrial Decarbonisation Strategy (March 2021)
<b>8.3.7</b>	Energy White Paper. Powering our Net Zero Future (December 2020)
<b>8.3.8</b>	The Committee on Climate Change: The Sixth Carbon Budget. The UK's Path to Net Zero (December 2020)
<b>8.3.9</b>	The Ten Point Plan for a Green Industrial Revolution (November 2020)
<b>8.3.10</b>	National Infrastructure Strategy Fairer, Faster, Greener (November 2020)
<b>8.3.11</b>	Reducing UK Emissions: 2020 Progress Report to Parliament (June 2020)
<b>8.3.12</b>	Net Zero - Opportunities for the Power Sector (March 2020)
<b>8.3.13</b>	Net Zero - The UK's Contribution to Stopping Global Warming (May 2019)
<b>8.3.14</b>	Net Zero - Technical Annex: Integrating Variable Renewables (May 2019)
<b>8.3.15</b>	National Infrastructure Delivery Plan 2016-2021 (March 2016)
<b>8.3.16</b>	National Infrastructure Commission's Smart Power Report (March 2016)
<b>8.3.17</b>	Progress in reducing emissions: 2023 Report to Parliament (June 2023)
<b>8.3.18</b>	UK Battery Strategy (November 2023)
<b>8.3.19</b>	National Grid – Future Energy Scenarios (2022)
<b>8.3.20</b>	Government Press Release (23 Nov 2023: £960 million investment in power network)
<b>8.3.21</b>	National Grid: Great Grid Upgrade Projects
<b>CD8.4 Local Energy Policy and related documents</b>	
<b>8.4.1</b>	Energy Strategy 2019-2030 D2N2 Clean Industrial Revolution (March 2019)
<b>8.4.2</b>	Newark and Sherwood District Council Climate Change Emergency Strategy (September 2020)
<b>8.4.3</b>	Newark and Sherwood District Council Community Plan 2023-2027 November 2023
<b>CD8.5 Infrastructure operator related documents</b>	
<b>8.5.1</b>	2023 Future Energy Scenarios (July 2023)
<b>8.5.2</b>	National Grid ESO: Day in the Life 2035 Second Edition Executive Summary (October 2022)

<b>8.5.3</b>	Electricity Ten Year Statement (ETYS) (August 2023)
<b>8.5.4</b>	Electricity Ten Year Statement August 2023 Appendix A
<b>CD8.6 Biodiversity Legislation and Guidance</b>	
<b>8.6.1</b>	UK BAP Biodiversity: The UK Steering Group Report Volume 2 Action Plans (1995)
<b>8.6.2</b>	Buglife.org.uk Ancient and Species Rich Hedgerows
<b>8.6.3</b>	DEFRA Hedgerow Survey Handbook (2 <sup>nd</sup> Edition) 2007
<b>8.6.4</b>	CIEEM Bulletin: InPractice Issue 89: Conservation Translocations (September 2015)
<b>8.6.5</b>	Natural England: Guide to Assessing Development Proposals on Agricultural Land February 2021
<b>CD8.7 Relevant Newark and Sherwood Planning Applications</b>	
<b>8.7.1</b>	Application 23/00317/FULM – Land west of Staythorpe Road and south of A617
<b>8.7.2</b>	Application 23/01837/FULM – Land west of Main Street, Kelham
<b>CD8.8 Heritage related documents</b>	
<b>8.8.1</b>	Newark & Sherwood Non-Designated Heritage Asset Criteria 2021
<b>8.8.2</b>	Historic England Advice Note 15: Commercial Renewable Energy Development and the Historic Environment (February 2021)
<b>8.8.3</b>	Historic England's The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning 3 (2 <sup>nd</sup> Edition) (2017)
<b>CD8.9 Landscape Guidance</b>	
<b>8.9.1</b>	Guidelines for Landscape and Visual Assessment – GLVIA3
<b>8.9.2</b>	Natural England – National Character Area Profile 48: Trent and Belvoir Vales
<b>8.9.3</b>	Landscape Institutes Technical Guidance Note:2/19: Residential Visual Amenity Assessment
<b>CD9.1 Additional plans, drawings, documents not previously seen by the LPA (further information)</b>	
<b>9.1.1</b>	Agricultural Land Classification Report, November 2023
<b>9.1.2</b>	Enhanced Mitigation Strategy (November 2023) @ A1
<b>9.1.3</b>	Annotated Zone of Theoretical Visibility Analysis, October 2023
<b>9.1.4</b>	Context Views, October 2023
<b>9.1.5</b>	Accurate Visual Representations (Pingley Lane), October 2023
<b>9.1.5</b>	Accurate Visual Representations (Staythorpe West), October 2023
<b>9.1.6</b>	Residential Visual Amenity Assessment, November 2023
<b>9.1.7</b>	Outline Soil Management Plan
<b>CD9.2 Additional plans, drawings, documents not previously seen by the LPA (Potential Scheme Amendments)</b>	
<b>9.2.1</b>	Superseded Site Layout Plan UK008_LYP Rev Q @ A1
<b>9.2.2</b>	Construction Compound UK008_02_LYP Rev D @ A1
<b>9.2.3</b>	ESS Battery Container Elevation Plan UK008_31 Rev 06 @ A1
<b>9.2.4</b>	Elevations 400kV Substation 1408-121/1 Rev A @ A1

<b>9.2.5</b>	Civil Works Layout 400kV Substation 1408-221 Rev A @ A1
<b>9.2.6</b>	Civil Works Layout 33kV Substation 1408-222 Rev A @ A1
<b>9.2.7</b>	Outline Site Lighting Plan UK008_49 Rev D @ A1
<b>9.2.8</b>	BESS Site Internal Site Layout Swept Path Analysis with NFRS Fire Tender 23065/ATR/02 Rev B @ A1
<b>9.2.9</b>	Amended Scheme Enhanced Mitigation Strategy, November 2023 @ A1
<b>9.2.10</b>	Technical Addendum – Noise (November 2023) v1.0
<b>9.2.11</b>	Fire Safety Management Plan 70109641.REP.005 (November 2023)
<b>9.2.12</b>	Ecological Impact Assessment Addendum (BIOC23-087) V1.0
<b>9.2.13</b>	Site Layout Plan UK008_LYP Rev R @ A1
<b>9.2.14</b>	Hedge Translocation Plan TC.203 @ A1
<b>9.2.15</b>	Standard Elevations 400kV 33kV Relay & Control Rooms UK008_058 Rev P3 @ A1
<b>CD10 Any relevant correspondence with the LPA including any supporting information submitted with the application in accordance with the list of local requirements</b>	
<b>10.1</b>	Archaeology - Historic Environment Officer, 16 December 2022
<b>10.2</b>	Archaeology - Historic Environment Officer, 20 April 2023
<b>10.3</b>	Archaeology - Historic Environment Officer, 15 June 2023
<b>10.4</b>	Archaeology - Historic Environment Officer, 22 June 2023
<b>10.5</b>	Averham, Kelham and Staythorpe Parish Council, 21 December 2022
<b>10.6</b>	Averham, Kelham and Staythorpe Parish Council, 22 December 2022
<b>10.7</b>	Averham, Kelham and Staythorpe Parish Council, 30 January 2023
<b>10.8</b>	Averham, Kelham and Staythorpe Parish Council and Staythorpe BESS Action Group, 5 July 2023
<b>10.9</b>	Staythorpe BESS Action Group, 29 June 2023
<b>10.10</b>	Staythorpe BESS Action Group, 6 July 2023
<b>10.11</b>	Rolleston Parish, 9 February 2023
<b>10.12</b>	National Highways, 6 April 2023
<b>10.13</b>	Nottinghamshire County Council Highways, 21 December 2022
<b>10.14</b>	Nottinghamshire County Council Highways, 22 March 2023
<b>10.15</b>	Nottinghamshire County Council Highways, 31 May 2023
<b>10.16</b>	Nottinghamshire County Council Rights of Way, 15 December 2022
<b>10.17</b>	Nottinghamshire County Council Rights of Way, 1 June 2023
<b>10.18</b>	Conservation Officer – Heritage Advice, 5 January 2023
<b>10.19</b>	Conservation Officer - Heritage Advice, 31 May 2023
<b>10.20</b>	Environmental Health Officer, 6 December 2022
<b>10.21</b>	Environmental Health Officer, 17 April 2023
<b>10.22</b>	Environmental Health Officer, 26 May 2023
<b>10.23</b>	Environmental Health Officer, 23 June 2023
<b>10.24</b>	Environmental Health Officer, 5 July 2023
<b>10.25</b>	Environment Agency, 1 December 2022
<b>10.26</b>	Environment Agency, 11 April 2023
<b>10.27</b>	Health and Safety Executive, 19 December 2022
<b>10.28</b>	Health and Safety Executive, 4 April 2023
<b>10.29</b>	Health and Safety Executive, 18 May 2023
<b>10.30</b>	Historic England, 15 December 2022
<b>10.31</b>	Historic England, 5 April 2023
<b>10.32</b>	Historic England, 23 June 2023
<b>10.33</b>	Natural England, 18 January 2023

<b>10.34</b>	Natural England, 30 May 2023
<b>10.35</b>	Natural England Annexe A, 18 January 2023
<b>10.36</b>	Nottinghamshire County Council Lead Local Flood Authority, 7 December 2022
<b>10.37</b>	Nottinghamshire County Council Lead Local Flood Authority, 20 April 2023
<b>10.38</b>	Nottinghamshire County Council Lead Local Flood Authority, 25 May 2023
<b>10.39</b>	Network Rail, 30 March 2023
<b>10.40</b>	Network Rail Standard Informatives, 30 March 2023
<b>10.41</b>	Network Rail, 14 April 2023
<b>10.42</b>	Nottinghamshire Fire & Rescue Service, 6 January 2023
<b>10.43</b>	Nottinghamshire Fire & Rescue Service, 12 January 2023
<b>10.44</b>	Nottinghamshire Wildlife Trust, 28 February 2023
<b>10.45</b>	Severn Trent Water Ltd, 6 March 2023
<b>10.46</b>	Trent Valley Internal Drainage Board, 2 March 2023
<b>10.47</b>	Nottinghamshire Area Ramblers, 22 January 2023
<b>10.48</b>	Tree and Landscape Officer, 1 February 2023
<b>10.49</b>	Supporting document with tree officer comments
<b>10.50</b>	PLANNING COMMITTEE MEMBERS BRIEFING
<b>10.51</b>	21.02.23 Landscape and Visual Rebuttals Comments, 4 April 2023
<b>10.52</b>	Superseded 28.02.23 secondary means of access for fire safety reasons – alternative mitigation strategy, 4 April 2023
<b>10.53</b>	01.03.23 Vegetation management, 4 April 2023
<b>10.54</b>	01.03.23 BESS PLANNING RESPONSES, 4 April 2023
<b>10.55</b>	Superseded 01.03.23 ECAP STAYTHORPE BESS RESPONSE, 4 April 2023
<b>10.56</b>	01.03.23 Acoustic fence, 4 April 2023
<b>10.57</b>	SUPERSEDED 01.03.23 BIODIVERSITY METRIC ASSESSMENT, 4 April 2023
<b>10.58</b>	Superseded LANDSCAPE MITIGATION PLAN, 1:1000@A1 Ref 4951-DR-LAN-101 Rev D, 4 April 2023
<b>10.59</b>	Superseded 01.03.23 LANDSCAPE AND VISUAL APPRAISAL Rev A, 4 April 2023
<b>10.60</b>	Superseded 01.03.23 BMA APPENDIX 1, 4 April 2023
<b>10.61</b>	Superseded 01.03.23 ECOLOGICAL IMPACT ASSESSMENT, Rev 1 March 2023, 4 April 2023
<b>10.63</b>	08.03.23 SCREENING OPINION OFFICER REPORT, 4 April 2023
<b>10.64</b>	22.03.23 BESS CLARIFICATIONS, 4 April 2023
<b>10.65</b>	22.03.23 STAYTHORPE 400KV CABLE HIGHWAY PERMITTED DEVELOPMENT ROUTE, 4 April 2023
<b>10.66</b>	SUPERSEDED 29.03.23 BESS FIRE SAFETY MANAGEMENT FLOW CHART, 4 April 2023
<b>10.67</b>	29.03.23 ABERDEEN DYCE SITE BLOCK PLAN, 4 April 2023
<b>10.68</b>	29.03.23 DYCE DECISION NOTICE, 4 April 2023
<b>10.69</b>	29.03.23 FURTHER CLARIFICATIONS, 4 April 2023
<b>10.70</b>	29.03.23 ECAP BESS RESPONSE, 4 April 2023
<b>10.71</b>	03.04.23 ADDENDUM TO APPENDIX 12 OUTLINE BATTERY SAFETY MANAGEMENT PLAN, 4 April 2023



<b>10.72</b>	Superseded 03.04.23 GENERAL ARRANGEMENT PERMANENT WORKS (LAYOUT PLAN), 1:1000@A1, Ref 4951_DR_P_0005_P2, 4 April 2023
<b>10.73</b>	01.03.23 EXAMPLE 2 ACOUSTIC FENCE, 5 April 2023
<b>10.74</b>	Superseded SITE LAYOUT PLAN, 1:1500 @A1, Ref UK008_LYP Rev H, 15 May 2023
<b>10.75</b>	Superseded PROPOSED EMERGENCY ACCESS, Layout 1:500 @ A2, Inset 1, 2 and 3 1:250@A2, Ref 23065/GA/01, 15 May 2023
<b>10.76</b>	EMAIL CHAIN RE ADDITIONAL DRAWINGS, 15 May 2023
<b>10.77</b>	Supplement Schedule of Communications 06072023 1600 Planning Committee
<b>10.78</b>	Supplement Second Schedule of Communications 06072023 1600 Planning Committee
<b>10.79</b>	Supplement Third Schedule of Communications 06072023 1600 Planning Committee
<b>10.80</b>	Supplement Additional Supplementary Information - Agenda Items 5 and 6 06072023 1600 Planning
<b>10.81</b>	Supplement Supplementary Information - Agenda Items 5 and 6 06072023 1600 Planning Committee
<b>CD11 Appeal Documents</b>	
<b>11.1</b>	Appeal Form
<b>11.2</b>	Draft Statement of Common Ground
<b>11.2.1</b>	Final Statement of Common Ground
<b>11.2.2</b>	Flood Risk and Sequential Test Topic Paper
<b>11.2.3</b>	Landscape & Visual Topic Paper
<b>11.3</b>	Appellant's Statement of Case
<b>11.4</b>	Core Documents List Rev 6
<b>11.5</b>	Hedgerow Survey
<b>11.6</b>	Suggested Agreed Planning Conditions (24 April 2024 version)
<b>11.7</b>	Draft Unilateral Undertaking (s106 Agreement) [Superseded]
<b>11.7.1</b>	Draft s106 Agreement
<b>11.7.2</b>	Completed s106 Agreement dated 30 April 2024
<b>11.8</b>	Council's Statement of Case
<b>11.9</b>	Summary Description of Development
<b>11.10</b>	BESS Visualisations (CGIs)
<b>CD12 Responses to Amended Scheme Consultation</b>	
<b>12.1</b>	Mrs P Hall – 25/01/2024
<b>12.2</b>	Richard Lomax – 26/01/2024
<b>12.3</b>	Tracey Carlisle – 27/01/2024
<b>12.4</b>	Tracey Carlisle – 27/01/2024
<b>12.5</b>	Marian Ellis – 29/01/2024
<b>12.6</b>	Ian King – 30/01/2024
<b>12.7</b>	Alison Brothwell – 30/01/2024
<b>12.8</b>	S J Brothwell – 30/01/2024
<b>12.9</b>	Tom Clark – 01/02/2024
<b>12.10</b>	Jayne Amat – 02/02/2024
<b>12.11</b>	James Adey – 02/02/2024
<b>12.12</b>	Catherine Townsend – 15/02/2024
<b>12.13</b>	Flora Hughes-Stanton – 16/02/2024
<b>12.14</b>	Nigel Britton – 15/02/2024



<b>12.15</b>	Ann Davies – 15/02/2024
<b>12.16</b>	Chris Hall – 12/02/2024
<b>12.17</b>	Andy Fereday – 12/02/2024
<b>12.18</b>	Alison King – 09/02/2024
<b>12.19</b>	Deboarh Storey – 16/02/2024
<b>12.20</b>	Carla Bradbury – 16/02/2024
<b>12.21</b>	Cllr Keith Melton – 16/02/2024
<b>12.22</b>	Diana King – 15/02/2024
<b>12.23</b>	John Hinchliff – 14/02/2024
<b>12.24</b>	Rickie Sandford – 09/02/2024
<b>12.25</b>	Robert Galley – 08/02/2024
<b>12.26</b>	Dale Brain (NSDC EHO) – 05/02/2024
<b>12.27</b>	Nottinghamshire County Council (Lead Local Flood Authority) – 27/12/2023
<b>12.28</b>	Environment Agency – 04/01/2024
<b>CD13 Local Policy and Guidance</b>	
<b>CD13.1</b>	SFRA Review 2016 Consultation Document
<b>CD14 Appellant Proofs of Evidence</b>	
<b>CD14.1.1</b>	Summary Proof of Evidence of Lee Morris of Tir Collective on matters relating to Landscape and Visual Impact
<b>CD14.1.2</b>	Proof of Evidence of Lee Morris of Tir Collective on matters relating to Landscape and Visual Impact
<b>CD14.1.3</b>	Appendices of Lee Morris of Tir Collective on matters relating to Landscape and Visual Impact
<b>CD14.1.4</b>	Landscape and Visual Rebuttal
<b>CD14.1.5</b>	Staythorpe Road section
<b>CD14.2.1</b>	Summary Proof of Evidence of Kevin Tilford of Weetwood in relation to Flood Risk and Drainage
<b>CD14.2.2</b>	Proof of Evidence of Kevin Tilford of Weetwood in relation to Flood Risk and Drainage
<b>CD14.3.1</b>	Summary Proof of Evidence of Bruce Lascelles of Arcadis on matters relating to Agricultural Land
<b>CD14.3.2</b>	Proof of Evidence of Bruce Lascelles of Arcadis on matters relating to Agricultural Land
<b>CD14.3.3</b>	Appendix of Proof of Evidence of Bruce Lascelles of Arcadis on matters relating to Agricultural Land (Agricultural Land Survey Factual Report)
<b>CD14.4.1</b>	Summary Proof of Matthew Sharpe of Quod in relation to Planning
<b>CD14.4.2</b>	Proof of Evidence of Matthew Sharpe of Quod in relation to Planning
<b>CD14.4.3</b>	Appendices of Matthew Sharpe of Quod in relation to Planning [Note: BNG Technical Note and BNG Calculation updated on 4 <sup>th</sup> April 2024]
<b>CD14.4.4</b>	Planning Rebuttal
<b>CD15 Council's Proofs of Evidence</b>	

<b>CD 15.1</b>	Summary Proof of Evidence of Nigel Wakefield of Node on matters relating to Landscape and Visual Impact
<b>CD15.2</b>	Proof of Evidence of Nigel Wakefield of Node on matters relating to Landscape and Visual Impact
<b>CD15.3</b>	Appendices of Nigel Wakefield of Node on matters relating to Landscape and Visual Impact
<b>CD15.4</b>	Summary Proof of Jonathan Weekes of Aitchison Raffety in relation to Planning
<b>CD15.5</b>	Proof of Evidence of Jonathan Weekes of Aitchison Raffety in relation to Planning
<b>CD15.6</b>	LPA Landscape Rebuttal
<b>CD15.7</b>	LPA Agricultural Landscape Classification Rebuttal
<b>CD15.8</b>	LPA Planning Rebuttal
<b>Inquiry Documents</b>	
<b>ID1.1</b>	LPA Opening Submissions
<b>ID1.2</b>	LPA Closing Submissions
<b>ID2.1</b>	Appellant Opening Submissions
<b>ID2.2</b>	Appellant Closing Submissions
<b>ID3</b>	Cllr Ian Bradey Oral Statement Transcript
<b>ID3.1</b>	Councillor Ian Bradey referenced document – McMicken Report
<b>ID3.2</b>	Councillor Ian Bradey Tesla battery article links
<b>ID3.3</b>	Appellant Response to Cllr Ian Bradey Statement (Fire Safety note)
<b>ID4</b>	Debs Storey Oral Statement Transcript with appended documentation referenced
<b>ID5</b>	Carla Bradbury Oral Statement Transcript and supporting documentation
<b>ID6</b>	Paula Hall Oral Statement Transcript
<b>ID8</b>	Dean Gillen Otter Submission
<b>ID8.1</b>	Appellant Otter Technical Note
<b>ID9</b>	Great North Road Preliminary Masterplan Sheet 1
<b>ID9.1</b>	Great North Road Preliminary Masterplan Detail Sheet 1
<b>ID9.2</b>	Annotated Plan 4951-REP-045 (base plan prepared by Arcus) showing All PDA 18 sites and Great North Road site and substation
<b>ID10.1</b>	NSDC Appointment Letter to Nigel Wakefield
<b>ID10.2</b>	NSDC Appointment Letter to Jonathan Weekes
<b>ID11</b>	NSDC Proposed Main Modifications and Clarification Minor Amendments to the Amended Allocations & Development Management DPD (January 2024)
<b>ID12</b>	Accompanied site visit itinerary
<b>ID13</b>	Appellant Schedule of Witnesses
<b>ID14</b>	Council Schedule of Witnesses
<b>ID15</b>	Updated Appendices to Nigel Wakefield’s Proof of Evidence
<b>ID16</b>	Winter Views 2 Behay Gardens
<b>ID17</b>	Braintree DC v SSCLG [2018] EWCA Civ 610
<b>ID19.1</b>	Written submission of Debs Storey (15.04.2024)
<b>ID19.2</b>	Attachments to Written submission of Debs Storey: <ul style="list-style-type: none"> <li>- Staythorpe Power Station Deed of Consent, paragraphs 4, 5 &amp; 6</li> <li>- BEIS letter reference STC/S36/BEIS/002</li> <li>- Technical paper “Review of gas emissions from lithium-ion battery thermal runaway failure”</li> </ul>

	<ul style="list-style-type: none"> <li>- pv magazine international article "How safe are lithium iron phosphate batteries"</li> <li>- Carla Bradbury Objection Letter Appendix 3 – Photographs</li> </ul>
<b>ID19.3</b>	Appellant response to written submission of Debs Storey
<b>ID20</b>	S106 Compliance Statement
<b>ID21</b>	"Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems" (Department for Energy Security & Net Zero, March 2024)
<b>ID22</b>	Appellant Response Note to "Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems" (23 April 2024)