



Appeal Decision

Site visit made on 1 November 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/Y3940/W/24/3347318

Land east of Ravensroost Road, Ravenshurst Farm, Minety SN16 9RJ

- 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 Mr G Hall, Conrad Energy (Developments) II Limited against the decision of Wiltshire Council.
 - The application Ref is PL/2022/04524.
 - The development proposed is Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates at Land east of Ravensroost Road, Ravenshurst Farm, Minety SN16 9RJ in accordance with the terms of the application, Ref PL/2022/04524, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. An amended proposed plan (Drawing No 20029-PP-004, Rev G) was submitted with the appeal. Seeking to update the scheme to the latest guidance on fire safety, the amended plan includes a water tank and an additional 'grasscrete' track for emergency access, along with a minor reconfiguration of the battery compound layout. An additional drawing providing elevational and plan details of the proposed water tank was also submitted at the same time.
3. The amended and additional plans therefore include some changes and new details compared to the scheme that was considered by the Council and by interested parties at the application stage. However, the changes are not so significant that they would fundamentally change the proposed development or result in a substantial difference from that originally applied for. Accordingly, considering the appeal with regard to the amended and additional plans would neither cause procedural unfairness nor prejudice third parties' interests, and I have determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the surrounding landscape; and the living conditions of existing residents, with particular regard to noise.

Reasons

Landscape

5. The appeal site forms part of a grass field surrounded by woodlands and agricultural fields. With its pastoral character and verdant appearance, the site contributes positively to its tranquil countryside setting and the surrounding rural landscape, which includes limited development within a clay lowland containing an extensive variety of woodlands interspersed with open fields. However, due to topography and the extensive planting in the locality, including to the south, west and north, the site is not, as identified in the submitted Landscape & Visual Appraisal (LVA), particularly visible in either nearby or longer distance public views.
6. With its rather stark, utilitarian appearance and industrial-esque character, the proposed development would be an unexpected, urbanising feature in the rural, largely undeveloped area. The change from open pasture to energy infrastructure and associated features and fencing would, as agreed by the main parties, therefore adversely affect the character and appearance of the surrounding landscape. In coming to this view, I have taken account of the LVA finding that the area has an average landscape value and a high capacity to accommodate change, the presence of the prominent pylons carrying high voltage overhead cables directly past the site and across the landscape, and that energy infrastructure is found outside of built-up areas.
7. However, the effect would be localised due to the scale of the development, the extensive screening provided by existing woodland and vegetation, and the additional planting once it has established. The development, with its muted colours, would also only be visible from the highway via a snatched glimpse through the site access, with the main view being of the proposed access track and the fencing along the top-most section of the compounds; whilst any views available from the public right of way to the south would be, at worst, significantly restricted and heavily filtered by existing trees and vegetation, even during winter. To some extent, the pylons and overhead cables also serve to desensitise the site to the proposed development, in both short and longer distance views.
8. Accordingly, the development would not be a prominent feature in the surrounding area. Combined with its non-permanent nature, the harm to the surrounding landscape would therefore be limited. Any noise arising from the development would also not be particularly noticeable from the public realm, with any noise experienced by receptors being on a transitory basis only. The area's overall tranquillity would therefore not be unacceptably affected.
9. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding landscape. I therefore find that it conflicts with Core Policies 51 and 57 of the Wiltshire Core Strategy (WCS). Amongst other aspects, these expect development to protect landscape character and create a strong sense of place by drawing on local context and complementing the locality. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to conserving and enhancing the natural environment and achieving well-designed and beautiful places.

Living conditions

10. Given its rural setting, the site is in a relatively peaceful and rather isolated position. However, there are some properties in the surrounding area, with the closest (Army Cross and [Old] Ravensroost Farm) situated to the south and south-west of the site.
11. At over 100 metres, the degree of separation between the development and those nearest properties is considerable, whilst there is also extensive existing planting in between. Nevertheless, as confirmed by the submitted noise assessment, the introduction of noise generating equipment proposed as part of the development could in theory be heard by residents of those properties; and without mitigation, the battery storage and inverter units would be likely, on a worst-case scenario, to cause a significant adverse impact on them.
12. However, mitigation would be provided in the form of a solid fence, 3 metres high and specifically designed to act as a noise barrier; and orientating the louvred side of the battery unit containers to face away from the nearest properties. Incorporating these into the scheme, the noise assessment – based on relevant British Standards and guidance – identifies that the proposed development would not increase (and would, in all cases, actually be below) the prevailing ambient sound level at any of the surrounding properties during the day and night.
13. On this basis, the noise from the proposed development would not be perceptible from existing properties. Subject to the mitigation being secured and provided, the appeal proposal would thus not be incompatible with surrounding land uses. Whilst the measurement positions in the noise assessment did not include Army Cross, measurement position 2 (at nearby Ravensroost Farm) is sufficient in relation to assessing noise levels at both properties. The time of year and date of the noise assessment do not lead me to a different conclusion.
14. Accordingly, I conclude that the proposed development would not harm the living conditions of existing residents, with particular regard to noise. I therefore find that, in relation to this matter, it accords with the parts of WCS Core Policies 51 and 57 which seek to protect against noise intrusion and expect proposals to have regard to the impact on existing occupants' amenities and the compatibility of adjoining buildings and uses. The proposal would also be consistent with the provisions in the Framework in relation to providing a high standard of amenity for existing users, preventing unacceptable levels of noise pollution, and avoiding noise giving rise to significant adverse impacts on health and the quality of life.

Other matters

15. The ecological appraisal, produced in 2021, sets out that its findings are valid for 24 months and that an updated survey will be required if work has not commenced within that time. That period has now passed. However, the site (and where the main development activities would occur) consists mainly of improved grassland used for agricultural purposes which is neither commonly associated with significant wildlife use nor likely to be. On this basis, I am satisfied that the appraisal's findings remain reliable and representative of the site's importance to wildlife and are thus sufficient for the determination of the

appeal. The autumn timing of the on-site survey does not lead me to a different conclusion. Furthermore, conditions can secure further ecological protection, including in relation to lighting and measures protecting habitats on the site's edges, such as existing trees and hedgerows, during construction; and a Construction and Environmental Management Plan providing up-to-date measures to avoid, mitigate and protect wildlife. A licence has also been obtained in relation to great crested newts.

16. A number of other matters have been raised by various parties and I have taken them all into account. This includes: proximity to public footpaths and a mains gas pipe; inconsistencies and errors in the documents submitted with the planning application; impacts on wildlife, including protected species and designated sites, including nearby Sites of Special Scientific Interest; damage to existing trees and planting; fire safety; archaeology; drainage and flooding; construction works disrupting traffic, damaging the narrow roads and affecting the safety of all highway users and the living conditions of existing residents; the effect on recreational users in the locality; brownfield land should be used as opposed to greenfield, agricultural land; no biodiversity benefits; horses being scared by the development, including in relation to noise; pollution; the need for hazardous substances consent; the need for the facility not being demonstrated; the proposal including a sub-station and being larger (and taking longer to build) than the previous approved scheme; the extent of other similar developments and solar farms being proposed and built in the area and the potential for cumulative effects and co-locating with them instead; and the sustainability of the batteries.
17. However, whilst I take these representations seriously and I recognise the strength of local concern, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding construction works, wildlife, light pollution, and drainage/flooding can also be covered by planning conditions. In addition, the scheme would deliver a net gain in biodiversity, also secured by condition.

Planning Balance

18. The proposed development would harm the character and appearance of the surrounding landscape. The resulting conflict I have identified with development plan policies leads me to conclude that the proposed development, despite its accordance with some other development plan policies and parts of others, conflicts with the development plan as a whole.
19. However, as set out in the Planning Practice Guidance (PPG), electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively by, for example, helping balance the system at lower cost and maximising the usable output from renewables. Being designed to capture excess energy and store it until needed (such as at peak times or to bridge a gap in generation), the development would do this. Some of the main benefits in relation to this include providing a flexible back-up power source; helping to offset the intermittency of renewable energy sources and avoiding the need for generators to curtail/cease generation at times of over-supply; supporting the balance of energy production and consumption; contributing to reducing the costs of the electricity system and improving its efficiency,

reliability and security; and reducing the amount of new generation capacity needed on the system as demand increases. In turn, the development would support the further use and supply of renewable and low-carbon energy generation. This is consistent with the Framework's provisions on planning for climate change and also critical to meeting local and national targets on renewable energy and carbon emissions, and ultimately achieving net zero.

20. The proposed battery energy storage facility would therefore make a small but important contribution to ensuring local and national energy security and supply, moving towards a low carbon economy, and serving increasing electricity demand. With the development having a grid connection offer to the local distribution network, these benefits could also be delivered relatively quickly. In addition to this, the proposed development would provide a significant on-site net gain for biodiversity. The appeal proposal would therefore provide substantial economic, social and environmental benefits.
21. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the above material considerations outweigh the localised and limited harm that would arise and the resulting conflict with development plan policies and the Framework. Consequently, material considerations indicate that the proposed development should be permitted notwithstanding the conflict with the development plan as a whole.

Conditions

22. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
23. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. This condition includes the amended and new plans, with the amended proposed plan superseding the previous drawing (Rev F) and the details in Drawing No 0029-LP-PP-001 (Rev B). Both of these drawings are therefore not listed. I have also not included the Preliminary drainage layout plan or the (landscape/planting) mitigation plan because other conditions secure full details of both matters, the former drawing is only preliminary, and the latter drawing would need to be updated to account for the amended layout and full landscaping details.
24. A condition setting out the time limit for the operational period of the development and its subsequent decommissioning is necessary in the interests of the character and appearance of the surrounding area. This condition covers the Council's second and third suggested conditions, and which included some aspects which were repetitious and did not, for example, meet the test of reasonableness (such as requiring a decommissioning and restoration plan to be submitted to and approved by the Council within six months of the development commencing).
25. A pre-commencement condition requiring a construction and environmental management plan is necessary in relation to the living conditions of neighbours, highway safety, flooding and to ensure adequate environmental

protection and mitigation for ecological receptors. I have amended this condition so that it covers three of the Council's suggested conditions. A pre-commencement condition securing a drainage scheme is necessary to ensure adequate on-site drainage and avoid increasing flood risk in the locality.

26. Pre-commencement conditions requiring a landscape and ecological management plan and full landscaping details are necessary in relation to the character and appearance of the surrounding area and ecological matters. I have also imposed a condition covering external materials. However, I have changed the timing clause of this condition as there is no need for the matters it covers to be resolved prior to the development commencing.
27. The noise-related condition, combining two of the Council's suggested conditions, is necessary to protect the living conditions of nearby residents. A condition requiring compliance with ecology and net gain reports is necessary in the interests of conserving and enhancing biodiversity. To minimise unnecessary light spillage in the interests of biodiversity and character and appearance, a lighting condition is necessary and reasonable.
28. I have imposed a condition relating to the surface of the first 10 metres of the site access in the interests of highway safety. However, I have not imposed the Council's suggested highway survey condition because I have little evidence that it would be necessary to make the development acceptable, relevant to planning and enforceable. The narrow nature of the local highway network does not lead me to a different conclusion.

Conclusion

29. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No 20029-LP-002); Proposed plan (Drawing No 20029-PP-004, Rev G); 40ft large amenity cabin (Drawing No CEL-STD-AMENL-540); Water tank – GRP (Drawing No CEL-STD-WT-001); 132kV substation (Drawing No CEL-STD-132kV-203); Timber acoustic fence (Drawing No CEL-STD-AF-731); Switch room (Drawing No CEL-STD-SW-135); Containerised battery (Drawing No CEL-STD-BATT-RSU-375); Containerised inverter (Drawing No CEL-STD-BATT-INV-380); Auxiliary transformer (Drawing No CEL-STD-TX-165); Palisade security fence (Drawing No CEL-STD-PF-G-700); and CCTV column (Drawing No CEL-STD-CCTV-800).
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first stored from or distributed to the electricity network (whichever is first) (First Use). Written confirmation of the First Use shall be given to the local planning authority within one month of the First Use. Within six months of the expiry of this permission or within six months of the development ceasing to store electricity and distribute it to the electricity network for a continuous period of six months (whichever is sooner), the development and associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period and should include the following details: i) parking, deliveries, and storage; ii) routing to the site (avoiding Cricklade); iii) wheel washing facilities; iv) measures to control the emission of dust and dirt during construction; v) a scheme for recycling/disposing of waste resulting from demolition and construction works; vi) site working hours, a named contact person and communication procedures with the Council and local community regarding key construction issues/events; vii) measures to mitigate the impact of construction on the amenity of the area and highway safety; viii) drainage arrangements during construction; and ix) measures to avoid, mitigate and protect the natural environment to be implemented before and during construction, including a) identification of ecological protection areas/buffer zones and details of physical means of protection, b) working method statements for protected/priority species, such as nesting birds and great crested newts, c) work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors, d) details of when a licensed ecologist/ecological clerk of works shall be present on site, e) responsibilities and contact details for key personnel (including Site Manager and ecologist/clerk of works), and f) timeframe for provision of compliance report to the local planning authority, to be completed by the ecologist/clerk of works and to include photographic evidence.
- 5) No development shall commence until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details together with

permeability test results to BRE365 and showing in improvement in discharge rate from the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be provided prior to the development storing electricity from or distributing it to the electricity network and shall thereafter be retained and maintained.

- 6) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be implemented in full in accordance with the approved details and shall include the following: description and evaluation of features to be managed; landscape and ecological trends and constraints on site that might influence management; aims and objectives of management and appropriate management options for achieving the aims and objectives; prescriptions for management and monitoring actions; preparation of a work schedule (including an annual work plan capable of being rolled forward over the lifetime of the development); details of the organisation responsible for implementation and delivery of the plan; ongoing monitoring and remedial measures; details of the legal and funding mechanisms to secure the long term implementation of the plan; and how contingencies and/or remedial action will be identified and implemented where monitoring results show that the LEMP's aims and objectives are not being met.
- 7) No development shall take place until an updated scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include: the location and current canopy spread of all existing trees and hedgerows on the land; full details of any to be retained, together with measures for their protection in the course of development; earthworks showing existing and proposed finished levels or contours; a detailed planting specification showing all new plant species, supply and planting sizes and densities; means of enclosure; all hard and soft surfacing materials; vehicle parking layouts; and other vehicle and pedestrian access and circulation areas.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date electricity is first stored from or distributed to the electricity network or the full completion of the development (whichever is the sooner). All planting shall be maintained free from weeds and shall be protected from damage by animals. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall be provided in accordance with the approved details prior to the use of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.
- 8) No development above ground level shall take place until details of the external materials, colour and finish of all built structures above ground level have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.
- 9) The development hereby permitted shall not store electricity from or distribute it to the electricity network until the first 10 metres of the access, measured

from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

- 10) The noise attenuation scheme detailed in the Noise Assessment (by Inacoustic, dated 27 June 2022) and shown on Drawing No CEL-STD-AF-731 shall be provided prior to electricity first being stored from or distributed to the electricity network, and thereafter retained and maintained. Within three months of electricity first being stored from or distributed to the electricity network, a post installation noise assessment, to confirm compliance with the Noise Assessment shall be submitted to the local planning authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be implemented in accordance with a timetable to be agreed with the local planning authority and retained thereafter.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations, mitigation measures and enhancement measures detailed within the Preliminary Ecological Appraisal (November 2021) and Biodiversity Net Gain Plan (May 2022) by Western Ecology, and in broad accordance with the Mitigation Plan (Ref SPP07-F) subject to any aspects of that plan being superseded by the further details to be approved under conditions 6 and 7.
- 12) Notwithstanding the details shown on the approved plans, no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. Illumination levels shall not exceed those specified for Environmental Zone E2 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)". The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

END OF SCHEDULE