
Appeal Decision

Site visit made on 21 October 2025

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Appeal Ref: APP/G2435/W/25/3370481

Land to the South-East of Remembrance Way DE74 2GB

- 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 Root Power (South) Ltd against the decision of North-West Leicestershire District Council.
 - The application Ref is 24/01376/FULM.
 - The development proposed is a Battery Energy Storage System (BESS) and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for a Battery Energy Storage System (BESS) and associated infrastructure at land to the south-east of Remembrance Way DE74 2GB, in accordance with the terms of the application, Ref 24/01376/FULM, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Root Power (South) Ltd against North-West Leicestershire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the Battery Energy Storage System on the character and appearance of the surrounding area.

Reasons

4. The appeal site falls outside the Limits to Development as defined in the North-West Leicestershire Local Plan (LP). Battery Energy Storage Systems (BESS) and associated infrastructure are a form of renewable and low carbon energy infrastructure as set out in Planning Practice Guidance (PPG).
5. Policy S3 of the LP supports development for renewable energy outside of the Limits to Development, subject to, amongst other things, the appearance and character of the landscape being safeguarded and enhanced. Policy CC1 of the LP also supports planning applications for renewable energy including any ancillary infrastructure and buildings associated with this type of development where there is no adverse impact on landscape character.
6. The appeal site consists of an area of open agricultural land. Whilst the site itself is largely devoid of built forms there is significant infrastructure surrounding the site such as the A453 Remembrance Way, which is a dual carriageway, an electricity

pylon, and the Ratcliffe-on-Soar power station. Whilst the power station will be demolished in the future it is to be replaced with a significant amount of built form as confirmed by the Council.

7. The proposal would require the erection of industrial equipment and an access road, and these works would extend across a large proportion of the appeal site. This would significantly change the appearance of the site resulting in harm to the character and appearance of the immediate area particularly as experienced from Bridleway L62 and Public Right of Way L63. However, the site is already heavily influenced by significant infrastructure and built forms which would temper the visual impact of the development. Proposed landscaping would also, in time, soften its appearance as demonstrated on the submitted Accurate Visual representations. Furthermore, the development would not be permanent having a lifetime of 40 years. These matters would, to a degree, reduce the harm to the character and appearance of the surrounding area from the proposed BESS. Nevertheless, there would still be harm.
8. Given the scale of the development proposed in relation to the gap which currently exists between Kegworth and Ratcliffe-on-Soar I find no material harm specifically in respect of the closing of the gap between these settlements. Notwithstanding this matter, the development would, nevertheless, conflict with Policies S3 and CC1 of the LP insofar as there would be some resulting harm to the character and appearance of the immediate surrounding area to the appeal site as a result of the BESS and associated infrastructure.

Other Matters

9. The appeal site is located wholly within Flood Zone 3. The proposed development is classified as 'essential infrastructure' in the terms of Annex 3 of the National Planning Policy Framework (the Framework). Following national planning policy both the Sequential Test and Exception Test have been conducted and deemed passed by the Council, and they raise no objection in this respect. The Environment Agency also no longer raise an objection to the development subject to appropriate conditions.
10. There are listed buildings in the wider vicinity of the appeal site. Having had regard to the statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, I consider no listed building or its setting would be harmed by the development given the distances involved and intervening vegetation. Furthermore, there is no evidence of any historic link between the appeal site and the listed buildings in question. The Council concurs with this view.
11. Whilst there is no connection agreement provided there is no substantive evidence before me to indicate connection to the electricity network would not be possible in the future. Reference is made to other approvals for BESS development in the area. However, each case must be determined on its individual merits and in accordance with planning policy. There is no policy requirement to provide specific local benefits.
12. I note concerns raised over matters including highways, wildlife, flood risk, and fire safety. However, such matters can be dealt with adequately by condition. The Council also raise no objection on these grounds.

Conditions

13. Suggested conditions have been provided by the Council. I have made some amendments to ensure that the conditions comply with the requirements of the Framework and the PPG. The appellant has provided written agreement to the suggested pre-commencement conditions. The pre-commencement conditions I have included are all matters which are fundamental to be resolved prior to development commencing.
14. Conditions regarding the timescale for development (1) and the adherence to plans (2) are necessary to provide certainty. It is not necessary to include a topographical survey, however, as this simply informs the proposal. Conditions limiting the life of the permission, and requiring that the development and associated infrastructure be dismantled and removed from the site, and the site restored to an acceptable standard, (3-7) are also necessary as temporary permission has been applied for.
15. It is not necessary to condition the submission of a Biodiversity Gain Plan as this is a statutory condition. However, condition 8 is necessary to ensure the subsequent management and monitoring of enhanced biodiversity on site. I have also included condition 9 in the interests of nature conservation. For reasons of aviation safety, I have included conditions 10 and 11. Conditions 12 and 13 are also necessary to ensure that Public Bridleway L62 remains safe and available for use during the construction period.
16. To reduce travel, I have included condition 14, and to protect visual amenity I have included conditions 15, 16, 17, and 18. Conditions 19 and 20 are necessary to protect the amenity of occupiers of neighbouring properties.
17. In the interest of flood risk and pollution prevention it is necessary to include conditions 21, 22, 23 and 24. To ensure adequate surface water drainage both during the construction phase and for the lifetime of the development is provided I have also included conditions 25 and 26. In the interest of highway safety I have included conditions 27 and 28.
18. To protect existing trees and hedgerows in the interest of visual amenity condition 29 is necessary. For the same reason I have included condition 30 to ensure a satisfactory soft landscaping scheme is provided. I consider it to be reasonable that this is provided in the first planting season following completion of the development and no further caveat is necessary in this respect. Condition 31 ensures the ongoing management of the approved landscaping. Conditions 32, 33, and 34 are also necessary to protect visual amenity.
19. To protect aural amenity in the locality conditions 35, 36, and 37 are necessary. In the interests of fire safety and the management of the site by emergency services I have further included conditions 38 and 39. In the interest of nature conservation I have included condition 40. Finally condition 41 is necessary to ensure satisfactory archaeological investigation, recording, dissemination, and archiving of any items of archaeological interest present on site.
20. It is not always necessary to set out in detail what is required for various submissions required by condition as these should be considered as appropriate on a case-by-case basis. It is not necessary to include a condition regarding the installation of CCTV as this would be covered by separate legislation. There is nothing before me to suggest it is necessary to remove permitted development

rights with respect to boundary treatments in this case. Finally, I have removed any wording in the conditions which suggests that requirements may be changed in the interests of clarity and fairness.

Conclusion

21. The proposal would cause some harm to the character and appearance of the immediate surrounding area to the appeal site resulting in conflict with the development plan. This harm, however, would be limited for the reasons given. The Framework states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposals contribution to a net zero future. This therefore outweigh the conflict with the development plan.
22. The appeal is allowed.

H Butcher

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development, hereby permitted, shall be carried out in accordance with the following approved plans:
 - RVSOAR-BESS-001.4 Rev 4 Substation Site Location Plan
 - RVSOAR-BESS-001.5 Rev 7 Substation Site Layout Plan
 - RVSOAR-BESS-001.6a Rev 6 Substation Elevations Plan
 - YLM-BESS-GEN-001.2 Rev A 33kV Switchroom
 - YLM-BESS-GEN-001.3 Rev A Site Cabin / LV Switchroom
 - YLM-BESS-GEN-001.4 Rev A 33kV / 415V Site Supply Transformer
 - YLM-BESS-GEN-001.5 Rev A BESS Transformer c/w Inverters
 - YLM-BESS-GEN-001.6 Rev A BESS Battery Cluster
 - YLM-BESS-GEN-001.7 Rev A V-Mesh Fence
 - YLM-BESS-GEN-001.8 Rev A Wooden Fence
 - YLM-BESS-GEN-001.9 Rev A BESS Spares Container
 - YLM-BESS-GEN-001.10 Rev A 132/33kV Substation Transformer
 - YLM-BESS-GEN-001.10a Rev A 132/33kV Substation Switchrooms
 - YLM-BESS-GEN-001.11 Rev A Water Tanks
 - YLEM1494-11 Rev C Soft Landscape Proposals
 - LTP/5886/P1/01.01 Rev A Proposed Access Widening
 - LTP/5886/V1/02.01 Proposed Long Lane Access Visibility Splays
3. The local planning authority shall be notified in writing within 10 days of energy being first stored at the site.
4. The planning permission is limited to a period of 40 years commencing from the date energy is first stored at the site. At the end of this 40-year period the development shall be removed (excluding the approved landscaping and biodiversity works) and the land restored in accordance with conditions 5 and 6 of this permission.
5. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of energy storage at the site, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved soft landscaping and biodiversity works) shall first be submitted to and approved in writing by the local planning authority. The scheme of works shall include the following:
 - A programme of works
 - A method statement for the decommissioning and dismantling of all equipment and surfacing on the site
 - Details of any items to be retained on site
 - Timescale for the decommissioning, removal, and reinstatement of the land
 - A method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales.

6. The local planning authority shall be notified in writing within five working days following the cessation of energy storage at the site.
7. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of energy storage at the site, whichever is the sooner, a restoration management plan (RMP) shall be submitted to and approved in writing by the local planning authority. The approved RMP shall be implemented and adhered to in accordance with the approved details.
8. The development shall not be brought into use until a Biodiversity Enhancement Management and Monitoring Plan (BEMMP) has been prepared in accordance with the approved Biodiversity Gain Plan (BGP) and submitted to and approved in writing by the local planning authority. The approved BEMMP shall be implemented and adhered to in accordance with the approved details.
9. No development shall commence until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction phase of the development in accordance with the approved details.
10. No development shall commence until an Aviation Safety Construction Management Plan (ASCMP) has been submitted to and approved in writing by the local planning authority. The approved ASCMP shall be implemented and adhered to throughout the construction phase of the development in accordance with the approved details.
11. The development shall not be brought into use until details to demonstrate that the proposed development will not generate electromagnetic interference to critical aviation communications, navigation, and surveillance infrastructure at East Midlands Airport have been submitted to and approved in writing by the local planning authority. The development shall be operated in compliance with the approved details for the lifetime of the development.
12. No development shall commence until a Bridleway Management Plan (BMP) for Public Bridleway L62 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved BMP which shall be adhered to for the duration of the construction and removal of the development/restoration phases of the site.
13. The development shall not be brought into use until a signing and waymarking scheme in respect of Public Bridleway L62 has been implemented in accordance with details which have first submitted to and approved in writing by the local planning authority. The approved scheme of signing and waymarking shall remain in place for the lifetime of the development.

14. No development shall commence until a Construction Travel Plan (CTP) has been submitted to and approved in writing by the local planning authority. The approved CTP shall be implemented in accordance with the approved details and adhered to throughout the entirety of the construction phase.

15. Prior to their installation on site full details of the final location, design, and materials of construction (including colour finish) to be used for the:

- Battery clusters
- BESS transformers
- BESS switchrooms
- Site welfare / low voltage (LV) switchroom
- 132/33kV substation switchrooms
- Water tanks

shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and permanently maintained for the lifetime of the development as approved.

16. Prior to their installation the design details of any supporting structure(s) (including construction materials and colour finish(es)) shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and permanently maintained for the lifetime of the development as approved.

17. Any required BESS spares container shall not be provided on site until design details have first 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 permanently maintained for the lifetime of the development as approved.

18. Any cabling associated with BESS infrastructure shall be installed underground, except where it is connected to the BESS infrastructure on the supporting structure(s) and has been installed in accordance with a precise scheme of cable management to prevent visual detriment, which has first been submitted to and approved in writing by the local planning authority. The cabling associated with the BESS infrastructure shall be installed in accordance with the approved details and maintained as such for the lifetime of the development.

19. Any alarm system to be installed shall be silent at the appeal site at all times.

20. No construction or decommissioning works shall take place except between the following hours 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sundays or a Public Holiday.

21. The development shall be implemented and maintained in accordance with the submitted River Soar BESS Flood Risk & Drainage Assessment Report by Gondolin Land & Water Civil Engineering & Environmental Solutions ref:

GON.0446.0270 Version 3 dated: 21/05/2025) for the lifetime of the development.

22. No development shall commence until a Flood Action Plan (FAP) has first been submitted to and approved in writing by the local planning authority. The development shall be implemented and operated in accordance with the approved FAP for the lifetime of the development.
23. No development shall commence until a scheme to ensure that no contaminated water is discharged from the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme and adhered to for the lifetime of the development.
24. No development shall commence until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme.
25. No development shall commence until such time as a surface water drainage scheme has first been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be provided in full in accordance with the approved details before energy is first stored at the site.
26. The development shall not be brought into use until details in relation to the long-term maintenance of the surface water drainage scheme within the development has first been submitted to and approved in writing by the local planning authority. Once the approved surface water drainage scheme has been provided in accordance with condition 26 it shall subsequently be managed and maintained for the lifetime of the development in accordance with the details approved under this condition.
27. Prior to the commencement of development a Construction Traffic Management Plan, including details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved CTMP which shall be adhered to for the entirety of the construction and decommissioning phases.
28. Notwithstanding the approved plans the development shall not be brought into use until the following details have been submitted to and approved in writing by the local planning authority and provided on site:
 - The vehicular access arrangements
 - The provision of vehicular visibility splays of 2.4 metres by 65 metres in either direction at the site access;
 - The provision of off-street parking
 - The provision of the turning facilities, in full

Once provided the approved details shall be maintained for the lifetime of the development with the onsite parking and turning provision being kept available for such use at all times and nothing being positioned or allowed to grow above a height of 0.6 metres above the level of the adjacent footway / verge / highway within the visibility splays.

29. The development shall be implemented in accordance with the Arboricultural Impact Assessment by e3p ref: 81-731-R3-1 dated: September 24.
30. Within the first planting and seeding season following the completion of the BESS the soft landscaping of the site shall be delivered in accordance with the details specified on drawing number YLEM1494-11 Rev C. Any new tree(s) and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced in accordance with the approved details.
31. No development shall commence until a Landscape Management Plan (LMP) has first been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved LMP and timetable.
32. No hard landscaping shall be installed on the site until a hard landscaping scheme has first been submitted to and approved in writing by the local planning authority. Any hard landscaping shall be installed in accordance with the approved details and subsequently maintained for the lifetime of the development.
33. Notwithstanding the submitted details the boundary treatments (including the acoustic fence) shall not be installed until a colour scheme has first been submitted to and approved in writing by the local planning authority. The boundary treatments shall be installed in accordance with the approved details and maintained as approved for the lifetime of the development.
34. Notwithstanding the submitted details the gates to the BESS compound shall not be installed until design details (including construction materials and colour finish(es)) have first been submitted to and approved in writing by the local planning authority. The gates to the BESS compound shall then be installed in accordance with the approved details and maintained as such for the lifetime of the development.
35. The development shall not be brought into use until a 4.4 metre high acoustic barrier has been provided in accordance with the details contained within the Noise Assessment by Miller Goodall ref: 103172 V3 dated: 25 April 2025. Once provided, the 4.4 metre high acoustic barrier shall be maintained in accordance with the approved details for the lifetime of the development.
36. The development shall not be brought into use until the attenuation to the BESS inverters has been provided in accordance with the details contained within the Noise Assessment by Miller Goodall ref: 103172 V3 dated: 25 April 2025. The attenuation to the BESS inverters shall be maintained in accordance with the approved details for the lifetime of the development.

37. The BESS infrastructure associated with the development shall be provided in accordance with that detailed within the Noise Assessment by Miller Goodall ref: 103172 V3 dated: 25 April 2025. The BESS infrastructure once provided shall be maintained in accordance with approved details for the lifetime of the development.
38. Prior to the installation of any electrical equipment or battery unit a Battery Safety Management Plan (BSMP), incorporating a risk reduction strategy (RSS), shall first be submitted to and approved in writing by the local planning authority. The development shall be installed and operated in accordance with the approved BSMP (and RSS) for the lifetime of the development.
39. The development shall not be brought into use until an Emergency Response Plan (ERP) has first been submitted to and approved in writing by the local planning authority. The development shall be implemented and operated in accordance with the approved ERP for the lifetime of the development.
40. No external lighting, including any lighting for the construction and decommissioning phases of the development, shall be installed on the site unless a lighting strategy, designed for the protection of biodiversity and including a timetable for implementation and operation, has first been submitted to and approved in writing by the local planning authority. Any external lighting installed on site shall be installed in accordance with the approved lighting strategies.
41. No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI shall include the statement of significance and research objectives, along with a programme and methodology of site investigation and recording and the nomination of competent person(s) or organisation to undertake the approved works, and a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. The development shall not be brought into use until the site investigation and post investigation has been completed in accordance with the approved WSI and provision made for analysis, publication, and dissemination of results, and archive deposition has been secured.