



**Planning Committee Report**

**Chairman: Cllr Colin Parker**

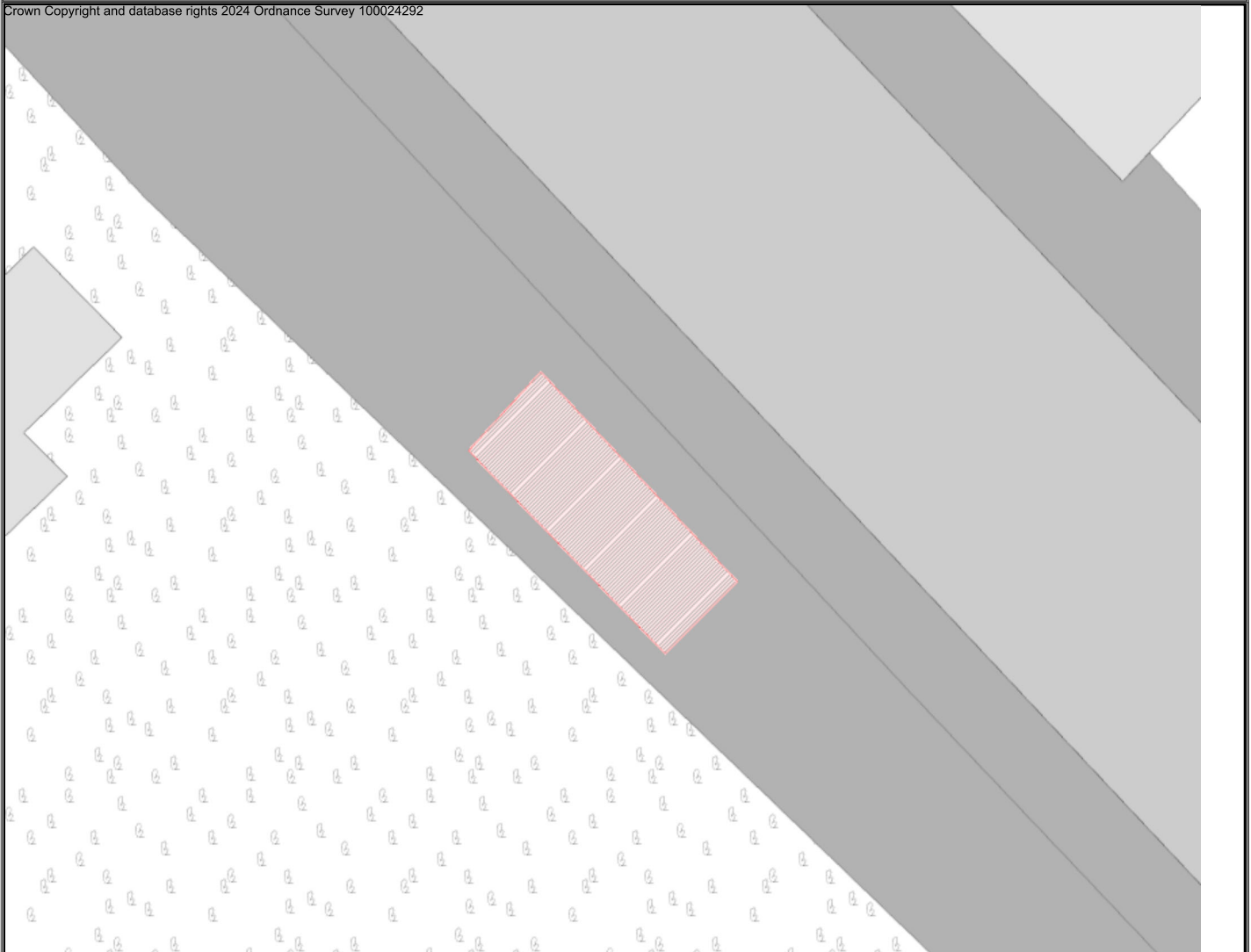
<b>Date</b>	22 October 2024
<b>Case Officer</b>	Darren Roberts
<b>Location</b>	Land At Torquay Road Kingskerswell Devon TQ2 7HX
<b>Proposal</b>	Construction of a micro energy storage facility
<b>Applicant</b>	Mr W Burnett
<b>Ward</b>	Kerswell-with-Combe
<b>Member(s)</b>	Cllr John Radford, Cllr Jane Taylor
<b>Reference</b>	24/01126/FUL



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED**

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## 1. REASON FOR REPORT

The application has been called in to Planning Committee by the Ward Member for the following reasons:

- Strategic Issue
- Not in an allocated industrial area
- Potential health issues

## 2. RECOMMENDATION

**PERMISSION BE GRANTED, subject to the following conditions:**

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
05 Jul 2024	PLAN 1	Site Location Plan
05 Jul 2024	PLAN 2	Site Layout Plan V2
05 Jul 2024	PLAN 4	Smart String ESS Plan and Elevations
05 Jul 2024	PLAN 5	Electrical Cabinet Plan and Elevations
05 Jul 2024	PLAN 6	Palisade Fencing 2.4m High Elevations

REASON: In order to ensure compliance with the approved drawings

3. Prior to the erection of any fencing or the installation of any equipment on the site, detailed finishes and colours of both shall be submitted to and agreed in writing by the Local Planning Authority. Works shall accord with the agreed details and be retained as such thereafter.

REASON: In the interests of the visual amenity of the area

4. Prior to the first use of the approved installation, a detailed Fire Safety Management Plan and Risk Reduction Strategy shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the plan shall remain in operation for the lifetime of the development, unless amendments are first agreed in writing.

REASON: To ensure fire and pollution risk is minimised and adequately planned for.

NOTE: The above shall be prepared in accordance with the Devon and Somerset Fire and Rescue Service response dated 2<sup>nd</sup> August 2024.

5. Prior to the completion of the concrete plinth, a detailed landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include

species, planting sizes and spacing, timing of planting and maintenance arrangements.

Once agreed, planting shall take place in the first planting season following commencement of works.

Any plants that die or become diseased or damaged within 5 years, shall be replaced.

REASON: To limit the visual impact of the proposal.

### **3. SITE DESCRIPTION**

#### The Site

- 3.1. The application site is a grass verge on the 'old' A380 Torquay Road, to the south of Kingskerswell. It is situated directly opposite the Coventry Farm industrial estate and in front of a stone wall, behind which is the railway line. The land is owned by Devon County Council, secured by lease to the applicant. The chosen location is required to be within 50m of an existing substation or low voltage cable, which in this case, lies on the opposite side of the road.

#### The Proposal

- 3.2. It is proposed to construct a 200kW Energy Storage System (ESS), also known as a Battery box, on the land. An ESS stores imported electricity from the local network when demand is low or when there is excess renewable energy, and exports it back to the grid, to be used locally, in times of high demand. Supporting information notes the UK energy supply is moving towards renewable sources, which can be intermittent, as a shift away from fossil fuel power stations. Renewable power generation does not always match peak periods of demand, such as evenings between 4pm and 8pm, and homes are increasingly moving towards electricity, away from gas, with a push towards electric vehicles; this all places extra demand on the network.
- 3.3. The ESS can also assist National Grid in times of outages and to avoid network upgrades by building in extra capacity. The systems are stated to be particularly useful in more built-up areas, where solar farms or wind turbines would not be suitable. Each Battery Box installation is estimated to save 160 tonnes of carbon per year, around 4,8000 tonnes over a project's lifetime, having the potential to power 200 homes for 4 hours when there is a supply disruption.
- 3.3. The box is metallic and comprises two battery units, a power conversion system (PCS) and an electrical cabinet, and is to a maximum height of 2.7 m, 4 m long by 1.6 m deep. This will sit on a concrete plinth, surrounded by palisade fencing 2.4 m high, with a gate at the north end. Landscaping is proposed at either end.
- 3.4. The equipment is manufactured off-site and lifted into position on the plinth; construction takes around 4 weeks.

#### Relevant Planning History

16/01183/MAJ New BMW/ Mini Motor Trade Dealership with new car showrooms, workshop and MOT facilities, customer and staff parking areas, areas used for vehicle display and compound and creation of dedicated lay-by to the SW of Torquay Road

for transporter deliveries – Approved 24.05.2017 (Proposal site is within red line of this application but slightly to the north of the proposed lay by)

### Principle of Development

3.2. Local Policy. The site is outside of the development boundary and therefore within the open countryside for the purposes of planning policy. Policy S22 of the Local Plan permits certain types of development in the countryside, including ‘energy and other infrastructure’ providing there is no impact on landscape character areas or the South Hams SAC. Policy S1A sets out the presumption in favour of sustainable development, supported by S1 which sets out detailed criteria that all development is expected to meet. Policy S6, Resilience, refers to the maximisation of the production of renewable energy and requires development to minimise future impacts of climate change. Policy S7 states the requirement to achieve carbon emission reductions of 48% by 2030.

3.3. In relation to the emerging Local Plan, Policy GP3 specifically permits energy storage proposals within the countryside (criterion I.); This policy has some unresolved objections and is currently attracting medium weight towards decision making. Policy CC5 permits low carbon and renewable energy generation in the district; this also attracts medium weight. The proposal is also considered compliant with policy CC7 “Energy Storage”. This policy is given high weight as there are no unresolved objections, and it states as follows:

#### *Proposals will be sited:*

1. *At a suitable distance from residential areas/buildings to prevent significant adverse impacts on amenity;*
2. *To avoid, minimise and mitigate impacts upon biodiversity and geodiversity, including priority habitats, and will maximise opportunities for their enhancement;*
3. *To firstly avoid and then to minimise and mitigate any harm to the significance of heritage assets and their settings;*
4. *Where the standard of highways and road safety is appropriate for construction delivery and ongoing maintenance;*
5. *Where they protect the best and most versatile agricultural land and soils from significant disturbance that would prejudice their long-term quality; and*
6. *It can be demonstrated proposals will not affect the integrity of European Wildlife Sites”.*

3.4 National Guidance and Policy. The National Grid Electricity Systems Operator has published its Future Energy Scenarios report, noting the need to development small scale ESS to adapt to changing supply and demand. A driver for this is the falling cost of batteries, noting “Storage will play a key role in managing renewable generation output and meeting peak demands on the electricity system...”. Government support also comes from the Energy White Paper (December 2020) and The National Infrastructure Strategy, both of which seek net zero and note increasing demand requires storage solutions.

3.5. The NPPF also supports a transition towards low carbon energy.

3.5.1. Paragraph 158 notes “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts...”

3.5.2. Paragraph 160 states:

*To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) *provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);*
- b) *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) *identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.*

3.5.3. Paragraph 163 goes on to note:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;*
- b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas;*

3.6. The public concerns have been taken into consideration, particularly those around the need and purpose of the proposal, and these are considered throughout this report. Subject to conformity to the detailed points set out the policies, it is considered that there is local and national policy support for this proposal.

### Landscape Impacts

3.7. The site is within an Area of Great Landscape Value (AGLV). Policy EN2A states:

*Development proposals should:*

- a) *conserve and enhance the qualities, character and distinctiveness of the locality;*

*b) where appropriate restore positive landscape and seascape character and quality;*  
*c) protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality; and*  
*d) maintain landscape and seascape quality and minimise adverse visual impacts through high quality building and landscape and seascape design.*

- 3.8. It is acknowledged the fencing and boxes would represent an intrusion into the current open aspect of the grass verge along the west side of the road, which extends from the bus stop to the petrol filling station. However, the footprint of the site is small, at around 19.5m<sup>2</sup> and the industrial development opposite and other nearby development, including the bus stop, must be taken into consideration; this is not an undeveloped rural location.
- 3.9. Planting to screen the development has been suggested by the applicant and is welcomed; a condition is imposed requiring full details of species, planting and maintenance. The applicant has indicated there is some flexibility over the colour of the equipment and fencing and a further condition is imposed to agree this; green is likely to be the most acceptable colour as suggested in the applicant's Planning Statement.
- 3.10. The public concerns are noted but subject to the above conditions, whilst the installation will be visible, given it lies opposite an industrial development and additional planting is proposed, it is not considered to be so detrimental to the character of the area that it warrants refusal. In any event, it is considered that the limited visual harm is considered to be outweighed by the benefits of the proposal in terms of energy storage.

#### Highways

- 3.10 Policy S9, Sustainable Transport, requires development to be safe and to minimise negative impacts.
- 3.11. There will be a small amount of construction traffic, estimated to be 6 HGV movements (3 arrival/3 departure), associated with the build, over a period of around 4 weeks. Thereafter, the box is controlled remotely so the only additional trips will be for any repairs or occasional maintenance.
- 3.12. This is considered to be a negligible impact on the highway given the amount of traffic that currently uses this road and its location outside of a residential area.
- 3.13. Noting public concerns about road safety, the Highway Authority has considered the proposal and stated that there are no visibility issues and there are no objections from them to the scheme.

#### Noise and Residential Amenity

- 3.14. Policy S1 requires development to not impact upon residential amenity in relation to noise, safety, pollution and nuisance.

- 3.15. A noise assessment has been submitted with the application. This sets out the predicted noise generated by a two-battery unit, using a worst-case scenario. At a distance of 10m, the highest level given is 53.5dB, reducing to 28.7dB at 200m; the nearest residential properties are in excess of 200m. For ease of comparison, a busy road measures around 80-90dB, the average car measures around 50-80dB at 10m, the average washing machine around 50-53dB, normal conversation at 1m around 40-60dB and a very calm room 20-30dB.
- 3.16. The assessment has been reviewed by the Environmental Health Officer, who notes that no site-specific measurements have been carried out, but given the location adjacent to 2 busy roads, and the distance to the nearest dwellings, does not consider the proposal would have any significant impact on residential properties.
- 3.17. Therefore, the proposal is considered to be in accordance with policies S1 and S11 of the LP and policies GP1 and H12 of the emerging LP.

#### Fire Risk/Health and Safety

- 3.18. Policy S1 is considered applicable in that it requires development to take account of health, safety and environmental effects of noise, smell, dust and so on.
- 3.19. The system includes a battery management system that monitors the equipment 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provide early warning of a malfunction and would trigger an automatic shutdown.
- 3.20. The units are also equipped with fire suppression, specifically a hot aerosol spray. The Battery Box also has an internal short circuit detection system, built in current and voltage sensors all which provide early warning of a malfunction and permit automatic switch off.
- 3.21. The Fire Service submitted detailed comments and whilst not a statutory consultee, note they recognise that ESSs are a new and emerging practice. Recommendations made include a Fire Safety Management Plan (FSMP), and a Risk Reduction Strategy (RSS), from construction through to decommissioning. Consideration should also be given to water access, vehicular access and automatic fire suppression systems.
- 3.22. It is considered appropriate to impose a condition requiring the FSMP and RSS to be submitted and agreed before the ESS is first brought into use.
- 3.23. Subject to these details, the scheme is considered policy compliant.

#### Conclusion

- 3.24. As discussed above, there will be a degree of visual harm from the development, albeit this is considered limited due to it being small-scale. The site is located in an AGLV, but on a busy road and opposite an industrial development. It is not considered that any residential amenity would be negatively impacted and the harm identified is considered to be outweighed by the public benefit the proposal would bring in assisting the transition to Net Zero and fostering a stable electricity supply network.

#### 4. **POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033 (LP)

S1A Presumption in favour of Sustainable Development  
S1 Sustainable Development Criteria  
S2 Quality Development  
S3 Land for Business, General Industry and Storage and Distribution  
S5 Infrastructure  
S6 Resilience  
S7 Carbon Emission Targets  
S9 Sustainable Transport  
S11 Pollution  
S21A Settlement Limits  
S22 Countryside  
EN2A Landscape Protection and Enhancement  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species

##### Teignbridge Local Plan 2020-2040 (emerging Local Plan):

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP2: Development in Teignbridge  
GP3: Settlement Limits and the Countryside  
GP7: Infrastructure & Transport Networks  
CC5: Renewable and Low Carbon Energy Generation  
CC7: Energy Storage  
DW2: Development Principles  
DW3: Design Standards  
EN4: Landscape Protection and Enhancement  
H12: Residential Amenity

##### National Planning Policy Framework

Section 14 in particular

##### National Planning Practice Guidance



## 5. CONSULTTEES

Comments can be viewed in full on the file, and are summarized as:

### Devon County Highways

There are no visibility issues associated with the application; therefore, the Highway Authority has no objections.

### Devon Fire and Rescue

We recognise the use of batteries as ESS is a new and emerging practice. Our response is led by the National Fire Chiefs Council "Grid Scale Battery Energy Storage System Planning". Require a Fire Safety Management Plan with a Risk Reduction Strategy.

Any fire safety management plan should include a Risk Reduction Strategy covering construction, safe operation and decommissioning, and include an Emergency Response Plan developed with the DSFRS.

Consideration to be given to water drenching automatic fire suppression system, provision of water supply for firefighting, access to the site, an information box to highlight plans at the installation.

Strongly recommend applying to the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems and NFCC Grid Scale Battery Energy Storage System Planning.

### Environmental Health

The applicant has provided a noise assessment which demonstrates the noise levels produced by the proposed facility. There are no site-specific measurements. The distance from the proposed facility to the nearest noise sensitive property is approximately 200m. Given the site is adjacent to two busy roads, the sound levels in the report indicate that this facility will have no significant impact on residential properties. I therefore have no objections.

## 6. REPRESENTATIONS

6.1 A site notice was put up on a lamppost adjacent to the site. Due to their being no adjoining residential properties or business, no letters were sent out. At the time of writing this report, 8 objections had been received. These can be viewed in full on the file and are summarised as follows:

- Eyesore and unpleasant looking in a very vulnerable position at the entrance to the village. Not in keeping with surroundings and will not enhance the beauty of the village.
- Should be located on an industrial estate, or by the new Aldi and Costa. Why not locate it behind the wall or somewhere less intrusive?
- Fail to see the point of this as its charging the batteries form the grid and presume selling it back. There is no solar or wind turbines in the area; if there was which would make morse sense.

- Could be a danger to motorists.
- Question if residents have been informed, why this is being proposed and how Kingskerswell will benefit from it.
- Destroying the efforts villagers have made to promote biodiversity on the verges.

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

7.1 Aware of call in. No further comment to make.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

8.1 The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10. CARBON/CLIMATE IMPACT**

10.1 The purpose of the application is to enable the storage of renewable energy and would therefore reduce the reliance on fossil fuels. There is therefore a strong positive impact on carbon emissions.

## **11. BIODIVERSITY NET GAIN**

11.1 Biodiversity Net Gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Para 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended))

11.2 This development is exempt from the general Biodiversity Gain Condition for the following reason: development does not impact a priority habitat and impacts less than 25m<sup>2</sup> of on-site habitat.

## **12 HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

**Head of Development Management**