

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 17 <sup>th</sup> January 2023	
<b>Application ID:</b> LA04/2021/2862/F	
<b>Proposal:</b> Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works.	<b>Location:</b> Lands approximately 700m north of 28 Colinglen Road Dunmurry Belfast BT17 0LR
<b>Referral Route:</b>	Discretion of Director Planning and Building Control
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b> Hannahstown BESS Ltd 141 Camlough Road Carrickmore Bt79 0BS	<b>Agent Name and Address:</b> Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for a proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. The proposal includes 25 no battery container units and 25 no substations.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location (beyond the settlement development limit);</li> <li>• Scale, Massing and Design;</li> <li>• Impact on rural character visual amenity;</li> <li>• Impact on Built and Archaeological Heritage;</li> <li>• Impact on Ecology and Natural Heritage;</li> <li>• Provision of Landscaping and Screening;</li> <li>• Traffic Movement and Parking;</li> <li>• Human Health;</li> <li>• Flooding and Drainage;</li> <li>• Health and Safety</li> </ul> <p>The site is located off an existing entrance on the Colinglen Road which originally served a former quarry. The site is enclosed on all sides by dense vegetation and woodland. The site slopes quite steeply from the entrance but this becomes more gradual.</p>	

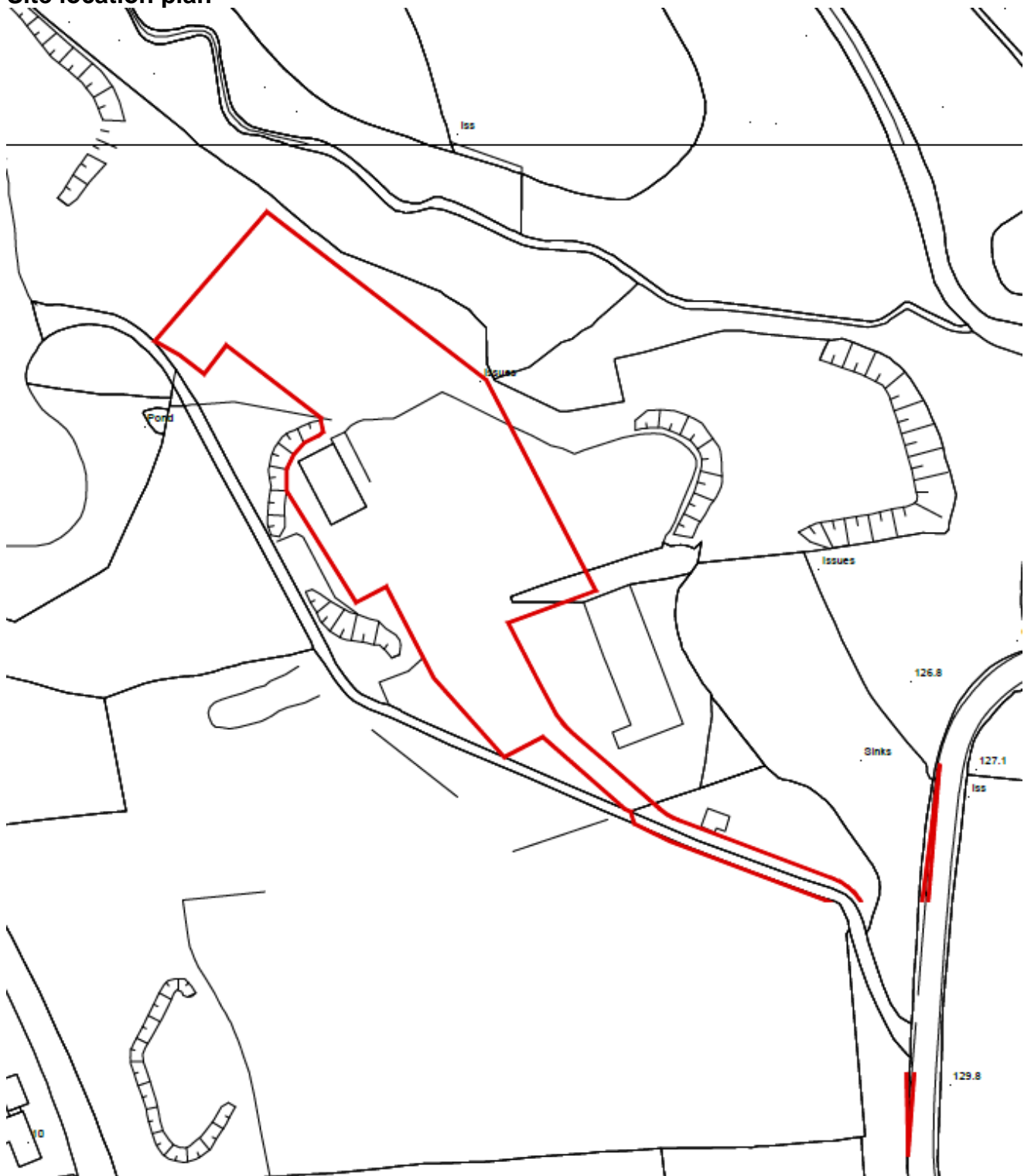
Three representations were received from two organisations and are detailed in the case officer report.

Having regard to the Development Plan, and other material considerations, the proposed development is considered on balance to be acceptable.

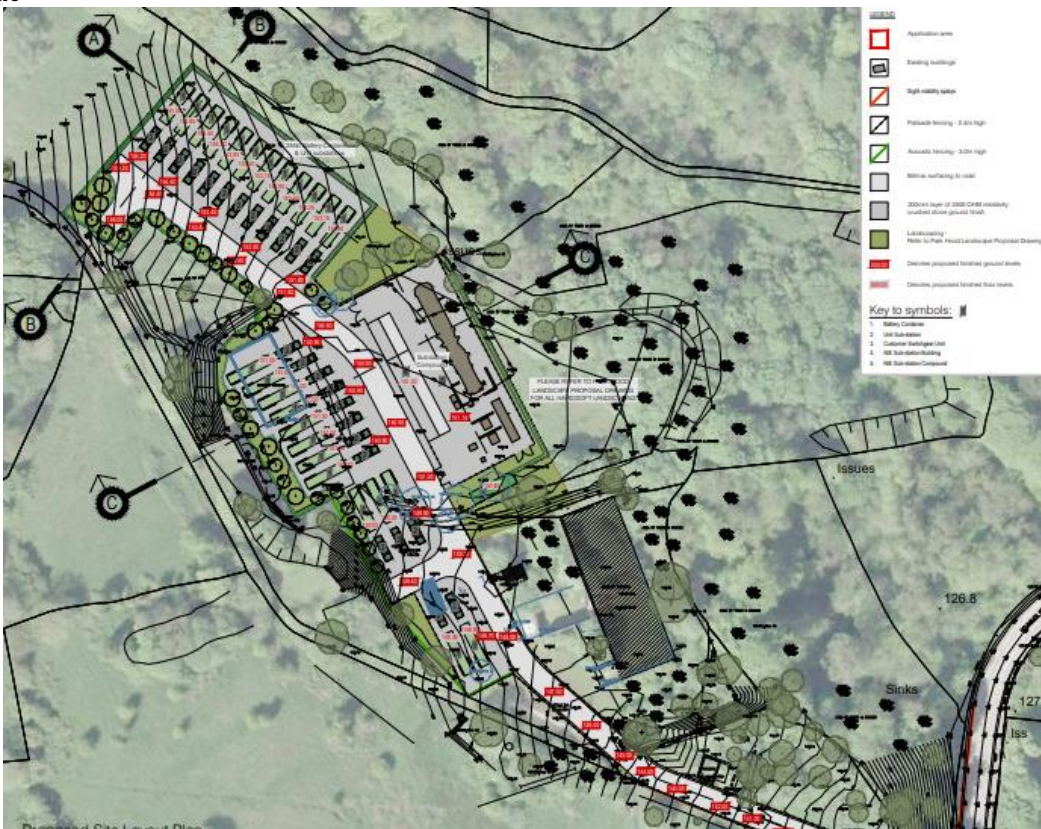
It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control finalise the wording of conditions.

# Case Officer Report

## Site location plan



Site layout

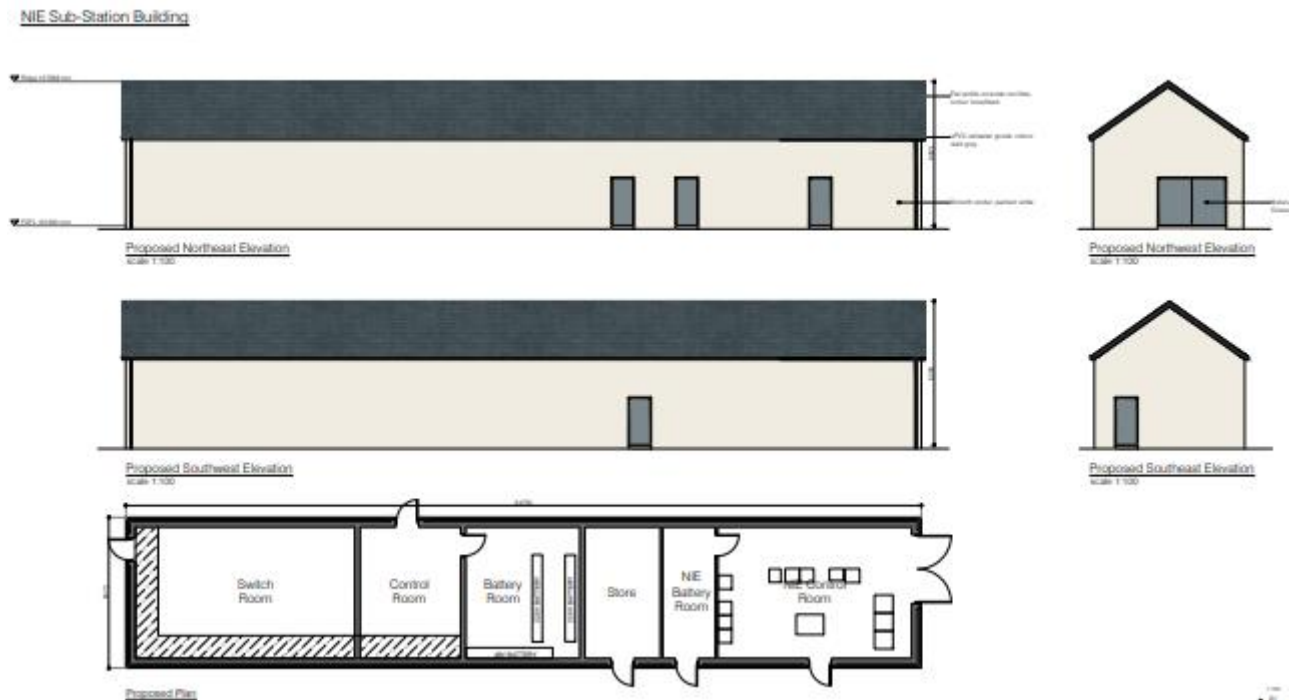


Proposed Landscaping

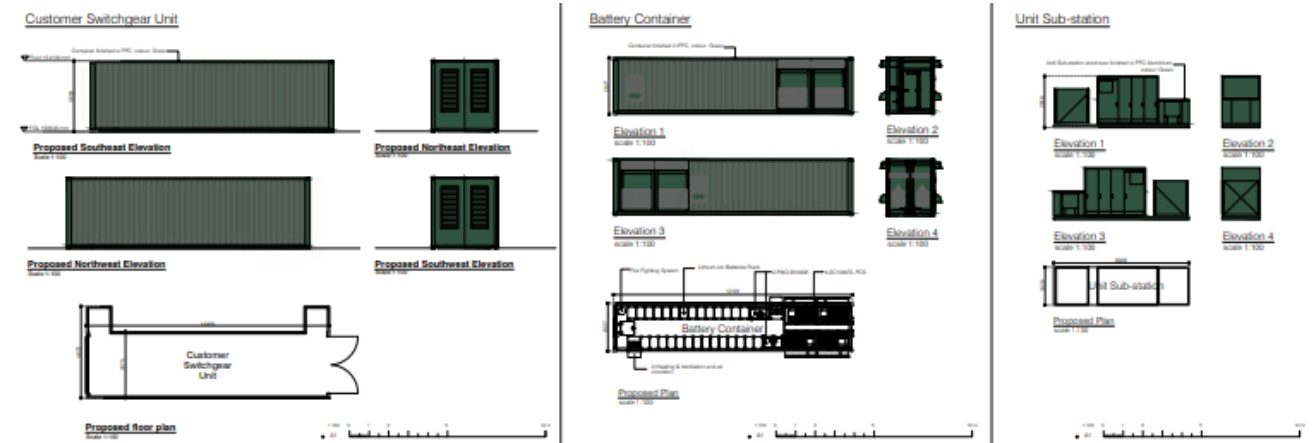




## Elevations of Substation



## Other structures



## Characteristics of the Site and Area

1.0	<b>Description of Proposed Development</b>
1.1	The description of the proposal is as follows: <i>'Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works.'</i>
1.2	Battery Energy Storage Systems (BESS) are devices that enable energy from renewables such as solar and wind, to be stored and released when required, resulting in greater efficiency.
1.3	The proposal includes 25 no battery container units and 25 no substations as well as a substation compound building. Each battery container measures approximately 2.9m x 12.1m whilst each substation measures approximately 1.9m x 6.9m. Both structures are

1.4	constructed in PPC aluminium in green. The customer switchgear building is made of the same materials and measures 4.7m x 12.4m.
1.5	In addition, there is an NIE substation building and compound. The building measures approximately 6.6m x 35m. The walls will be constructed in smooth white render.
1.5	There is significant landscaping proposed and palisade fencing of 2.4m and where appropriate, acoustic fencing of 3m is also proposed.
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	The application site is enclosed on all sides by dense vegetation and woodland. The site slopes upwards from southeast to northwest, initially steeply.
2.2	At present the site contains several disused/dilapidated former quarry buildings.
2.3	The entrance to the site is approximately 300m from the nearest residential dwellings (as the crow flies) and runs adjacent to the Colin Glen Forest Park
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
3.1	Application Number: LA04/2021/1558/PAN Proposal: Proposed Battery Energy System (BESS) with storage capacity up to 25MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary developments works. Decision: PAN Acceptable Decision Date: 07 July 2021
3.2	Application Number: LA04/2020/1724/F Proposal: Proposed Battery Energy Storage System (BESS), associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. Decision: Application Invalid
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) Draft Belfast Metropolitan Area Plan 2015 (dBMAP v2014) Belfast Local Development Plan 2035 – Draft Plan Strategy
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Planning Policy Statement 2 – Natural Heritage (PPS2) Planning Policy Statement 3 – Access, Movement and Parking (PPS3) Planning Policy Statement 15 – Planning and Flood Risk (PPS15) Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) Planning Strategy for Rural Northern Ireland (PSRNI) Parking Standards (former Department of Environment)
<b>5.0</b>	<b><u>Statutory Consultees</u></b> <b>DfI Roads</b> – no objections, subject to conditions <b>DfI Rivers</b> – no objections <b>NIEA Natural Heritage</b> – no objections subject to condition

	<p><b>NIEA Land, Soil, and Air</b> – no objections subject to conditions  <b>NIEA Water Management Unit</b> – no objection  <b>Shared Environmental Services</b> – no objection subject to condition  <b>NIW</b> – no objection  <b>Historic Environment Division</b> – no objection</p>
<b>6.0</b>	<p><b><u>Non-Statutory Consultees</u></b>  <b>Environmental Health BCC</b> – no objection subject to conditions  <b>Landscape BCC</b> – no objection  <b>Tree Officer BCC</b> – no objection subject to conditions</p>
<b>7.0</b>	<p><b><u>Representations</u></b></p>
7.1	<p>Three representations were received from two organisations.</p> <p>The issues raised can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1) Protection of existing trees</li> <li>2) Impact on visual amenity</li> <li>3) Impact on Colin Glen Local Landscape Policy Area</li> <li>4) Impact on Area of High Scenic Value</li> <li>5) Cabling associated with the application and route of cabling</li> <li>6) Impacts on biodiversity</li> <li>7) Site drainage</li> <li>8) Impact on Belfast Lough SPA</li> <li>9) Fire risk and safety</li> <li>10) Alternative sites</li> <li>11) Assessment against Policy PSU 8 of PSRNI and the RDS</li> <li>12) Use of colour green to offset visual impact</li> <li>13) Acoustic concerns including request for acoustic wall to western portion of the site as well as eastern portion</li> </ol>
7.2	<p>All issues are considered in the main body of the report save for the issue of cabling. The cabling is not a matter for this application as it is permitted development however the applicant advises that they intend to bring the cabling through their own site down to the main Colinglen Road where it will be installed on public land through to the substation.</p>
<b>8.0</b>	<p><b><u>ASSESSMENT</u></b></p>
<b>8.1</b>	<p><b><u>Development Plan</u></b></p>
8.1.1	<p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
8.1.2	<p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the statutory Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan 2015 (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.</p>

8.1.3	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.1.4	<p>In the BUAP and both versions of the Draft Belfast Metropolitan Area Plan (dBMAP v2004 &amp; v2014) the site is located in the rural area / countryside. Within the BUAP, the site is within an Area of High Scenic Value, under the dBMAP 2004 the site is within the Colin Glen/Hammils Bottom Site of Local Nature Conservation Importance, whilst under dBMAP 2014 the site is within the Belfast Basalt Escarpment Area of High Scenic Value. The site is also adjacent to the Colin Glen Site of Local Nature Conservation Importance (SLINCI) and Area of Mineral Constraint.</p>
<b>8.2</b>	<p><b><u>Classification of the proposal</u></b></p>
8.2.1	<p>Following a legal challenge to the Chief Planner's Update (CPU7) relating to Battery Energy Storage System (BESS) development, a judgement (Humphreys J in <i>ABO Wind NI Ltd. and Energia Renewables Company 1 Ltd. vs Department for Infrastructure</i> (Ref HUM11648)) was issued on 21 October 2021. The judgement stated that BESS developments fall into Class 9 of the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015 and thresholds therein. As the proposed site area is under 1ha, it is considered a local application.</p>
8.2.2	<p>The proposal was assessed against The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Category 3 of Schedule 2 'Energy Industry' relates more to the production and transmission of energy as opposed to energy storage.</p>
8.2.3	<p>The proposal does not involve overhead electrical power lines or cables. It is not for an industrial installation for the production of electricity and it is not for a wind farm. The proposal does not fall neatly into any of the descriptions of development associated with Schedule 2 developments and as such a formal EIA determination is not required.</p>
<b>8.3</b>	<p><b><u>The principle of the proposed use at this location</u></b></p>
8.3.1	<p>The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging economic growth across the region. To underpin growth, it is acknowledged there is need for modern and sustainable infrastructure to deliver reliable and secure sources of energy (RG5).</p>
8.3.2	<p>The RDS goes further in stating that '<i>new generation infrastructure must be carefully planned and assessed to avoid adverse environmental impacts with the decision maker having to balance impacts against the benefits from a secure renewable energy stream, and the potential for cleaner air and energy for industry and transportation</i>'.</p>
8.3.3	<p>RG9 states that '<i>consideration needs to be given on how to reduce energy consumption and the move to more sustainable methods of energy production</i>'.</p>
8.3.4	<p>Para 6.238 of the SPSS states that '<i>The aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum</i>'.</p>



8.3.5	The site will form an essential part of the regional grid infrastructure controlled by SONI (the entire electricity system is managed from a single control centre operated by SONI Ltd) supporting renewable energy sources and proposals are in conformity with the provisions of the RDS and SPSS.
8.3.6	Paragraph 6.65 states that the aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.
8.3.7	Paragraph 6.70 also states that all development in the countryside must integrate into its setting, respect the character, and be appropriately designed.
8.3.8	Paragraph 3.7 states that furthering sustainable development ensures that the planning system plays its part in supporting the executive and wider government policy and strategies in effort to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water/sewerage telecommunications and energy infrastructure which includes the electricity network.
8.4.9	This application seeks permission for a battery storage unit in the countryside and as such, it falls to be assessed against the policy tests within PPS21. Policy CTY1 of PPS 21 identifies various types of development which are, in principle, acceptable in the countryside. Included in this list are 'renewable energy projects in accordance with PPS 18'. Whilst BESS do not generate renewable energy, it would be sensible to consider the storage of renewable energy as an associated use.
8.4.10	Other relevant PPS 21 policies include: Policy CTY13 'Integration' and Policy CTY14 'Rural Character'. Having assessed the proposed design, layout and landscaping including the representative viewpoints and visualisations provided, it is considered that that the development will be suitably integrated into the landscape and will not be unduly prominent or erode the rural character of the area. The development is sited to best sit within the existing levels and topography of the site and to minimise impact on the mature vegetation which screens the site. The development also benefits from established boundaries. The proposal therefore complies with Policies CTY 13 and 14.
8.4.11	There are also substantial swathes of landscaping proposed as well as design interventions (such as green colour of materials) as part of the proposal which will assist in minimising the visual impact of the proposal. It is considered that, on balance, the principle of the proposed use is acceptable at this location.
8.4.12	The Planning Strategy for Rural Northern Ireland (PSRNI) established objectives and policies for land-use and development which have been mainly superseded. Policy PSU8 of PSRNI 'New Infrastructure' has not been superseded. It requires that consideration is given to the need for new infrastructure and in this case, need for a BESS.
8.4.13	<i>The applicant states that 'the need for battery energy storage systems has been identified by SONI under their DS3 programme. The delivery of the DS3 programme is required to allow Northern Ireland to meet its renewable energy targets for 2020 and beyond.' They further state that a 'BESS does not have to be located in proximity to where the renewable energy is generated. Indeed, the Hannahstown substation provides a more robust connection point for the BESS than a rural transmission line in proximity to a wind farm for example' and that the 'Hannahstown substation is one of only two 275kV/100kV substations (Castlereagh and Hannahstown) facilitating delivery of electricity via the 275kV</i>

8.4.14	<p><i>network to the centre of Belfast. The 275KV system is the backbone of the transmission network in NI and is designed to be the main load carrier for the network</i>.</p> <p>Policy PSU8 of PSRNI 'New Infrastructure' also considers the impact on the environment of the proposal in particular the visual and ecological impacts – this is considered later in the report.</p>
8.4.15	<p>Policy PSU8 requires consideration of the existence of alternative sites or routes. The proposal is proximate to the substation as required by best practice. The applicant advises that they have undertaken a sequential review of sites within 1km of the substation and that the current site is the optimum location to allow appropriate separation distance from residential areas whilst being close to the substation.</p>
<b>8.4</b>	<b><u>Scale, Massing and Design</u></b>
8.4.1	<p>The storage units and substations measure between 2 and 3m in height and are small in scale. They are finished in green PVC to aid visual integration. The largest element of the proposal is the substation which measures approximately 6.6m x 35m. The building is coloured in white render and set into the levels of the site.</p>
8.4.2	<p>The Council's Landscape Team note that <i>'the scenic quality of the area has already been degraded somewhat due to historic mineral extraction and associated infrastructure. Due to existing landform and vegetation there is unlikely to be any significant adverse visual impact associated with the proposal'</i>. Their response goes on to state that <i>'having assessed the landscape proposals and the accompanying Representative Viewpoints and Visualisations we are of the opinion that the development is unlikely to have a significant adverse effect on the quality, character or features of interest on the Belfast Basalt Escarpment Area of High Scenic Value. The landscape and visual appraisal has demonstrated that the development is likely to be assimilated within the landscape to some degree due to the site's location on lower valley slopes and the intervening tree cover. In addition, proposed woodland and hedgerow planting will also help integrate development proposals within the existing landscape setting'</i>.</p>
8.4.3	<p>The Landscape Team offers no objections.</p>
<b>8.5</b>	<b><u>Archaeological Heritage</u></b>
8.5.1	<p>HED were consulted and responded to state that they had no concerns. There are no listed buildings or scheduled monuments on or proximate to the site.</p>
<b>8.6</b>	<b><u>Ecology and Natural Heritage</u></b>
8.6.1	<p>The application site is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).</p>
8.6.2	<p>NIEA: NED were consulted and stated that no evidence of badgers or otters on or around the site were identified. Further details were requested regarding bats. Little evidence was uncovered to suggest that breeding birds or bats are utilising the site. A condition is recommended regarding lighting given the mobile nature of bats.</p>
8.6.3	<p>Shared Environmental Services (SES) were consulted and have recommended a condition regarding operational drainage.</p>
8.6.4	<p>In conclusion, Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16/12/2022. This found that the project would <u>not</u> have an adverse effect on the integrity of any European site.</p>

<b>8.7</b>	<b><u>Landscaping and boundary treatments</u></b>
8.7.1	The proposal contains significant existing and proposed landscaping. Both the Council's Tree Officer and the Council's Landscape, Planning and Development team were consulted.
8.7.2	A Landscape Management and Maintenance Plan has been provided and will be subject to condition. Further information was requested in the form of a Development Impact Plan and tree protection measures. The Tree Officer was reconsulted and has no objections subject to conditions.
8.7.3	The proposal is supported by a Park Hood report entitled 'Representative Viewpoints and Visualisations' which demonstrates that the predicted landscape effects will be negligible. The Council's Landscape, Planning and Development team were consulted and agree with the assessment. They are also satisfied with the proposed landscape works and management and maintenance plans.
8.7.4	The proposed landscaping and boundary treatments are considered acceptable and will be subject to condition.
<b>8.8</b>	<b><u>Traffic, Movement and Parking</u></b>
8.8.1	<i>Dfl Roads were consulted on the current proposal and advised that 'on the basis of the low levels of operational traffic stated in the Transport Assessment Form (published 07/01/2022) Dfl Roads offers no objection to this application' subject to conditions.</i>
<b>8.9</b>	<b><u>Contaminated Land</u></b>
8.9.1	The application is supported by a Preliminary Risk Assessment report which was considered by both NIEA and Environmental Health.
8.9.2	Environmental Health and NIEA have reviewed the proposals and relevant documents and are content and have provided conditions and informatives.
<b>8.10</b>	<b><u>Noise</u></b>
8.10.1	The application is supported by a Noise Impact Assessment report which was considered by Environmental Health.
8.10.2	One of the representations suggested that acoustic screening was required however the assessment did not identify such a need and Environmental Health have not identified any further need for screening.
8.10.3	Environmental Health has reviewed the submitted information and offers no objections subject to conditions.
<b>8.11</b>	<b><u>Site Drainage/Flood Assessment</u></b>
8.11.1	Dfl Rivers Flood Maps (NI) indicates that the site is does not lie within the 1 in 100-year fluvial flood plain and therefore FLD 1 does not apply.
8.11.2	Dfl Rivers state that under FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Dfl Rivers, as the Drainage Assessment shows this, FLD 2 is satisfied.
8.11.3	FLD 3 is satisfied subject to a condition to require detailed calculations for surface water infrastructure at detailed design stage.

8.11.4	FLD 4 is relevant in that there is artificial modification of a watercourse. The applicant has provided an Schedule 6 consent to meet the requirements of FLD 4 and DfI Rivers indicate that FLD 5 does not apply.
8.11.5	NIW were consulted and confirm that there is a public water main within 20m of the proposed boundary which can service the proposals and offered no objections to the application.
8.11.6	NIEA: Water Management Unit were consulted and required the submission of a CEMP, emergency response plan and details regarding the culvert. Upon receipt of this information, NIEA: WMU had no objections. Compliance with the CEMP will be required via condition.
<b>8.12</b>	<b><u>Health and Safety</u></b>
8.12.1	Both the Health and Safety Executive (HSENI) and Northern Ireland Fire & Rescue Services NI (NIFRS) were consulted on the proposals.
8.12.2	HSENI requested further information and clarifications and offered no objections however they advise the planning officer to consider the HSENI Technical Note regarding risks from fire and explosion from a single BESS container.
8.12.3	NIFRS indicated that any planning application for BESS should be in accordance with Battery Storage Guidance Notes 1 and 2 by the Energy Institute.
8.12.4	Correspondence and clarifications was submitted in support of the application which demonstrated that the proposed development has been designed in accordance with the relevant BESS guidance as well as relevant legislative requirements and guidance.
8.12.5	Both NIFRS and HSENI were reconsulted with the additional information and had no objections.
<b>8.13</b>	<b><u>Statutory Consultation</u></b>
8.13.1	The scheme was advertised on 06 January 2022. No properties were neighbour notified given the separation distance between the site and closest properties. The adjacent landowner was notified via a form P2A.
<b>10.0</b>	<b>Summary of Recommendation:</b>
10.1	It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions.
<b>11.0</b>	<b>Proposed Conditions:</b>
1.	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2.	The development hereby permitted shall not become operational unless the hard surfaced areas have been constructed in accordance with Drawing No. 03 Site Layout, published on the Planning Portal 7 <sup>th</sup> January 2022, to provide for parking within the site. Such areas shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development and such areas shall remain free of obstruction for such use at all times.

	<p>Reason: To ensure that adequate provision has been made for parking within the site.</p> <p>3. No development shall commence on site (other than that required to fulfil this condition) unless the vehicular access including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 03, published on the Planning Portal 7<sup>th</sup> January 2022 has been provided in accordance with the approved plans.</p> <p>The vehicular access shall be provided in accordance with Development Control Advice Note 15 (DCAN15) page 11, paragraph 8.1 (drainage) and page 12, paragraph 9.4 (gradient).</p> <p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>The access shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure safe and convenient access to the development.</p> <p>4. Gates, if erected, shall not open out over the public road.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>5. No external lighting shall be installed unless a Lighting Plan has been submitted to and approved in writing by the Council. The Plan shall include the following: a) Specifications of lighting to be used across the site, including model of luminaires, location and height; b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc. c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site; d) Badger protection areas, wildlife corridors and retained hedgerows to be kept free from any artificial lighting.</p> <p>The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.</p> <p>Reason: To minimise the impact of the proposal on bats and other wildlife.</p> <p>6. All plant and equipment associated with the development hereby permitted shall be selected, designed, installed and maintained so as to achieve a combined rating level (LAr) that does not exceed the representative (daytime and night-time background sound level (dBLA90)) when measured or determined at the façade of the nearest noise sensitive premises in accordance with BS4142:2014+A1:2019.</p> <p>Reason: Protection of residential amenity</p> <p>7. One month after the operational commencement of the development hereby permitted, the developer shall submit in writing to the Council for agreement, a report by a suitably qualified acoustic consultant to verify that the measured combined 'rating level' from the plant and equipment installed as a result of the development (as indicated in table 5 of the associated noise impact assessment 'A Noise Impact Assessment entitled 'Hannahstown Battery Storage Report No. RP002N 209241 (Hannahstown Battery) dated 26th May 2022'), when assessed in accordance with BS4142:2014+A1:2019, does not exceed the</p>
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	<p>representative (daytime and night time background sound level (dB LA90)) when measured or determined at the façade of the nearest noise sensitive premises.</p> <p>Reason: Protection of residential amenity.</p>
8.	<p>If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
9.	<p>If required as part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention Guidance No. 27 (PPG27) and/or Pollution Prevention No. 2 (GPP2). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 10 will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.	<p>If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.	<p>After completing all remediation works under Condition 10 the development shall not become operational unless a Verification Report has been submitted to and agreed in writing with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>. The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
13.	<p>All operational drainage must be constructed in accordance with Drawing No 11 'Operational Site Drainage Plan' published on the Planning Portal 18<sup>th</sup> October 2022, unless otherwise agreed in writing with the Council.</p> <p>Reason: To ensure the project will not have an adverse effect on the integrity of any European site.</p>



14.	<p>No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the Construction Environmental Management Plan published on the Planning Portal 18<sup>th</sup> October 2022, unless otherwise agreed in writing with the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p>
15.	<p>The development hereby permitted shall not become operational unless all landscaping works have been carried out in accordance with the approved details on Drawing No. 08A Landscape Proposals published on the Planning Portal 18<sup>th</sup> October 2022 unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area.</p>
16.	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area</p>
17.	<p>The development hereby permitted shall not commence unless all tree protective measures, protective barriers (fencing) and ground protection has been erected or installed in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
18.	<p>If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an officer nominated by the Council.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p>
19.	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Area (RPA) of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>

20.	The development hereby permitted shall not operate unless in accordance with the Landscape Maintenance and Management Plan published on the Planning Portal 7 <sup>th</sup> January 2022 unless otherwise agreed in writing by the Council.  Reason: In the interests of road safety and convenience of road users.
<b>12.0</b>	<b>Representations from Elected Representatives</b> (if relevant) N/A
<b>13.0</b>	<b>Referral to Dfl</b> (if relevant) N/A

## ANNEX A

<b>Date Valid</b>	4 <sup>th</sup> November 2021
<b>Date First Advertised</b>	6 <sup>th</sup> January 2022
<b>Date Last Advertised</b>	N/A
<b>Date of Neighbour Notification(s)</b>	21 <sup>st</sup> February 2022
<b>Number of Neighbour Notifications</b>	0
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No