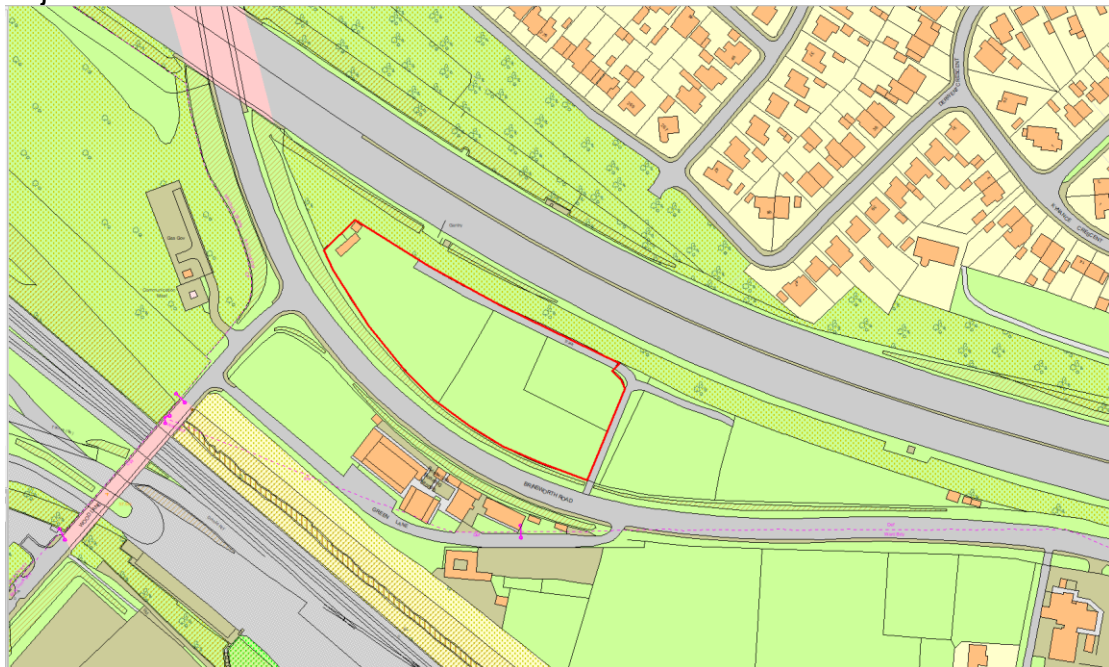


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 6th February 2025**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2024/1307 https://rotherham.planportal.co.uk/?id=RB2024/1307
Proposal and Location	Erection of a battery energy storage facility including storage containers and other support infrastructure and equipment, land north of Brinsworth Road, Brinsworth
Recommendation	Grant Conditionally

This application is being presented to Planning Board due to the number of objections received.



1. Site Description & Location

The application site is a 0.76ha open field located on land to the north of Brinsworth Road. The M1 motorway lies directly to the north, with Brinsworth Road to the South. The site forms part of a large Green Space area which runs along the M1 motorway.

The site itself is used for equestrian purposes and includes mature hedgerows and trees to the perimeter of the site. Access to site is via an unmade track to Brinsworth Road.

2. Background

RH1970/6426 - Outline for erection of light industrial buildings - REFUSED

EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017. However as the scheme does not exceed 50MHW a Environmental Impact Assessment screening opinion is not required.

3. Proposal

The proposed development involves the construction of a Battery Energy Storage System (BESS) with a capacity of up to 40 MW on a site covering 0.76 hectares.

The proposal shall be for a limited period of forty years from energisation, after which it shall be discontinued and all built form, including all hard surfacing and access tracks, removed from the site in accordance with a restoration scheme to be submitted and approved by the LPA.

The key components of the development include:

- 5no. battery clusters in containers on concrete foundation
- 5no. BESS transformers and inverters on bunded concrete foundation
- 1no. site office/welfare and LV switchroom placed on paving slabs at the corners
- 1no. 33kV BESS switchroom
- DNO substation on concrete foundation
- 1no. 33kV/415V site supply transformer on bunded foundation
- 2no. car parking spaces
- 2no. water tanks
- 1no. fire hydrant

The compound is approx. 0.3ha and is accessed by an internal access track with two gated vehicular access points from the access road to the site with a third vehicular emergency exit on the northern boundary, along with a pedestrian access. The remainder of the site contains a SuDs pond and landscaping.

The compound will be surrounded by a 3m high fence. An acoustic barrier, to reduce noise impacts, will be sited along the southern boundary of the compound. It will be 3m in height and of a minimum mass of 12kg/m².

The Applicant's Flood Risk Assessment states that:

In accordance with national planning policy and guidance, all potential sources of flooding to the site have been considered. The Flood Risk Screening Assessment confirms that the site is overall at 'low risk' or lower from flooding from all sources and thus no bespoke flood mitigation measures are required.

This report assesses the potential increase in surface water runoff attributed to the proposed development and proposes a surface water management strategy to manage this. The strategy is in accordance with sustainable drainage principles and allows the site to remain free of flooding during design storm events, whilst ensuring no increase of flood risk to offsite receptors and ensures no deterioration of the water environment.

Taking all of the above into account it is considered there is no impediment to the development proposals being granted planning permission on the grounds of flood risk and drainage provision.

The Applicant's Safety Management Plan states that:

The preliminary safety hazard identification and analysis, based on like for like energy storage systems of this type, namely Lithium-Ion Battery technology, has determined the likely causes and hazards associated with such BESS technology and enabled the initial identification of potential control measures that when implemented will ameliorate the level of risk posed to an acceptable level.

It is concluded that, as far as reasonably practicable and for this planning stage of this BESS installation, that the currently foreseeable hazards associated with the technology proposed have been identified. These will form the initial safety foundation going forwards and be actively managed as the project and installation matures. At this juncture of the programme the selection of the BESS technology to be positioned at Brinsworth has yet to be decided.

The design, development, and manufacture of the BESS requires the development and maintenance of high standards in respect of safety and operational sustainability. It will be the responsibility of all personnel involved in the future development of the proposed undertaking to strive to reduce the potential for accidents to the lowest practicable level by being a 'risk aware'. Promoting a supportive safety and environmental culture at all stages of the development. This OBSMP is the starting point from which the project will progress.

It will be essential that the design process is subject to a Design Risk Analysis by a competent person in compliance with the Construction Design and Management.

The Applicant's Ecology report states that:

The site comprised a grassland field with a bare ground track and surrounded by a line of trees. The M1 and Brinsworth Road bordered the site to the north and south respectively. Grassland fields surround the site to the south whilst woodland and residential land lie to the north and west.

The following mitigation is recommended:

- Common amphibians are to be removed by hand from the working area during the clearance phase.
- Lighting Strategy to protect the retained on-site and surrounding habitats, notably the on-site native hedgerow, and tall forbs and the adjacent woodland and line of trees.
- Updated badger walkover prior to the start of works.
- Precautionary Working Methods for badger.
- Vegetation should be retained where possible. Where vegetation requires removal, it should be checked for the presence of hedgehogs prior to removal. If any vegetation is too dense to be fully inspected, it should be strimmed to 50 cm and checked for hedgehog before being cleared to ground level. If the hedgerow is deemed for removed, its base should be checked, prior to removal, for sheltering hedgehogs. It is recommended that any clearance takes place outside of December-March (inclusive) to avoid impacting hibernating hedgehogs.
- Vegetation should be retained where possible. Vegetation should be retained where possible. If any vegetation requires removal, the building or structure requires works or demolition, it should be removed outside of the breeding bird season (March to September inclusive). If this is not possible, a nesting bird check should be undertaken by a suitably qualified ecologist up to 24 hrs before works commence. If a nest, or nest in construction, is located, then a standoff distance should be maintained until the young have fledged. Precautionary Working Methods for reptiles.

A 10% gain in biodiversity will be required on-site. If this cannot be achieved on-site, a conservation offset payment or off-site compensation will be required.

Biodiversity Metric Report

The proposed scheme and landscape plan show a total gain of 0.51 habitat units (+32.76%) and a gain of 0.07 in hedgerow units (10.04%) as a result of the development.

The development will achieve a gain in habitat and hedgerow units in excess of 10% and all trading rules are being met, as such, no further mitigation will be required.

Additional species enhancements could be provided on-site, which could include bat and bird boxes, hedgehog houses and hibernacula.

4. Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted June 2018)

The application site is allocated as Green Space and specifically as a buffer area in the Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

Core Strategy policy(s):

CS2 – Landscape

CS19 – Green Infrastructure

CS20 'Biodiversity & Geodiversity'

CS 22 - Green Space

CS28 - Sustainable Design

CS30 'Low Carbon and Renewable Energy Generation'

Sites and Policies Document:

SP32 – Green Infrastructure and landscape

SP33 - Conserving & enhancing the natural environment

SP38 – Protecting Green Space

SP55 - Design Principles

SP69 - Utilities Infrastructure

5. Other Material Considerations

The NPPF states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

6. Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 45 letters of objections have been received including one from the Parish Council and 4 letters in support.

In addition a petition against the scheme signed by 75 residents has been received.

The objectors state:

Safety Concerns:

- Risk of fire and explosions associated with battery energy storage systems.
- Proximity to residential areas, schools, and the M1 motorway heightens potential hazards.
- Concerns over toxic fumes in the event of a fire.

Environmental Impact:

- Loss of greenfield sites and established trees, impacting wildlife habitats.

Increased air and noise pollution due to the facility and associated traffic.

- Potential ground and water pollution during construction and operation.

Traffic and Infrastructure:

- Increased heavy goods vehicle (HGV) traffic during construction and operation.
- Local roads deemed unsuitable for high traffic volumes, posing congestion and safety risks.

Noise Pollution:

- Persistent noise from cooling systems, transformers, and operational machinery.
- Disruption to residents already dealing with noise from the motorway and nearby industrial facilities.

Proximity to Schools and Residences:

- The site is considered too close to schools and homes, raising health and safety concerns.
- Increased traffic near schools during construction and operation.

Flooding and Drainage:

- Concerns about increased flooding risk due to reduced natural drainage and extensive construction.

Aesthetic and Community Impact:

- Loss of - Fear of declining property values due to proximity to the industrial site.

- Stress on local community infrastructure already burdened by other developments.

Lack of Consultation:

- Claims that many residents were not adequately notified about the development.
- Perception that the development does not consider local community concerns.

Scepticism About Need and Alternatives:

- Belief that the project could be sited on brownfield land instead of greenfield land.
- Doubts about the necessity of the facility in the proposed location.

The letters of support state that:

- **Energy Efficiency:** Supporters highlight the importance of reducing wasted energy and improving energy storage efficiency in the UK.
- **Energy Affordability:** They believe such projects can contribute to making energy more affordable for consumers.
- **Environmental Sustainability:** The project is seen as a step forward in energy sustainability and grid management, ensuring better utilization of green energy sources.
- **Minimal Impact on Community:** Proponents argue that the site's proximity to the motorway ensures that noise from the plant will be negligible compared to existing motorway noise.
- **Land Use:** It is noted that the land is privately owned for equestrian purposes, and thus, its usage for the project would not reduce green space available to the public.

Brinsworth Parish Council States that:

- Our major concerns are around the safety of local residents and schools. especially if a fire was to break out on the site, how long would this take to put out, and how dangerous would the fumes be.
- Other concerns around the location of the site. The site entrance would be on the bend of a road which is 60mph speed limit and on a bend which is not easy to see around. It is also close to a bus gate which was put in place to stop additional traffic coming into the area. The dangers of cars/traffic would not only be when construction work is taking place, but also when the site is in operation.

The Council has received six rights to speak at Planning Board, one from the applicant and five from objectors.

7. Consultations

RMBC - Transportation and Highways Design: No objections following further details about the access and traffic management during the construction phase. Recommends relevant highway conditions.

RMBC – Ecology: No objections and notes the applicant proposes biodiversity net gain on site. No objection subject to relevant conditions

RMBC Drainage: No objections

RMBC Env Health: The report demonstrates that the development complies with the requirements of BS4142:2014+A1:2019 and the plant on site will not exceed a cumulative rating level of 0dB above background noise level at noise sensitive receptor locations, provided that quieter inverters are installed on site or if they are attenuated to achieve the additional 8dB that is required to meet the 0dB over background noise criteria. This results in compliance with the RMBC criteria and a low impact.

It is therefore important that the equipment mentioned in the report is used and installed and positioned as described in the layout plan including the proposed acoustic fence to the southern boundary. It is therefore necessary that conditions are imposed to ensure that any adverse impact on nearby noise sensitive receptors is mitigated.

Yorkshire Water: No objections subject to conditions

Cadent Gas: No objections following additional details

South Yorkshire Fire Services: No Objections but recommends some advisory comments and conditions

Landscape Comments: No objections subject to conditions

Environment Agency: No objections subject to informative

National Highways: No objections subject to relevant conditions

RMBC Land Contamination: No objections subject to conditions

8. Appraisal

The main issues are-

- The principle of the development
- The impact on local amenity
- Highway Safety

- Ecology
- Drainage
- Other Considerations

The principle of the development

The site is identified as Green Space on the adopted Local Plan. Policy CS22: Green Space, states “the Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.

Rotherham’s green spaces will be protected, managed, enhanced and created by (amongst other things):

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development.”

CS19 ‘Green Infrastructure’ notes that “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough.”

Policy SP38 – Protecting Green Space, states “existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children’s play areas and allotment provision, to determine existing deficits and areas for improvement; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

These criteria will not apply to Green Space that performs an irreplaceable amenity or buffer function. All proposals that are the subject of a planning application for development on land designated as green space should be assessed in terms of the site’s ability to perform amenity or location specific

buffer functions. Sites that effectively perform such functions will be protected from future development as it is considered that their loss cannot be compensated for given the location, purpose and function of the allocation.

Development proposals will be required to demonstrate how any likely negative impact on the amenity, ecological value and functionality of adjacent Green Space and other Green Infrastructure within the immediate vicinity has been mitigated.

The application site falls within Green Spaces performing an amenity or location specific buffer function (as set out within the supporting text to SP38 – Protecting Green Space). Policy SP38 – Protecting Green Space, does not allow for development within areas that provide a buffer function and as such the proposal is contrary to the policy. With this in mind special circumstances will need to be demonstrated to justify the loss of the Greenspace and the conflict with the Development Plan.

Need for the Development

The National Planning Practice Guidance (NPPG) supports the NPPF, and it states 'Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable'....' Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity'.

On the 23rd June 2021, the UK Government announced that it 'will set the world's most ambitious climate change target' to reduce emissions by 78% by 2035 compared to 1990 levels as part of its sixth carbon budget. The UK's carbon budgets place a restriction on the total amount of greenhouse gases the UK can emit over a five-year period. The target was informed by advice from the Climate Change Committee (CCC), which published a report on the UK's sixth carbon budget on the 9th December 2020. The CCC is a statutory body that was originally set up under the provisions of the Climate Change Act 2008. It advises the UK and devolved governments on the UK's progress in tackling climate change.

The target set in this carbon budget includes the UK's share of international aviation and shipping emissions. These emissions were excluded from the UK's previous carbon budgets. The sixth carbon budget was enshrined in law under the Carbon Budget Order 2021.

Preceding this, in June 2019, the UK Government said it was the first major economy in the world to pass laws to bring all greenhouse gas emissions to

'net zero' by 2050. It outlined that 'net zero' meant any emissions would be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere such as planting trees or using technology like carbon capture and storage. The Government stated that it would set out a 'net zero' strategy in the months before the COP26 summit (that took place in November 2021).

The Climate Change Act (amended in 2019) commits the UK to 'net zero' by the year 2050. The original Act as mentioned above (passed in 2008) committed the UK to an 80% reduction of greenhouse gas emissions by 2050, compared to 1990 levels. In 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which increased the UK's commitment to a 100% reduction in emissions by 2050.

In November 2022, the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27) was held. The summit brought together the signatories of the UN Framework Convention on Climate Change (UNFCCC) for formal negotiations, informal consultations and technical briefings. The UK's goals for COP27 were:

1. To secure global 'net zero' by mid-century and keep 1.5 degrees within reach (this is the target set under the Paris Agreement (Nov 2016) to limit global warming to 1.5 degrees Celsius, compared to pre-industrial levels).
2. To adapt to protect communities and natural habitats.
3. To mobilise finance.
4. To work together to deliver.

In its most recent progress report to Parliament the CCC (in July 2024) has recognised that the UK Government now has a solid 'net zero' strategy in place. Part of this strategy includes taking action so that by 2035, all our electricity comes from low carbon sources, subject to security of supply, bringing forward the Government's commitment to a fully decarbonised power system by 15 years, and by accelerating deployment of low-cost renewable generation from solar and wind farms linked to battery storage. However, the CCC has stated that important policy gaps remain and that 'tangible progress is lagging the policy ambition'. In short, with an emissions path set for the UK and the Net Zero Strategy published, greater emphasis must be placed on delivery.

In terms of the Government's latest position on battery storage schemes, this can be found in the Clean Growth Strategy (published in October 2017). The strategy sets out a series of policies and proposals that aim to accelerate the pace of 'clean growth' (i.e. the delivery of increased economic growth and decreased emissions). To achieve clean growth, the Government identifies how 'the UK will need to nurture low carbon technologies, processes and systems that are cheap as possible'. This potentially includes ground mounted battery energy storage system developments such as that proposed within this current application.

The National Infrastructure Commission (NIC), the official advisor to the Government on infrastructure, states phasing out the use of fossil fuels to generate electricity, heat homes and power vehicles will reduce greenhouse gas emissions and is essential for the UK to meet its legally binding climate targets. Action is now urgent with only 12 years left to meet the Sixth Carbon Budget. This shift will also bring significant economic benefits. Shocks to oil and gas prices will have a much smaller impact on the cost of living. If the UK can move fast, some businesses should be able to become leaders in new low carbon technologies. And, in the longer term, electrifying the energy system should lower energy costs for households and businesses, boosting productivity. In its latest report (published in Oct 2023) the NIC also underlined the urgency and importance of several of its recommendations that stem from the National Infrastructure Assessment, including that the Government should deliver a highly renewable, flexible, 21st Century power system by 2035.

The recently amended NPPF at paragraph 163 states that: “The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.”

Paragraph 168 of the amended NPPF goes on to state that:

“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions; ...”

This situation is also recognised at a local level by Rotherham Borough Council. In 2019, the local authority declared a climate emergency and is now fully committed to supporting measures to work with partners to reduce carbon emissions. These measures arguably include considering proposals for new renewable energy installations such as that proposed for within this current application.

Battery storage plays a crucial role in the modern energy landscape, offering a means to balance supply and demand, store excess renewable energy, and enhance grid resilience. In England, the planning and implementation of battery storage projects have gained significant importance due to the country's commitment to reducing greenhouse gas emissions, increasing renewable energy generation, and transitioning to a more sustainable energy system. The need for battery storage in England is driven by:

- **Renewable Energy Integration:** The increasing deployment of wind and solar farms requires effective energy storage to manage fluctuations and optimise grid stability.
- **Grid Resilience:** Battery storage enhances grid resilience by providing quick responses to supply-demand imbalances and preventing blackouts during peak demand or supply shortages.
- **Decentralised Energy:** Battery storage supports the growth of decentralised energy systems, allowing the storage of excess energy close to the source of generation and/or use thereby reducing the need for expensive grid infrastructure upgrades.
- **Electrification of Transport:** The growth of electric vehicles (EVs) increases the demand for charging infrastructure and grid support, which can be provided by battery storage.
- **Security of Supply:** Will avoid the need for standby fossil fuel generation or importing electricity from abroad.

Overall, this is one of a number of mechanisms that will reduce electricity bills for UK consumers over time.

Currently the applicant holds a secured grid connection offer for this project for 40MW at 33kV with Northern PowerGrid distribution network operator. It will be connecting to the wider distribution network at Templeborough BSP via a 33kV underground cable. This project also holds a Capacity Market Contract with the government - Capacity Market Contracts (CM Contracts) are the main mechanism by which National Grid ensures that the UK has enough flexible power generation and battery storage to meet forecast future demand. Due to the ongoing grid reform as part of the UK Government's Clean Power 2030 initiative, grid connections will now be prioritised by their planning status and whether they hold a CM contract, meaning that on obtaining planning consent this project will be prioritised for an earlier connection date.

The NPPF clearly identifies in its latest version that Local Planning Authorities should not require applicants to demonstrate the need for renewable and low carbon energy and significant weight should be given to the benefits and its contribution to net zero. With the above circumstances in mind the Council considers that this scheme for battery storage within Rotherham would consist of a form of renewable and low carbon energy and is therefore supported in principle.

Possible Alternative Locations for the development

Whilst national policy and guidance indicate a clear and pressing need for energy storage infrastructure, Officers need to be satisfied that there is no alternative location available for the proposal other than this sensitive Green Space location and a robust site selection justification is needed. The location of a development of this type is dependent upon very specific criteria in that it can only be connected into the local electricity network where there is capacity to import and export electricity. This point of connection to the network therefore dictates the location of the site, which can only be placed on land which is commercially available and viable and of a specific size. The

battery storage plant is intended to feed into the nearby Templeborough Substation. Supporting information submitted with this application states that:

The report has also provided an analysis of Brownfield sites within the 2.5km search area, as well as additionally identified industrial sites, which subsequently were able to be ruled out for development due to their unsuitability for BESS.

The evidence provided in this report shows that there were no other suitable Brownfield or Industrial sites that could accommodate the proposed development, highlighting further the suitability of the chosen development at the proposed development site.

The applicant has done a comprehensive survey of alternative sites in the area to connect to the nearby substation and no suitable sites are available. Consideration also needs to be had for suitable cable connection to the Templeborough Substation. It is noted that the applicant has not considered any of the Green Space land immediately adjacent to the Substation. However, this land is actively used for open recreation including well maintained golf course and football pitches. With this in mind the Council is satisfied that no preferable sites are available for the proposal.

Visual Impact and impact upon the Buffer Function of the land

The applicant has undertaken a Landscape and visual appraisal of the likely potential effects of this development. The methodology used is considered appropriate and in accordance with the current best practice, published by Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment 3rd edition.

The Landscape and visual assessment states that “with the implementation of a successful mitigation strategy, the overall impact on the landscape is considered to have a negligible overall effect on the surrounding character baseline and a negligible effect on the visual baseline”.

The Council agrees with the conclusion of the applicant’s Landscape Visual Impact Assessment. Moreover, whilst the site forms part of the landscape buffer along the M1, its buffer function does not protect any nearby residential properties as the green space is set between the M1 and a busy rail freight yard. For anyone passing the site along the M1 motorway or along Brinsworth Road the development would be almost completely obscured by the existing/proposed landscaping and the sense of Buffer would be retained.

Do Special Circumstance exist to justify the Loss of Green Space

It is important to note that in relation to the Development Plan, Rotherham do not specifically have sites identified for renewable technology in the form of Battery Storage proposals. This site is acknowledged to be a buffer zone allocated as Greenspace and it is accepted that due to its location specific

function it cannot be compensated for elsewhere. There will therefore be a loss (albeit for a temporary 40 year period) of a buffer zone along the M1 corridor. However, National Policy in the form of the most recent NPPF published in 2024, strengthens the emphasis on climate adaptation and resilience in relation to renewable energy. This proposal will increase resilience in relation to the National Grid and contributes to the UK's journey toward net zero. With the above circumstances in mind, on balance, it is considered that development within this buffer Green Space can be justified on the basis of its benefits. It is recognised that no suitable alternative location is available and any perceived loss in the buffer function of the site along the M1 motorway will be minimal subject to appropriate landscaping.

The impact on local amenity

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Local Plan Policy SP55 Pollution Control indicates that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which is likely to give rise unacceptable noise or light pollution.

The proposed development would be sited approximately 100m from the nearest residential property, which is separated by the busy M1 motorway. A Dog Boarding kennels is located across Brinsworth Road and further residential dwellings located further to South towards Catcliffe. The main issue therefore is the potential for increased noise and disturbance to the residential properties, particularly low frequency noise emissions.

The report demonstrates that the development complies with the requirements of BS4142:2014+A1:2019 and the plant on site will not exceed a cumulative rating level of 0dB above background noise level at noise sensitive receptor locations, provided that quieter inverters are installed on site or if they are attenuated to achieve the additional 8dB that is required to meet the 0dB over background noise criteria. This results in compliance with the RMBC criteria and a low impact.

It is therefore important that the equipment mentioned in the report is used and installed and positioned as described in the layout plan including the proposed acoustic fence to the southern boundary. It is therefore necessary that conditions are imposed to ensure that any adverse impact on nearby noise sensitive receptors is mitigated.

It is also considered that there is the potential for future noise generation during the construction phase. The Council's standard informative regarding working practices and the Environmental Protection Act 1990 shall be appended to any decision together with a condition requiring the submission of a Construction Management Plan.

It is therefore concluded that subject to conditions, the proposed development would not give rise to any amenity issues and would therefore comply with policy SP55 on Pollution Control matters.

Highway Safety

The new proposed battery storage, will not generate any significant day to day traffic, as the site would not require any permanent staff. Some occasional visits will be required by engineers to ensure the site is operational safely and efficiently. The main highway issues will relate to the construction phase, which will involve the delivery of heavy plant etc. As such a construction management plan condition has been attached to ensure that deliveries will be safe not cause undue to disturbance to neighbouring residents.

Turning to the impact upon the M1 motorway, National Highways have recommended an Emergency Response Plan & Risk Management Plan, to minimise any harm to the M1 motorway in the event of a fire. The applicant also agreed a temporary traffic management plan condition with the RMBC Highways team.

Overall, it is not considered that there would be a detrimental impact on highway safety.

Ecology

Policy CS20 'Biodiversity & Geodiversity' states that priority will be given to; "supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation". CS20 gives priority to; "conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse,...but which are not included in designated sites".

SP33 'Conserving & enhancing the natural environment' states that: "Development should conserve and enhance existing and create new features of biodiversity ..value". It also states that: "Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence unless the need for, and benefits of, the development in that location clearly outweigh the loss".

NPPF paragraph 187 states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the

economic and other benefit of the best and most versatile agricultural land, and of trees and woodland;”

The application includes an ecology report which concludes a total gain of 0.51 habitat units (+32.76%) and a gain of 0.07 in hedgerow units (10.04%). The Council’s Ecologist agrees with the findings of the report and since the original submission the level of landscaping has been increased to minimise the visual impact. As such the biodiversity net gain at over 10% will be achieved.

In addition to nationally prescribed biodiversity net gain, additional biodiversity enhancements have also been agreed including bat & bird boxes along with hedgehog holes.

As such the proposal would accord to Local Plan Policies CS20, SP33 and the NPPF, as well as Biodiversity Net Gain legislation.

Drainage

The Flood Risk Screening Assessment confirms that the site is overall at ‘low risk’ or lower from flooding from all sources and thus no bespoke flood mitigation measures are required.

This report assesses the potential increase in surface water runoff attributed to the proposed development and proposes a surface water management strategy to manage this. The strategy is in accordance with sustainable drainage principles and allows the site to remain free of flooding during design storm events, whilst ensuring no increase of flood risk to offsite receptors and ensures no deterioration of the water environment.

Furthermore it is noted that Environment Agency have not raised any concerns about the pollution of a watercourse in the event of on site fire involving the batteries. RMBC Drainage team also raised no objections to the proposal.

In light of the above there are no drainage concerns with the proposal.

Other Considerations:

Battery safety

An outline Battery Safety Management Plan Report has been submitted due to the type of development being proposed. As per recent PPG on Battery Energy Storage Systems, applicants are encouraged to engage with the local fire and rescue service before submitting an application to the LPA. The Battery Safety Report submitted with the application acknowledges this point, and considers guidance produced by the National Fire Chiefs Council as indicated in the PPG, however there is no evidence of pre-application consultation with South Yorkshire Fire Service.

Nevertheless, the South Yorkshire Fire Service have been consulted to provide their views and identify potential mitigations which can be put in place in the event of an incident. The Applicant should liaise directly with South Yorkshire Fire Service to prepare a full Emergency Response Plan for the BESS development pre-construction when all the detailed design for the site has been completed.

Planning conditions would be attached to any approval to ensure a Risk Management Plan and Emergency Response Plan is developed in consultation with the Fire and Rescue Service, as per National Fire Chiefs Council guidance.

5 years consent

Under Section 91 of the Town and Country Planning Act 1990, the default period for implementing planning permission is three years, however the Local Planning Authority (LPA) has discretion to grant a longer period if justified.

In this instance the applicant has indicated that the exact date of connection to the grid is unknown and that this will ultimately be at the discretion of National Grid. With this in mind an extended 5 year permission to commence development is reasonable.

9. Conclusion

The proposed development with the Green Space buffer area does not accord with Local Plan Policy CS 22 “Green Space” & SP38 “Protecting Green Space”, however special circumstance are considered to exist due to the need to support renewable and low carbon energy and resilience within the National Grid. The lack of appropriate alternative sites and the limited harm that the proposal will have upon the function of the buffer has been considered and overall, there are circumstances which outweigh the departure from the development plan in this instance. Furthermore, the proposal is considered appropriate in terms of the impact upon neighbouring amenity, ecology, highway safety and fire safety.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 07,16 & 21 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 06, 07,16 & 21 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason

To allow adequate time for a grid connection.

02

This permission shall be for a limited period of fourty years from energisation, after which it shall be discontinued and all built form, including all hard surfacing and access tracks, removed from the site in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority 12 months prior to decommissioning. The submitted restoration scheme shall detail the site's restoration to agricultural land. The first operation date shall be notified to the LPA within 12 months of that date.

Reason

Due to the sites position within a sensitive Green Space location a temporary permission is considered appropriate.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans (as set out below)

40MW BESS Layout Plan with Access Road - BRNS-BESS-001.5 Rev 3

40MW BESS Elevations Plan - BRNS-BESS-001.6 Rev 2

BESS Components Dimensions Water Tanks - YLM-BESS-GEN-001.11 Rev A

BESS Components Dimensions Wooden Fence - YLM-BESS-GEN-001.8 Rev A

BESS Components Dimensions Y-Mesh Fence - YLM-BESS-GEN-001.7 Rev A

BESS Components Dimensions BESS Battery Cluster YLM-BESS-GEN-001.6a Rev A

BESS Components Dimensions BESS Transformer c/w Inverters - YLM-BESS-GEN-001.5 Rev A

BESS Components Dimensions 33kv/415V Site Supply Transformer - YLM-BESS-GEN-001.4 Rev A

BESS Components Dimensions Site Cabin / LV Switchroom - YLM-BESS-GEN-001.3 Rev A

BESS Components Dimensions 33kv Switchroom - YLM-BESS-GEN-001.2 Rev A

BESS Components Dimensions 33kv DNO Substation - YLM-BESS-GEN-001.1a Rev A
40MW BESS Fire Safety Plan - BRNS-BESS-001.8 Rev 1
Soft Landscaping Proposals - YLEM1483-11

Reason

To define the permission and for the avoidance of doubt.

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and approved drawings. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity

Highways

05

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity

06

Prior to the commencement of works a Construction Method Plan shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff and include reference as to how the development will legally take access from the adjacent highway i.e. s184 agreement. The CMP shall also include temporary traffic management proposals for both the construction of the temporary access and during construction of the development proposals.

Reason

In the interest of highway safety

07

When the proposed development has been brought into use, the temporary access shall be removed, and the original access reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety

Neighbouring Amenity

08

The Sound Power Level (LWA) of each item of noise generating plant shall not exceed those set out in Appendix 5 of the Noise Assessment by Miller Goodall, dated 9th August 2024 (Report No. 103146 V4).

Reason

In the interest of neighbouring amenity

09

The mitigation measure as identified in Section 9.2 (Acoustic Barrier) of the Noise Assessment undertaken by Miller Goodall, dated 9th August 2024 (Report No. 103146 V4) shall be carried out in full prior to first operation of the site and be maintained throughout the lifetime of the consent.

Reason

In the interest of neighbouring amenity

10

The Rating Noise Level due to the combined noise emissions of all items of fixed or mobile plant and equipment installed or in use at the site shall not exceed the representative background noise level as assessed in accordance with the methodology and principles set out in BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason

In the interest of neighbouring amenity

11

Where a verified complaint is received by Rotherham Metropolitan Borough Council that suggests that the above criteria are not being met, the operator of the site shall complete an assessment in accordance with the methodology and principles set out in BS 4142:2014+A1:2019, to demonstrate that the above condition is being complied with at all times. The assessment shall be completed by a competent person agreed in writing with the Local Planning Authority in advance of the assessment.

Reason

In the interest of neighbouring amenity

12

The combined noise emissions of all items of fixed or mobile plant and equipment installed or in use at the site shall not exceed the noise levels set out in Table 1 below at the façade of any existing dwelling at any time as assessed over a 15-minute averaging period.

Internal Reverberant Sound Pressure Level, dB(Z)												
10	12.5	16	20	25	31.5	40	50	63	80	100	125	160
92	87	83	74	64	56	49	43	42	40	38	36	34

Reason

In the interest of neighbouring amenity

Landscaping

15

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity

15

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on

an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity

16

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details as shown Arboricultural Impact Assessment (81-729) dated June 2024. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity

17

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area

Ecology

18

Notwithstanding the submitted details, before above ground works commence details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites.

Reason

To protect bats

19

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

In the interest of ecology

20

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason

To ensure no net loss in biodiversity across the site.

21

All ecological measures and/or works shall be carried out in accordance with the details contained in [Preliminary Ecological Appraisal Report, E3P, June 2024] as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason

To protect on site ecology.

22

The Biodiversity Gain Plan shall be prepared in accordance with the submitted ecology report dated June 2024 and prepared by e3p.

Reason

To ensure that Biodiversity Net Gain 10% can be achieved.

Fire Safety

23

No part of the development hereby permitted shall commence until an Emergency Response Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways for the M1 Motorway). Construction and operation of the development shall then be carried out in accordance with the agreed Emergency Response Plan.

Reason

To mitigate any adverse impact from the development on the M1 Motorway in accordance with DfT Circular 01/2022.

24

No part of the development hereby permitted shall commence until a Risk Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways for the M1 Motorway). Construction and operation of the development shall then be carried out in accordance with the agreed Risk Management Plan.

Reason

To mitigate any adverse impact from the development on the M1 Motorway in accordance with DfT Circular 01/2022.

25

No part of the development hereby permitted shall commence until a Decommissioning Strategy has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways for the M1 Motorway). The decommissioning of the development shall then be carried out in accordance with the agreed Decommissioning Strategy.

Reason

To mitigate any adverse impact from the development on the M1 Motorway in accordance with DfT Circular 01/2022.

Drainage

26

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

Informatives:

01

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

02

Battery Storage Energy Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off.

The applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Appropriate procedures should be provided that clearly illustrate how contained firewater will be managed, including sufficient details for safe and permitted off-site disposal. Further Government guidance on considering potential risks of BESS in planning

Environment Agency

Lateral 8 City Walk, LEEDS, LS11 9AT.

Customer services line: 03708 506 506

www.gov.uk/environment-agency

applications is available online: Renewable and low carbon energy - GOV.UK (www.gov.uk)

03

Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market.

The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation.

The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

04

Some of the works will require an Agreement under S278 Highways Act, 1980 and involve the provision of carriageway widening and drainage works. Contact should be made with david.phillips@rotherham.gov.uk as soon as is practical to commence the legal procedure for the s278 works.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2024/1470 https://rotherham.planportal.co.uk/?id=RB2024/1470
Proposal and Location	Demolition of bungalow and detached outbuilding and erection for 4 dwellinghouses, 140 Moor Lane South, Ravenfield, Rotherham
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The application site relates to a garden area to no. 170 off Moor Lane South in Ravenfield.

The site is approximately 0.18Ha in size.

The adjacent boundaries with the site are all residential properties. Historically this area was characterised by properties with long residential gardens, though more recently developments particularly in the southern section of the site have been built at a significantly higher density with much shorter garden areas.

There are no trees of any significance within the site, though there are established mature boundary hedges. These are not protected and the site is not within a Conservation Area.

The site is broadly level across the eastern section and levels slope down moderately from west to east in the western section of the site, to the rear of Harewood Grove.

Background

This site does not have any recent planning history, the last being for a loft conversion in 1987.

The site to the north had planning permission for 5no. detached dwellings granted in 2005 under application RB2004/1668. This application was subsequently implemented and properties have been occupied for a number of years, this is known as Raven Edge.

The residential property immediately to the southern boundary of the site (no. 142) had a swimming pool granted in 1997, though an application to use this as a commercial facility to be open to the public was refused in 2021.

The cul-de-sac areas to the end of Stoney Brook was approved in 1990.

Proposal

The application is to demolish the existing single storey detached property at no. 140 and construct a total of 4no. new dwellinghouses on the site. These propose 2no. detached dwellings in the centre and east of the site and then a pair of semi-detached dwellings in the western side of the site.

The new properties are all two storeys in height and would be accessed from a single private track which connects the access to Moor Road South in the east of the site. The scale of the plots are proposed to be a full two storey in height. The existing access will be closed and relocated approximately 5m to the south.

A Biodiversity Metric has been provided which indicates the following:

- The proposed development will result in an overall change in Habitat Units to +12.65% (+0.04 Habitat units), and a change in Hedgerow units to +12.66% (+0.02 Hedgerow units).

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 28th June 2018.

The application site is allocated for residential purposes in the Local Plan (H39). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 Location of New Development
CS7 Housing Mix and Affordability
CS25 Dealing with Flood Risk

CS28 Sustainable Design

Sites and Policies

SP11 Development in Residential Areas

SP12 Development on Residential Gardens

SP26 Car Parking Layout

SP32 Green Infrastructure and Landscape

SP33 Conserving and Enhancing the Natural Environment

SP55 Design Principles

SP56 Car Parking Layout

Other Material Considerations

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The revised NPPF came into effect in December 2023. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

South Yorkshire Residential Design Guide.

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties along with a site notice. A total of 12 representations have been received and these can be summarised below:

- Acknowledged that there is a need for further housing, though Ravenfield has already had numerous developments within it.
- The construction phase would generate significant additional levels of noise, dust and traffic on local roads.
- Residents are still having to deal with ongoing disruption from recent nearby construction (Redrow Poppy Fields Development).
- Loss of Biodiversity on site.
- The proximity of outlooks to neighbouring properties is a concern.
- Detrimental impact on the character of the surrounding area.
- The majority of nearby properties on Moor Lane South are either bungalows or dormer bungalows.
- Significant reduction in direct sunlight to neighbouring properties, resulting in poorer living conditions and quality of life.
- It is understood that a pre-application enquiry sought advice on a development comprising of bungalows.

- A neighbouring property had permission refused to use their premises as a business use due to parking issues.
- Poor visibility at the junction with Moor Lane South.

In addition 3 Rights to Speak have been received, including the applicant.

Consultations

RMBC

Transportation Infrastructure Service – no objections subject to conditions

Drainage – no objections subject to condition

Ecologist – no objections subject to condition

Landscape – no objections

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations of the application are as follows:

- The principle of development
- Highway safety issues
- The design of the proposal, impact on the street scene and character of the immediate surrounding area and nearby residential properties
- Biodiversity Net Gain (BNG)
- Other issues

Principle of development

The application site is located in an area allocated for residential use within the adopted Local Plan and there is an existing property on the site.

Policy SP 11 “Development in Residential Areas” states that “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area."

Firstly in terms point 'a' the site is limited in size and the surrounding area and extensive gardens have been developed previously. Therefore there is no further potential for a comprehensive redevelopment of the area for further housing.

In terms of points 'b and c' and the impact on existing properties and the character of the area is considered in subsequent sections of the report.

Overall, the principle of this residential development within an established residential area is acceptable.

Highway safety issues

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

Paragraph 115 of the NPPF states: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

Policy SP 56 'Car Parking Layout' indicates that layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.*

A number of objections received raise concerns in relation to highway and parking issues.

The Transportation Unit note that a revised drawing (ref Drg 23/022 002 Rev C) now indicates an acceptable visibility splay at the site entrance and vehicle access to the site via a dropped crossing, meaning that the footway will remain continuous in this location.

They also note that there are parking spaces for 2no vehicles at each dwelling, which is in accordance with the Councils parking standards and that the aisle widths within the site for vehicles parking, are also 6m in width to aid movement.

The Transportation Unit further note that there is an existing BT post that will require removing at the applicants expense in order that vehicle access to the site can be gained.

Overall the layout amendments to the scheme conform to the design advice in Local Plan Policy SP 56 'Car Parking Layout' along with the more general advice in national policy requirements of the NPPF. There are no objection to the proposal from a highway safety, capacity and design context subject to relevant conditions.

The design of the proposal, impact on the street scene and character of the immediate surrounding area including neighbouring properties

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area."

In terms of more general design considerations the revised NPPF at paragraph 131 states, in part, that: "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*" Paragraph 139 adds, in part, that: "*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.*"

In terms of garden/amenity areas it is noted that the development shows the new properties will have an amenity area that exceeds the minimum recommended amenity area of 60sqm. The internal layouts of the proposed dwellings also meets the minimum sizes set out in the National Described Standards.

The surrounding area is typically characterised by a mix of single and two storey semi-detached and detached properties that are of different ages. Historically these have been located in spacious plots, but more recent

developments have layouts at a significantly higher density including the sites directly adjacent to the application site. The area is also characterised by former backland development with this site being the last remaining area in the vicinity which has not been developed.

Whilst there are a number of bungalows and dormer bungalows on Moor Lane, the proposed dwellings will be visible against other modern two storey dwellings set on Raven Edge and Stonely Brook. There is a variety of materials within the area comprising of stone and brickwork. The design and form of the proposed development is similar to that seen elsewhere within the area and overall it is considered that the development would not have a detrimental impact on the character of the area or the street scene.

In terms of overlooking to adjacent properties, the new properties have main front and rear outlooks to habitable rooms facing westwards and eastwards. In this case all outlooks meet the minimum recommended outlook of 10m as defined in the South Yorkshire Residential Design Guide (SYRDG) and 21m first floor to first floor of existing or new properties. It is not considered that the development will materially increase the levels of overlooking to the existing neighbouring plots to the north, west and south.

The nearest property on Raven Edge is a large detached dwelling with a long side gable wall. It is considered that there is little impact from the proposed development on this property. A plan submitted in support of the application notes that a 45 degree line can be achieved from the nearest habitable room windows to the nearest proposed plot and it is considered that there would not be an unacceptable level of overbearing or overshadowing on this property.

It is noted that the site is relatively narrow and there are properties on Stonely Brook with their main rear elevations facing the application site. Sections have been provided between the proposed plots and these neighbouring properties and in general the separation distances achieve the minimum 12 metres. There have been concerns raised from local residents regarding the impact of the proposed development on these existing properties. The development site and the proposed dwellings lie directly to the north of the existing dwellings on Stonely Brook and the impact in terms of overshadowing will therefore be minimal. However, the impact of overbearing will still need to be considered.

The original plans indicated that all plots would have gable roof designs, however, the pair of semi-detached dwellings to the rear of the site has potential to dominate the outlook to the nearest property on Stonely Brook. In this respect, it was considered appropriate to require a 25 degree line from the windows in the rear elevation of the existing property to the side elevation of the proposed pair of semi-detached properties. As a result the pair of semi-detached properties has been reduced to a dutch hip type roof in order to achieve this angle and minimise the overbearing impact.

Overall this revised development is considered to have sufficient regard to the surroundings and is in conformity with Local Plan policies CS28 Sustainable Design, SP11 Development in Residential Areas and SP55 'Design Principles' as well as the general advice within the NPPF.

Biodiversity

SP33 'Conserving and Enhancing the Natural Environment' indicates that:
Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures....or provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.

In this case the application site is required to deliver 10% biodiversity net gain as the application was submitted after April 2024.

It is proposed to provide the BNG net gain to the front of the development site, in the eastern most section of the site, outside of private garden areas. The applicant has confirmed that the existing baseline is 0.17 hedgerow unit and 0.28 habitat units. Based on the Statutory Defra Biodiversity Metric calculations, the proposed development will result in an overall change in Habitat Units to +12.65% (+0.04 Habitat units), and a change in Hedgerow units to +12.66% (+0.02 Hedgerow units). The Council's Ecologist concurs with this assessment and is satisfied that this application can achieve 10% BNG within the development which can be satisfied via a standard pre-commencement condition.

It is also recommended that a condition be imposed which includes biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in addition to BNG no net loss and cannot be included in the metric. This is in line with the National Planning Policy Framework Paragraph 180 (d) which states that opportunities to improve biodiversity in and around development should be integrated as part of their design.

Overall, subject to a biodiversity improvement condition along with additional landscaping and planting the development is considered to result in BNG in accordance with national and local policy SP33 'Conserving and Enhancing the Natural Environment'.

Other issues

Affordable Housing

In this instance the site is approximately 0.18 hectares in size and is looking to provide 4 residential units and does not require any Affordable Housing provision.

Noise

A number of objectors have raised concerns around noise and disruption, particularly during construction. However the final use is for a residential development and it is considered that this is compatible with existing uses and would have similar ambient noise levels after completion to the existing area.

Objectors also note the potential for noise and dust nuisance to the occupiers of nearby residential dwellings during the construction phase, as well as accumulations of mud on the highway. Other examples of this occurring have been indicated, though there were for larger schemes. In this instance it is considered that a simplified Construction and Environmental Management Plan (CEMP) condition would satisfactorily address these concerns.

Drainage and Flood Risk

The site does not lie within a known surface water flood risk area and is within zone 1 (lowest risk) on the Environment Agency's Flood Maps.

No detailed drainage proposals have been submitted as part of the application to detail how the site will be drained, but the Drainage Officer has raised no objections to the proposal from a surface water drainage perspective subject to condition.

Severn Trent Water have raised no comments.

Accordingly, subject to conditions the scheme would comply with policy CS25 'Dealing with Flood Risk'.

Conclusion

Overall in land use terms, the site is allocated for residential purposes and the principle of a new development is acceptable. It is considered that the land available for a development of 4no. units is of a sufficient size and shape to accommodate the scale of development proposed.

The linear layout proposed is considered to be of a satisfactory design which has sufficient regard to the general layout and character of the surroundings. The plots are considered to represent an acceptable compromise between achieving sufficient rear outlooks to existing properties to the north, west and south on adjacent sites as well as maintaining good levels of future landscaping provision.

The application achieves a +10% in biodiversity across the site.

The application is recommended for approval, subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 11 and 13 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 11 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

General

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers

Location Plan 23/022 001

Site Plan revised Layout 23/022 002 Rev E

Site Sections 23/022 002 Rev E

Swept Path P01 S2

Elevations and Floor Plans plots 1 and 2 23/022 003

Elevations and Floor Plans plots 3 and 4 23/022 004 Rev A

Received 11.10.24, 18.11.24, 24.01.25 and 28.01.25

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

03

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies and the NPPF.

04

Prior to occupation of the first dwelling the approved boundary treatment (ref Boundary Layout Site Plan revised Layout 23/022 002 Rev D) shall be erected and thereafter retained for the duration of the development.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28.

Highways

05

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity

06

When the proposed access has been brought into use, the existing access marked on the submitted plan (ref revised Layout 23/022 002 Rev D) shall be permanently closed and the footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

07

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for each dwelling.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.

Drainage

08

No above ground development shall take place until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

Ecology

09

Before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.

iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

For each of the first 5 years of the Plans, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme

Reason

To improve wildlife habitat across the site.

10

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

To minimise any biodiversity loss across the site.

Biodiversity net gain

11

The Biodiversity Gain Plan shall be prepared in accordance with the [submitted ecology report BNG Summary Report] dated [October 2024] and prepared by [Weddles].

Reason

To ensure that Biodiversity Net Gain 10% can be achieved.

Landscape

12

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

13

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

Informatives

Ecology

Condition 09

- 1 bird integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthroe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.
- 1 bat box should be integrated into buildings on a southerly aspect/orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.

Biodiversity Net Gain – condition 11

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)
- The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)
- Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>
- Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>
- Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

Please note that Informative 1 relates to Biodiversity Net Gain, and notes that this permission is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The Informative adds that failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Ecology - general

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

In the absence of mitigation, where vegetation removal is scheduled during March– August (inclusive), there is potential for active bird nests to be destroyed during Site vegetation clearance works.

As such, any vegetation removal should ideally be programmed to be undertaken outside of bird breeding season, i.e. between September and February (inclusive). If it is not possible to schedule clearance works for these months, a nesting bird check by a suitably qualified Ecologist will be required no more than two days prior to vegetation clearance, to identify the presence of active bird nests.

An active nest would require an exclusion zone to be established and adhered to until chicks have fledged and/or the nest is no longer in use (to be monitored and confirmed by an Ecologist).

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme in respect of the indicative layout so that it was in accordance with the principles of the National Planning Policy Framework.