



# Strategic and Technical Planning Committee

**Date:** Monday, 8 January 2024  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6 )

Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 - [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## Agenda

Item		Pages
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>MINUTES</b>	3 - 6
	To confirm the minutes of the meeting held on 16 October 2023.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

#### **4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am, Thursday 4 January 2024.

#### **5. APPLICATION NO: P/FUL/2023/02819 - LAND AT POST FARM LYTCHETT MINSTER DORSET BH16 6AB**

7 - 28

The installation of a battery energy storage system (BESS), together with associated infrastructure, security fencing, CCTV, cable route, landscaping, on-site Biodiversity Net Gain.

#### **6. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

#### **7. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There are no exempt items scheduled for this meeting.**



## STRATEGIC AND TECHNICAL PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON MONDAY 16 OCTOBER 2023

**Present:** Cllrs Robin Cook (Chairman), Shane Bartlett, Alex Brenton, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

**Apologies:** Cllrs John Worth and Dave Bolwell

**Cabinet Leads in attendance:** Cllr David Walsh

**Officers present (for all or part of the meeting):**

Philip Crowther (Legal Business Partner - Regulatory), Vanessa Penny (Definitive Map Team Manager), Elaine Tibble (Senior Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Carol McKay (Senior Definitive Map Technical Officer) and Matthew Turnbull (Democratic and Electoral Services Apprentice)

**Officers present remotely (for all or part of the meeting):**

11. **Minutes**

The minutes of the meeting held on 26 July 2023 were confirmed and signed.

12. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Coombs mentioned that Mr Shakesby, the applicant, had been a former Dorset Council Councillor and she knew him from the past, but had not had any association with him since he stood down from the role.

13. **Application to correct the commons register by removing land registered as common land at Knighton Common, Winfrith Newburgh**

The Senior Definitive Map Technical Officer presented the report to consider an application to correct Dorset Council's Register of Common Land by removing land registered at Knighton Common, Winfrith Newburgh under Section 19(2)(a) of the Commons Act 2006.

With the aid of a visual presentation the committee members were shown a map of the area and the views from various compass points. An aerial photo detailed the common land, an area of approx. 0.8 acres with a field to the south-east which was partly fenced and a track dissecting the site which served as a public footpath and access to a number of properties.

All responses to the consultation from the applicant and consultees were summarised within the report. There were a number of issues and concerns raised which the Senior Definitive Map Technical Officer addressed in her presentation.

A letter circulated by the applicant's legal consultants (Michelmores) was referred to and the points raised were addressed by both the Senior Definitive Map Technical Officer and the Legal Business Partner – Regulatory.

The Legal Business Partner advised that the scope of Section 19 (2)(a) only concerned the mistake of the authority in dealing with the application itself by not registering what had been applied for and as such the application fell outside the scope of those powers.

The recommendation was to refuse the application and the reasons for the recommendation were set out on the presentation.

Oral representation in support of the application was received from Mr S and Mrs E Leakey and from Sarah Rhodes, (legal representative for the applicant).

The Legal Business Partner – Regulatory advised that in addition to the options of either approving or rejecting the application, members could defer the decision pending a public enquiry but this was not recommended.

Members were given the opportunity to ask questions and debate the application.

In response to committee member questions, Officers advised that their interpretation of section of 19 was how the council dealt with the application. If the council had properly dealt with the application and registered what had been applied for, this was not a mistake by the authority that could be corrected, but if it was a mistake on any other issue it would not be a mistake within section 19 by the authority that could be corrected, equally if it was wider than that Officers did not feel the evidence submitted was enough.

In relation to the tithe map the issue regarding what was or not shown on this was not relevant to the application.

The 1957 Winfrith Act did not include Knighton Common, however the applicant believed that it should have been.

Following a claim by the applicant's Legal Representative that the Officers had exceeded their remit by making recommendations, the Legal Business Partner – Regulatory advised that the Officers' role was to advise the committee of their comments, professional view and guidance, having had regard to the evidence. If members felt that was incorrect, they were entitled to reach a different decision.

The 1972 enquiry that found there was no owner to the land did still carry weight in relation to the land in question, and the original paper copy should be considered the correct record.

Proposed by Cllr Ridout, seconded by Cllr Penfold

**Decision: that:**

**(a) The application CLD 2022/1 to correct the Register of Common Land by removing land registered at Knighton Common, Winfrith Newburgh is rejected.**

**and**

**(b) The Register of Common Land remain unchanged.**

**14. Urgent items**

There were no urgent items.

**15. Exempt Business**

There was no exempt business.

**Duration of meeting:** 10.00 - 10.48 am

**Chairman**

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<b>Application Number:</b>	P/FUL/2023/02819		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2023/02819">Planning application: P/FUL/2023/02819 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Land at Post Farm Lytchett Minster Dorset BH16 6AB		
<b>Proposal:</b>	The installation of a battery energy storage system (BESS), together with associated infrastructure, security fencing, CCTV, cable route, landscaping, on-site Biodiversity Net Gain.		
<b>Applicant name:</b>	S4N Lytchett Ltd		
<b>Case Officer:</b>	Peter Walters		
<b>Ward Member(s):</b>	Cllr Brenton, Cllr Pipe and Cllr Star		
<b>Publicity expiry date:</b>	1 August 2023	<b>Officer site visit date:</b>	21 <sup>st</sup> June 2021 (pre-application site visit)
<b>Decision due date:</b>	18 July 2023	<b>Ext(s) of time:</b>	19 January 2024

1. The Nominated Officer has referred this application to the Strategic Planning Committee for determination based on the scale of the proposal.

**2.0 Summary of recommendation:**

The committee be minded to GRANT planning permission subject to conditions as set out in Section 18 of this report.

**3.0 Reason for the recommendation:** as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- The proposal is considered to be acceptable in terms of the scale, design and impact of the development.
- The proposal is considered to constitute very special circumstances in the Green Belt and is therefore considered to be acceptable in this respect.
- The proposal is acceptable in respect of impacts on parking, highway safety, public rights of way, flood risk and drainage.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Impact on the openness of the Green Belt	Acceptable
Impact on the character and appearance of the area	Acceptable, subject to conditions
Impact on neighbouring residents	Acceptable
Impact on Heritage Assets	Acceptable
Impact on highway safety	Acceptable, subject to conditions
Biodiversity	Acceptable, subject to conditions
Proximity to Protected Sites	Acceptable
Flood Risk	Acceptable, subject to conditions
Minerals and Waste Safeguarding	Acceptable
Protected Trees	Acceptable, subject to conditions

#### 5.0 Description of Site

- 5.1 The application site is formed of predominantly agricultural land totalling 2.1 hectares. The location of the battery storage units is situated to the west of Upton (the site boundary is approximately 56m from the settlement although the battery cells are situated further away) but is separated from the town by the A35 dual carriageway road. The main part of the site is situated to the north east of Lytchett Minster (approximately 850m away from the main village). The nearest residential dwellings to the west are approximately 140m from the site boundary.
- 5.2 To the north of the main part of the site (approximately 350m away) is the Harbour View Burial Ground and Crematorium and to the south is the A35 dual carriageway. The site extends to the north east to connect the electricity substation at Upton Heath by means of an underground cable. The site crosses the A350 road in order to achieve this.
- 5.3 The site is located in the open countryside and within the South East Dorset Green Belt.

#### 6.0 Description of Development

- 6.1 The proposal is to construct a battery energy storage system that will operate for a period of 40 years with a storage capacity of up to 32MW. The proposal consists of 19 containers for the batteries and associated electrical equipment. These will each have a length of 12.2m, a width of 2.4m and a height of 3.2m. The proposal also requires the installation of 19 Power Conversion System units (PCS), with a dimensions of 2.4m by 8.5m by 2.9m. 19 Transformers will also be required with dimensions of 2.4m by 8.5m by 2.9m and will be fenced to restrict access to the high voltage area. A private switchgear housing unit with dimensions of 7m by 5m by 3m will be required, along with a distribution network operator switchgear housing unit, with dimensions of 8m by 6m by 3m. In addition the proposals include a 20ft spares



container, an area of hardstanding for the lifting of equipment into position and CCTV cameras (3.2m in height) and acoustic fencing (3m in height).



6.2 In addition, an underground cable will run from the battery storage units to the Upton Heath substation. The cable runs a distance of approximately 1km to the electrical substation, which will cross the A350 Blandford Road North. Access to the main site will be via the south west of the site, onto the existing road which serves a nearby telecommunications site.

## 7.0 Relevant Planning History

7.1 P/ESC/2021/03522 - Decision: EIA - Decision Date: 22/10/2021  
Screening Opinion for the development of a solar PV farm generating 16.83MW of energy

7.2 P/ESC/2021/05497 - Decision: EIA - Decision Date: 11/01/2022  
Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a 16.83 MW solar scheme and 20 – 22 MW Battery Energy Storage Scheme (BESS)

## 8.0 List of Constraints

Within 5km of Ramsar heathland (battery storage unit area, underground cabling within 400m)

Within the Green Belt

Right of Way: Footpath SE18/3 (within underground cabling route)

High pressure gas pipeline 150m or less from Regional High Pressure Pipelines (>7 bar)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar)

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

EA - JBA - Risk of Groundwater Emergence; Groundwater levels are either at or very near (within 0.025m of) the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.

Minerals and Waste Safeguarding Area

## 9.0 Consultations

The application was advertised by means of site notices and advertisements. All consultee responses can be viewed in full on the website.

### Consultees

#### **1. Dorset Council – Highways:**

No objections subject to conditions. The applicant must contact Dorset Highways prior to undertaking the cabling under the A350 Blandford Road North. Whilst it is expected that there will be additional traffic movements during the construction period these levels are predicted to be low level at approximately no more than 2 two-way HGV movements per day. Construction Traffic Management Plan sets out that the applicant will make use of route planning and temporary signage/ traffic management measures will be provided. Comments received 22<sup>nd</sup> August 2023

#### **2. Dorset Council – Landscape Officer:**

No landscape or visual objection to the proposed development subject to conditions being applied to any future planning approval with regard to the submission and approval and/or implementation of an arboricultural method statement, tree protection plan, and detailed hard and soft landscape proposals. Comments received 19<sup>th</sup> June 2023

#### **3. Dorset Council – Tree Officer:**

No objection subject to implementation of tree/ hedge protection measures. Comments received 18<sup>th</sup> September 2023

#### **4. Dorset Council – Natural Environment Team:**

Reviewed and certificate of approval issued on 7<sup>th</sup> July 2023

#### **5. Dorset Council – Environmental Assessment:**

Application should be subject to an EIA screening. Consideration should be given to Dorset Fire and Rescue Service advice regarding battery energy storage. Comments received 1<sup>st</sup> August 2023

#### **6. Dorset Council – Minerals and Waste:**

Only a small part of the site falls within a safeguarding area and does not consider that the area justifies further mineral assessment and possible prior extraction. Therefore there is no mineral safeguarding objection. Comments received 21<sup>st</sup> August 2023.

**7. Natural England:**

No objection to the planning application. Appropriate Assessment not required  
Comments received 6<sup>th</sup> June 2023.

**8. National Highways:**

No comments other than to consult Highway Authority. Comments received 30<sup>th</sup> May 2023

**9. Lytchett Minster and Upton Town Council:**

No objection. Comments received 30<sup>th</sup> May 2023

**10. Dorset and Wiltshire Fire Service**

No comments received

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
0	0	0

**10.0 Duties**

- s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

**11.0 Relevant Policies**

**Development Plan**

**Adopted Purbeck Local Plan 2012:**

Policy SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy BIO – Biodiversity and Geodiversity

Policy DH – Dorset Heaths International Designations

Policy PH – Poole Harbour

Policy FR – Flood Risk

Policy IAT – Improving Accessibility and Transport

## Material Considerations

### **Emerging Dorset Council Local Plan:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**The Purbeck Local Plan (2018-2034) Submission January 2019** ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E12: Design

E3: Renewable Energy

E4: Assessing flood risk

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

## **National Planning Policy Framework:**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed, beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:  
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 13 'Protecting Green Belt Land' states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage

Coast areas should be consistent with the special character of the area and the importance of its conservation (para 179). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

## **National Planning Practice Guidance**

### **Supplementary Planning Document/Guidance**

#### All of Dorset:

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

#### Supplementary Planning Documents/Guidance for Purbeck Area:

District Design Guide SPD

Managing and using traditional building details in Purbeck

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is considered that the proposed development would not disadvantage persons with protected characteristics.

## 14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy.

## 15.0 Environmental Implications and context

At a national level the Government aims to reduce carbon emissions by 80% (compared to 1990 levels) by 2050 and fully decarbonise the electricity grid by 2035. The Government aims to achieve these targets in number of ways, including through development of up to 50GW of offshore wind by 2030 and a fivefold increase in solar by 2035 (Powering Up Britain, March 2023).

The Government's Net Zero Strategy: Build Back Greener (October 2021) acknowledges that the path to net zero in 2050 will respond to the innovation and adoption of new technologies over time. Whilst the exact technology and energy mix in 2050 cannot be known now, the Government identifies a number of green technologies (including storage), which interact to meet demand across sectors.

Electricity storage complements the rapid necessary expansion of renewable technologies by providing a balancing function to support the intermittent energy supply from renewable sources.

National Policy Statement EN-1 (2011) does not make specific reference to battery storage. However, EN-1 advises *"the Government expects that demand side response, storage and interconnection, will play important roles in a low carbon electricity system..."*. The draft revised EN-1 (2023) notes storage has a key role to play in achieving net zero and providing flexibility to the energy system. Storage is noted to support the usable output from intermittent low carbon generation, reducing the total amount of generation capacity needed to on the energy system, thereby helping to reduce constraints on the network and free up capacity. It confirms there is currently around 4GW of electricity storage operational in Great Britain, around 3GW of which is pumped hydro storage and around 1GW is battery storage.

The Government's British Energy Security Strategy (2022) sets out how the Government seeks to secure clean and affordable energy in the long term. The wide-ranging initiatives include encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage (LLES) to balance the overall system.

In August 2022, the Government issued a response on facilitating the deployment of LLES. The response states *that "a smart and flexible energy system is essential for integrating high volumes of low carbon power, heat, and transport. The importance of flexibility for our energy security to ensure that we can efficiently match supply and demand and minimise waste was recognised in the British Energy Security Strategy. We anticipate that at least 30GW of low carbon flexible assets, which includes electricity storage, may be needed by 2030 to maintain energy security and cost-effectively integrate high levels of renewable generation."*

The document notes that battery developments have an important role to play in achieving net zero, helping to integrate renewables, maximising their use, contributing to supply, and helping manage constraints in certain areas. The

response further recognises that electricity storage developments provide low carbon flexibility, replacing some unabated gas generation and diversifying our technology mix to help meet energy targets.

More recently, the Government's Powering Up Britain: Energy Security Plan (2023) explains the Government is facilitating the deployment of electrical storage at all scales and is working to ensure an appropriate, robust and future-proofed health and safety framework is sustained as electrical storage deployment increases.

On 26 November 2023 the Government published the UK Battery Strategy. It reiterates that batteries will play an essential role in our energy transition and our ability to achieve net zero by 2050. In respect of battery safety, the Strategy notes the UK has a strong health and safety and regulatory framework covering the breadth of different batteries noting work is continuing to improve battery safety. It confirms the Government will continue to prioritise cross-departmental work into the ongoing safety of industrial-scale batteries.

The NPPF (Para. 163 sets out that when determining planning application for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It also sets out that applications should be approved if the impacts are (or can be made) acceptable.

Dorset Council accepts that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council recognised this by declaring a climate emergency in May 2019, with the aim of taking a lead as an authority in tackling climate change. In November 2019 this was escalated to a Climate and Ecological Emergency.

The Natural Environment, Climate & Ecology Strategy includes a number of missions to support the strategy. 'Mission 1: Renewable Generation' identifies the deployment of renewables and storage to support the overarching mission of decarbonising the grid by 2035.

Dorset Council's Planning for climate change: Interim Guidance and Position Statement 2023- provides commentary on the weight that can be given to climate change in decision making and sets out considerations for new buildings and stand-alone renewable energy schemes in relation to climate change, given current planning policy. This document confirms battery storage infrastructure forms an important component of renewable energy development.

The proposed BESS is 32MW. It would help to support local, national, and international targets through the provision of renewable energy supporting infrastructure, thereby reducing carbon emissions and helping to decarbonise the grid. The location, in close proximity to a substation, would reduce electricity losses compared to transmission of electricity over longer distances.

It is understood that the Applicant has secured a Point of Connection (POC) to the Upton Sub-Station.



The environmental benefits have to be balanced against the environmental impacts of the development, including embodied carbon in construction materials; associated transport emissions during construction and operation; the environmental impacts associated with the mining of other materials and elements, such as lithium; and the partial development of a greenfield site with associated landscaping.

The proposal would provide storage for electricity generated that can be made available at peak usage times. This reduces the need to rely on using power stations that meet peak demand, some of which use fossil fuels and therefore have a harmful impact on the climate.

## 16.0 Planning Assessment

### Principle of Development

16.1 The site is situated within the open countryside and therefore Policy CO: Countryside, is applicable. Policy CO states that:

*“Development outside of a settlement boundary (classed as ‘countryside’) will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, where:*

*· A countryside location is essential”.*

16.2 The applicant has advised that the countryside location is essential due to limited opportunities to connect to the National Grid (in this instance the Upton Heath substation). The BESS must be located close to a point of connection in order to utilise the available capacity to connect. There are a limited number of connection points within Dorset. In order to accommodate a BESS of this size, a connection of 33kV is required, which further limits connection opportunities.

16.3 The proposed development will facilitate the storage of energy generated within the National Grid. This serves to decrease reliance on power stations burning fossil fuels to meet a peak demand for energy by storing energy generated during quieter periods. This in turn contributes to addressing the climate emergency that has been declared by the Council. Given these restrictions, officers accept that in this instance a countryside location is essential. The impact of the proposal will be considered in greater detail in the report.

16.4 Officers consider that the proposal is acceptable in principle subject to consideration of the details above.

### Impact on the openness of the Green Belt

16.5 The site is situated within the South East Dorset Green Belt. Paragraph 137 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 continues by stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Very special circumstances will not exist unless the harm Green Belt together with any other harm of the proposal is clearly outweighed by other considerations. While the NPPF does provide a list of exceptions to paragraph 152, development relating to renewable energy is excluded from this list.

16.6 Paragraph 156 of the NPPF states that:

*“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”*

16.7 Officers therefore consider that the starting point for considering the proposal is that it will constitute inappropriate development in the Green Belt and very special circumstances will need to be demonstrated in order for the proposal to be considered acceptable in the Green Belt. Dorset Council have published a ‘Climate Change Guidance and Position Statement’ in December 2023 which complements the guidance set out in the NPPF. The position of the Council is that renewable energy schemes will be considered inappropriate development within the Green Belt unless very special circumstances are provided. There should also be clear justification for the site as opposed to alternative sites. The site is situated within the Parish of Lytchett Minster and Upton, the latter of which forms the western extent of the Bournemouth, Christchurch and Poole conurbation (although Upton is within the Dorset Council administrative area).

16.8 It is noted that the justification for the development being located in the Green Belt relates to connectivity to the National Grid. Officers understand that it is only possible to connect renewable development to the National Grid at certain points. This depends on both the infrastructure being available but also the infrastructure having the capacity to allow a new connection to the grid. This significantly limits the number of places in which renewable energy schemes can be located. The Upton Heath Substation is one point at which there is an available connection. The substation is approximately 1km from the site.

16.9 The applicant has explained that the proposed battery storage facility cannot be situated closer to the substation (which is also within the Green Belt) due to other constraints, notably the proximity of a number of residential dwellings. The application site is considered to be the nearest site with vehicular access available. It is not appropriate to place battery storage units in close proximity to residential dwellings due to fire risk.

16.10 The applicant has advised that the proposed development would be capable of storing 32MW of electricity. This would be likely be used and re-charged twice a day. The storage facility would allow the release of additional electricity into the grid during peak usage times. This would help reduce the reliance on gas fuelled power stations which are used to manage peak demand.

- 16.11 In addition, the location of the site is considered to limit the visual impact on the landscape and accordingly the visual impact on the openness of the Green Belt (although not the spatial impact) by virtue of being situated at a lower level than land to the north and west. It is also well screened by existing mature vegetation. The applicant is seeking to complement the existing screening by increasing vegetation on the north west, north east and south east boundaries of the site. The limited visual impact of a BESS is considered in turn to limit the impact on the openness of the Green Belt from a visual perspective, although there would still be a spatial impact on the openness of the Green Belt.
- 16.12 Taking these factors into account, officers accept that the proposal would make a contribution to the energy security in the country. It is considered that there are limited sites that are suitable for development and the site chosen minimises as far as possible the impact on the openness of the Green Belt. Officers note again that appeal decisions have given “substantial weight” to the benefit of contributing to reducing greenhouse gas emissions by providing a facility to store surplus energy. This would contribute to national goals to reduce carbon emissions. This will be considered when assessing whether there are ‘very special circumstances’ in section 16.31 of this report.

Impact on the character and appearance of the surrounding area

- 16.13 The application site consists of gentle undulating agricultural land. The proposed development site lies to the north of the settlement of Upton and the A35 dual carriageway west of its junction with the A350. It is bounded to the southwest by the access track to a telecommunications mast and compound, its associated vegetation, and a small copse; to the northwest by a field ditch/drain and its associated vegetation; to the north east by the remainder of the field of which it forms part; and to the southeast by the carriageway of the A35.
- 16.14 The applicant has proposed in their landscaping plan to provide hedge planting around the boundary of the field with tree planting around the northwestern, northeastern, and southeastern boundaries of the site compound.
- 16.15 A Landscape and Visual Appraisal has been submitted with the proposal and concluded: *that there are likely to be some moderate adverse impacts landscape effects on the site itself and medium adverse impacts on close views during construction on views close to the immediate boundary of the site. Following completion there are likely to be some minor to negligible adverse visual effects but these will be limited to a couple of view locations. The proposed development incorporates a considered mitigation strategy including buffers around the edges of the site that respond to the local landscape character and its associated GI in order to mitigate effects and deliver long-term landscape enhancement*” and that “... *subject of application of the mitigation ... the site is capable of accommodating the proposed development and the proposed development is considered to be acceptable in landscape and visual terms*” (Paragraphs 13.19 and 13.20).
- 16.16 The Council’s Landscape Officer agrees with the conclusion of the LVIA. The proposed development will result in encroachment into the countryside; however, it is

not considered that this would cause significant adverse impacts to visual amenity. Officers note that the development is temporary and therefore reversible. The Council's Landscape Officer has made recommendations regarding the implementation of planning conditions. Subject to these conditions the proposal is considered to be acceptable.

#### Impact on neighbouring residents

16.17 The proposed location is isolated from residential properties. The nearest properties are to the north west - Elm Cottages, which is approximately 140m from the batteries and to the south east – 148 Dorchester Road which is approximately 155m from the batteries and separated from the site by the A35 dual carriageway. The distances between the development and neighbouring residential properties are sufficient to ensure a satisfactory visual relationship. The neighbouring properties are considered to be a sufficient distance from the battery cells to be considered to be safe. The Dorset Fire and Rescue Service were consulted on the proposals but have not provided a response.

#### Impact on heritage assets

16.18 There are no designated heritage assets within the site boundary. To the south west of the site approximately 260m from the site boundary are two listed buildings, "Lodge to South Lytchett Manor" and "Entrance gates and gate piers to South Lytchett Manor", both of which are Grade II listed. To the east of the site approximately 80m away, within the boundary of Upton is 144 Dorchester Road, which is also Grade II listed. The Lytchett Minster Conservation Area is situated approximately 100m to the west of the site.

16.19 144 Dorchester Road is severed from the site by the A35 dual carriageway bypass and is surrounded by largely 20<sup>th</sup> Century development associated with the expansion of the settlement of Upton. As such, the proposed development is not considered likely to impact the setting of the listed building. The two listed buildings to the south west are associated with South Lytchett Manor, now the Lytchett Minster School which is further to the west. The listed buildings formed the entrance to the estate. The Conservation Area encompasses the land that formed part of the gardens associated with the Manor House. Both are well screened from the site by well established vegetation and there is little to no visibility between them. As the site sits outside of the historical garden associated with the Manor, it is considered that the setting of the listed buildings will not be harmfully impacted.

#### Impact on highway safety

16.20 The proposed development will be accessed by means of an adopted no through road branching from Randalls Hill that was dissected by the construction of the A35. It is anticipated that there will be a degree of vehicular movements during the construction phase of the development. These are predicted to be low level, with no more than 2 two-way HGV movements per day.

16.21 The applicant has submitted a construction traffic management plan to accompany the application. It states that the applicant will make use of route planning and

temporary signage and traffic management measures will also be provided, the location of which will be agreed with the Council's Highway Authority. Construction vehicles will be parked on site. A road condition survey of the carriageway and adjacent highway verges can be carried out both before and after the construction period, in consultation with Dorset Highways.

16.22 Once the construction phase has been completed, the number of vehicles entering the site is anticipated to decrease, with vehicle movements only be required for maintenance and security. This being the case, on average it is anticipated that there is likely to be one vehicle movement per week. The Council's Highways Team have been consulted on the proposals and they have raised no objections to the proposal, subject to planning conditions requiring the turning and parking areas to be provided as shown in the plans and the implementation of the construction management plan submitted with the application.

16.23 Officers therefore consider that the proposals are acceptable in relation to highway safety.

### Biodiversity

16.24 The applicant has submitted an ecological report with the application. The report identifies the significance of the site as follows:

*Baseline habitat (modified grassland) within the site that lies within the Existing Ecological Networks buffer of Dorset's Ecological Networks (Dorset Local Nature Partnership, 2020) have been assigned the high-level strategic significance category - 'within area formally identified in local strategy' as this buffer suggests that the habitats present at the time of mapping were of significance to the Ecological Network.*

*Accordingly, created species-rich grassland and mixed scrub habitats within this area have also been assigned high level strategic significance as it is considered that these habitats would also contribute to the network.*

*An area on site also lies within the Higher Potential Ecological Network buffer, which maps areas which are not currently of high nature value but have the greatest potential to be managed or enhanced to play a valuable role in future (DLNP, 2020). Accordingly, existing modified grassland in this area, which represents a low value habitat in this location, has been assigned a low level of strategic significance. Created habitats of high value that lie within this buffer have been assigned high level of strategic significance, in line with the objectives of the Network Strategy.*

*The remaining habitats have been assigned a strategic significance of Area/compensation not in local strategy/no local strategy, as the habitats present are not within or contribute towards any designation or nature recovery strategy.*

16.25 The applicant intends to mitigate the impact of the development and provide biodiversity net gain. This will be achieved through the provision of new grassland and mixed scrub habitats. Roosting opportunities for bats will be introduced through the use of bat boxes. Bird boxes will also be introduced on site as will hedgehog domes.

16.26 The Council's Natural Environment Team have been consulted on these measures and confirmed that they are appropriate. The site has been screened for an Environmental Impact Assessment (EIA). No EIA is deemed necessary given the size of the development and as the effects of the development. In combination with the effects arising from other adopted development sites in the Local Plan, it is considered unlikely to be significant in terms of the requirements of Regulation 5 of the Town and Country Planning (EIA) Regulations 2017.

#### Proximity to Protected Species

16.27 The route of the underground cable passes adjacent to the Dorset Heathlands Ramsar site, which surrounds the substation on three sides, however it does not cross the protected site. The site of the battery storage units is situated approximately 650m from the protected habitat. The proposed use will not increase recreational pressure on the heathland, which is identified in the Heathlands SPD as causing harm to it. Given this, and that the development does not encroach onto the Ramsar site, Natural England have not objected to the proposal. They have not advised that an appropriate assessment will be required in this instance. Accordingly, officers do not consider that the proposal is likely to have a significant effect on the Dorset Heathlands.

#### Flood Risk

16.28 Officers note that parts of the site are at risk of surface water flooding. It appears from the mapping provided that this would occur near the location that the battery storage units would be sited. The applicant has prepared a drainage strategy which would make use of a permeable sub base storage and would connect to an existing drain. The Lead Local Flood Authority have been consulted on the proposals and have concluded that the mitigation proposed will be sufficient. As such, officers consider that the proposal would not exacerbate the existing situation. A condition will be applied requiring further details to be agreed.

#### Minerals and waste safeguarding

16.29 The site is situated partly within the minerals safeguarding area designated in Policy SG1 of the Bournemouth, Dorset, and Poole Minerals Strategy 2014. The Council's Minerals and Waste Team have confirmed that as a small part of the site would be affected it is considered that further mineral assessment and possible prior extraction will not be required on this occasion.

#### Protected Trees

16.30 The site includes trees on the site boundaries. One category U tree (T28) will be removed as part of the proposals. All other on-site trees and hedgerows are to be retained. The applicant has submitted a tree survey, impact assessment, tree protection plan and Arboricultural method statement. The Council's Tree Officer has concluded that the proposals are acceptable subject to the implementation of the details set out in the Arboricultural method statement.

### Green Belt- Very Special Circumstances

- 16.31 Officers consider that the proposal would cause limited harm to landscape and biodiversity for which mitigation is proposed. However, it is acknowledged that it would result in harm to the openness of the Green Belt. Therefore, very special circumstances must be demonstrated to justify development that will cause harm to the openness of the Green Belt.
- 16.32 The very special circumstances that are considered to exist in this instance are that the scheme provides a facility which would contribute to reducing greenhouse gas emissions by storing surplus energy and releasing it during periods of peak demand. In this respect it is considered to have wider national environmental benefits.
- 16.33 As set out in the above paragraphs, it is acknowledged that there are limited locations of a suitable grid connection. One such location is at Upton Heath Substation. The substation is largely surrounded by Ramsar heathland and there are a number of residential properties in the immediate vicinity which prevent the proposed development being situated closer to the substation. The proposed development site is further away from residential properties and is also well screened, reducing the visual impact on the openness of the Green Belt. It is considered that these matters and the benefits of the scheme clearly outweigh the harm to the Green Belt and the other harm so that there are 'very special circumstances' in this case.

### **17.0 Conclusion**

- 17.1 The proposed development is considered to accord with policies SD, LD, CO, LHH, D, IAT, DH and FR of the Purbeck Local Plan 2012 and section 13 of the NPPF.

### **18.0 Recommendation**

That planning permission be GRANTED subject to the following conditions and informative notes:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan GNL-004-PL-01 Rev 08  
ESS Site Layout Plan GNL-004-PL-02 rev 05  
ESS Proposed Elevations GNL-004-PL-03  
Proposed BESS & MV Skid Component Elevations GNL-0040PL-05  
Gate Elevation GNL-004-PL-09

CCTV Detail GNL-004-PL-08  
DNO Substation Elevations and Plan GNL-004-PL-07  
Private substation elevations and Plan GNL-004-PL-06  
Acoustic Fence Elevation GNL-004-PL-11  
20" Spares Container Elevations and Plan GNL-004-PL-10

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Within 40 years following completion of construction of development, or within six months of the cessation of electricity storage or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is sooner, the battery storage units and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of energy storage or permanent cessation of construction works prior to the facility coming into operational use. The site shall subsequently be decommissioned and restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of energy storage or the permanent cessation of construction works prior to the facility coming into operational use.

Reason: To ensure an acceptable restoration of the site.

4. The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and the approved method statement is complied with for the duration of the development.

5. No development shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees and other planting to be retained; a planting specification and plan to include numbers, size, species, positions of all new trees and shrubs; details of existing and proposed levels, walls, fences and other boundary treatments and surface treatments of the open parts of the site; and a programme of implementation.

Reason: to ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme prior to the commencement of the development.



6. All hard and soft landscape works shall be carried out in accordance with the details approved under condition 5. The works shall be carried out prior to the use of the site or in accordance with a programme agreed in writing with the Local Planning Authority prior to development commencing.

Reason: to ensure that the agreed hard and soft landscape scheme is implemented.

7. Any trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed, or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme is established and maintained.

8. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated April 2023 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

9. Before the development is occupied or utilised the areas shown on Drawing Number 1155-002 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

10. Prior to the commencement of groundworks, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality.

11. Prior to the commencement of groundworks details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

12. Before the development hereby approved commences the submitted Construction Traffic Management Plan (CTMP) must be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

13. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan and Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 7th July 2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan and LEMP have been completed in full, unless any modifications to the approved Biodiversity Plan and LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
  - ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP has been supplied to the Local Planning Authority.
- Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

#### **Informative Notes:**

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the

commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

3. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant was provided with pre-application advice.

 Approximate Site Location

Application reference: P/FUL/2023/02819

Site address: Land at Post Lane, Lytchett Minster, Dorset, BH16 6AB

Proposal: The installation of a battery energy storage system (BESS), together with associated infrastructure, security fencing, CCTV, cable route, landscaping, on-site Biodiversity Net Gain.

