

Application Details	
Application Reference Number:	3/39/22/007
Application Type:	Full Planning Permission
Earliest decision date:	04 October 2022
Expiry Date	20 April 2022
Extension of Time Date	10 February 2023
Decision Level	Planning Committee
Description:	Installation of a battery energy storage facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure and equipment to include acoustic fence, security fence, CCTV and gates
Site Address:	Land adjacent to Gas Substation, Smithyard Lane, Williton
Parish:	Williton
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr N Leaney
Applicant:	Mr G Hall
Committee Date:	02 February 2023
Reason for reporting application to Committee	The Parish Council and numerous members of the public have expressed a view that is contrary to the recommendation of Officers

1. Recommendation

That planning permission be GRANTED subject to conditions set out in the report to Planning Committee dated 8 December 2022.

2. Introduction

The Planning Committee held on 8 December 2022 resolved to defer this application so that clarification on the following three matters could be sought:

1. Why this location has been chosen for this development
2. Whether there is a need for this size of the amenity cabin
3. Whether the amenity cabin be brought on to the site

The previous report to the Committee is appended to this report.

3. Additional Information

3.1 Justification for Proposed Location

3.1.1 On the matter of the principle of constructing this type of development at this particular location, it is important to note that the provision of renewable energy schemes has been largely driven by the private sector and it is therefore likely to be the case that such schemes will be proposed and potentially delivered where a land owner is interested in delivering renewable energy development on their land. It is also important to note that not all land is suitable for such development for various reasons, including protected landscapes such as Exmoor National Park and the Quantock Hills AONB, and there are other site constraints such as the need to be near a road.

It also needs to be factored in that renewable energy development, particularly battery storage facilities, which are an important part of the future national energy infrastructure due to the intermittency of renewable energy, needs to be located near to the power lines that can connect them to the national grid. This is a particularly important factor for battery storage facilities and as set out at Paragraph 10.1.13 of the December report, the applicant has previously provided a plan showing the 33kv overhead lines in the local area where this type of development can be connected to the national grid. All these factors will naturally limit where renewable energy development can be delivered and they have all played a part in how the applicant has reached the conclusion to site the proposed development at this particular location within the West Somerset area.

3.1.2 If the question is why West Somerset in the first place, then it needs to be taken into account that transmission loss may occur if all the battery storage facilities in the country and the renewable energy generating development itself are located away from where homes and businesses are located. As such, renewable energy development is being delivered regionally in an organic manner, but Officers have not been able to confirm whether there is a national body that is strategically overseeing the rollout of a national renewable energy network. It currently appears that it is being delivered in a piecemeal manner over many years when private individuals come forward with their individual applications. The applicant has been asked if they are aware of such a national body as they have been involved previously with renewable energy development, particularly battery storage facilities, and they are not aware of a national body either.

3.1.3 The applicant has also drawn Officers' attention to Paragraph 158 of the National Planning Policy Framework, which states that *when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application if its impacts are (or can be made) acceptable*. It is considered that this paragraph does somewhat limit the ability of the Local Planning Authority to question the location for the proposed development if it is felt that such development should not be delivered in West Somerset. If it is a question over where in West Somerset, then the above

discussion on this topic is considered to help set out how the currently proposed site has been arrived at.

3.1.4 Overall, Officers consider that despite Paragraph 158 limiting the ability to question the principle of locating the proposed development at this particular site, the applicant has demonstrated that the location is acceptable and it would be difficult to locate it elsewhere in the local area. The applicant has carried out an alternative site assessment of the immediate local area to the site, and it does show limitations on relocating the development to another site in this particular area of the district. Officers consider that it would be difficult to justify a refusal on these grounds.

3.2 Need for Amenity Cabin

3.2.1 Officers have also discussed the need for the amenity cabin with the applicant and it has been explained to Officers that the amenity cabin is split into three areas, which are a communications room, a welfare area and a storage area. The applicant has clarified that the comms area is required to allow staff to operate remotely from the site, the welfare area is required to provide welfare facilities for staff when visiting the site as required by the Health and Safety Executive and the storage area is required to provide sufficient storage space for tools, parts and site maintenance items. Officers are satisfied that each of these areas of the amenity cabin are required to allow sufficient ongoing running and maintenance of the proposed battery storage facility and therefore its size is justified.

3.3 Highway Safety Concerns

3.3.1 In terms of the final matter regarding the highway safety concerns raised by Members in relation to large vehicles turning into Smithyard Lane at either end and turning into the site itself, it is noted that there was a particular concern regarding the bringing of the amenity cabin on to site given its overall length. The submitted plans show that the cabin would have a total length of 12.2 metres. Officers acknowledge that the applicant has confirmed previously that the trailers bringing the infrastructure to the site would be a maximum of 10 metres long and this does raise the valid question as to how a 12.2 metres long structure would be brought on to the site. This has been raised with the applicant and they have confirmed that the amenity cabin, which is the only structure over 10 metres in length would be brought to site in two parts and joined together on site. As such, in its two separate parts it would fit on to the 10 metres long rigid HGVs referenced by the applicant in their application papers.

3.3.2 Officers also note that Members questioned whether the turning into Smithyard Lane and the site itself would be achievable in 10 metres long rigid HGVs. Members' attention is drawn to the initial comments of the Highway Authority as set out in the December report appended to this report. The Highway Authority acknowledged the narrowness of Smithyard Lane and they considered that vehicles associated with the ongoing maintenance of the site once operational would not be a cause for concern. They also had no concerns with the movement of vehicles to and from the site used by construction workers. However, they did specifically request swept path analysis to demonstrate that HGV delivery vehicles will be able to safely negotiate the junctions at either end of Smithyard Lane. Details on the number of HGV movements

was also requested.

3.3.3 The applicant subsequently provided the requested details on HGV movements, together with swept path analysis of the junctions at either end of Smithyard Lane and into the site itself. At Paragraph 10.3.5 of the December report, it is set out that the applicant confirmed that there could be up to five HGV movements (two-way) in a day during the busiest periods of the construction phase. The swept path analysis is on the Council's website, but Officers acknowledge that these details were not included in the presentation to Members at the December Committee meeting. These details will be provided at the February meeting for clarity. The swept path analysis shows a 10 metres long rigid HGV entering and leaving Smithyard Lane in both directions along the A39 and in both directions along the B3190. The analysis also shows the same vehicle entering the site from Smithyard Lane, leaving the site on to Smithyard Lane and turning within the site itself.

3.3.4 The Highway Authority were reconsulted with the additional information and as set out in the December report, they made the following comments on the additional information:

The applicant has provided a revised Construction Traffic Management Plan (Rev B) to address these matters. The CTMP notes that the number of HGV movements will vary through the different construction phases and that during the busiest periods it is anticipated there could be up to 5 HGV movements (two-way) in a day. Such numbers will not have a severe impact on the local highway network. Swept path drawings have also been provided for the two junctions at either end of Smithyard Lane, which demonstrate that a 10 metre long rigid HGV is capable of negotiating these junctions.

Based on this additional information, the Highway Authority has no objection to the proposed development. Should the LPA be minded to approve the application then the recommended conditions should be attached.

3.3.5 Given that the Highway Authority were previously provided with details specifically relating to the movement of a 10 metres long rigid HGV into and out of Smithyard Land and the site itself, and they provided a consultation response that took into account these details and confirmed that the number of HGV movements would not have severe impact on the local highway network and that a 10 metres long rigid HGV is capable of negotiating the junctions, Officers have not reconsulted the Highway Authority following the deferment as there is no additional information to reconsult them with and they would only be able confirm their previous comments still apply based on the sufficient level of information that the applicant previously provided.

3.3.6 Officers note that the Highway Authority have no objections to the proposal and it is considered that with the attachment of the conditions recommended by them, which are included in the list of conditions set out at Appendix 1 to this report, the impact on highway safety would not be materially harmful and the impact on the local road network would not be severe. As such, the application is not refusable under Paragraph 111 of the National Planning Policy Framework.

4. Conclusion

The Committee is referred to the report contained within the agenda for the meeting held on 8 December 2022, attached to this report. Having regard to the above analysis set out in this report, it is concluded that the application could not be refused on the grounds of the principle of the location of the proposed development, the need for the amenity cabin at the size proposed or highway safety grounds. The proposed development is considered to be compliant with national and local planning policies, including the West Somerset Local Plan to 2032, and it is therefore recommended that the application be approved, subject to the attachment of the conditions as set out in the report to the 8 December 2022 Planning Committee.