

**A04**

**F/TH/22/0579**

**PROPOSAL:** Extension of electricity battery storage facility to provide additional 249mw capacity including electrical plant and equipment, alterations to land levels, landscaping and associated works, following removal of existing wind turbine,  
**LOCATION:** site clearance and levelling

Richborough Energy Park Sandwich Road RAMSGATE Kent  
CT13 9NL

**WARD:** Thanet Villages

**AGENT:** Mr Jon Bradburn

**APPLICANT:** Sheaf Energy LTD

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 05 Rev C, 06 Rev C, 07 Rev A, 08 Rev A and 09 Rev A received, 22 April 2022 and 03 Rev C received 04 July 2022.

**GROUND;**

To secure the proper development of the area.

3 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting upon birds within the adjacent SSSI
- (g) Dust control measures

- (h) Access arrangements
- (I) Details of anticipated number of hourly, daily and total HGV movements and timescale for the same
- (j) Details of the largest size of vehicle likely to visit the site
- (K) Details of any abnormal loads
- (L) Details of herras fencing to be erected along the site boundaries adjacent to the construction footprint.
- (M)Details of any required mitigation for protected sites

## **GROUND**

In the interests of highway safety, neighbouring amenity and protected species, in accordance with policies QD02 QD03 and SP30 of the Thanet Local Plan and the advice contained within the NPPF.

4 Prior to the commencement of any development on site a detailed ecological mitigation and habitat creation plan to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- o Updated Preliminary Ecological Survey (if existing survey data is over 2 years old)
- o Any specific species surveys recommended.
- o Overview of mitigation and habitat creation required.
- o Detailed methodology for the mitigation and habitat creation/enhancement.
- o Timing of the works
- o Details of who will implement the works
- o Interim management plan until site wide management plan has been impelmented.
- o Map showing the areas of the mitigation areas, habitat creation and enhancement areas

## **GROUND**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

5 No Development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

## **GROUND**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

6 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

#### **GROUND**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

7 Prior to the development being operational, a management plan to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- o Map showing the areas of the mitigation areas, habitat creation and enhancement areas to be managed.
- o Overview of management to be implemented.
- o Detailed management plan capable of being a 5 year rolling plan.
- o Details of how the management will be funded.
- o Who will carry out the works.

#### **GROUND**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

8 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

#### **GROUND**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 Ground levels should be raised to 3.0 mAOD across the entire site, elevating the development above the 2.89 mAOD flood level for the 0.5% AEP event including climate change to the year 2052.

#### **GROUND**

To reduce any impact of flooding in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

10 Sensitive equipment should be located at least 300mm above the design flood level (2.89mAOD)

#### **GROUND**

To reduce any impact of flooding in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

#### INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

**Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:**

**<https://www.thanet.gov.uk/info-pages/planning-conditions/>**

#### SITE, LOCATION AND DESCRIPTION

The site is located to the west of the A256 and extends along the northern bank of the river Stour. It appears to have previously been in use in association with Richborough Power station and contained various buildings and railway sidings. The Sandwich Bay and Hacklinge Marshes SSSI extends along the northern boundary and to the west of the site. The site is currently occupied by a large telecommunications mast and a wind turbine. An access road extends along the full length of the site and much of the site surrounding the wind turbine and mast appears to be managed grassland with ballast from the railway visible below.

#### RELEVANT PLANNING HISTORY

F/TH/21/1811 Variation of condition 2 and removal of condition 4 of planning consent

F/TH/21/0831 Extension of the existing 400kV substation to remove restriction and allow alterations to boundary fence and use of 4t Telehandler October to March. Granted 06 June 2022

F/TH/21/0831 - Extension of the existing 400kV substation. Granted 15 September 2021

F/TH/21/0305 - Development of an electrical battery storage facility with 71.6MW capacity including the installation of 33 batteries, electrical plant and equipment, alterations to land levels, landscaping and associated works. Granted 30 April 2021

F/TH/20/1467 - Development of an electrical battery storage facility with 49.9MW capacity including the installation of 23 batteries, electrical plant and equipment, alterations to land levels, landscaping and associated works. Granted 09 February 2021.

NM/TH/18/0389 - Application for Non-material amendment for a application for the approval of appearance, layout and scale pursuant to condition 1 of planning permission reference F/TH/13/0760 for the installation of 3.1km underground high voltage DC cable from Pegwell Bay to Former Richborough Power Station, together with erection of converter station building, substation building, spare parts building, storage unit, outdoor electrical equipment for substation and for converter station, associated temporary construction compounds, and fence to boundary of substation and converter station for alterations to design of associated buildings and layout. Granted 29 May 2018.

NM/TH/17/0681 - Non-material amendment of planning reference F/TH/13/0760 to allow changes to the gradient of land at parts of the cable route. Granted 20 June 2017.

R/TH/16/0128 - Application for the approval of appearance, layout and scale pursuant to condition 1 of planning permission reference

F/TH/13/0760 for the installation of 3.1km underground high voltage DC cable from Pegwell Bay to Former Richborough Power Station, together with erection of converter station building, substation building, spare parts building, storage unit, outdoor electrical equipment for substation and for converter station, associated temporary construction compounds, and fence to boundary of substation and converter station. Granted 24 May 2016.

NM/TH/15/0997 - Application for non-material amendment to planning permission F/TH/12/1016 to phase submission details. Granted 30 October 2016.

NM/TH/15/0996 - Application for non-material amendment to planning permission F/TH/12/1015 to phase submission of details. Granted 04 January 2016.

DM/TH/15/0981 - Application for determination as to whether prior approval is required for demolition of turbine hall frame. Prior approval not required 21 October 2015.

F/TH/15/0380 - Formation of internal access road. Granted 07 July 2015.

NM/TH/15/0161 - Application for non-material amendment to planning permission F/TH/13/0760 to introduce phasing of submission of details of site waste management plan, incident management plan and landscaping. Granted 16 March 2015

NM/TH/15/0129 - Application for non-material amendment to planning permission F/TH/13/0760 to amend site levels. Granted 16 March 2015.

F/TH/14/0388 - Installation of 0.45m razor wire to existing perimeter fence. Granted 17 June 2014.

F/TH/13/0760 - Installation of 3.1km underground high voltage direct current (HVDC) cable from Pegwell Bay to former Richborough Power Station, being part of a 130km HVDC electrical interconnector with an approximate capacity of 1000 megawatts (MW) extending from Zbrugge (Belgium) to the former Richborough Power Station site, together with outline application for the erection of converter station building (max height 30.8m), substation building (max height 15m) outdoor electrical equipment for substation (max height 12.7m) and for converter station (max height 11.8m), underground cables from substation and converter station and construction of internal roads, including access and landscaping. together with associated temporary construction compounds. Granted 19 December 2013.

F/TH/12/1016 - Formation of internal road network, erection of weighbridge and office building together with associated landscaping. Granted 13 June 2013.

F/TH/12/1015 - Redevelopment of a 1.22 ha (3.02 acre) part of the Richborough Power Station site to create a 42.4 MW capacity sui generis Peaking Plant Facility with associated areas for parking, access, landscaping and associated works, including 4 x 35 metres high exhaust stacks (Duplicate of application submitted to Dover District Council, as the majority of the site falls within the district of Dover). Granted 13 June 2013.

F/TH/11/0727 - Demolition of the 3 no. cooling towers and 1 no. Chimney, creation of a site compound and associated works. Granted 28 February 2012.

### PROPOSED DEVELOPMENT

The proposed development is an extension of electricity battery storage facility to provide additional 249mw capacity including electrical plant and equipment, alterations to land levels, landscaping and associated works, following removal of existing wind turbine, site clearance and levelling.

The proposed batteries would capture excess energy that has been generated, primarily from renewable sources and would release it into the national grid when required.

The proposed batteries would be contained within single storey containers with green roofs and similar structures are proposed around the site containing other associated equipment. A substation would be located at the eastern end of the site with a maximum height of 15m.

### DEVELOPMENT PLAN POLICIES

CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
CC07- Richborough  
GI01- Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)  
GI06 - Landscaping and Green Infrastructure  
HE01 - Archaeology  
HE03 - Heritage Assets  
QD01 - Sustainable Design  
QD02 - General design Principles  
QD03 - Living Conditions  
SE03 - Land affected by Contamination  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
SP24 - Development in the Countryside  
SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP28 - Protection of the International and European Designated Sites  
SP30 - Biodiversity and Geodiversity Assets  
SP31 - Biodiversity Opportunity Areas  
SP35 - Quality Development  
SP37 - Climate Change  
TP01 - Transport Assessments and Travel Plans  
TP06 - Car Parking

### NOTIFICATIONS

A site notice was posted close to the site and an advert was posted in the local paper.

No responses have been received.

**Minster Parish Council** - No objections.

### CONSULTATIONS

**Environment Agency** - Update comments received 07 June 2022

Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

Condition 1

Ground levels should be raised to 3.0 mAOD across the entire site, elevating the development above the 2.89 mAOD flood level for the 0.5% AEP event including climate change to the year 2052

#### Condition 2

Sensitive equipment should be located at least 300mm above the design flood level (2.89mAOD)

Informative

A Flood Risk Activity Permit may be required for the works. For more information on flood risk activities and their associated criteria, please visit: Flood risk activities: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

#### *Initial comments received 29 April 2022*

We cannot find a flood risk assessment (FRA) with the submitted documents. As the required FRA has not been provided we are unable to assess this application.

The application site lies within Flood Zone 3/2 defined by the Environment Agency Flood Map as having a high/medium probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

#### **KCC Biodiversity** - *Updated comments received 24 August 2022*

We have reviewed the ecological information submitted with the planning application and we are satisfied that the survey information is appropriate and sufficient

When we previously commented we raised concerns that the redline boundary on the proposed layout plan appears to be larger larger than the redline boundary within the plans

within the ecology report and therefore we are concerned that the impact on the habitats and species found within the site have not been fully assessed. However more detailed plans have been submitted and they confirm that the calcareous grassland to the north of the site will not be lost as a result of the proposed development.

The report has confirmed that the following are present within or adjacent to the site:

Open Mosaic Grassland on Previously Developed Land

Acid Grassland

Calcareous grassland

Reptiles

Invertebrate



Suitable habitat for breeding and wintering birds (peregrine falcon was confirmed as probably breeding during the surveys)

The site is adjacent to the Sandwich Bay and Hackling Marshes SSSI and the proposal will result in the partial loss of an area of the Woods and Grassland Minster Marshes LWS.

The mitigation proposed includes the following:

Habitat enhancement and creation of all habitats found within the site. The habitat creation/enhancement will be carried out within the site and within the wider land holdings.

Precautionary mitigation for protected/notable species within the site.

We advise that we are satisfied that the proposed mitigation is appropriate but there will for a detailed mitigation and habitat creation plan to be submitted if planning permission is granted.

The proposal will result in the partial loss of an area of LWS and while we accept that the mitigation is appropriate and we highlight that there is a need to ensure the proposed habitat creation/enhancement is actively managed. If planning permission is granted there is a need for a management plan to be submitted.

## SSSI

As NE have been commenting on the impacts on the SSSI we will defer to them on this matter.

Initial comments received 26 May 2022

We have reviewed the ecological information submitted with the planning application and we are satisfied that the survey information is appropriate and sufficient. However we advise that additional information is required, prior to determination, assessing the impact on the habitat and species found within the site during the surveys.

The redline boundary on the proposed layout plan appears larger than the redline boundary within the plans within the ecology report and therefore we are concerned that the impact on the habitats and species found within the site have not been fully assessed. In particular it appears that much of the habitat to the north of the site will be lost as a result of the current proposals and as a result insufficient information on the habitat and species mitigation/compensation has not been submitted to enable the impact to be fully addressed.

To address this concern we advise the following plans are submitted:

Plan showing the habitats to be lost as a result of the proposed development

Plans showing the area of habitat creation and enhancement as a result of the proposed development.

The plans will enable us to fully understand the impact of the proposed development and consider if the mitigation/compensation proposed within the submitted document is appropriate and sufficient or if additional information is required.

We highlight that there is a need to ensure that, if planning permission is granted, the mitigation is appropriate as the proposal will result in the partial loss of an area of a Local Wildlife Site, direct loss of priority habitats and habitat where protected/notable species have been recorded.

### **KCC Flood and Water Management - *Updated comments received 27 May 2022***

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and the Drainage Strategy prepared by RMA Environmental dated April 2022 and agree in principle to the proposed development.

The proposals seek to utilise tanked filter drains with a piped outlet into the Tidal section of the River Medway with an unrestricted discharge.

Should your authority be minded to grant permission for the proposed development, we recommend the following conditions are attached:

Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and the Drainage Strategy prepared by RMA Environmental dated April 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

*Initial comments received*

Unfortunately no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

A location plan

A site layout

A drainage proposal schematic or sketch

A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)

Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)

Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic

Drainage strategy summary form (from our Drainage and Planning Policy Statement)

Consideration of key questions and / or local authority planning policy requirements.

**KCC Highways** - I refer to the above planning application and note that I have no objection to the proposals but require a Construction Management Plan (CMP) to be submitted for approval by condition. The CMP should include the following:

Provision of construction vehicle loading/unloading and turning facilities

Provision of parking facilities for site personnel and visitors

Provision of wheel washing facilities if necessary

Details of anticipated number of hourly, daily and total HGV movements and timescale for the same

Details of the largest size of vehicle likely to visit the site  
Details of any abnormal loads

Informative:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

**KCC Public Rights of Way** - No comment

**Ministry of Defence** - The Ministry of Defence has no safeguarding concerns to this proposal.

**Natural England** - Updated comments received 10 August 2022

No objection - subject to appropriate mitigation being secured  
We consider that without appropriate mitigation the application would:  
damage or destroy the interest features for which Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Measures to mitigate against noise impact during construction.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.  
Initial comments received 19 May 2022

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potentially significant effects on the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Detailed information on the proposed drainage strategy in relation to Sandwich Bay to Hacklinge Marshes SSSI and measures proposed to mitigate any potential impacts.

Detailed information on avoidance and/or mitigation of noise and other impacts on birds that are the interest features of the nearby SSSI.

Information confirming whether any SSSI designated land will be directly impacted.

Without this information, Natural England may need to object to the proposal.

## **Network Rail - No objections**

**TDC Environmental Health** - The Planning Statement confirms that no EIA is necessary for noise or air quality:

- o There will be no impact in terms of Noise and Vibration, and any noise arising from the equipment will be minimal and indistinguishable from the background level. This is because the only moving parts are the cooling fans located within the containers.
- o The proposals will have no impact upon air quality. There are no emissions other than hot-air from the cooling system.

Environmental Health accepts the statement and offer no further comments.

## **COMMENTS**

This application has been brought before members by Cllr Smith to consider environmental impacts of the development and by Cllr Pugh to consider the economic benefits of the development.

### **Principle**

The site was previously occupied by the Richborough Power Station and its associated buildings and railway sidings. It now comprises managed grassland with hedgerows and trees located around the boundaries of the site and is located in the countryside.

Policy SP37 of the Thanet Local Plan states "New development must take account of the need to respond to climate change:

- 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings;
- 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies;
- 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast."

The February 2022 review of the National Policy Statement for Energy welcomes the government's commitment to deliver net zero by 2050 and states that; "Meeting our net zero target will require a significant scale and pace of change in delivering new energy infrastructure."

Part of the site has been allocated under policy CC07 of the Thanet Local Plan as an area for the development of renewable energy facilities if it can be demonstrated that the development will not be detrimental to nearby sites of nature conservation value or that any potential effects can be fully and suitably mitigated.

The proposed batteries do not generate electricity and therefore do not constitute a form of renewable energy. This proposal would store energy that is generated from other sources when it is not required and would then perform a function similar to the peaking plant that has previously been approved on the site by releasing this energy at times of peak demand when other sources may not be available or are slow to respond. By storing energy in this way, for use at a later time, more renewable energy would be utilised. Whilst not directly supported by policy CC07 of the Thanet Local Plan, the proposed development would comply with the spirit of this policy by improving the country's energy resilience and making better use of renewable energy sources. Therefore the principle of development is considered to be in accordance with the site allocation policy.

The remainder of the site is located within the open countryside as defined by policy SP24 of the Thanet Local Plan permits development on non-allocated sites in the countryside subject to a number of restrictions:

"Development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated."

This proposal would be an extension of the existing approved battery development and the adjacent allocation. Furthermore it is unlikely that this development could reasonably be located elsewhere due to its position on the grid, therefore this proposal is likely to be considered to meet the first exemption in policy SP24.

Part of the former Power Station site is subject to a Channel Tunnel Rail Link safeguarding direction. In accordance with the direction, the Council has consulted HS1 (south) limited who have stated that they have no interest in this application.

The principle of a battery storage facility on the site is therefore considered to be acceptable subject to all other material considerations.

### **Character and Appearance**

The site is located within the Stour Marshes Landscape Character Area (Policy SP26 of the Thanet Local Plan). This policy states that development should be directed away from this area as it is largely undeveloped and key to retaining the island character of Thanet. This policy must be weighed against the allocation of part of the site under policy CC07 and the existing and previous development on the site.

Policy SP26 specifically states that the Stour Marshes area "is characterised by a vast, flat, open landscape defined by the presence of an ancient field system, defined by an extensive ditch and dyke system, the sea walls and isolated groups of trees. The former grazing land has been improved and managed as arable farmland, however, it still retains its network of ditches which provide biodiversity interest. It is important to conserve the long distance views to the Thames Estuary to the north and Pegwell Bay to the south."

The batteries would be kept within single-storey shipping containers with a maximum height of 2.9m and a new substation and converter station to connect these batteries to the national grid would be erected in the eastern end of the site, this would require equipment of up to 15m. This substation would be the tallest equipment on the site and is adjacent to the approved battery storage developments. The land within the site would be raised to 3m AOD which is a maximum change of approximately 1m to give a consistent level across the site and to avoid any significant flood risk.

The site is largely enclosed by trees and soft landscaping which limit views into the site and due to the height of the proposed batteries they are unlikely to extend above the height of the surrounding landscaping.

Some trees have been identified for removal as part of this scheme, however they are generally located away from the boundaries of the site and are not currently protected. These trees could therefore be removed at any time without consent from the local planning authority. The taller equipment that is proposed on the site would be located towards the eastern end and within the area that is allocated for energy related development.

Grass and low level planting is proposed in areas around the site and whilst limited in area, will provide some soft landscaping within the site. 4m high fencing is proposed around the site, the submitted information indicates that this would be weldmesh style fencing and green in colour.

The Saxon Shore Way (A public right of way) runs along the southern side of the river Stour adjacent to the site and would provide the closest public viewpoints. Given the hedgerow and trees along the site boundary views into the site are likely to be highly localised and as noted above the taller development proposed on the site would be sited towards the existing approved development at the eastern end of the site, minimising the incursion into the open countryside.

Given the arrangement of the structures on the site, the existing soft landscaping and the location of the site it is considered that the proposed development would not have a significantly harmful impact upon the character and appearance of the area or the landscape character area, in line with policy QD02 and SP26 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

The site forms part of the existing Richborough Energy Park and is located a substantial distance from the closest residential properties. The development would have a maximum height of 15m. Given the location of the site it is considered that the proposed development

would not result in any significant increase in loss of light, sense of enclosure, overlooking or noise and disturbance to any residential properties.

## **Transportation**

The site is located within the existing Richborough Energy Park and would be accessed from the existing connection to the A256. The information submitted with the application has indicated that there would be limited vehicular movements to and from the site when it is in operation. KCC Highways have reviewed the application and raised no objection subject to the submission of a construction management plan. It is therefore considered that the proposed development would have no significant impact upon highway safety.

## **Biodiversity**

The western part of the site is located within a locally designated wildlife site as defined by policy GI02 of the Thanet Local Plan. This policy states "Development which would have a detrimental impact on locally designated wildlife sites will not be permitted unless suitable mitigation can be provided either on or off site within Thanet. Exceptionally, where a strategic need for a proposed development is identified which outweighs the importance of the locally designated sites and cannot be located elsewhere, an equivalent area of habitat will be created elsewhere at a suitable location well related to other existing habitats.

Wherever possible and appropriate, new developments will provide a net environmental gain in accordance with Policy SP30, and include measures to enhance and improve wildlife connectivity to designated wildlife sites."

The Sandwich Bay to Hacklinge Marshes SSSI (Site of Special Scientific Interest) is located directly to the north of the site. Policy GI01 states "Development which would materially harm either directly, indirectly or cumulatively, or detract from the scientific or nature conservation interest of a Site of Special Scientific Interest, National Nature Reserve or Marine Conservation Zone will not be permitted.

Exceptionally, where it can be demonstrated that the need for the proposed development is compelling and overrides the national importance of the site, and it has been demonstrated that no suitable alternative site exists, mitigating measures will be required to maintain the integrity of the site, to the satisfaction of the appropriate authority.

The proposed development will, wherever possible and appropriate, include measures to enhance and improve connectivity to designated sites."

The applicant has submitted an ecological impact assessment which has been reviewed by both Natural England and KCC Biodiversity. Both consultees initially objected to the application due to the potential impacts of the development upon both the locally and internationally designated wildlife sites due to the submitted information being unclear about the areas to be affected, the drainage strategy and the proposed mitigation. Following the submission of additional information it has been confirmed that the proposed site does not encroach into the SSSI and the concerns regarding the potential for pollution or additional water to drain into this area have been addressed. Natural England have requested that a condition is applied requesting details of measures to avoid or mitigate noise impacts from



the construction of the development upon birds within the adjacent SSSI. Similar conditions have been applied to the development on the neighbouring sites as part of the construction management plan and are necessary to ensure that the construction of the development would not result in harm to this designated site.

The submitted report identifies that a number of species and habitats are present within the site and that this proposal will result in the partial loss of an area of the Woods and Grassland Minster Marshes Local Wildlife Site. To compensate for the loss of these habitats the application proposes habitat enhancement and creation of all habitats found within the site as well as a precautionary mitigation for protected/notable species within the site. KCC Biodiversity consider that this approach is appropriate and have requested conditions requiring the submission of a detailed ecological mitigation and habitat creation plan, and a management plan for this area.

It is therefore considered that whilst this development would result in the loss of part of the locally designated wildlife site, suitable new habitat creation, enhancement and conditions are proposed to ensure that the impacts of the development are mitigated.

### **Flood Risk**

This application relates to the extension of an existing development and does not propose any habitable accommodation. The Environment Agency have reviewed the development and subject to conditions securing minimum land levels and height of sensitive equipment they have raised no objection to this proposal. Given the proposed use of the site and subject to the required conditions the proposed development is not considered to result in a significant increase in flood risk.

### **Contamination**

Given the previous use of the site a watching brief condition is required in case of any unsuspected contamination being discovered, however given the commercial nature of the proposed development no further conditions are considered necessary.

### **Other Matters**

The application site is within 250 metres of a safeguarded waste facility, the Richborough Hall waste treatment facility. No habitable accommodation is proposed on the site and only limited visits are required, primarily for maintenance. It is therefore considered that there would be no significant impact upon the operation of the safeguarded waste facility.

The proposed development has been screened under schedule 2 of the Environmental Impact Assessment Regulations 2017 and this screening concluded that an Environmental Impact Assessment is not required.

### **Conclusion**

The proposed battery storage development would be an expansion and extension of the approved battery storage development and allocation to the east of the site and would

provide additional capacity for the storage of electricity. This use would help to utilise renewable energy sources and would provide some economic benefits to the area during construction and throughout its use. The use would result in the loss of part of a locally designated wildlife site, however it is considered that following the submission of additional information and subject to the proposed conditions, sufficient mitigation is proposed to mitigate the loss of the habitat and to safeguard the protected sites. The development would only be visible in local views and is not considered to result in any significant harm to nearby property occupiers. It is therefore recommended that members approve the application.

**Case Officer**

Duncan Fitt

TITLE:

F/TH/22/0579

Project

Richborough Energy Park Sandwich Road RAMSGATE Kent CT13 9NL

