

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00816/FUL

Name and address for correspondence:	Applicant name:
Miss Rebecca Boston Turley 1 New York Street Manchester M14HD United Kingdom	Mr Graham ShawShaw Energi

Part I - Particulars of Application

Date of Application: 25 July 2023

Proposal:	Construction, management and operation of a Battery Energy Storage System (BESS) with associated infrastructure (comprising an underground cable connection to a National Grid Substation, temporary construction access from The Rake, vehicular access for maintenance vehicles from Lower Jowkin Lane, security fencing, lighting and CCTV provision) and associated landscaping works (re-submission of 22/00946/FUL)
Location:	On land bounded by The Rake, Lower Jowkin Lane and Furbarn Road, Rochdale.

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans and documents:

- Site Location Plan (Drawing 4130-P-501 Revision A dated May 2023)

- Proposed Site Plan (Drawing 4130-P-503 Revision C dated May 2023)
- Battery Unit Elevations, Equipment Elevations, Barn Details and Fencing Details (Drawing 4130-P-506 dated May 2023)
- Cable Route, Phasing and Trench Details (Drawing 4130-P-507 dated May 2023)
- Proposed Site Sections (Drawing 4130-P-505 Revision A dated May 2023)
- Illustrative Landscape Masterplan (Drawing 03A Revision D dated October 2023)
- Illustrative Landscape Masterplan (Drawing 03B Revision D dated October 2023)
- Proposed Site Sections (Drawing 4130-P-505 Revision A dated May 2023)
- Arboricultural Layout (Drawing ARB/4897/Y/200 dated June 2023)
- Tree Protection (Drawing TCP/4897/Y/300 dated June 2023)
- Landscape and Planting Strategy Plan (Drawing 04 Revision B dated July 2023)
- Arboricultural Impact Assessment (Reference 'Norden, Rochdale' dated June 2023)
- Noise Assessment prepared by Miller Goodall (Reference 102997 Version 2 dated 14 July 2023)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 The use of the BESS facility hereby permitted shall cease on or before 30 years from the date when the site first becomes operational. Written notification of the commencement of operation of the BESS facility shall be submitted to and confirmed in writing by the local planning authority within 14 days of its occurrence.

Reason: To ensure that the application site is returned to its original open condition and character once the use of the development hereby approved is no longer required, in accordance with Policy DM1 adopted Rochdale Core Strategy and the National Planning Policy Framework

- 4 No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 5 No development shall take place until the trees and hedgerows that are to be retained within the site have been enclosed with temporary protective fencing and temporary ground protection in full accordance with BS:5837:2012 'Trees in relation to design, demolition and construction', the 'Method Statement' as contained in the approved 'Arboricultural Impact Assessment' and the details as indicated on the approved 'Arboricultural Layout'. The necessary protection measures shall be retained during the period of construction and no work, excavation, tipping or stacking/storage of materials shall take place beyond such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenity of the area and in accordance with Policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The trees must be protected before any works are carried out.

- 6 No piling or any other foundation designs using penetrative methods shall take place unless a scheme for such works, that demonstrate that there is no resultant unacceptable risk to groundwater or land stability, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm land stability or groundwater resources in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, details of the means of ensuring the water mains that are laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water mains from construction activities and the impacts post completion of the development on the water mains infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

In the event that a diversion/diversions of infrastructure is required, the applicant shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken to the satisfaction of the relevant statutory undertaker prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of the public water supply.

Reason for Pre Commencement Condition: It is imperative that third party assets and key infrastructure, including those owned and operated by United Utilities, are protected and secured.

- 8 8. Prior to the commencement of development, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include:

- a. Evidence of an assessment of ground conditions regarding infiltration of surface water in accordance with BRE365;
- b. Construction details for permeable paving and hardstanding including any necessary kerb edging and sub-base details i.e. cross-sections, if this type of paving forms part of the sustainable drainage system.
- c. Construction details of any attenuation tank/ wetwell and surface water pumping station and outfall details such that any discharge to Naden Brook is restricted to 5.2 l/s.
- d. Construction details of drainage from the large barns.
- e. Construction details and cross-sections of the proposed paving/internal access roads and parking areas, demonstrating that the sub-base is permeable.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7

of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 9 (a) The development hereby permitted shall not be commenced until such time that full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks/retaining structures, terraces and other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following first operation of the development hereby permitted, whichever is sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become severely diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of a similar size and species (or another suitable species) to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its sensitive location and the nature of the proposed development and in accordance with adopted Rochdale Core Strategy Policies G6 and G7 and the National Planning Policy Framework.

- 10 Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) shall be provided to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following as a minimum:

- Details of cumulative traffic impact and associated traffic management plan
- Details of the management of abnormal loads and measures to protect the highway and other road users
- Details of the arrangements for vehicles of site operatives and visitors (within the site and surrounding area)
- Management of deliveries to site, including how it is intended to mitigate against HGVs arriving when the site is closed, and the impact of HGVs arriving on site later than planned (e.g. as a result of delays on the road network)
- The loading and unloading of plant and materials (within the site), including times of access and egress
- The storage of plant and materials used in construction of the development
- The erection and maintenance of security hoardings
- Wheel washing facilities, including measures for keeping the highway and surrounding public rights of way clean and clear of debris
- Measures to control the emission of dust and dirt during construction
- Measures to prevent disturbance to adjacent properties from noise and vibration, including piling
- A scheme for recycling/disposing of waste resulting from any demolition and/or land clearance activities (prohibiting fires or burning on site)
- Method statement(s) and details in relation to any excavation required of Public Rights of Way (PROWs) or adopted highways in order to lay any required assets or equipment relating to the development.
- Contact details of site manager to be advertised at the site in case of issues arising

The approved Method Statement shall be adhered to throughout the construction period.

Reason: To minimise the detrimental effects to the natural environment and amenity of nearby residents through the risk of pollution during the construction phase, in accordance with Policies DM1, G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 Prior to the commencement of the development hereby approved, a management strategy for Himalayan Balsam should be supplied to and agreed in writing by the Local Planning Authority. The agreed management plan shall thereafter be adhered to and implemented in full during construction and operation of the development.

Reason: To avoid the risk of the spread of invasive species and in accordance with Schedule 9 Part 2 of the Wildlife & Countryside Act 1981 (as amended).

- 12 (a) Prior to commencement of above ground works, a full condition survey of the carriageways/footways (including public rights of way) on construction vehicles routes proximate to the site shall be undertaken and submitted to the Local Planning Authority for assessment.

(b) within 3 months of first operation of the use hereby approved, a full condition survey of the carriageways/footways (including public rights of way) on construction vehicle routes proximate to the site shall be submitted to the Local Planning Authority for assessment by the Local Planning Authority in conjunction with the Local Highway Authority. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority and Local Highways Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant.

Reason: In the interests of highway safety and the safe operation of the local highway network and to protect the safety of users of nearby Public Rights of Way, in accordance with adopted Rochdale Core Strategy policies T2, DM1 and the National Planning Policy Framework.

- 13 Prior to commencement of any part of the development hereby approved that requires the importation of material onto the site, a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall include:

- Details of the volumes and types of material proposed to be imported or reused on site
- Details of the proposed source(s) of the imported or reused material
- Details of the chemical testing for ALL material to be undertaken before placement onto the site
- Include the result of the chemical testing which must show the material is suitable for use of the development
- Include confirmation of the chain of evidence to be kept during the material movement, including material importation and removal from and to the development

All works shall be undertaken in accordance with the approved document

Reason: To ensure that no unsuitable material is brought onto the site and in accordance with Policy G9 of the adopted Rochdale Core Strategy.

Reason for pre-commencement condition: Any material to be imported onto the site must first be checked for suitability prior to it being mixed or added to the ground of the application site.

- 14 No above ground works shall take place until a scheme of biodiversity enhancements for the site, including but not limited to the provision of bird boxes, bat boxes to be integrated or be added onto structures, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'hedgehog highways') has been submitted

to and approved in writing with the Local Planning Authority in conjunction with Greater Manchester Ecology Unit. The duly approved scheme shall demonstrate a Biodiversity Net Gain (BNG) and be implemented in full prior to the development first coming into operation and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 Prior to first commencement of the development hereby approved, full details of fire prevention and safety measures, a system for fire detection and suppression, including the management and containment of contaminated water, shall be submitted to and approved by the Local Planning Authority in consultation with Environmental Health and the Greater Manchester Fire and Rescue Service. The scheme shall include:

- Details of expected volume and the nature of contaminated water which would need to be managed in the event of a fire on site.
- Details of how surface water drainage system(s) will be isolated in the events of a fire or leak.
- Full details of the nature of any contaminants that could be present from a failure and leak from batteries and/or transformers on site.
- Details of battery chemistries proposed for the site.
- Details of unit spacing on the site.
- Full details of fire and rescue service entry onto the site, manoeuvring and turning points within the site and egress out of the site, including swept path analysis for fire service vehicles.
- Details of water supply to the application site.
- Details of deflagration prevention and venting of BESS containers for explosion prevention.

The scheme shall be implemented in full and in strict accordance with the approved details prior to the development being first brought into use, and shall be maintained in working order thereafter for the lifetime of the development

Reason: In the interest of public safety and to ensure protection of the public water supply.

Reason for pre-commencement condition: It is imperative that public safety, third party assets and key infrastructure are protected and secured.

- 16 Prior to the commencement of operation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 17 If in undertaking the construction of the development, contamination not previously identified is found to be present at the site, then it must be reported in writing as soon as possible to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary, a remediation scheme must

be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the natural environment and to ensure the safe development of the site in the interests of the amenity of future users in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 18 Prior to any above ground construction related to the development hereby approved, full samples and/or external material specification details for each of the following parts of the development shall be provided to the Local Planning Authority for approval:

- Battery Storage Units
- Inverter Units
- Barn Elevations and Roofs, Including Access Points
- Galvanised Handrails/Barriers
- Security Mesh Fencing

Such details shall include the type, colour and texture of materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 19 (a) The cumulative noise generation from proposed plant equipment shall not exceed the limits as set out in Section 7 of the approved 'Noise Assessment' when measured from the nearest noise sensitive receptor(s) as identified in Section 2 of the approved 'Noise Assessment'

For the purposes of this condition the background noise levels and rating levels shall be calculated in full accordance with the methodology of BS 4142:2014+A1:2019.

(b) The development shall not be brought into use unless and until the results of a validation test have been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate compliance with the requirements of part (a) of this condition. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the above requirement. Once approved, the plant and associated equipment and any acoustic mitigation measures shall be maintained for the lifetime of the development thereafter

Reason: To protect the amenity of occupiers of surrounding residential properties and in compliance with Policies C6, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 20 The car parking, servicing and other vehicular access arrangements shown on the approved 'Site Plan' to serve the development hereby permitted shall be made fully available for use prior to the development being brought into first use and shall be retained thereafter for their intended purpose

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 21 No external lighting shall be installed on or within the application site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented in accordance with the approved scheme.

Reason: In the interests of amenity and the conservation of protected species and in compliance with Policies P3, G7, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 22 No external CCTV equipment shall be installed on or within the application site unless a scheme for such CCTV equipment has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented in accordance with the approved scheme.

Reason: in the interests of visual and residential amenity having regard to Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 23 No heavy commercial vehicle traffic, plant, machinery or earthmoving equipment associated with the construction of the development shall enter or leave the site, and no external construction work shall take place on any Sunday, Bank Holiday or public holiday. On any other day, no such traffic, plant, machinery or equipment shall enter or leave the site and no external construction work shall take place except between the following times:

Monday-Friday	0730 - 1800
Saturday	0900 - 1300
Sunday/Bank Holidays	At no time

Reason: In the interest of neighbour amenity and in accordance with Policies C6, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 24 No later than 12 months prior to the expiry of this permission, a decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. This statement shall include details of the timescale and management of the decommissioning works; the removal of all equipment and all other associated structures and the reinstatement of the land to its former condition. The decommissioning and restoration of the site shall thereafter be undertaken in accordance with the approved scheme and within the agreed timescale.

Reason: To ensure that the application site is returned to its original open condition once the use of the development hereby approved is no longer required, in accordance with Policy DM1 adopted Rochdale Core Strategy and the National Planning Policy Framework

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 30 April 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

Any works to Public Highways or Public Rights of Way, including excavation, diversion or closure, must first be agreed with the Local Highway Authority or Public Rights of Way Officer.

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.