

Mr Andrew Stevenson
RPS Planning & Development
Platform New Station Road
Leeds
LS1 4JB



High Peak Borough Council

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RPS Planning & Development
Platform New Station Road
Leeds
LS1 4JB

Mr Denton
c/o agent

Application no: HPK/2023/0193

Determined on: 17/01/2025

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc.) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

Location of Development:
LAND AT Marsh Lane New Mills Derbyshire

Description of Development:
Construction and installation of a Energy Storage System (ESS) including the formation of site levels and associated access, landscaping and site infrastructure.

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

Standard Conditions

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

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan	(Ref: 12456-0006-02)
Site Sections A-A and B-B	(Ref: 12456-0009-03)
Site Layout Plan	(Ref: 12456-0010-02)
Site Sections A-A and B-B (1:100)	(Ref: 12456-0011-01)
Acoustic Fence Elevations	
Bund Elevations	
Palisade Fence Elevations	
PCS Elevations	





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Energy Storage Plans
Substation Elevations
Detailed Landscaping Proposals
Arboricultural Method Statement

(Ref: P22-0639.002A)
(V2.0 RPS Group dated 24th April 2022).

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Notwithstanding the details submitted shown on the substation elevations plan, and prior to any plant, machinery or infrastructure being installed on site, revised details including the materials, colour and finish of the substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:- In the interests of good design and in order to preserved the character and appearance of the rural landscape.

Landscaping

4. All hard and soft landscape works shall be carried out in accordance with the approved Detailed Landscaping Proposals (Ref: P22-0639.002A). The works shall be carried out prior to any part of the development being first brought into use or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason:- In the interest of visual amenity

5. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

Tree Retention and Protection

6.
 - a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.
 - b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme as set within the approved Arboricultural Method Statement.





- c) No fires shall be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement (V2.0 RPS Group dated 24th April 2022).

Reason:- To protect the health and amenity of the trees

- 7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason:- To protect the health and amenity of the trees

Public Amenity

- 8. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the following, when measured at (or calculated for) any noise sensitive premises, including a residential dwellinghouse:

Daytime (07:00 – 23:00 hours) – 37dB Lar, Tr
Nighttime (23:00 – 07:00 hours) – 33 dB Lar, Tr

All measurements and calculations shall be made in accordance with the methodology of BS: 4142:2014+A1:2019 Methods and rating and assessing industrial and commercial sound and/or its subsequent amendments

Reason:- In the interests of preserving public and neighbouring residential amenity

- 9. All Heavy Good Vehicles movements that have a greater weight than 3.5 tonnes associated with the delivery of all plant and machinery shall not under any circumstances take place during the following time periods:

08:00 – 09:00 Monday to Fridays
15:00 – 16:00 Monday to Fridays

Outside of the prohibited times set out above, deliveries to site and





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construction/installation of necessary plant and machinery on site shall take place between the following times, unless otherwise agreed in writing by the Local Planning Authority:

08:00 – 18:00 Monday to Fridays

08:00 – 14:00 Saturdays

No working on Sundays or Bank Holidays

Reason:- In the interests of preserving public and neighbouring residential amenity

Highway Safety

10. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be kept free of all obstructions to visibility over 0.6m in height above carriageway level for the duration of the construction phase of the development.

Reason: In the interests of highway safety.

11. Prior to commencement of the development details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the site clearance/construction period. The Construction Management Plan shall include:
- Parking of site operatives vehicles and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;

Reason: In the interests of highway safety

12. No development shall commence including any delivery of plant, machinery or any other materials or infrastructure until such time as a Temporary Traffic Regulation Order (TRO) has been submitted to the satisfaction and agreed by the County Highways Authority. A copy of the signed TRO shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety

13. Any proposed access gates shall be set back 5 meters from the adjoining carriageway edge and made to open inwards only.





Reason: In the interests of highway safety.

14. Prior to commencement of development, representatives of Derbyshire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads within the agreed routing plan as set out within Section 4.0, Figure 4.1, Figure 4.2, and Figure 4.3 of the approved Construction Traffic Management Plan (RPS Version 02C, dated 26th April 2023) to identify existing defects with a further joint survey/inspection being undertaken following completion of the construction phase of the development and with any necessary remedial works being completed to the specification and satisfaction of the Highway Authority within a timescale to be agreed with the Highways Authority. Evidence of the above shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being first brought into use.

Reason: In the interests of highway safety

Ecology and Biodiversity

15. No development shall commence (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on bats, breeding birds, hedgehog and amphibians during construction
 - d) The location and timing of sensitive works to avoid harm to biodiversity features
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of preserving the natural environment

16. Notwithstanding the information submitted with the approved application and prior to the commencement of development, a revised Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to and approved





in writing by the Local Planning Authority. The aim of the LBEMP shall be to provide details for the creation, enhancement and management of habitats and species on the site post development in accordance with the proposals set out in the Biodiversity Net Gain Assessment prepared by RPS Group 11th April 2023. The LBEMP shall combine both the ecology and landscape disciplines and shall provide details of the management body responsible for the site and shall include the following:

- (a) description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric
- (b) details of any species enhancement or ongoing mitigation such as gates or corridors, hedgehog gates, bat and bird boxes
- (c) aims and objectives of management in line with desired habitat conditions detailed in the metric
- (d) appropriate management methods and practices to achieve aims and objectives
- (e) prescriptions for management actions
- (f) preparation of a work schedule (including a 30 year work plan capable of being rolled forward in perpetuity)
- (g) details of the body or organization responsible for implementation of the plan
- (h) a monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years
- (i) monitoring reports to be sent to the Council at each of the intervals set out under (h)
- (j) a set of remedial measures to be applied if conservation aims and objectives of the plan are not being met
- (k) requirement for a statement of compliance upon completion of planting and enhancement works;
- (l) timetable for implementation of the LBEMP.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The development shall be implemented, constructed and subsequently managed in accordance with the approved LBEMP.



Reason:- In the interests of preserving the natural environment

17. Prior to installation of any lighting features, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy shall provide details of the chosen luminaries, their locations and any mitigating features such as dimmers, PIR sensors, and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zone/features. Guidelines can be found in Guidance Note 08/23 – Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures shall be implemented in full and retained in situ for the lifetime of the development.

Reason:- In the interests of preserving the natural environment

18. Prior to commencement of development, including any preparatory site clearance, a detailed survey for any badger setts or recently excavated ground on the site or within 30 metres of the site boundary shall be undertaken. Prior to commencement of development the results and any appropriate mitigation/licensing requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with all agreed details.

Reason:- In the interests of preserving the natural environment

Flooding and Drainage

19. Prior to commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance. This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) a restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) foul and surface water shall drain on separate systems

The approved schemes 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 the proposed development being brought into use, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:- To secure proper drainage and to manage risk of flooding and pollution

Network Rail

20. Prior to the commencement of development, a Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority. The BSMP shall prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system, including providing details of infra-red CCTV monitoring of the site. The BSMP shall be implemented as approved and strictly adhered to throughout the operation and decommissioning of the development.

Reason:- To minimise fire risks, associated pollution and adverse impacts on amenity.

21. Prior to the commencement of development, a Basic Asset Protection Agreement (BAPA), signed by both the applicant and Network Rail, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with all details and obligations contained within the BAPA and shall be maintained for the lifetime of the development.

Reason:- In the interests of protecting Network Rail assets which includes the railway bridge that facilitates Marsh Lane

Decommissioning

22. Prior to the commencement of development, a Decommissioning Strategy which details how the site will be dismantled, where all associated plant and machinery including batteries, transformer units, inverters, and all associated structures and fencing, will be transported from the site and discarded in a sustainable manner, and how the land will be restored to its current state as an agricultural grassed field, in accordance with a timetable, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the decommissioning of the site shall be carried out in accordance with the approved strategy.

Reason:- In the interests of restoring the site to its natural state in the interests of preserving the rural landscape character

23. Within 35 years of the site being brought into operational use, or within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational



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use, whichever is the sooner, the batteries, transformer units, inverters, and all associated structures and fencing shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than 28 days following cessation of operational use. The site shall subsequently be restored to an agricultural field in accordance with the scheme approved under Condition 22 no later than six months following the cessation of power production (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of 24 months where no development has been carried out to any substantial extent anywhere on the site).

Reason:- In the interests of restoring the site to its natural state in the interests of preserving the rural landscape character

Informatives

1. The Local Planning Authority has where necessary worked in a positive and proactive manner with the applicant to address all outstanding planning issues to achieve a sustainable form of development, as required by paragraph 39 the National Planning Policy Framework.
2. A Temporary Traffic Regulation Order (TTRO) is required. You must submit a plan to scale of an indicative scheme for a TTRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TTRO process is not straightforward; involving advertisement and consultation of the proposal(s). You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TTRO measures until the TTRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TTRO process until the appropriate fee has been received. To arrange for a TTRO to be processed contact the Highway Authority's Highways Hub via highways.hub@derbyshire.gov.uk.
3. The applicants attention is drawn to the comments of Derbyshire Fire and Rescue Service. As the proposed development fall outside the scope of the Building Regulations, thus removing the Service's opportunity to comment under Approved Document B, Derbyshire Fire and Rescue Service recommends that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site.
4. Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.





5. To assist developers, responsible persons and Fire and Rescue Services with the requirements of BESS sites, the NFCC have produced a guidance document which can be found at <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>. This guidance gives advice on how to reduce the risk of fire and fire spread and the requirements for firefighting purposes. It can be summarised as follows:

BESS site developers must ensure the risk of fire is minimised by:

Procuring components and using construction techniques which comply with all relevant legislation.

The inclusion of Automatic Fire Detection systems in the development design. Including automatic fire suppression systems in the development design. DFRS recommends a water sprinkler system as fires involving lithium-ion batteries have the potential for thermal runaway and other systems would be less effective in preventing re-ignition. Including redundancy in the design to provide multiple layers of protection.

Designing the development to contain and restrict the spread of fire using fire-resistant materials.

Ensuring the BESS site is located with due considerations of impact on communities, sites and infrastructure. Prevailing wind directions should be factored into the location of the BESS site to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.

Developing an emergency response plan with DFRS to minimise the impact of an incident during construction, operation and decommissioning of the facility.

The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular on-site training exercises.

The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to DFRS considering the environmental impact of the BESS site by preventing ground contamination, water course pollution and the release of toxic gases.

The BESS site facilities should be designed to provide:

Adequate separation between containers.

Adequate thermal barriers between switch gear and batteries,



Adequate ventilation or air conditioning systems to control the temperature. Ventilation is important since batteries will continue to generate flammable gas if they are hot. Also, carbon monoxide will be generated until the batteries are completely cooled through to their core.

A very early warning fire detection and alarm system, such as aspirating smoke detection/air sampling system.

Carbon Monoxide (CO) detection within the BESS containers.

Sprinkler protection within BESS containers. The sprinkler system should be designed to BS 12845 or equivalent and designed specifically to reduce or eliminate the risk.

Sufficient water for manual firefighting. An external fire hydrant should be in close proximity of the BESS containers. – The water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes (2 hours). Further hydrants should be strategically located across the development. These should be tested and serviced at regular intervals by the operator. If the site is remote from a pressure fed water supply, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design of the site e.g. an open water source and/or tank(s). If above ground EWS tanks are installed, these should include facilities for the FRS to discharge (140/100mm RT outlet) and refill the tank.

A safe access route for fire appliances to manoeuvre within the site (including turning circles). An alternative access point and approach route should be provided and maintained to enable appliances to approach from an up-wind direction.

As the majority of BESS are remotely monitored, consideration should include the fixing of an Information Box (IB) at the FRS access point. The purpose of the IB is to provide information for first responders e.g., Emergency Response Plan, to include water supplies for firefighting, drainage plans highlighting any Pollution Control Devices (PCDs) / Penstocks etc for the FRS.

DFRS are aware that large scale BESS sites are a fairly new technology, and as such risks may or may not be captured in current guidance in pursuance of the Building Regulations 2010 (as amended) and the Regulatory Reform (Fire Safety) Order 2005. This will highlight challenges the FRS have when responding to Building Regulations consultations. For this reason, we strongly recommend applying the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems along with guidance from the NFCC Grid Scale Battery Energy Storage System Planning.

6. Once the site is near to completion, Derbyshire Fire and Rescue Service must be notified, and arrangements made with us, so that fire crews may visit the site to familiarize themselves with the location, site access, site layout, available water supplies and access information.



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X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council





NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Derbyshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and



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you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

