

UPDATE SHEET

PLANNING COMMITTEE – 8 July 2025

**To be read in conjunction with the
Report of the Head of Planning and Infrastructure to Planning
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions; and**
- (c) Changes to Recommendations.**

A1 24/01376/FULM Proposed battery energy storage system (BESS) and associated infrastructure.

Land to the South-East of Remembrance Way,
Kegworth.

Additional Information

Committee Technical Briefing

At the Committee Technical Briefing on the 2nd July 2025, various questions / queries were raised by Members based on the contents of the Committee Report. Such questions / queries, as well as the response provided by the applicant and statutory consultee (where applicable) are as follows:

- 1) *The Committee Report refers to the battery energy storage system (BESS) not being operational during a flood. However, given the infrastructure would be placed on a supporting structure(s) how much standing water or flood water would need to be present on the site for the BESS to not be operational? Or is it the case that irrespective of the supporting structure(s), if a flood event occurs the BESS would not be operational?*

The applicant has advised that the development is fully protected against a flood event, with a full and detailed assessment included within the submitted Flood Risk and Drainage Assessment Report (FRDAR). The contents of the FRDAR have been reviewed and agreed by the Environment Agency (EA) and Lead Local Flood Authority (LLFA), with it being noted that the FRDAR was based on a worst-case scenario and included calculations to assess future climate change allowances.

In respect of the amount of standing water and / or flood water which would need to be present on the site for the BESS to be non-operational, the applicant has advised that there is no agreed figure for this.

Notwithstanding the above, the applicant would be happy to agree (in consultation with the EA) a flood depth where the BESS equipment would become non-operational (for safety purposes only) and this could be secured as part of the detailed Flood Action Plan (FAP) condition.

- 2) *What is the duration period for any flooding on the site?*

The applicant has advised that the response provided to them by the Environment Agency (EA) does not contain this information, however they have advised that the hydraulic models for the purposes of the Flood Risk and Drainage Assessment Report (FRDAR) were run for a period of 100 hours to assess the outcome of any flooding during various return periods. This 100 hour duration (roughly 4 days) captured pre-flooding, flooding and post-flooding timeframes of a storm event. The applicant also notes that the period of any flooding event would depend on the severity of the flood (i.e. a less severe flood event would have a shorter duration period).

In commenting on this matter, the EA has reviewed their flood warning system for the past 5 notable flood events on the River Soar from December 2023 to the present day (7th July 2025). The issuing of Flood Alerts for flooding in the Lower Soar floodplain suggests that the typical flooding duration in this period is in the region of 8 to 20 days for each event.

Flood alert remained in force for:

- (a) December 2023 – 13 days;
- (b) January 2024 (Storm Henk) – 14 days;
- (c) February 2024 – 20 days;
- (d) October 2024 – 16 days; and
- (e) January 2025 – 8 days.

A flood alert would indicate that floodwater is present within the floodplain.

- 3) *Members have requested further information in relation to how the site operators would be aware of a flood occurring when they are remote, and how the site operators would measure any water flowing around the supporting structure(s) to ensure they would not be breached.*

The applicant has advised that an initial Flood Action Plan (FAP) was included within the Flood Risk and Drainage Assessment Report (FRDAR) which included details of the flood warning and flood alert procedures. Such procedures would be further detailed in a FAP which would be secured as part of any permission granted.

It is also advised by the applicant that the application site is already located within a Flood Alert Area for the Lower River Soar Catchment, and nearby network monitoring stations are available to provide live updates on river levels. Such information also provides live updates on water levels within the River Soar and an indication of the level where flooding would be anticipated. The application site is also located within the River Soar designated flood warning area.

With such measures in place, the site operators could determine the anticipated flood levels for the site. Notwithstanding this, the design of the supporting structure(s) has been based on a worst-case scenario with climate change allowances included, and therefore the likelihood of the supporting structure(s) being breached is negligible.

- 4) *Members have stated that in the last two years flooding has been at its highest on record with the depth of flood water on the site being 1.34 metres, and on this basis is the height of the supporting structure(s) at 1.3 metres sufficient to avoid it being impacted by rising flood water levels?*

The applicant's flood consultant has advised that they have seen no data which relates to an accurate flood depth reading within the site over the last two years, and therefore the figure of 1.34 metres has likely come from a local gauging station. Furthermore, the applicant has advised that the application site is included within a very detailed flood model undertaken by a consultancy (JBA) on behalf of the Environment Agency (EA) to estimate flood elevations in the area. Due to the relatively flat nature of the land, there is very little change in flood elevations in the vicinity during extreme events. For example, the worst case scenario has been assessed with both 20% and 30% flow increases for climate change. The difference in these flood elevations is only 2 centimetres.

In liaising with the EA on this matter, they have advised that the maximum modelled flood height on the site is 1.3 metres with the finished level (FL) of the BESS infrastructure being 31.82 metres Above Ordnance Datum (AOD). This FL is 0.3 metres above a 1.3 metre flood depth, with the EA normally using the 1 in 100 year +30% for climate change event (1% +climate change annual chance of occurring) as the 'design flood' to base the FL at.

5) *What is the average height of the flood waters when the site floods?*

The applicant has advised that during the worst case scenario plus climate change event assessed within the flood risk and drainage assessment report (FRDAR), the average depth of flood water would be about 900 millimetres.

In consulting with the Environment Agency (EA) on this matter they have advised that the following table provides information on the differing flood heights which is devised from hydraulic modelling.

Flood Event	% Annual Chance of Occurring	Max Flood Depth on Site (metres) based on the minimum topographic level of 30.2 metres Above Ordnance Datum (AOD)	Height of BESS above Flood Depth (BESS Finished Level set at 31.82 metres AOD)
1 in 5 year	20%	0.18 (30.38 metres AOD)	1.44 metres
1 in 10 year	10%	0.28 (30.48 metres AOD)	1.34 metres
1 in 20 year	5%	0.33 (30.53 metres AOD)	1.29 metres
1 in 50 year	2%	0.42 (30.62 metres AOD)	1.2 metres
1 in 75 year	1.33%	0.49 (30.69 metres AOD)	1.13 metres
1 in 100 year	1%	0.55 (30.75 metres AOD)	1.07 metres
1 in 200 year	0.5%	0.65 (30.85 metres AOD)	0.97 metres
1 in 100 year +20% Climate Change	1% +Climate Change	0.75 to 1.3 (30.95 to 31.50 metres AOD)	0.87 to 0.32 metres
1 in 100 year +30% Climate Change	1% + Climate Change	1.32 (31.52 metres AOD)	0.30 metres

1 in 1000 year	0.1%	0.91 to 1.28 (31.11 to 31.48 metres AOD)	0.71 to 0.34 metres
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- 6) *What is the probability of the lithium batteries mixing with flood water given the severe consequences which would arise should this occur?*

The applicant has advised that all equipment is raised above the worst-case flood level with an additional freeboard allowance included (being the extra height added to the supporting structure(s) above the predicted flood level).

- 7) *Members have concerns in relation to the interaction between construction vehicles and users of Bridleway L62, which is heavily used, given that its width is not sufficient to allow for both construction vehicles and pedestrians / cyclists / horse riders. Will it be the case that Bridleway L62 would be closed during the construction phase? And if so, what would be the proposed alternative route?*

The applicant has referred to the consultation response from the County Highways Authority (CHA) which included assurances that could be put in place to secure the safe use and enjoyment of Bridleway L62 including:

- (i) *During the construction period, the applicant has the option to apply for the closure of Bridleway L62 to ensure safety. If they do choose this option, a Right of Way can be temporarily closed / diverted, for a period of up to six months, to enable construction works to take place. An application should be made at least 12 weeks before the temporary diversion is required. At this stage is it unknown on whether this diversion would be required / where it would be located.*
- (ii) *If the applicant chooses not to temporarily close Bridleway L62, the CHA will require Banksman at either end of the lane to warn users of Bridleway L62 and manage traffic.*
- (iii) *Bridleway L62 must be surfaced for the full length used as a construction route in a suitable hardbound surface (i.e. tarmacadam).*
- (iv) *A scheme of signage and waymarking including speed restrictions and warning signs will be submitted and agreed with the CHA."*

On the basis of the observations of the CHA, the applicant considers that Members concerns would be appropriately addressed by the conditions which would be imposed on any permission granted.

- 8) *No visual representations have been provided demonstrating the impact to users of the A453, from Kingston-on-Soar, or the residential receptor of Cedar Isle. Members also expressed concern that the BESS would be a visual distraction to users of the A453.*

The applicant has advised that only transient views by users of the A453 would be established of the development and whereby vehicles would be travelling at up to 70mph. In addition, the applicant has advised that the development would be screened (in time) by the proposed landscaping infrastructure to the western and northern parts of the site, and by an existing hedgerow to the south. It is also outlined by the applicant that users of the A453 already have views of Ratcliffe-on-Soar power station, which is significantly larger than the infrastructure to be delivered on the application site, with any replacement development also being significant in scale (buildings of up to 40

metres in height). On this basis the applicant considers that the surrounding landscape already has, and will continue to have, features of an urbanising nature and as such the addition of the proposed development would not cause a detrimental impact to the safety of users of the A453.

National Highways (NH) were also consulted on this matter, and they have maintained that they have no objections to the application.

In respect of Kingston-on-Soar, the applicant has advised that the closest property is located around 1.1 kilometres from the site, and that due to this distance, existing topography and intervening landscape features (hedgerows and woodland), the proposed development would not be visible. The majority of views from Kingston-on-Soar towards the site would also be obscured by existing built forms within the village itself.

In terms of Cedar Isle, the applicant has commented that this property is surrounded by dense soft landscaping infrastructure in the form of trees and does not have an aspect which directly faces the site. Further to this, the separation distance and proposed landscaping would ensure that the proposed development would not be visually dominant and therefore no adverse impact would arise.

9) What is the finished level (FL) of the proposed supporting structure(s) in relation to the road level (RL) of the A453?

The applicant has advised that the base of the supporting structure would be at a level of 31.82 metres Above Ordnance Datum (AOD) with the A453 being at a level of between 32 to 35 metres AOD.

10) Members have requested more precise information on how the BESS will connect to the Kegworth substation (point of connection (POC)) via underground cables as there was an assumption that given the presence of pylons to Ratcliffe-on-Soar power station adjacent to the site, the BESS would connect to the overhead lines.

The applicant has reiterated that the connection would be made via a 132 kilovolts (kV) underground cable with it being the case that, generally, overhead lines have capacity constraints and thereby cannot facilitate large scale generation connections. It is also advised by the applicant that the exact route of the 132kV underground cable would be determined during detailed design of the project by an Independent Connection Provider (ICP), however, the proposed route runs from the site along the highway to the Kegworth substation (POC), with the exact technical details of the crossing to be determined in due course.

11) Members requested details of how the supporting structure(s) would appear in order to determine its visual impact.

The applicant has referred to scheme in Pillswood near Hull which was also required to be raised on a supporting structure for flooding purposes. This comprised a steel structure with steel columns and is as shown in the below image:



The supporting structure(s) on the application site would have a similar appearance to those utilised at Pillswood.

12) Why is the proposed development remote from Long Lane?

The applicant has advised that the land on which the development would be situated is the land which the landowner provided the option for, and that land closer to Long Lane was not an option given that it is within different land ownership and not available to the applicant.

13) Would the applicant accept the Community Fund being secured by condition and / or Section 106 agreement should planning permission be granted?

The applicant has advised that as it is not a statutory or legal requirement to provide the Community Fund, they would not accept the community fund being conditioned or secured in a Section 106 agreement as part of any permission granted. Nevertheless, the applicant has referred to a BESS scheme delivered within the administrative area of Thurrock Council (their application reference 21/02122/FUL) whereby a commitment was made to deliver community funds on approved projects (in this case South Essex Wildlife Hospital) and the permission granted by Thurrock Council did not impose any conditions, or require a Section 106, to secure the community fund. The project at South Essex Wildlife Hospital can be viewed at the following link: <https://www.linkedin.com/feed/update/urn:li:activity:7343648566730481665>.

It is also advised by the applicant that in terms of compliance with criterion (g) of Policy Cc1 of the adopted Local Plan, they consider that the example of the project delivered at South Essex Wildlife Hospital demonstrates their commitment to deliver the community fund at the River Soar site.

14) Is it correct that Kegworth substation is the only substation in the district where a connection can be made?

The applicant has advised that Kegworth substation, within the confines of Ratcliffe-on-Soar power station, is the only substation where a connection of this type and size can be made. It is noted that such a substation is not within the district of North West Leicestershire.

- 15) Are you aware of whether the existing pylons and overhead lines adjacent to the site would be removed as part of the decommissioning of Ratcliffe-on-Soar power station? Or would they remain in place for the purposes of transporting electricity?*

The applicant understands that the pylons and overhead lines would remain in place as they are not directly linked to Ratcliffe-on-Soar power station and are part of a wider network of electricity distribution.

- 16) Is there enough capacity at the Kegworth substation (i.e. the point of connection (POC)) to support all the BESS proposals and solar farms along the A453 / in the vicinity of the site, including any coming forward within the administrative areas of Rushcliffe Borough Council (RBC) and Charnwood Borough Council (CBC)?*

The applicant has advised that there is sufficient capacity to support their project as they have received a grid connection offer (as is outlined in the Committee report). With regard to the other proposals, the applicant has advised that this will be dependent on whether such sites have grid connection offers secured. Any new projects within the administrative areas of RBC and CBC will be assessed at the time of making a grid application to the electricity network as this cannot be determined without the provision of an electrical study undertaken by National Grid. If it is determined that there is not sufficient capacity at Kegworth substation for additional projects there are a number of solutions, these can include reinforcements to the substation, 'Active Network management' or the provision of an additional substation site.

- 17) Members are of the understanding that the only connector that can be provided for this site is in Toton. Is this the case? And if so, how would the development connect to Toton?*

The applicant has advised that the connection is to Kegworth substation, and that no connection is required to Toton.

- 18) Is the agricultural land used for grazing?*

The applicant has advised that the agricultural land is let under an annual grazing licence and utilised for grazing.

Communication sent to Members

Since publication of the Committee report, Members of the Planning Committee have received an email from Councillor Sutton which states the following:

"I write briefly to ask the committee to consider refusal or deferral pending further information.

The key points as I see them are:

- 1) The primacy of "Landscape and Visual Impact", as argued by officers themselves under 'Principle of Development'.*
- 2) The use of a greenfield site in close proximity to a brownfield site which has designated space dedicated to renewable energy.*

- 3) *The NWLDC commitment to the Freeport, including the former Ratcliffe power station brownfield site, whether or not cross boundary into Rushcliffe, the slow pace of take-up of investment opportunities on that site, and the potential erosion of the integrity of purpose represented by the Local Development Order (LDO) already granted by government for its development.*
- 4) *The declining importance of net zero targets in national debate about the green agenda and the need to weigh relatively small schemes like this one against:*
 - a. *Development in open countryside;*
 - b. *Development in the gap between the settlements of Kegworth and Ratcliffe-on-Soar recognised fully in the LDO process (see 3) but dismissed by officers in the report on the grounds that, in their opinion, this is not an “isolated site on land divorced from settlement boundaries;”*
 - c. *Flood risk and the reduced flexibility for flooding responses by the Environment Agency and the emergency services.*
- 5) *Referring to the discussion of criterion (g) of Policy Cc1 of the adopted Local Plan, no evidence is given of direct benefits for “communities closest to the proposed facility” (say Kegworth) as the plan requires. Genuine evidence of benefit would be at scale and in context for:*
 - a. *Reducing local emissions, improving local air quality;*
 - b. *Reducing energy generation and consumption costs; and*
 - c. *Environmental gain.*

I see there is at least one reference in the report to appeal cases on battery storage. I suggest that appeal inspectors, like yourselves, have to weigh all factors at play in a given location.”

Officer Comment

Committee Technical Briefing

It is considered that the responses provided by the applicant, as well as the Environment Agency (EA) and National Highways (NH), address the questions / queries raised by Members at the Committee Technical Briefing.

Officers’ additional comments in relation to some of the Members questions / queries would be as follows:

No. 1

From an officer perspective consultation would also be undertaken with Leicestershire Fire and Rescue Service (LFRS) on the flood depth when the BESS becomes non-operational.

No. 6

On the basis that the BESS infrastructure would be raised above the worst-case flood level with an additional freeboard allowance, it is considered that there would be a very low probability of the lithium batteries mixing with flood water.

No. 7

The response of the applicant is noted, with the Committee report specifying that the County Highways Authority (CHA) has no objections subject to the imposition of conditions on any permission granted. Such conditions would include the requirement

to protect users of Bridleway L62 during the construction phase which whilst being for a period of 12 to 14 months would still be a very minor element of the scheme in its overall lifetime (of 40 years).

No. 8

For further context in relation to this question / query, the following photographs were taken during the site visit which show Cedar Isle and emphasises its surrounding soft landscaping infrastructure.



No. 9

When accounting for the height of the supporting structure(s) Above Ordnance Datum (AOD), the proposed infrastructure would have the following overall heights AOD:

- (a) BESS battery clusters (2.9 metres high) – 34.72 metres AOD;
- (b) BESS transformers (2.3 metres) – 34.12 metres AOD;
- (c) 33kV BESS switchroom (3.4 metres) – 35.22 metres AOD;
- (d) 33kV site supply transformer (3.2 metres) – 35.02 metres AOD;
- (e) Site Welfare and low voltage switchroom (2.9 metres) – 34.72 metres AOD;
- (f) 132/33kV substation switchroom (3.3 metres) – 35.12 metres AOD;
- (g) 132/33kV substation transformer (6.8 metres) – 38.62 metres AOD; and
- (h) Water tanks (4.5 metres) – 36.32 metres AOD.

In relation to the AOD level of the A453 the infrastructure would have the following relationship in relation to the lower and upper AOD levels of the A453:

- (a) 2.72 metres above lower AOD level and 0.28 metres below upper AOD level;
- (b) 2.12 metres above lower AOD level and 0.88 metres below upper AOD level;
- (c) 3.22 metres above lower AOD level and 0.22 metres above upper AOD level;
- (d) 3.02 metres above lower AOD level and 0.02 metres above upper AOD level;
- (e) 2.72 metres above lower AOD level and 0.28 metres below upper AOD level;
- (f) 3.12 metres above lower AOD level and 0.12 metres above upper AOD level;
- (g) 6.62 metres above lower AOD level and 3.62 metres above upper AOD level;
and
- (h) 4.32 metres above lower AOD level and 1.32 metres above upper AOD level.

When accounting for National Highways (NH) having no objections, it is considered that the visual impact to users of the A453 would not be significant adverse, or create dangers to such road users, particularly when accounting for the other urban influences along the route of the A453.

No. 13

In terms of criterion (g) of Policy Cc1 of the adopted Local Plan, the Committee report makes it clear that the view of officers is that the proposed Community Fund would not meet the tests for conditions and / or legal agreement as set out in Paragraphs 57 and 58 of the NPPF as well as the CIL Regulations. This is due to the Community Fund not being required to mitigate the impacts of the development.

The Committee report highlights that in relation to criterion (g) of Policy Cc1 of the adopted Local Plan, the following would be of relevance:

- (a) *The development would form a low carbon development which will assist in balancing grid capacity and reduce carbon emissions by up to 17,345 metric tonnes annually (which would be a conservative assessment and therefore a likelihood that this would be higher). This would be the equivalent of taking 3,770 cars off the road (based on the conservative assessment) at an average of 10,000 miles per annum per vehicle. **The subsequent reduction in harmful emissions will create ‘cleaner’ air which would be of benefit to local communities;***
- (b) *Over time, the improvements to the efficiency of the grid should reduce energy bills for consumers, **including those communities within the surrounding areas;***
- (c) *Battery storage enhances grid resilience by providing quick responses to supply – demand imbalances and prevents blackouts during peak demand or supply shortages. **This would benefit all users of the network, including those communities within the surrounding area;***
- (d) *The proposed development will comprise Biodiversity Net Gain (BNG)*

*improvements of 70.98% habitat units and 81.52% hedgerow units which will create new habitats within the local area. It is considered that such biodiversity enhancements, along with the planting of landscaping infrastructure, **would be of benefit to local communities as a means of screening the development whilst also encouraging biodiversity to flourish.***

(Officer Emphasis)

It is considered that such benefits would be for the communities closest to the proposed development and would not be materially different to the benefits which Members previously accepted to be applicable to the 'local' community during the determination of the solar farm application at the Donington Park Service Area (DPSA) (23/01712/FULM). On this basis compliance with criterion (g) of Policy Cc1 of the adopted Local Plan would be demonstrated with no requirement to secure the Community Fund.

Councillor Sutton Representation

The points raised by Councillor Sutton have been addressed in the Committee report and on the update sheet.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.