

SCHEDULE 9 STATEMENT

**Statement on the Preservation of Amenity in accordance with
the Electricity Act 1989**

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1 Introduction

Ouse Energy Limited (OEL) was granted a Generation Licence on 7 September 2023. This statement sets out at a high level how OEL will carry out its statutory duty under Section 38 of the Electricity Act 1989 to preserve amenity, as described in Schedule 9 of the Act and summarises the more detailed information provided in its planning application to Swale Borough on 19 December 2023. The application details how OEL has sought to preserve amenity in respect of all activities carried out to date and also activities contemplated by OEL in the foreseeable future.

OEL is developing a 249MW Battery Energy Storage System (BESS) on land south of Ridham Avenue, Kemsley, Nr Sittingbourne in Kent, (the Development)

When formulating any relevant proposals (as defined on Schedule 9 of the Electricity Act. 1989), OEL, as a generation licence holder, shall:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- Do what OEL reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

This is referred to as the “duty to preserve amenity”. Appendix 1 of the Electricity Act 1989 sets out further detail on the duty to preserve amenity.

In the context of the Development, relevant proposals formulated by OEL primarily comprise a BESS facility with a capacity of 249 megawatts (MW) and associated grid infrastructure. This includes:-

- Up to 105 BESS units housed within containerised units
- Foundations
- Up to 55 Power Conversion System (PCS) units to support the above
- Up to 5 distribution switch rooms with auxiliary transformation units
- Substation compound incl 400/33kV transformer, switchgear 400 and 33kV cabling
- Main switch room
- Firewater storage tanks
- Welfare facilities
- Spare parts and maintenance storage facilities
- Primary site access via Swale Way and emergency access from Ridham Avenue
- Internal access roads
- Parking provision for up to 17 vehicles
- Perimeter fencing
- Drainage and attenuation infrastructure
- Landscaping, ecological and heritage enhancement area

[This statement has been prepared following consultation with statutory consultees as part of its planning application to Swale Borough Council]

It deals only with those environmental obligations falling under Schedule 9 of the Act. OEL also has a number of other environmental requirements, with which it will be required to comply.

2 Ouse Energy Limited and Background Information

A Screening Request was submitted to Swale Borough Council under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017. the conclusion of this screening request was that an Environmental Impact Assessment was not required and this was confirmed by Swale Borough Council.

OEL submitted an application for planning approval for the Development under the Town and Country Planning Act on [20th] to Swale Borough Council. The Development will have a capacity of up to 249 MW.

This application was submitted with a series of specialist reports which identify and assess the potential impacts of the Development in relation to environmental aspects relevant to the site including:-

- Ecology
- Landscape and Visual Amenity
- Cultural Heritage
- Noise
- Transport
- Flood Risk

Pre and post application submission OEL engaged with statutory and non-statutory consultees, the feedback received resulted in amendments being made to the scheme including a reduction in BESS units proposed and the inclusion of a permissive path to address cultural heritage concerns.

The Development has been recommended for approval by Swale Borough Council's Planning Officer and endorsement of the recommendation was at the Swale Borough Council's Planning Committee on 15th August 2024. This will allow investment in the project and to allow the project to move into the construction phase shortly thereafter and fully commission in time to contribute to meeting the UK's 2020 renewable energy targets.

3 Schedule 9 Guidelines for Development of Relevant Proposals

OEL has applied for planning approval under the Town and Country Planning Act

In the formulation of relevant proposals for the Development, OEL has had regard to the desirability of preserving natural beauty, of conserving both flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. Efforts have been made to identify environmental issues at the earliest opportunity and to mitigate potential effects.

In addition, OEL has conducted pre-application consultation (as described above) and completed specific assessments in support of its planning applications, during which the preservation of amenity was considered at all stages.

3.1 Approvals and Permissions

OEL will obtain all relevant consents, permits, approvals and licences necessary (to undertake activities for the Development from the appropriate planning authority, complying with all required conditions attached to any planning approval and established by the law to any such consent, permit, approval or licence.

3.2 Minimising the Effects of Relevant Proposals

Where works associated with the project are likely to have an adverse effect on amenity, OEL uses environmental assessment techniques, assesses possible effects, consults relevant statutory consultees, and identifies opportunities for mitigation measures to reduce those effects as far as reasonably practicable. External environmental consultants are used for all assessment and technical advice.

In addition to any formal consultation with statutory parties, local authorities, land interest parties and the local community, OEL engages with other relevant stakeholders according to the extent of any impact of the relevant

proposals. Any consultation or engagement is undertaken so that the results can be used to influence the design and operation of the project.

4 Nationally and Internationally Designated Areas

If works associated with relevant proposals are likely to adversely affect nationally or internationally designated sites, OEL will pay due regard to the need to preserve amenity, particularly within areas of the greatest landscape, wildlife or cultural amenity such as: National Parks; National Scenic Areas; Sites of Special Scientific Interest; Special Protection Areas; Special Areas of Conservation; Ramsar Sites; National Nature Reserves; Preferred Conservation Zones; Marine Protected Areas; World Heritage Sites; and Scheduled Monuments.

Where there is a requirement for works associated with relevant proposals that may affect any such designated area, OEL minimises the impact through consideration of sensitive siting and adoption of appropriate methods and designs.

5 Training, Awareness and Monitoring

OEL promotes environmental awareness through appropriate training and dissemination of information and the adoption of appropriate environmental policies. OEL also makes third party contractors aware of the relevant parts of this statement and those environmental policies and has procedures that audit their compliance.

6 Reviewing this Statement

OEL intends to review this Schedule 9 statement every three years.