



Appeal Decision

Hearing held on 13 March 2024

Site visit made on 13 March 2024

by Grahame Kean Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2024

Appeal Ref: APP/V1505/W/23/3332888

Whites Farm, Barleylands Road, Basildon, Essex, SS15 4BC

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Anglo Renewables Limited against the decision of Basildon Borough Council.
 - The application Ref 22/01108/FULL, dated 29 July 2022, was refused by notice dated 6 July 2023.
 - The development proposed is: full planning application for proposed Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, existing access off Barleylands Road, drainage and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, existing access off Barleylands Road, drainage and landscaping at Whites Farm, Basildon, SS15 4BC in accordance with the terms of the application, Ref 22/01108/FULL, dated 29 July 2022, and the plans submitted with it, subject to the conditions in the Schedule attached to this Decision.

Background

Policy Background

2. The Council refused the application, considering that the proposal was inappropriate development in the Green Belt (GB) and conflicted with GB purpose (c) of paragraph 138 (now paragraph 143c) of the National Planning Policy Framework (NPPF), and further that the very special circumstances advanced did not justify departing from the NPPF. It considered that the proposal would significantly harm GB openness due to its location and siting and would be contrary to what is now NPPF/152, 153 and 154.
3. National policy statements may be a material consideration (NPPF/5) in overall decisions on planning applications and as such the Overarching National Policy Statement for Energy (NPS EN-1) is a material consideration in this appeal.
4. The development plan comprises the Basildon District Local Plan Saved Policies 2007 (BDLP). The most relevant of these policies to the proposal is Policy BAS GB1, referring to the GB boundaries on the proposals map. The NPPF is an important material consideration as is Planning Practice Guidance (PPG).
5. I have considered each of the other relevant policies and guidance set out in the statement of common ground supplied by the parties.

Planning history

6. The planning history of the immediate site and surroundings relates to the equestrian centre or the industrial/farming use of the site and not to any renewable energy projects. However, in the vicinity of Whites Farm planning permission was granted (Ref 22/00411/FULL) for the installation of solar farm and battery storage facility with associated infrastructure on land at Barleylands, South of Great Burstead on Land West of Southend Road (A129) and South East of Coxes Farm Road, Billericay. On 23 March 2023 permission was refused for installation of underground cabling from proposed solar farm along A129 (London Road/Southend Road, Wickford) to eastern borough boundary to connect with Rayleigh main substation.

Main issues

7. For the purposes of the NPPF it is undisputed that the proposal would be inappropriate development in the GB. NPPF/152 states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The main issues of dispute are:
 - the effect of the proposal on the openness of the GB and the purposes of including land in it;
 - the suitability of the proposed location; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Site and surroundings

8. The appeal site is some 1.61ha in size, lying to the east of Barleylands Road, next to the Barleylands equestrian centre. The site is part of Whites Farm, a complex of commercial and leisure uses, farm buildings, large stables, indoor arena, ancillary buildings, outdoor manege, associated parking and grazing and nine storage container units.
9. A pylon is located near the site with overhead powerlines, clearly visible from the public footpath to the north. The proposed battery facility would connect to the pylon infrastructure.
10. A number of bunds are located close to the site but generally the landscape is flat with long distance views. Areas to the east and west of Barleylands Road contain several uses including a recycling centre, equestrian use, football pitches and tourist camping area. The fields surrounding the appeal site are bordered in part by mature hedges and trees and there has been extensive subdivision by fences associated with the equine use including field shelters for horses, and football pitches.

Description of proposal

11. The battery energy storage system (BESS) would be sited to the south beyond the existing farm and equestrian buildings. Access would be achieved via the existing access which is hard surfaced, from Barleylands Road eastward to Whites Farm and the equestrian centre. A 2.4m high palisade metal strip fence

would sit outside the 3m high noise reduction wooden fencing, as shown on the submitted plans.

12. The BESS would comprise a 132kV substation and transformer with 132/33kV transformer Distribution Network Operator ("DNO") and Customer switch yards, switch room, control room, palisade fencing and compound, containing 24 banks of battery storage units, together with parking for maintenance vehicles and a CCTV monitoring system. The land in the substation and battery compound would be laid to gravel. A drainage system of swales and filter drains would be installed and a landscaping scheme laid out.
13. The development would be removed after 40 years. Battery technology to offer network balancing and stabilisation services would be achieved by importing electricity from the UK Power Networks (UKPN) network at times of low demand and high production. The electricity would be converted from AC to DC through an inverter, the battery cells charged to store the energy and exported back to the network at time of high demand by inverting the electricity back to AC and then on to the network. The BESS would connect to the UKPN network via a connection to the 132kV network which crosses close to the appeal site.

Openness

14. Harm to the openness of the GB may be considered in both spatial and visual terms. PPG at Paragraph: 001 Reference ID: 64-001-20190722, points up factors such as the visual impact of the proposal that may be relevant, as may its volume; the duration of the development, and its remediability considering any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation, which latter activity would be low level in this case.
15. Given its 40-year life span, the development would be temporary but this lengthy period would mean openness is reduced for a considerable period.
16. Green Belt purpose (c) of NPPF/143 seeks to safeguard the countryside from encroachment. The appeal site is identified in the Basildon Borough Green Belt Review, 2017 as part of the wider Area 24, which area "partly contributes" to assisting in safeguarding the countryside from encroachment.
17. The surrounding landscape has no protected designation and has a moderate value. Pylons and overhead power lines influence the local landscape character and visual amenity, although generally the surrounding fields and rural forms of development retain an attractiveness through their generally open character which can be appreciated from public rights of way in the vicinity.
18. The nature of the proposal is such that it would have a harmful and urbanising effect on the natural environment on a temporary but nevertheless long term basis. To limit both landscape and visual effects, new native hedges would screen the general compound and assist in mitigating the impacts on the open character of the fields between Whites Farm and Wash Road.
19. I have taken account of the Billericay District Residents' Association's comments and appreciate that the scheme would have an industrial-type appearance and the compound plant and equipment would exceed the height of the palisade fencing as would the CCTV masts. It would be undesirable in my view for the boundary fencing to completely conceal the structures within, as

that would give the mass of built form an unduly oppressive appearance. The proposed height of the CCTV masts is commensurate with their function.

20. Therefore some parts of the proposed development would be visible over the landscaping treatment although they would be less prominent and experienced against the background of large equestrian buildings and existing energy-related features.
21. The existing setting would reduce the potential magnitude of change that would be experienced by visual receptors. I note that the construction effects are predicted to be moderate-adverse both for landscape and visual receptors but these would be limited by the scale of the proposal and the temporary construction period. In the longer term, the development would cause moderate landscape and visual harm but this would be contained and limited.
22. The Council accepts that the adverse impact on landscape character would not be substantial and could be minimised with suitable mitigation. The landscape has no designation and although there is an intrinsic value to the openness of the countryside in and around the appeal site, I agree that mitigation measures would ensure that harm would be localised and predominantly restricted to users of the public footpaths close to the site where the quality of views would be diminished. This is a matter identified as a key quality of the landscape character in the assessment provided.
23. Based on the circumstances of the case my judgement is that the harm to the openness of the GB would be moderately adverse.

Locational suitability

24. The BESS would adjoin the farm, commercial and equestrian buildings and facilities, and is c250m from the nearest residential properties on Wash Road. There is no ecological designation and no landscape, historic or environmental designations on site or nearby. The EA flood map shows that the site is within Flood Zone 1 which carries the lowest risk of flooding.
25. The appeal site comprises Grade 3b agricultural land but is not significantly large and is not actively farmed. After a 40-year period the site would regain an agricultural use in accordance with a restoration scheme secured by condition. I am satisfied that the proposal would not significantly harm agricultural interests. The site would be grazed pending an operational start.
26. A key concern of the Council is to secure the clustering of energy infrastructure such as the instant proposal and thus avoid its proliferation across the borough. Whilst this may be a reasonable aim, there is no national planning policy or local plan policy that would require "clustering". Furthermore, I disagree that the justification for siting the proposal in this particular location at Whites Farm is weak. A battery storage facility needs to be in close proximity to an identified grid connection. The appellant has assessed the potential impacts of developing a BESS close to three identified substations, concluding that the areas around the substations would not offer any greater capacity in landscape and visual terms to accommodate the appeal proposals. It would also appear to be the case which is undisputed, that no viable grid connections are now available at the substations in question, and the cost of a new super grid transformer at any of the substations would render the development unviable.

27. The PPG at Paragraph: 001 Reference ID: 5-001-20140306 recognises that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Developers need to find suitably available land to secure the necessary grid connection within a particular timeframe acceptable to UKPN.
28. The appellant has secured a connection between 2030-2032 to the 132kv tower line between Rayleigh and Tilbury, and with UKPN has identified a viable connection point that considers the wider grid constraints, the nature of the surrounding area, environmental considerations, and land availability. The ability to connect elsewhere is minimal and would be costly. Other pylon connections on the identified overhead 132kv line between Rayleigh and Tilbury were considered in the site selection process but it is not disputed that connection to other points on that line would have less adverse impacts.
29. I am satisfied from the written submissions and what I heard that the appellant has sufficiently demonstrated why this site and pylon in particular has been selected in accordance with a robustly evidenced site selection process.
30. The locational aspects of the site as inappropriate development in the GB are taken forward to the overall planning balance. In regard to other relevant policies of national and local importance, Policy BAS GB1 does not purport to assess the suitability of proposals within the boundaries and as such the proposed scheme would not directly conflict with this policy. The proposed development if made subject to appropriately worded conditions could meet the aims of NPPF/191 in ensuring that new development is appropriate for its location considering the likely effects on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Very special circumstances

31. NPPF/156 states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Battery storage is not energy production per se; however the proposal would contribute to the balancing of the local electricity network, providing a flexible supply that complements fluctuations in energy supply and in so doing would increase security of supply to the surrounding area. Provision of battery energy storage is a Critical National Priority (CNP) as set out in NPS EN-1, and it is undisputed that the proposal falls within this category.
32. The PPG at Paragraph: 032 Reference ID: 5-032-20230814 states that electricity storage enables more flexible use of energy and a decarbonisation of energy systems cost-effectively by, for example balancing the system at lower cost, maximising usable output from intermittent low carbon generation (solar and wind), and deferring or avoiding costly network upgrades and new generation capacity.
33. Electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy as set out in the national policy statements. Ambitious renewable energy targets have been set and it remains the case that a significant increase in generation from large-scale renewable energy infrastructure is necessary to meet renewable energy targets.

34. Draft NPS EN-3, March 2023 sets out national policy for renewable energy infrastructure developments. It does not refer to BESS schemes but notes that electricity demand is likely to increase significantly in the coming years, requiring a manifold increase in low carbon electricity generation, mostly from renewables, without which the transition to renewables would not occur.
35. Several other energy related policy statements are cited by the main parties, including the British Energy Security Strategy April 2022, which aims to ensure sufficient storage is available, the energy generated through renewable means can be used flexibly at times of excess production or peak demand, and that battery storage is critical to balance out energy supply and demand.
36. The Council accepts that very significant weight should be given to the Government's initiative, national policy and the scheme's contribution to meeting a low carbon future in climate change by supporting renewable and low carbon energy and associated infrastructure in accordance with NPPF/157.
37. As to the construction phase and jobs created for the proposal, the total construction cost of £28m is not broken down and it is unclear how this money would be spent, it being the case that the batteries are manufactured and shipped from countries outside the UK. Undoubtedly some money would be spent in the local economy by using locally sourced materials and tradesman. Jobs would be created in the construction and operation phases. The time-limited period of a few months for the former phase, and the relatively modest management and maintenance required over the facilities means that limited weight can be given to this factor.
38. The contribution towards biodiversity net gain achieving 100% on the site was also accorded significant weight by the Council. I agree. Taken together, the factors identified amount to very special circumstances that should be afforded very significant weight in favour of the appeal scheme.

Other matters

39. The site is 280-300m north-west of the Grade II listed Daniels Farm and Grade II listed Laindon ponds, and 500m north-east of Noak Bridge Conservation Area (CA), however I am satisfied that the proposal would not impact on any designated heritage asset.
40. The Council emphasised at the hearing that more weight should be given to protection of agricultural land that was suggested in its previously submitted statement, in light of increased concerns about food security. NPPF/174(b) acknowledges the economic benefits of best and most versatile (BMV) agricultural land, however the site is mostly grade 3B agricultural land, therefore the best land would not be lost unnecessarily due to the scheme.
41. I have considered the comments of interested persons as to the recommendations of the submitted flood risk report. Measures to mitigate the risk of flooding of the battery containers, which might include their mounting on plinths at a minimum height above ground, could be included within the construction management plan secured by condition.

Planning balance

42. I have found that the appeal proposal would result in harm to the GB from inappropriateness, through encroachment and due to a moderate loss of

openness. Substantial harm results from inappropriateness. In addition, the harm from the loss of openness, and in particular the harm arising from conflict with the aim of safeguarding the countryside from encroachment, would be moderately adverse. The harm referred to in paragraph 148 of NPPF is not limited to harm to the GB. There would in addition be moderate harm to landscape and visual character which however would be contained and limited. The other matters identified raise issues that either result in no harm or could be satisfactorily addressed by imposing conditions to avoid undue harm.

43. NPPF/148 states that when considering any planning application substantial weight should be given to any harm to the GB. Very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst national support is given for renewable projects including in the GB there is no automatic approval of such schemes. The effects of such developments must be considered against the general presumption against inappropriate development and substantial harm done to the GB.
44. Very special circumstances exist here. They comprise very significant benefits, including the need for the BESS in terms of climate change, energy security, energy affordability, the availability of a grid connection, together with more limited socio-economic benefits and a significant net biodiversity gain. Taken together these benefits carry very considerable weight in favour of the scheme. The scheme would comply with NPPF/156 which recognises the wider environmental benefits associated with increased production of energy from renewable sources in the GB, and NPPF/section 14 in supporting the transition to a low carbon future in a changing climate.
45. Overall, the harm to the GB would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Therefore, the proposal would comply with the local and national GB policies I have described above.

Conditions

46. I have considered the use of conditions in line with the guidance set out in the PPG, including those discussed at the hearing. I have attached to the permission most of these as amended for clarity and enforceability. Standard conditions for timescales and approved plans are included for clarity and certainty [conditions 1 and 2]. A condition is needed to limit the operational period to manage the impacts on the openness of the GB [3].
47. Conditions are imposed to ensure that external finishes of plant and machinery and CCTV equipment harmonise with local character and appearance [4] and submission of a construction management plan to limit undue adverse impacts and a traffic management plan will be required in the interests of safety [5,6]. Conditions are imposed to secure an ecological appraisal, biodiversity enhancement strategy, lighting design scheme, construction environmental management plan, landscaping scheme and an ongoing landscape and ecological management plan, due to the ecological interests of the site, delivery of biodiversity gain, protection of living conditions and the character and appearance of the area [7 through 13].
48. Conditions are needed to secure a sustainable drainage scheme in the interests of mitigating flood risk and preventing pollution [14]. There is potential for

archaeological remains to be impacted by the development and thus conditions [15 through 18] are imposed. These go further than those discussed, however they are required to effectively ensure that suitable investigations are carried out in the interest of protecting archaeology assets at the site and preserving historic records. The public footpath to the north runs through Whites Farm and it is likely that construction and maintenance traffic would have to cross it to gain access to the site. A condition is therefore required to maintain free and unobstructed passage by the public [19]. To ensure that vehicles can safely enter and leave the highway in forward gear a condition [20] is needed to secure a vehicular turning facility.

49. The noise impact assessment submitted by the appellants does not contain recommended measures as such, however a condition [21] that limits noise levels emanating from the site should be imposed in the interests of neighbouring occupiers. Also, pending the final design and specification of the plant and equipment and its noise attenuation, I have determined that a further condition [22] should be imposed to ensure any necessary work to prevent undue noise impacts from the development is effected prior to its use. Finally the development should comply with the outline battery management plan [condition 23] in the interests of safety.

Conclusion

50. For the reasons given I conclude that the appeal should succeed.

Grahame Kean

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans:
 - Location plan, P1862-01B
 - Block plan, P1862-02B
 - Landscaping details, 21317-101 Rev C
 - Site layout, NEO01073_001l_Figure 1
 - DNO CONTROL ROOM ELEVATIONS EPC-0485-PL-E-LA-DNO Rev 01
 - CUSTOMER CONTROL ROOM ELEVATIONS EPC-0485-PL-E-LA-CCR Rev 01
 - BATTERY UNIT PLAN & ELEVATIONS EPC-0485-PL-E-LA-BATTRev 01
 - PCS UNIT PLAN & ELEVATIONS EPC-0485-PL-E-LA-PCS Rev 01
 - FENCE & GATE ELEVATIONS EPC-0485-PL-E-LA-FG Rev 01
 - ACCESS ROAD ELEVATION EPC-0485-PL-E-LA-AR Rev 01
 - CCTV ELEVATION EPC-0485-PL-E-LA-CCTV Rev 01
 - SUBSTATION SITE LAYOUT - OUTLINE ELEVATIONS EPC-0485-PL-E-LA-ELV Rev 01
- 3) The permission hereby approved shall enure for 40 years from the first date of occupation. Written confirmation of the commencement of operations shall be provided to the Local Planning Authority (LPA) within 3 months of commencement of the first operation. Within 6 months of the expiry of the 40-year operation period the battery modules, transformers and all associated works and equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with a decommissioning scheme that must first be submitted to and approved by the Local Planning Authority before the expiry of the 40-year period.

No beneficial use of the approved development shall take place unless the LPA is notified 10 working days before such first beneficial use of the development hereby permitted is to occur in the form of electricity being imported/exported from the new development from/ to the National Grid.

If electricity ceases to be imported and exported to the grid for a continuous period of 6 months, a scheme shall be submitted to the LPA for its written approval within 3 months from the end of the 6-month period for the removal of the battery facility and associated equipment and the restoration of that part of the site to agricultural use. The approved scheme shall be fully implemented within twelve months of the written approval being given.
- 4) Prior to the commencement of development details including colour of external finishes of the battery containers, transformers, substation structures and type and height of fencing and CCTV installation equipment shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved details.
- 5) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted and approved by the LPA. All

construction works on site shall be in accordance with the approved CTMP and with the Transport Statement.

- 6) No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the LPA. The CMP shall be adhered to throughout the construction period and shall provide for: i) the parking of vehicles of site operatives and visitors ii) routing of construction vehicles iii) loading and unloading of plant and materials iv) storage of plant and materials used in constructing the development; v) wheel and underbody washing facilities; measures to mitigate the risk of flooding of the battery containers; and vi) measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
- 7) All mitigation and enhancement measures and works shall be carried out in accordance with the details in the Preliminary Ecological Appraisal (Harris Lamb Property Consultancy, 2022), Landscape Details Plan (Mitigation Proposals, MPH Design Ltd, Rev C, July 2022) and Great Crested Newt Method Statement (Harris Lamb, November 2022) and may include the appointment of an appropriately competent person such as an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction but any such appointed person shall undertake all activities, and ensure works are, in accordance with the approved details.
- 8) A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the LPA which shall include: a) the purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures on maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) named persons responsible for implementing the enhancement measures; and f) appropriate details of initial aftercare and long-term maintenance. The works shall be implemented before occupation and maintained in accordance with the approved details.
- 9) A lighting design scheme for biodiversity shall be submitted to and approved in writing by the LPA identifying site features particularly sensitive for bats likely to cause disturbance on important routes used for foraging and showing how and where external lighting will be installed by lighting contour plans with technical specifications such that it could be clearly demonstrated that areas to be lit would not disturb or prevent bats using their territory. All external lighting shall be installed and maintained in accordance with the approved scheme and no other external lighting shall be installed.
- 10) A construction environmental management plan (CEMP) shall be submitted to and approved in writing by the LPA incorporating: a) a risk assessment of potentially damaging construction activities; b) identified biodiversity protection zones; c) physical and sensitive working practices to avoid or reduce adverse impacts during construction (whether by way of a set of method statements or otherwise; d) the location and timing of sensitive works to avoid harm to biodiversity features; e) times during construction when specialist ecologists need to be present on site to

oversee works; f) named responsible persons and lines of communication; g) the role and responsibilities on site of an ECoW or similarly competent person; h) description of use of protective fences, exclusion barriers and warning signs; i) containment, control and removal measures for invasive non-native species present on site; and j) mitigation measures to protect foraging badgers that may visit the site during the construction phase. The approved CEMP shall be implemented throughout the construction period strictly in accordance with the approved details.

- 11) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior commencement of the development and shall include: a) description and evaluation of features to be managed; b) ecological trends and constraints on site that might influence management; c) the aims and objectives of management; d) appropriate management options to achieve such aims and objectives; e) management actions to be followed; f) a work schedule including an annual work plan that can be rolled forward over a five-year period; g) a named body or organisation responsible for implementing the plan; h) ongoing monitoring and remedial measures; i) the legal and funding mechanism by which the long-term implementation of the plan will be secured; and j) where monitoring shows that the aims of the LEMP are not being met, what remedial action will be identified, agreed and implemented. The approved LEMP shall be implemented in accordance with the approved details.
- 12) Prior to commencement of the development a detailed hard and soft landscaping scheme shall be submitted to and approved by the LPA that shows the existing trees, shrubs, and hedgerows on the site to be retained and a) a specification of soft landscape works (in accordance with British Standards), including a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted (British native species only); b) areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment; c) paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces; d) existing and finished levels shown as contours with cross-sections as necessary; e) means of enclosure and boundary treatments; f) protection and enhancement measures for retained vegetation in or adjacent to the site which may be reasonably affected by the proposed development and ongoing management of such features.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the LPA.

- 13) Before the development is first brought into use a schedule of landscape maintenance for a period of eight years shall be submitted to and approved in writing by the LPA. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

- 14) No works except demolition shall take place until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 15) No development shall commence until a Written Scheme of Investigation (WSI) shall have been submitted to and approved in writing by the LPA. The WSI shall include an assessment of significance and research questions and:
- the programme and methodology of site investigation and recording;
 - the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - the nomination of a competent person or persons/organization to undertake the works set out in the WSI.
- 16) No demolition works or development shall take place other than in accordance with the WSI approved under the preceding condition.
- 17) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the LPA in writing within 5 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for their retention and recording in accordance with details that shall first have been submitted to and approved in writing by the LPA.
- 18) Within 6 months of the date of completion of the archaeological fieldwork a final archaeological report shall be submitted for approval in writing by the LPA to include completion of post excavation analysis, preparation of a full site archive and report ready for deposition at a local museum and submission of a publication report.

- 19) Public rights and ease of passage over public footpath no. 200 Noak Bridge shall be maintained free and unobstructed at all times. The definitive widths of the public rights of way must be maintained at all times.
- 20) Prior to commencement of the construction works a vehicular turning facility, of a design to be approved in writing by the LPA shall be constructed, surfaced and maintained free from obstruction within the site.
- 21) The development shall be carried out with reference to the Noise Impact Assessment by Neo Environmental dated 2nd August 2022 (NIA) and in particular no plant or machinery shall be operated that causes the noise levels at any noise sensitive receptor identified in the NIA to be above the Night Noise Guideline value of 40dB set out in the World Health Organisation (WHO) Night-time Guidelines.
- 22) Before the development hereby permitted is first brought into use, a post-completion acoustic report shall be submitted to and approved in writing by the LPA, confirming that all noise mitigation measures to ensure compliance with the noise limits envisaged in the NIA report have been implemented in their entirety. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 23) The development hereby approved shall be carried out in accordance with Table 1 ARC Recommendations in the Outline Battery Storage Management Plan produced by Enzygo dated August 2022.

APPEARANCES

FOR THE APPELLANT:

Ian Ponter	Barrister, Kings Chambers
Paul Barton	MRTPI, Director, Harris Lamb
Paul Harris	CMLI, Director, MHP Design
James Stone	Director, appellant company

FOR THE LOCAL PLANNING AUTHORITY:

Katie Ellis	Principal Planner, Basildon BC
Bobby Brown	Director, Wynn A Williams Associates, landscape consultants