

BASILDON BOROUGH COUNCIL

Report to: Planning Committee
5 July 2023

PLANNING APPLICATION NO. 22/01108/FULL - FULL PLANNING APPLICATION FOR PROPOSED BATTERY ENERGY STORAGE SITE, SUBSTATION COMPOUND, WITH ASSOCIATED INFRASTRUCTURE, FENCING, EXISTING ACCESS OFF BARLEYLANDS ROAD, DRAINAGE AND LANDSCAPING - WHITES FARM BARLEYLANDS ROAD, BASILDON

Report by: Head of Planning

Enquiries to: Katie Ellis, Principal Planner, on (01268) 208208 or katie.ellis@basildon.gov.uk

Enclosures: Enclosure No. 1 - Risk Management Implications

1.0 EXECUTIVE SUMMARY:

1.1 This report describes the above planning application and sets out the officer's assessment of, and recommended decision for the application, having regard to the development plan and other material considerations.

1.2 The key issues to be taken into account are identified as the principle of the development in the Green Belt, the impact on the landscape character, appearance and visual amenities of the area, the loss of agricultural land, impact on heritage assets, archaeological impacts, ecology and biodiversity, flood risk, SUDS and drainage, design, impact on neighbouring amenity, highways issues, and construction traffic considerations.

1.3 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

c) approving development proposals that accord with an up-to-date development plan without delay, or

d) where there are no relevant development plan policies, or the policies are which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole.

- 1.4 The proposal would amount to inappropriate development in the Green Belt and would be significantly harmful to its openness. The proposal would also fail to safeguard the countryside from encroachment contrary to one of the aims of the Green Belt. In accordance with paragraph 148 of the NPPF, together it is considered that the harm identified should be afforded substantial weight, unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 1.5 The applicant has identified a number of factors which they consider form the very special circumstances necessary to approve the application, outweighing the harm to the Green Belt in their opinion and these comprise the following:
- Climate change benefits
 - Locational requirements
 - National and local policy support
 - Biodiversity net gain
 - Temporary Use
 - Other benefits associated with the proposed development (economic, social and environmental).
- 1.6 The proposal would support the electricity network, providing extra generating capacity to cover shortfalls that may occur at given times. Whilst not in itself a source of renewable energy it seems that the facility would enable some reduction in the energy burden in line with the government's aims. This is clearly a significant benefit of the scheme. In addition, the proposal would provide biodiversity net gain benefits and economic benefits and is proposed on a temporary basis. These are, as set out above, considerations to which weight has been applied, and which collectively weigh in support of the proposal, however this of course needs to be balanced against the harmful impact of the proposed development on the openness of the Green Belt.
- 1.7 The NPPF is clear that not only should substantial weight be given to any Green Belt harm, but that 'very special circumstances' will not exist unless that harm, and any other harm, is clearly outweighed by other considerations. Whilst there are therefore considerations that weigh in support of the proposal in the Green Belt balance, they would not, either individually or cumulatively, clearly outweigh the Green Belt harm identified to sufficiently amount to the 'very special circumstances' envisaged by the NPPF. The Council has previously granted battery storage facilities within very close proximity of a UKPN substation to assist in clustering energy infrastructure such as this and avoid the proliferation of such infrastructure across the borough. The justification for siting the proposal in this particular location at Whites Farm is considered weak and has not robustly evidenced that this site is the optimum location for such development. Therefore, the proposal would amount to inappropriate development in the Green Belt and would be significantly harmful to its openness by reason of the proposal's location and siting. For this reason, the proposed development is considered to be unacceptable and contrary to paragraphs 147 and 148 of the NPPF.
- 1.8 The application is before the Planning Committee as it is a major application (on site area).
- 1.9 The application is before the Planning Committee as it is a major application (on site area). This application was presented to members of the Planning Committee on 22nd March 2023 but was deferred for further information. The Applicant has since provided further information on the grid capacity and site selection, how the scheme contributes to affordability, a further supporting policy statement and photomontages

with landscape notes.

WARD:

Crouch

RECOMMENDATION:

That Planning Application No. 22/01108/FULL be refused planning permission for the reasons set out at the end of the report.

2.0 BACKGROUND

2.1 APPLICATION SITE & SURROUNDINGS

- 2.2 The application site is approximately 1.61 hectares in size and is located to the east of Barleylands Road, adjacent to the Barleylands equestrian centre. The site forms part of Whites Farm which comprises a much wider complex of commercial and leisure uses, farm buildings, a large stable building for 60 stables, indoor arena, ancillary buildings, outdoor menage and associated parking and grazing, and nine container units all used for E(g)and B8 Use. There is a pylon which is located close to the proposed site with overhead powerlines, which is clearly visible from the public footpath to the north of the proposed site. The pylon infrastructure is the connection point for the battery facility.
- 2.3 The adjacent area is characterised by fields which consists of an equestrian dominated landscape; the land on the opposite side of Barleylands Road is used to provide football pitches. The landscape is flat and affords long distance views.
- 2.4 The wider area to the east and west of Barleylands Road is occupied by a variety of uses including a recycling centre, equestrian use, football pitches and tourist camping area.
- 2.5 The site is situated in the Green Belt and is located approximately 280m north-west of the Grade II listed Daniels Farm and 300m north of the Grade II Laindon ponds. It is also located approximately 500m north-east of the Noak Bridge Conservation Area.
- 2.6 The site is shown on the Environment Agency's mapping tool magic Maps as being Grade 3 (3B - moderate quality) under the Agricultural land Classification (ALC). It is within Flood Zone 1 (lowest risk of flooding).



2.7 PROPOSAL

2.8 The proposal is for the creation of a vehicular access track within the site's curtilage, the laying of hard and soft landscaping and the installation of a battery storage compound comprising 24 battery storage units and 12 power control systems (PCSs). The compound will also comprise a substation comprising a transformer, a battery switch and control room, a DNO and customer switch yards. The facility would be secured by pole-mounted CCTV cameras and enclosed by a 2.4 metre high palisade fence and 3 metre high noise attenuation timber fence. The proposal would provide a 49.9MW battery storage facility. It is proposed to plant a hedgerow around the perimeter of the facility. The proposal is temporary for a period of 40 years.

2.9 The battery storage facility will be connected to the UKPN network via an underground cable connecting to a pylon which crosses close to the application site. The battery storage facility will import excess energy from the grid and store it, batteries can capture energy that would otherwise be lost/unutilised. In respect of their storage ability, batteries offer the opportunity to store excess energy taken from the UKPN network at times of low demand and high production; converting the electricity from AC to DC through an inverter and charging the battery cells to store the energy; and, exporting this stored electricity back to the network via inverting the electricity back to AC and then on to the network at times of high demand. During situations when primary power sources (e.g. traditional power stations) are interrupted, battery storage facilities can bridge the gap in production, thus avoiding potential blackouts.

2.10 RELEVANT PLANNING HISTORY

2.11 All the planning history relating to Whites Farm, relate to either the equestrian centre or the industrial/farming use of the site and do not relate to any renewable energy projects.

2.12 Within the vicinity of Whites Farm:

22/00411/FULL - Installation of a 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; and installation of underground cabling from proposed solar farm along A129 (London Road/Southend Road, Wickford) to eastern borough boundary to link to Rayleigh Main Substation, Rawreth –Refused

3.0 **CONSULTATIONS**

External Consultees

Noak Bridge Parish Council

- Object to the planning application on the grounds the proposal is located in the green belt and the huge size and nature of the development will seriously impact the openness of the green belt. This area along Barleylands Road is being regularly bombarded with planning applications which are all being granted,

and the green belt is being completely ignored.

There is a similar proposal (22/00411/FULL Barleylands, Barleylands Road - Installation of a 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) put forward in March 2022 which has yet to be determined. The Great Burstead & South Green Parish Council objected to this planning application.

These proposals are undermining local communities wishes not to keep allowing development on the green belt, paying no regard to the green belt status or the wildlife whose habitats are disturbed to develop more on the green belt.

ECC Highway Authority

- As far as can be determined from the details submitted, the construction vehicle access would be via the existing vehicular access to Whites Farm. The Transport Statement estimates 4 two-way vehicle movements per day over a 3–5-month construction period.

Public footpath no. 200 Noak Bridge exists along part of the construction vehicle access. This route shall be maintained free and unobstructed at all times.

The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, therefore; from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following summarised conditions:

- Public footpath no.200 shall be maintained free and unobstructed at all times;
- Submission of a construction management plan; and
- Vehicular turning facility to be design and agreed.

- ECC Lead Local Flood Authority - No objection subject to the following summarised conditions requiring detailed surface water drainage scheme, scheme to minimise the risk of offsite flooding, a maintenance plan and the maintenance of yearly logs.
- Essex Badger Group - The Essex Badger Protection Group (EBPG) is not currently aware of any badger setts close enough to the site to be at risk and there is no evidence of badgers on the site. The EBPG request a pre-commencement walkover survey is carried out and construction related mitigation measures are proposed and adhered to if planning permission is granted.
- ECC Historic Buildings - No objections raised
- ECC Archaeology - No objection subject to conditions requiring a programme of archaeological investigation, the completion of the programme of archaeological evaluation, and final archaeological report or a Post Excavation Assessment report and an Updated Project Design.
- Billericay Residents Association - Objects on the ground that the development is in the Green Belt and would cause substantial harm to the openness; Detrimental to the character and appearance of the area; Equipment and CCTV to exceed the height of the fence;
- ECC Green Infrastructure - No objections raised subject to the following summarised conditions requesting the following documents:
 Construction Environmental Management Plan
 Landscape ecological management and maintenance plan
 Maintain yearly logs of maintenance
- ECC Ecology - No objection subject to securing biodiversity mitigation and enhancement measures.

Internal Consultees

- Arboricultural Officer - No objections raised
- Environmental Health - No objection subject to the following summarised conditions: -
- Construction hours
 - Dust Suppression methods
 - No burning on site
- Environmental Health (Noise) - No objection subject to a condition requiring the development to be carried out in accordance with the Noise Impact Assessment.
- Borough Councillors - No written comments received
- Neighbours/Third Party Representations - One letter of representation raising no objection has been received.

4.0 **PLANNING POLICY**

- 4.1 Appendix 1 to this Agenda provides details of the broad planning policy framework that is currently in operation.

Local Planning Policy

- 4.2 The Basildon District Local Plan Saved Policies (2007) is relevant. The site is located within the Green Belt on the Basildon District Local Plan Proposals Map 1998.

- 4.3 The relevant Local Plan policies to this application are:

- BAS GB1 (The Definition of the Green Belt)
- BAS BE24 (Crime Prevention)

- 4.4 Relevant Legislation

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Infrastructure Planning (Electricity Storage Facilities) Order 2020

National Planning Policy Framework (NPPF) July 2021

- 4.5 The NPPF sets out the Government’s planning policies. At the heart of the document is a presumption in favour of sustainable development. The NPPF has been supported by Planning Practice Guidance since 2014.
- 4.6 Section 13 – Protecting Green Belt land
- 4.7 Paragraph 137 states that ‘the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.
- 4.8 Paragraph 147 states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.
- 4.9 Paragraph 148 states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.
- 4.10 Paragraph 151 states that ‘when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources’.
- 4.11 Section 14 – Meeting the challenge of climate change, flooding and coastal change. Paragraph 155 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development.
- 4.12 Paragraph 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable.

Section 15 – Conserving and enhancing the natural environment

- 4.13 Paragraph 174 states that, “Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...”

4.14 Section 16 – Conserving and enhancing the historic environment

4.15 Paragraph 202 sets out that, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

4.16 Paragraph 203 states that, “The effect of an application on the significance of a heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Other National Guidance

National Planning Practice Guidance (NPPG)

- Air Quality
- Climate Change
- Design: Process and tools
- Green Belt
- Health and Wellbeing
- Natural Environment
- Noise
- Renewable and low carbon energy
- Use of Planning Conditions

4.17 The PPG details that “increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. 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”.

National Policy Statement for Energy (EN-1)

4.18 In July 2011, the Department of Energy and Climate Change (DECC) published the overarching National Policy Statement (NPS) for Energy EN-1. NPS EN-1 sets out national policy for energy infrastructure and states at paragraph 1.2.1 that:

“[it] is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).”

4.19 At paragraph 2.2.5 it confirms that the UK economy is reliant on fossil fuels whilst at 2.2.6 it states that:

‘the UK needs to wean itself off such a high carbon energy mix; to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification’.

4.20 Paragraph 2.2.11 states that:

“This NPS also sets out how the energy sector can help deliver the Government’s climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.”

4.21 In terms of energy security, paragraph 2.2.20 states that:

“It is critical that the UK continues to have secure and reliable supplies of energy as we make the transition to a low carbon economy...”

4.22 The NPS recognises that a flexible approach to energy generation is required in order to provide backup supply for renewable energy sources, by stating:

“the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low.” (paragraph 3.3.11)

4.23 The NPS identifies that the overall capacity of the grid will require additional resources to meet future demands. This is reinforced by paragraph 3.3.12, which states:

“...we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.”

Planning Guidance

4.24 Supplementary Planning Documents or Guidance

- EPOA Vehicle Parking Standards 2009
- Essex Design Guide
- Secured By Design
- National Policy Statement for Energy (EN-1)

5.0 **OFFICER’S ASSESSMENT**

5.1 Principle of Development

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 The National Planning Policy Framework (NPPF) is also a material consideration in the determination of the application, and significant weight should be afforded to its policies. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (NPPF paragraph 7). The NPPF (2021) also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the NPPF also sets out that sustainable development needs

to be pursued in a positive way and at the heart of the NPPF is a "presumption in favour of sustainable development".

- 5.4 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision taking this means where there are no development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:
- i. the application of policies in this NPPF that protect areas or assets of particular importance (land designated as Green Belt) provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Green Belt - Inappropriate Development

- 5.5 The site is located within the Green Belt. The NPPF (2021) sets out the government's approach to protecting the Green Belt. Paragraph 137 of the NPPF advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.6 Paragraphs 147 and 148 of the NPPF stipulate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state that "very special circumstances" will not exist unless the potential harm to the Green Belt by way of inappropriateness and any other harm resulting from the proposal are clearly outweighed by other considerations.
- 5.7 The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories in paragraphs 149 and 150 of the NPPF. Consequently, the proposal comprises inappropriate development in the Green Belt.
- 5.8 It is recognised that paragraph 151 of the NPPF acknowledges that elements of many renewable energy projects will comprise inappropriate development which would need very special circumstances. Such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. It is clear in this instance that the proposal is not for renewable energy production per se but would enable additional energy storage capacity, on a temporary basis from such renewable sources which may currently be lost to the system at peak production periods.

The effect of the development on openness

- 5.9 It is acknowledged that openness is generally accepted to refer to an absence of development, structures or activity. Openness also has both a visual and spatial dimension.
- 5.10 The NPPG states in respect of openness, "*Assessing the impact of a proposal on the openness of the Green Belt... requires judgement based on the circumstances of the case... A number of matters may need to be taken into account in making this assessment. These include, but not limited to:*

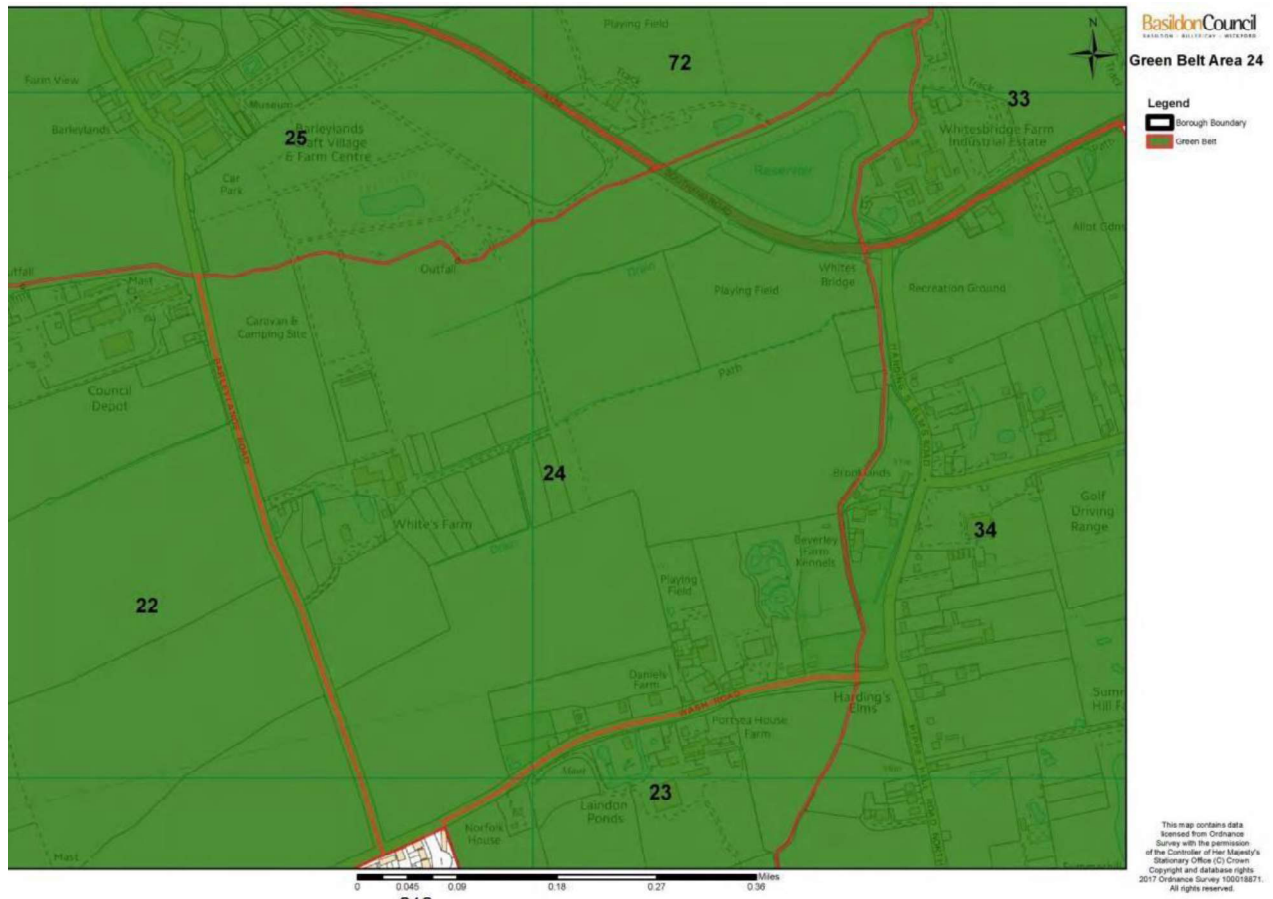
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

- 5.11 The proposed development forms part of an existing paddock associated with Barleylands equestrian centre to the west. The paddock is currently devoid of any buildings or structures. The proposal involves the provision of 24 banks of battery storage units, 12 power control systems, a DNO and customer switchroom, a battery switchroom and battery control building, one 132/33kv transformer, security light columns, 2.4m high palisade fencing and a 3m high timber noise attenuation fence.
- 5.12 The surrounding area is characterised by flat fields subdivided by post and rail fencing associated with extensive equine use. In terms of visual impact, the fields are adjacent to Barleylands Road, 370m to the south-west of the application site. The site is accessed from Barleylands Road. There is substantial and dense boundary hedging running adjacent to Barleylands Road, which for the most part serves to effectively screen the application site. The continuity of the hedge is only occasionally interrupted where there is a redundant vehicular access part way along Barleylands Road. Whilst visibility of the site from the road will increase as a result of seasonal leaf fall during the autumn and winter months, it seems that the density of the hedge would ensure that views of the site would continue to remain screened or well filtered during the spring and summer. The site is highly visible from the extensive Public Right of Way (PROW) no. 200 which runs adjacent to the site in the northern direction. Given the use of the site as an equestrian centre and the proposed siting of the battery facility, the site itself is overtly open and available to the public to use.
- 5.13 The Applicant has provided additional photo montages and accompanying landscaping notes. The photomontages show the scheme at year 3 and year 10 after completion. The backdrop shows the equestrian centre building at approx. 10m high. The introduction of a battery facility with 3m high fencing will have an urbanising effect on the landscape and will result in the loss of openness., The introduction of electricity infrastructure and fencing would represent an alien feature in this setting which would remain visually dominant for many years until planting has established and matured. There is nearby electricity infrastructure, in the form of overhead powerlines and pylons. However, this does not visually degrade the openness or tranquillity of the Green Belt in this location to such an extent to reduce the visual impact on openness of this proposed development which would industrialise this open field. As a result, the introduction of a battery facility covering the site with development where there is currently none, notwithstanding that the site forms only a small part of the Green Belt as a whole, the impact on the spatial and visual effect on openness would be considered significantly harmful. The duration of the development would be 40 years. No justification for this time limit has been given. While not permanent, this would still be a lengthy period of time over which the openness of the Green Belt would be reduced. 40 years is not considered short term by officers and whilst a condition could be attached to ensure that the site was reinstated to its original use (open grazing paddock) after the facility has been decommissioned, this would not overcome the long-term harm to the site and openness in the Green Belt.
- 5.14 As such, the introduction of the facility, and all that it would entail, would unavoidably reduce the openness of the Green Belt in both spatial and visual terms. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a significant degree of harm arising from the loss of openness on the Green Belt.

Green Belt Purpose

- 5.15 The Green Belt purposes are set out in NPPF paragraph 138 and have been identified above. The application site is identified in the Basildon Borough Green Belt Review, 2017 as part of the wider Area 24, as identified on the plans below:

Area 24



- 5.16 In assessing the contribution of Area 24 against the five Green Belt purposes, it was assessed that it contributed as follows:

- to check the unrestricted sprawl of large built-up areas; **[Partly contributes]**
- to prevent neighbouring towns merging into one another; **[Partly contributes]**
- to assist in safeguarding the countryside from encroachment; **[Partly contributes]**
- to preserve the setting and special character of historic towns; and **[Does not contribute]**
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. **[Not assessed, as per all areas in this Review – as this is the purpose of redevelopment.]**

- 5.17 In respect of purpose (a) above, it is recognised that whilst the proposed development does not consist of residential development, it does consist of development which will have a significant urbanising effect upon the natural environment albeit it is accepted that this would be on a long term temporary basis. The proposed development would result in the loss of this natural break. However, allowing the proposed development would prevent urban sprawl in terms of housing or other development associated with built-up areas. The built-up areas/urban sprawl of Basildon and Crays Hill will be

unaffected by the proposal which acts as a standalone development. Therefore, the proposed development would not affect Green Belt purpose (a).

- 5.18 In respect of purpose (b) above, sufficient and significant separation would remain between Basildon and Crays Hill and therefore, it is not considered that the proposal would conflict with purpose (b) and would have no contribution to this purpose.
- 5.19 In respect of purpose (c) above, the introduction of the battery storage facility and all its associated structures into what is currently an open field, would represent encroachment of development into the countryside by reason of its very nature albeit it is accepted that this would be on a long term temporary basis and would therefore, conflict with Green Belt purpose (c).
- 5.20 In respect of purpose (d) above, Area 24 was found not to contribute towards preserving the setting and special character of historic towns. The Conservation Area of Noak Bridge is close to the parcel however this was not designated for its historic merit but is based on its design and layout. There is one listed building in the parcel at Daniels Farm but this is not part of a historic settlement. The application site is not located within a historic town and it is not considered that the application could reasonably be justified to conflict with this purpose despite the outcomes of the 2017 Green Belt review.
- 5.21 The visual impact can also be mitigated to some degree through hedge planting, as part of the proposal a native hedgerow will be planted around the periphery of the facility. Nevertheless, the fencing and top of the proposed buildings is likely to be visible through the planting or possibly from medium distance views and so there would be an impact in terms of visibility, albeit limited and localised.
- 5.22 In light of the above analysis, it is considered that the proposals would be contrary to purpose (c) of the above listed purposes of including land in the Green Belt as encroachment into the countryside.

Conclusion - Green Belt Harm

- 5.23 Therefore, to conclude on the above, the proposed development would represent a form of inappropriate development in the Green Belt for which very special circumstances must exist. The proposed development also fails to preserve the openness of the Green Belt and conflicts with Green Belt purpose (c) of paragraph 138 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Very Special Circumstances

- 5.24 Paragraph 148 of the NPPF states that when considering any planning applications, local planning authorities;

“should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 5.25 Neither the NPPF nor the Adopted Local Plan Saved Policies provide guidance as to what can comprise ‘Very Special Circumstances’, either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness¹⁹ a factor may make it very special, but it has

also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

5.26 In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

5.27 The applicant's Very Special Circumstances to justify inappropriate development in the Green Belt, they can be summarised as:

- *Locational requirements for the proposal*
- *Contribution towards renewable energy/reducing carbon emissions*
- *Biodiversity Net Gain*
- *Economic and Social Benefits of the Scheme*

Locational requirements for the proposal

5.28 The Applicant has provided a Sequential Site Selection Process report and an additional Grid Capacity and Site Selection report in order to justify the location of the proposed development.

5.29 To gain permission for a grid connection, the initial step for the developer is to contact National Grid who will identify a grid network that has significant and equal export and import capacity. Once a developer has established capacity, they must find a landowner with a site that is suitable and available for occupation in a timescale likely to be acceptable to the Distribution Network Operator (DNO), in this case UK Power Network (UKPN). If suitable capacity is available, and the network is not constrained, the DNO will provide the developer with a grid connection offer for the identified site. A grid connection at Rayleigh sub-station has been identified between 2030-2032.

5.30 The Applicant's Sequential Site Selection Process report states two acres of land is required to accommodate the proposed battery facility. The Applicant has secured an offer from UKPN. The scheme is proposed to connect to a 132kv circuit via an underground cable which will then attach to a pylon and its overhead electricity lines. The 132kv overhead line which the battery facility is proposed to be connected to runs between Rayleigh sub-station and Tilbury sub-station.

5.31 Whilst it is considered that a direct connection to a National Grid sub-station is preferable by Officer's, the Applicant states in their Grid Capacity and Site Selection report, it is not always feasible to connect back into a National Grid exit point for a number of reasons. These can be, but not limited to the following:

- Space constraints to allow a new 132kV breaker to be installed.
- Configuration of exit point not allowing additional connections.
- Too many sites and ends under the DNO guidelines to install more.

- 5.32 It is possible to 'break in' to a passing 132kv overhead or underground line and create a new substation on site for the connection. This area has predominantly overhead circuits which are held on large 132kv Tower Lines.
- 5.33 Due to the costs involved of creating new 132kV circuits and the restrictions of constructing new overhead tower lines, battery schemes will usually need to be within 1km or closer from existing lines of points of connection as this ensures less electrical loss and greater efficiency.
- 5.34 A further consideration is many of the towers within the overhead line are not able to be altered or broken into due to technical integrity of the line and due to many connections within that stretch of network, these factors further reduce connection location opportunities.
- 5.35 Although the Applicant has provided further information and whilst it is understood that the Applicant has secured a connection along the overhead line between Rayleigh and Tilbury and that the application site and its proposal need to be in close proximity to a grid network, the Applicant has not sufficiently demonstrated why this site and pylon in particular has been selected and if there were any other sites/pylon along the identified overhead line has been considered as part of their site selection process and why those were discounted. It has not been demonstrated by the applicant the need for this development in this particular location. The Council has previously granted battery storage facilities within very close proximity of a UKPN substation to assist in clustering energy infrastructure such as this and avoid the proliferation of such infrastructure across the borough. The justification for siting the proposal in this particular location is considered weak and has not robustly evidenced that this site is the optimum location for such development. In view of this the location requirements aspect is considered to be of **limited weight**.

Contribution towards renewable energy/reducing carbon emissions

- 5.36 The applicant has advised that the scheme will contribute to balancing the local electricity network, providing a flexible supply that complements fluctuations in energy supply; and will increase security of supply to the surrounding area. The location of the site close to local demand centres will further reduce carbon emissions from the status quo.
- 5.37 The purpose and benefits are identified by the Secretary of State through his Written Ministerial Statement to the House of Commons. The policy framework reflected by this WMS, the Climate Change Act 2008 and the Energy Reform Act 2013. This confirmed that flexible generation from schemes such as Whites Farm is written into the overall carbon balance of the electricity supply system, performing an essential role in the increase of renewable capacity through the provision of flexible generation into the network.
- 5.38 The Infrastructure Planning (Electricity Storage Facilities) Order 2020 recognises that battery storage is an essential component of the renewable energy mix. The proposed development makes provision for storing energy generation, the increasing dependence on renewable energy and in particular wind and solar energy has led to fluctuations in supply dependant on the weather, hence the increased need for storage facilities.
- 5.39 Paragraph 5 of the NPPF states that 'National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications.' As such the Overarching National Policy Statement for Energy

(EN-1) is a material consideration which must be taken into account in the determination of this planning application.

- 5.40 There is strong national policy support, from the Government's Energy White Paper (EWP) and the overarching National Policy Statement for Energy (EN-1) for the development of back-up facilities. These are similar in principle to storage facilities; in that they allow the energy network to cope with the peaks and troughs in energy supply and demand. The EN-1 advises that storage is needed to reduce the costs of electricity and increase its reliability. EN-1 identifies the importance of these facilities, and therefore the development is consistent with the statement.
- 5.41 National Grid estimates that electricity storage will need to increase significantly to support the decarbonisation of the system with as much as twelve-fold and sevenfold increases in capacity and volume respectively from 2021 to 2050 to meet the challenging Net Zero targets. The Future Energy Scenarios Report 2022 updates the requirement for battery storage capacity from 13 GW in the 2021 Future Energy Scenarios Report to 20GW by 2030.
- 5.42 The Net Zero Strategy: Build Back Greener was published in October 2021 setting out the Government's plan for reducing reliance on fossil fuels and making the transition to low carbon energy consistent with our net zero commitments. In April 2022 the British Energy Security Strategy (BESS) was published, accelerating the Government's ambition to support the deployment of low carbon and renewable technologies such as offshore wind, nuclear and hydrogen, in line with our objectives to ensure our supply of energy always remains secure, reliable, affordable and consistent with our net zero target.
- 5.43 Central government policy indicates the importance of energy generation capacity within Great Britain to ensure blackouts are avoided. The contribution which renewable energy can make towards sustainable development is recognised within the NPPF.
- 5.44 Under the heading of 'meeting the challenge of climate change, flooding and coastal change' (chapter 14) of the NPPF notes that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. This is described as central to the economic, social and environmental dimensions of sustainable development. In order to increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote energy generation from these uses.
- 5.45 Paragraph 158 of the NPPF states when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy or low carbon energy and should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. Consequently, there is considerable support within national planning policy for the generation of renewable and low carbon energy.
- 5.46 It is acknowledged by Officers that this proposal is not in itself a renewable energy project and therefore paragraph 151 of the NPPF does not apply. However, without the move to renewable energy generation there would not be a need for the development due to the inherent vagaries of harnessing energy through renewable technology. Furthermore, currently storage would be of energy from both renewable and non-renewable sources, although if Net Zero targets are met then within the lifetime of the development it should store increasing amounts of energy from renewable sources. It is therefore considered that the proposal would support the transition to a low carbon future in a changing climate through supporting renewable and low carbon energy and associated infrastructure in accordance with paragraph

152 of the NPPF and accordingly should be afforded significant weight in the consideration of very special circumstances.

- 5.47 At a local level it is clear that the proposed development will make a contribution towards reducing the borough's strategic approach to reducing carbon emissions. Also at the local level, in July 2019 Basildon Council committed to working towards carbon reduction targets to produce net-zero emissions in the Borough by 2050. It is recognised that the target is extremely challenging.
- 5.48 The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, each of the Government and local policy documents and strategies detailed above are important material considerations that must be taken account in the determination of this application. There is no dispute that the proposal would support the electricity network, providing extra generating capacity to cover shortfalls that may occur at given times. Whilst not in itself a source of renewable energy it seems that the facility would enable some reduction in the energy burden in line with the government's aims and that it is likely that a proportion of the electricity stored from the grid in the proposed facility will be renewable.
- 5.49 The Planning Support Statement states the battery storage facility will be connected to the UKPN network via an underground cable connecting to a pylon which crosses close to the application site. The battery storage facility will import excess energy from the grid and store it, batteries can capture energy that would otherwise be lost/unutilised. Both fossil fuel and old nuclear powers stations are closing, together with a high level of intermittent renewable energy coming onto the grid such as wind, solar and tidal which cannot be easily adjusted to meet short term fluctuations in demand and where supply can be affected by variations in sun and wind. Intermittent supply leads to a greater risk of power shortages at times of high demand and low output. In respect of their storage ability, batteries offer opportunities to support the intermittent nature of energy by storing the excess energy produced and importing it back into the grid when demand requires. During situations when primary power sources are interrupted, battery storage facilities can bridge the gap in production, thus avoiding potential blackouts. This factor weighs in favour of the proposals and should be afforded **very significant weight** in the balance of considerations.

Biodiversity Net Gain

- 5.50 The land is an open grazing paddock and at present provides very limited ecological benefit. As discussed in more detail within the Ecological and Biodiversity Matters Section of this report, the outcome of the Preliminary Ecological Appraisal, Landscape Details Plan and Great Crested Newt Method Statement submitted indicates that the development proposal will result in a 100% biodiversity net gain for linear habitats (hedgerows). Place Services Ecology support the proposed biodiversity mitigation and enhancements measures, which have been recommended to secure measurable net gains for biodiversity, as outlined under paragraph 174(d) of the NPPF.
- 5.51 It is appreciated that the DEFRA Consultation on Biodiversity Net Gain Regulations and Implementation (January 2022) set out a minimum requirement of 10% biodiversity net gain. It states on page 15 that "The 10% will be a mandatory requirement but should not be vowed as a cap on the aspirations of developers that want to voluntarily go further or do so in the course of designing proposals to meet other local planning policies." At present however, the NPPF only requires 'a' net gain rather than a gain of 10%. The propc23il therefore goes beyond policy requirements

in this regard, and this carries **significant weight**. This was the same weighting as taken by the Inspector within the very recent Maitland Lodge appeal decision (dated 11th November 2022).

Temporary Use

- 5.52 The time-limited nature of the proposal has been submitted as a VSC, as the energy plant would have a maximum lifespan of 40 years. After the intended generation period, the battery storage would be removed, and the land swiftly returned to its existing baseline state.
- 5.53 Although the applicant is not seeking a permanent permission and the energy storage plant and related equipment would be removed after 40 years of operation, this period is a moderately long period of time. Consequently, it is considered that **very limited weight** should be placed on this factor as a very special circumstance.

Other Benefits Associated with the Proposed Development Itself

- 5.54 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental objectives.
- 5.55 In terms of economic benefits, it is recognised by the Council, that the diversification of land based rural business provides “significant economic benefits” as supported by paragraph 84 of the NPPF, however, very limited information has been provided on this point.
- 5.56 The Construction programme will be approximately 3 – 5 months, including site clearance and preparation. Whilst it is acknowledged that there will be some additional economic benefits created through the construction period by members of construction staff staying in local accommodation and using local shops/restaurants, it is unlikely that this will bring any significant economic benefits to the local economy and any benefits will be short-lived once the 3 – 5 months construction period is over. It is recognised by the Council, that the majority of batteries are manufactured overseas; many of the installation, maintenance and management jobs are not locally based and the actual local employment densities once the battery facility is in operation are low. With regard to the economic benefits associated with the scheme, as set out above, these are limited and not considered to be overly ‘special’, thus carrying **very limited weight**.
- 5.57 In respect of social benefits, no very special circumstances in this regard have been evidenced by the applicant. Notwithstanding this, Officers consider that there are no social benefits associated with the proposal that could constitute very special circumstances.

Other Material Considerations

Impact on the Landscape Character and Visual Assessment of the Area

- 5.58 The application is supported by a Landscape and Visual Impact Assessment (LVIA) undertaken by MHP Design Ltd. The assessment includes a desktop study, a review of the landscape and visual baseline and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and an assessment of potential direct and indirect effects on landscape and the visual environment.

Review of Landscape Character

- 5.59 The importance of understanding the landscape character of all landscapes in England is recognised in the NPPF, which states that planning proposals and decisions should contribute and enhance the natural and local environment. The NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 5.60 The LVIA has identified the landscape baseline of the site as including the National Character Area (NCA) as defined by Natural England, the Essex Landscape Character Assessment (2003) and the Landscape Character Assessment of Basildon Borough.
- 5.61 The Site is located within National Character Area 111: Northern Thames Basin. The Northern Thames Basin is a large and diverse landscape with a similar overarching character of agricultural land, interspersed with woodland, dissected by rivers and influenced by the urban areas of North London. Statements of Environmental Opportunity (SEO) are identified as part of the NCA guidelines. These include:
- SEO 3: Protect and appropriately manage the historic environment for its contribution to local character and sense of identity and as a framework for habitat restoration and sustainable development, ensuring high standards (particularly in the London green belt) which respect the open and built character of the Thames basin. Enhance and increase access between rural and urban areas through good green infrastructure links to allow local communities recreational, health and wellbeing benefits.
 - SEO 4: Manage and expand the significant areas of broadleaf woodland and wood pasture, and increase tree cover within urban areas, for the green infrastructure links and important habitats they provide, for the sense of tranquility they bring, their ability to screen urban influences and their role in reducing heat island effect and sequestering and storing carbon.
- 5.62 At the County level, the Essex Landscape Character Assessment (2003) identifies the Site as being located within area E1: South Essex Farmlands. The South Essex Farmlands have a simple pattern of small to medium size rectangular arable and pasture fields. Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient, planned enclosure and extend over gently to strongly undulating landform.
- 5.63 Locally, Volume One: Landscape Character Assessment of Basildon Borough identifies the site as being located within LCA 9 – Upper Crouch Valley Farmlands. It is described as a low-lying area of predominantly agricultural farmland centred on the upper reaches of the River Crouch. The area is principally agricultural with a mix of large open arable fields to the west and east and more intact areas of medium sized well hedged fields to the centre. There are also a number of urban fringe land uses including sports pitches and some intrusive modern structures.

- 5.64 Volume Two: Green Belt Landscape Capacity Study of Basildon Borough identifies the site as being in Area 24. This is an area of open landscape to the south of Barleylands Farm comprising mainly sports pitches and farmland used for events such as the annual county and garden shows. It also has a small camping and caravan site and some arable farmland on the west side. Overall, the area was deemed to have low capacity to development, with qualities to safeguard identified to be [but are not limited to]:
- Historic field pattern Field hedgerows and mature hedgerow trees (where present and reinstatement of hedgerows where currently lost)
 - Open views across the area from Wash Road, Barleylands Road, Southend Road and public footpath
 - Mature vegetation along streams
- 5.65 It is noted that the applicant does not make reference to the LI Technical Guidance Note (TGN) 'Assessing the Value of Landscapes Outside National Designations' 02-21. However, the assessment methodology does make reference to similar criteria and on balance, officers are satisfied with the method for assessing landscape.
- 5.66 Similarly, officers have reviewed the judgements of value, susceptibility, and sensitivity and generally they are in agreement with the assigned values for the LCA, the local context and the Site.
- 5.67 In regard to magnitude of change and scale of effect, the LVIA has judged that the magnitude of change on the Upper Crouch Valley Farmlands LCA to be negligible, and in turn the landscape effect has also been deemed negligible. Similarly, the magnitude of change on the 'immediate contextual landscape' has been judged as low and the landscape effect as 'slight adverse'.
- 5.68 Officers are of the view that the impacts have been underestimated and although the proposed development does not have a significantly large footprint, it is still a new industrial/urban development that does not feature currently within the local landscape. It's also clear that the development will be visible from the surrounding PRoW network and therefore the quality of views will also be diminished, which have been identified as a key quality of the LCA and therefore should be given greater consideration within the judgements. For these reasons, officers would judge the impacts on the Upper Crouch Valley Farmlands LCA and 'immediate contextual landscape' to be medium-low.
- 5.69 On this basis, its deemed that the proposed development would have an adverse impact on landscape character, however this is not judged as substantial and can be minimised with suitable mitigation and enhancement measures.

Review of Visual Assessment

- 5.70 Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The visual envelope of the proposed development is influenced by the proximity of existing built form within the local area, the relatively level topography and limited established vegetation.
- 5.71 The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; PROW 306_63, PROW 310_200, v26ors to Whites Farm equestrian Centre and

Visitors to the Farm Park, Camp site and showground. Not dissimilar from the assessment of landscape character, Officers are generally in agreement with the assigned value, susceptibility and sensitivity judgements for the visual receptors.

- 5.72 On review, the adverse visual impacts will be primarily limited to those within the immediate surroundings, given the topography of the landscape and the vegetation within the local area. Officers therefore support the majority of the visual effects judged. Where judgements may differ, these are not deemed significant or substantial.

Loss of Agricultural Land

- 5.73 The Regional Agricultural Land Classification Maps prepared by Natural England and the Council's Agricultural Land Classification Topic Paper (April 2017) identify the site as lying within 'Grade 3: Good to Moderate Quality Agricultural Land'.
- 5.74 The submitted 'Planning Statement' has identified the development would take place on existing Grade 3 agricultural land. Grade 3 agricultural land is defined as 'good to moderate quality agricultural land.' It is not clear whether the application site falls into 3a or 3b agricultural land. 3a is the better of the two sub-classifications. The land is not significant in size and is not physically developed. It is not actively farmed at present.
- 5.75 The submitted 'Planning Statement' states that the proposed development is for a 40 year period only, after which the site will be restored for agricultural use. The proposed development will be designed to ensure that the land remains suitable for agricultural use until it is restored as such, and control of the site returned to the agricultural landowner. Officers have no reason to doubt these claims.
- 5.76 Therefore, it is considered that the proposed development would not significantly harm agricultural interests and satisfies policy in this regard.

Impact on Heritage Assets

- 5.77 The Planning (Listed Building and Conservation Areas) Act 1990 is engaged given that there are heritage assets within the vicinity of the site that could be affected by the proposed development. Section 66 of this Act places a duty on the Council to ensure that "in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority... shall have special regard to the desirability of preserving the building or its setting...". In this regard, as the proposed development would be reversible and temporary in nature, Officers consider that on this basis, the application would preserve the setting of the listed buildings within the vicinity of the site.
- 5.78 Paragraph 194 of the NPPF sets out that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), as per paragraph 195 of the NPPF. Place Services Historic Buildings have been consulted on the application.
- 5.79 The submitted Heritage Statement identifies three designated heritage assets with the potential to be impacted by the proposals. These are the Grade II Daniels Farm (List UID: 1122212), a C17 timber-framed house approximately 280m south-east and

the Grade II Laidon ponds (List UID 1170968) a C17 timber-framed house approximately 300m south of the site. Noak Bridge Conservation Area is located 500m north-east of the site.

- 5.80 It is considered that the proposed development would not cause harm to either of the Grade II listed buildings. The site does not contribute to the significance of the listed buildings as part of their setting and is a significant distance away, separated by gardens and a large field. This means that the proposed development would not negatively impact on the important views of the listed buildings. If visible the development would only be glimpsed and seen as part of the modern farm complex, therefore any impact in heritage terms would be negligible.
- 5.81 The site does not contribute to the special interest of Noak Bridge Conservation Area and is a neutral part of its setting. It is stated within the Noak Bridge Conservation Area Appraisal (2010) that the *'total enclose of Noak Bridge within a framework of encircling roads, hedges and woodland is important to preserving identity and attractive setting'* but the wider area - including the site - has not been identified to contribute to the significance of the Conservation Area. The proposed development would be a significant distance from the Conservation Area. It may be glimpsed in views from the north-east edge of the Conservation Area looking out at the surrounding farmland, but the affect would be negligible due to the distance and because the proposed development would appear as part of the existing modern farm complex. No important views would be affected and therefore, no harm would be caused to the special interest of the Conservation Area due to the change in its setting.
- 5.82 Officers have had special regard to the desirability of preserving the listed building or its setting in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF. It is therefore, considered that the proposed development would not have a harmful impact upon the setting of the nearby Grade II listed buildings, nor would it have an impact upon the setting of Noak Bridge Conservation Area and is found to be acceptable in this regard.

Archaeological Impact

- 5.83 Place Services Archaeology have been consulted on the application. They have advised that the Historic Environmental Desk-Based Assessment which has been submitted with the application concludes that there is potential for archaeological remains to be impacted by the development.
- 5.84 The site lies to the east of Whites Farm which is thought to be a medieval moated manorial site, the farm is depicted on the Chapman and Andre map of 1777. Cropmark evidence for a ring ditch is recorded to the west of the site and a postulated Roman road to the southeast and north east. Little archaeological investigation has taken place in the vicinity of the proposed development and the surrounding area has only recently been subject to developer-led archaeological investigations which is revealing a landscape that was utilised since prehistoric times. The application proposes groundworks associated with landscaping, drainage and access tracks which have potential to disturb or destroy archaeological remains. In accordance with Paragraph 194 and 205 of the NPPF a field evaluation would be required to provide sufficient information on the archaeological potential of the development site. A condition could be imposed if permission is granted to secure a written scheme of archaeological investigation.

Ecological and Biodiversity Matters

- 5.85 Paragraph 179 of the NPPF looks to protect and enhance biodiversity and geodiversity, and continues in paragraph 180, that when determining applications, local planning authorities should apply the following principles; if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.86 A Preliminary Ecological Appraisal, Landscape Details Plan and Great Crested Newt Method Statement has been submitted with the application. Place Services Ecology have been consulted on the application and raised no objections, subject to securing biodiversity mitigation and enhancement measures which can be dealt with by condition if permission was granted. These conditions require all ecological mitigation and enhancement measures to be carried out in accordance with the Ecological Appraisal, Landscape Details Plan and Great Crested Newt Method Statement and a Biodiversity Enhancement Strategy.
- 5.87 The outcome of the Ecological Appraisal indicates that the development proposals will result in the loss of heavily grazed grassland field. The proposed development would comprise a new native hedgerow surrounding the site and therefore, the proposal would deliver a 100% net gain in linear habitats (hedgerows). The Great Crested Newt Method Statement indicates there are no suitable GCN ponds within 250m of the site boundary and poor suitability of connecting terrestrial habitat (heavily grazed grassland) to the wider area, GCN are not considered a statutory constraint to the proposed works. However, due to known populations of GCN in the wider area, a precautionary approach will be adopted. Place Services Ecology support the proposed reasonable biodiversity mitigation and enhancements measures, which have been recommended to secure measurable net gains for biodiversity, as outlined under paragraph 174(d) of the NPPF.
- 5.88 Therefore, subject to the conditions recommended by Place Services Ecology, the proposed development will not result in significant harm to biodiversity and sufficient mitigation and will include a betterment in respect of biodiversity net gain.

Flood Risk, SUDs and Drainage

- 5.89 The site is entirely located within Flood Zone 1 (low probability of flooding). A Flood Risk Assessment (FRA) and a Surface Water Drainage Strategy have been submitted and Essex County Council as the Lead Local Flood Risk Authority(LLFA) has been consulted.
- 5.90 The submitted FRA demonstrates that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented. The submitted drainage scheme incorporates filter drains to capture surface water runoff draining from the impermeable areas within the site. In addition, the battery units are to be raised upon plinths with a void beneath. The substation will be retained at ground level and positioned at the southern end of the site as the ground levels are topographically higher.
- 5.91 No objection has been raised to the proposed development by the LLFA, subject to conditions in respect of a surface water drainage scheme based on sustainable drainage principles, a scheme to prevent off-site flooding caused by surface water run-off, a maintenance plan detailing maintenance arrangements and maintenance plan (including yearly logs of maintenance).

- 5.92 The proposed details of flood risk, SUDS and drainage are considered to be acceptable and will not result in any adverse impacts locally in terms of run-off/flooding.

Impact upon Character and Appearance of the area

- 5.93 The site itself is a flat equestrian paddock bounded by a post and rail fence on all sides. The adjacent land is an equestrian dominant landscape, the land on the opposite side of Barleylands Road is used to provide football pitches. The surrounding area is characterised by flat fields intersected by transport and electricity infrastructure. There are hedgerows marking field boundaries. As a whole therefore the area has a dominantly rural characteristic. The existing site therefore contributes positively to the rural character and appearance of the area.
- 5.94 The equipment to be erected on the site will vary in scale. The highest structure, the DNO control building, would be sited at the southern end of the site and measures up to 4m in height. The battery containers would then extend across the site and measure over 3m in height, when raised off the ground. A native hedgerow will be planted to all boundaries. The design of the battery facility is of a utilitarian appearance reflecting the nature of the proposal directly adjacent to existing farm and equestrian buildings. This type of development in this area would appear out of character with the surrounding rural character and appearance of the area.

Secured by Design

- 5.95 The NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 5.96 Saved Policy BAS BE24 of the adopted Local Plan states that the Council will expect the design and layout of new development to include consideration of crime prevention. The proposal identifies two security measures on site to deter potential unauthorised access and criminal activity; these being the proposed 3m high fencing and pole mounted CCTV cameras at intervals along the fence line offering security for the proposal. The proposed measures put forward are considered acceptable and therefore, should planning permission be granted a condition requiring these measures shall be imposed.

Impact on Neighbouring Amenity

- 5.97 There are residential properties situated in the south-eastern, southern and western directions along Wash Road and Barleylands Road.
- 5.98 The proposed battery facility would be situated approximately 260m away from the neighbouring properties in the western direction and 287m away from the neighbouring properties in the southern direction. The proposed development would not be overbearing upon neighbours given the siting of the proposal away from nearby residential properties.

Noise

- 5.99 A Noise Impact Assessment produced by Neo Environmental dated 20th August 2022. which proposes acoustic fencing surrounding the facility to meet noise limits. The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to conditions relating to the control of noise to

safeguard the amenity of nearby residents.

- 5.100 It is therefore not considered that the proposed development would result in a harmful impact upon the amenity of nearby residential occupiers.

Highway Issues

- 5.101 Paragraph 111 of the NPPF seek to ensure that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.102 The proposed development seeks to utilise an existing access to Whites Farm. The Transport Statement estimates four two-way vehicle movements per day over a 3-5 month construction period. Public footpath no. 200 Noak Bridge exists along part of the construction vehicle access, this will not be obstructed by any construction traffic. As such it is considered that there are no adverse highway implications associated with the proposed development and no objections are raised by ECC Highway Authority subject to conditions.

Construction Traffic

- 5.103 Whilst there would be some construction traffic resulting from the proposed installation of the battery facility, this traffic would be short-lived and once operational, there will be no traffic movements associated with the development (except for issues of maintenance). A construction traffic management plan including hours of activity during the assembly of the site can be required by condition if permission was granted.
- 5.104 It is therefore not considered that the proposed development would result in having a harmful impact upon the highway network.

6.0 CONCLUSION & RECOMMENDATION

- 6.1 The proposal would amount to inappropriate development in the Green Belt and would be significantly harmful to its openness. The proposal would also fail to safeguard the countryside from encroachment contrary to one of the aims of the Green Belt. In accordance with paragraph 148 of the NPPF, together it is considered that the harm identified should be afforded substantial weight, unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.2 The proposal would support the electricity network, providing extra generating capacity to cover shortfalls that may occur at given times. Whilst not in itself a source of renewable energy it seems that the facility would enable some reduction in the energy burden in line with the government's aims. This is clearly a significant benefit of the scheme. In addition, the proposal would provide biodiversity net gain benefits and economic benefits and is proposed on a temporary basis. These are, as set out above, considerations to which weight has been applied, and which collectively weigh in support of the proposal, however this of course needs to be balanced against the harmful impact of the proposed development on the openness of the Green Belt.
- 6.3 The NPPF is clear that not only should substantial weight be given to any Green Belt harm, but that 'very special circumstances' will not exist unless that harm, and any other harm, is clearly outweighed by other considerations. Whilst there are therefore

considerations that weigh in support of the proposal in the Green Belt balance, they would not, either individually or cumulatively, clearly outweigh the Green Belt harm identified to sufficiently amount to the 'very special circumstances' envisaged by the NPPF. The Council has previously granted battery storage facilities within very close proximity of a UKPN substation to assist in clustering energy infrastructure such as this and avoid the proliferation of such infrastructure across the borough. The justification for siting the proposal in this particular location at Whites Farm is considered weak and has not robustly evidenced that this site is the optimum location for such development. Therefore, the proposal would amount to inappropriate development in the Green Belt and would be significantly harmful to its openness by reason of the proposal's location and siting. For this reason, the proposed development is considered to be unacceptable and contrary to paragraphs 147 and 148 of the NPPF.

7.0 RECOMMENDATION

It is recommended that the Committee RESOLVES that:

Planning application No.22/01108/FULL be refused planning permission for the following reason:

1. The proposal represents inappropriate development within the Green Belt which is by definition harmful and prejudicial to the openness of the Green Belt. The proposed development is in conflict with Green Belt purpose (c) of paragraph 138 of the NPPF. The very special circumstances that have been evidenced do not provide sufficient reason to justify a departure from the National Planning Policy Framework (NPPF). The proposed development would cause significant harm to the openness of the Green Belt by reason of the proposal's location and siting. For these reasons, the proposed development is contrary to paragraphs 147, 148 and 149 of the NPPF, 2021.

GENERAL INFORMATION

Financial Implications

Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as material to the application.

It is noted that the proposal is likely to bring some additional spending to the area during the construction stage which carries limited weight as this is likely to be limited.

Risk Management Implications

The risk management implications are set out at Enclosure No. 1.

Diversity, Inclusion and Community Cohesion Implications

Section 149 of the Equality Act 2010 requires the Council in the exercise of its public functions to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; advance equality of opportunity between persons who share a relevant protected characteristic (there are 9 protected characteristics being 1. Age; 2. disability; 3. gender reassignment; 4. marriage and civil partnership; 5. Pregnancy and maternity; 6. race; 7. religion or belief; 8. sex and; 9. sexual orientation) and persons who do not share it and foster good relations between persons who share a relevant protected

characteristic and persons who do not share it. There are no Equalities Act implications arising from the proposed development.

Background Papers

1. Planning Application Files No. 22/01108/FULL
2. Basildon District Local Plan Saved Policies 2007
3. Essex Design Guide 2018
4. National Planning Policy Framework
5. National Planning Practice Guidance – March 2014 onward