

STATEMENT OF CASE OF THE COUNCIL IN RESPECT OF WHITES FARM BARLEYLANDS ROAD, BASILDON

**BASILDON BOROUGH COUNCIL REFERENCE: 22/01108/FULL
PLANNING INSPECTORATE REFERENCE: APP/V1505/W/23/3332888**

I. INTRODUCTION

- 1.1 This is the Statement of Case of Basildon Borough Council (“**the Council**”) in respect of the following appeal.
- 1.2 This Statement of Case addresses the following appeal by Anglo Renewables Limited pursuant to s. 78 of the Town and Country Planning Act 1990 (“**TCPA 1990**”) against the decision of the Council to refuse to grant planning permission.

II. OVERVIEW OF THE APPEALS

(1) Appeal against the refusal to grant planning permission

- 2.1 Appeals pursuant to s. 78 TCPA 1990 against the decision of the Council (reference 22/01108/FULL) on 6th July 2023 to refuse to grant planning permission in respect of the Appeal Site for development described as:

“Full planning application for proposed Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, existing access off Barleylands Road, drainage and landscaping.”

- 2.2 The Council’s committee report and decision notice specified a reason for a refusal (see Core Document CD1 for the Committee Report and CD2 for the Decision Notice):
 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.*

III. THE APPEAL SITE AND ITS LOCATION

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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).

IV. OVERVIEW OF PLANNING HISTORY

- 4.1 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.
- 4.2 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 planning permission 23rd March 2023.

V. POLICY FRAMEWORK

Basildon's Saved Local Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory

Development Plan is therefore the starting point for the determination of planning applications and appeals. In this case the Development Plan consists of Basildon District Council Local Plan (2007).

- 5.2 'The Development Plan' comprises the Basildon District Local Plan Saved Policies 2007 ("BDCLP"). The saved policies which are applicable to the proposed battery site is Policy BAS GB1 (The definition of the Green Belt) which refers to the Green Belt boundaries as shown on the proposals map and Policy BAS BE24 (Crime Prevention).
- 5.3 For the purposes of decision-taking Saved Local Plan policies should not be considered out of date simply because they were adopted prior to the publication of the National Planning Policy Framework (NPPF). However, from March 2013, due weight should be given to Saved policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan align to the policies in the NPPF, the greater the weight that may be given.
- 5.4 In October 2013, the Council's Cabinet resolved the extent to which Saved Local Plan Policies were compliant with the NPPF. On 10 October 2018, the Council's Regeneration Committee approved the compliance review of the Local Plan Policies against the revised NPPF. All Green Belt policies (GB1, GB3-GB7) and policy BAS BE24 of the Local Plan were considered to be compliant with the NPPF.
- 5.5 The Council will also refer to the following evidence base documents in its evidence which are relevant to the matters to be considered under policies GB1 and BE24 of the Local Plan:
- Green Belt Review 2017
 - Green Belt Topic Paper 2018

The National Planning Policy Framework

- 5.6 The latest version of the National Planning Policy Framework ("the NPPF") was issued in December 2023. At the heart of the NPPF is the presumption in favour of sustainable development (Paragraph 10). The NPPF explains that at a very high level, 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.
- 5.7 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 overall 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 Appeal.

The Presumption in favour of sustainable development

- 5.8 The presumption in favour of sustainable development is set out at Paragraphs 11-14. This includes approving development proposals that accord with the Development Plan without delay and in addition:

“d) where there are no relevant development plan policies, or the policies 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 proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

5.9 Footnote 7 refers to land designated as Green Belt.

5.10 The NPPF identifies three dimensions of sustainable development as follows: Economic, Social and Environmental:

- a. an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improve productivity;
- b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; with accessible services and open spaces that reflect current and future needs;
- c. an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Meeting the challenge of climate change, flooding and coastal change

5.11 The Council has not declared a climate change emergency. However, the Basildon Council Draft Climate and Action Plan (adopted July 2021) has set a zero carbon emissions target by 2030, and net zero emissions by 2050. The Council will be undertaking further consultation on their more detailed Action Plan.

5.12 Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future and that it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.

5.13 Paragraph 158 states that plans should take a proactive approach to mitigating and adapting to climate change and that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making

provision for the possible future relocation of vulnerable development and infrastructure.

- 5.14 Paragraph 163 states that when determining planning applications for renewable and low carbon development local planning authorities should not require applicants to demonstrate the overall need for renewable and low carbon energy and approve applications if its impacts are (or can be made) acceptable.

Promoting sustainable transport

- 5.15 Paragraph 114 states development should ensure that safe and suitable access to the site can be achieved for all users whilst paragraph 115 states 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 impact of the development would be severe.

Protecting Green Belt Land

- 5.16 Paragraph 142 confirms that the Government attaches great importance to Green Belts.
- 5.17 Paragraph 152 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state 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.”

- 5.18 Paragraph 154 confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate and lists the exceptions to this, whilst paragraph 155 goes on to list other forms of development in the Green Belt that are not inappropriate development.
- 5.19 Paragraph 156 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.”*

Conserving and enhancing the natural environment

- 5.20 Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, and, amongst other things, recognising the intrinsic character

and beauty of the countryside. Paragraph 180(a) refers to protecting and enhancing valued landscape.

- 5.21 Paragraph 189 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions. Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely significant effects (including cumulative effects) of pollution 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.

National Policy Statement for Energy EN-1 (July 2011))

- 5.22 The energy National Policy Statements (NPS) set out the Government's policy for the delivery of energy infrastructure. They were first published in 2011. 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)."
- 5.23 Part 2 of the NPS sets out the Government's policy for major energy infrastructure. It comprises the need to meet legally binding targets to cut greenhouse gas emissions, transition to a low carbon economy, decarbonise the power sector, reform the electricity market, secure energy supplies, replace outdated energy infrastructure, and widen objectives of sustainable development.

Other Relevant Legislation and Planning Policy and Guidance

Climate Change Act 2008

- 5.24 The Climate Change Act 2008 contains the UK's approach to tackling and responding to climate change. It introduced the UK's long-term legally binding 2050 target to reduce greenhouse gas emissions by at least 80%, relative to 1990 levels.
- 5.25 The Government subsequently amended the headline target (in 2019) to achieve a 100% (compared to 1990 levels) reduction by 2050 (also known as net zero). National Policy Statement for Renewable Energy Infrastructure EN-3(July 2011).
- 5.26 The NPS states that electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy. It sets ambitious renewable energy targets and states that a significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the then 15% renewable energy target.

Planning Practice Guidance -Planning for renewable and low carbon energy:

- 5.27 National Planning Practice Guidance ("PPG") 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 (Paragraph: 001 Reference ID: 5-001-20140306).

5.28 Specifically, in respect of BESS, the PPG records that:

“Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.”

(Paragraph: 032 Reference ID: 5-032-20230814)

Revised (draft) National Policy Statement for Energy (Dec 2020)

5.29 In December 2020, the Government published its Energy White Paper, Powering our net zero future. It seeks to build on existing policy commitments set out in the Prime Minister’s ten-point plan for a Green Industrial Revolution and the National Infrastructure Strategy. Both documents were published in November 2020 and together they set out the Government’s vision of how the UK will make the transition to net zero by 2050. In its White Paper, the Government also committed to publish an Industrial Decarbonisation Strategy, and a Hydrogen Strategy, both of which were published in 2021.

Draft National Policy Statement for Energy EN-1 (March 2023)

5.30 Draft EN-1 sets out the overarching planning framework for all energy infrastructure and the policy context for the Secretary of State’s decision making on all Nationally Significant Infrastructure Projects (NSIPs).

Draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure EN-2) (March 2023)

5.31 Draft EN-2 outlines the planning policy to apply to built infrastructure which produces electricity from fossil fuels. To reflect the Government’s ambition to move away from fossil fuels, the revised (draft) EN-2 has been renamed as “natural gas electricity generation” (formerly fossil fuel electricity generation). EN-2 has subsequently been revised to state that in order to achieve the transition to net zero, coal and large-scale oil-fired electricity generation needs to be phased out.

Draft National Policy Statement for Renewable Energy Infrastructure EN-3 (March 2023)

5.32 Draft EN-3 outlines the planning policy for renewable energy infrastructure developments. The revised draft does not specifically refer to the provision of BESS but notes “Electricity generation from renewable sources of energy is an essential element of the transition to net zero. Our analysis suggests that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050.

This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables”. Without BESS this transfer to renewables will not happen.

Other Relevant Policy Documents

Clean Growth Strategy (October 2017)

- 5.33 The Clean Growth Strategy was published in October 2017 (updated in 2018). The strategy sets out a comprehensive set of policies and proposals that aim to accelerate the pace of ‘clean growth’, i.e. deliver increased economic growth and decreased emissions.
- 5.34 It sets out a 50 point plan to achieved this. There are a range of points which relate to delivering clean energy and point 37 sets out innovation to reduce the cost of electricity storage, advance innovative demand response technologies and develop new ways of balancing the Grid.

Net Zero Strategy : Build Back Greener 4

- 5.35 The Net Zero Strategy, published in October 2021, sets out a delivery pathway showing indicative emission reductions to meet the UK’s sixth carbon budget (2033 to 2037).
- 5.36 It sets out the policies needed to meet the ambitious target of net zero by 2050, including an aim that the UK will be powered entirely by clean electricity by 2035.
- 5.37 The Net Zero Strategy also confirmed that BESS and wind will be the backbone to achieving a secure, affordable and low carbon energy supply, which means that as part of the energy mix, BESS has a critical role to play.

The Ten Point Plan for a Green Industrial Revolution

- 5.38 In November 2020, the Prime Minister announced his Ten Point Plan for the UK to lead the world into a new green industrial revolution. This innovation programme sets out ambitious policies and significant new public investment to support green job creation and accelerate our path to achieving net zero by 2050. Spanning clean energy, buildings, transport, nature and innovative technologies, the Ten Point Plan will mobilise £12 billion of Government investment to unlock three times as much public sector investment by 2030; level up regions across the UK; and support up to 250,000 highly skilled green jobs.

Powering our Net Zero Future – the Energy White Paper (December 2020)

- The Energy White Paper 2020 has set within it a target to achieve net zero within the UK by 2050 in efforts to address Climate Change. The Government aims to do this by investing heavily in renewable energy sources with a goal set of 40GW (about 60% of the UK's energy consumption) of offshore wind by 2030.

- Getting a large-scale nuclear project to the investment stages.
- Grow the rate at which electric heat pumps are installed.
- Support the deployment of Carbon Capture Underground Storage
- Establishing a new UK emissions system ○ Debating whether to end connections to the gas Grid for new homes.

Transitioning to a net zero energy system Smart Systems and Flexibility Plan (2021)

5.39 The Plan confirms that energy storage and flexibility is one of the priority areas under the £1bn portfolio, with at least £100 million of innovation. It goes on to reiterate the importance of being able to regulate supply by storing electricity which has been generated through renewables when it is sunny or windy and to use this when demand is higher. Key to achieving this was the opening up of a £68 million competition to accelerate the commercialisation of first-of-a-kind longer duration energy storage. Five successful projects were announced in February 2022.

Climate Change 2022 Impacts, Adaptation and Vulnerability - Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (February 2022)

5.40 The Working Group II report examines the impacts of climate change on nature and people around the globe. It explores future impacts at different levels of warming and the resulting risks and offers options to strengthen nature's and society's resilience to ongoing climate change, to fight hunger, poverty, and inequality and keep Earth a place worth living on – for current as well as for future generations. Key findings include:

- Human-induced climate change, including more frequent and intense extreme events, has caused widespread adverse impacts and related losses and damage to nature and people, beyond natural climate variability. Some development and adaptation efforts have reduced vulnerability.
- Global warming, reaching 1.5°C in the near-term, would cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans. The level of risk will depend on concurrent near-term trends in vulnerability, exposure, level of socio economic development and adaptation. Near-term actions that limit global warming to close to 1.5°C would substantially reduce projected losses and damages related to climate change in human systems and ecosystems, compared to higher warming levels, but cannot eliminate them all.
- Beyond 2040 and depending on the level of global warming, climate change will lead to numerous risks to natural and human systems.

British Energy Security Strategy (April 2022)

- 5.41 The Government's British Energy Security Strategy sets out how Great Britain will accelerate the deployment of wind, new nuclear, solar and hydrogen – which could see 95% of electricity production by 2030 being low carbon.
- 5.42 The strategy will see a significant acceleration of nuclear power, with an ambition of up to 24GW by 2050 to come from this safe, clean, and reliable source of power. This would represent up to around 25% of our projected electricity demand.
- 5.43 In addition, offshore wind will generate up to 50GW by 2030 – more than enough to power every home in the UK – of which 5GW would come from floating offshore wind in deeper seas.
- 5.44 The Energy Security Strategy demonstrates the Government's intention to move towards a greater reliance on renewable energy and nuclear energy. As part of the overall strategy there is a move to ensure that sufficient storage is available and that by doing so, the energy generated through renewable means can be used flexibly at times of excess production/or times of peak demand. Battery storage is critical in balancing out the demand and supply of energy.

Powering Up Britain Energy Security Plan (March 2023)

- 5.45 The Energy Security Plan builds on the Government's ambitions set out in the Energy Security Strategy (2022). The report announced a number of measures including: an extension of the Climate Change levy, new investment in heat pumps, an extension to the boiler upgrade scheme, establishment of British Nuclear, a new independent body, and government-backed renewable hydrogen projects.
- 5.46 Amongst a number of commitments the document outlines the need for revised energy National Policy Statements which underline the national need for new energy infrastructure, including infrastructure for storage, with the intention of expediting planning processes.

Powering Up Britain : The Net Zero Growth Plan (March 2023)

- 5.47 The document plans to decarbonise the power system by 2035. In 2021, the share of generation from renewables reached 40%, including from bioenergy, wind and solar, and 15% from nuclear.
- 5.48 The document seeks to secure reliable, cost-effective, decarbonised power which it describes as critical for a modern industrial economy. Within the Net Zero Strategy, Government committed to a fully low carbon power sector by 2035, subject to security of supply, to underpin our net zero ambitions. To deliver on these goals the document sets out the need to mobilise significant private investment into low carbon technologies and their associated supply chains, across generation, networks, storage and flexibility.

National Grid Future Energy Scenarios (July 2023)

- 5.49 National Grid's Future Energy Scenarios outlines a number of credible energy futures options.
- 5.50 The document outlines four different pathways for the future of the whole energy system to 2050. Each pathway considers how much energy the UK might need and where it could come from, to build a picture of the ways in which the Country could reach net zero, including the amount of Battery Storage the UK may require.

VI. CASE FOR THE COUNCIL ON THE APPEAL AGAINST THE REFUSAL TO GRANT PLANNING PERMISSION

- 6.1 The Appellant is seeking planning permission for the proposed development described above in section II, paragraph 2.1 and reflected in the committee report (CD1). The Council submits that planning permission should not be granted for that development for the reason set out in the decision notice (CD2) and reflected in the committee report (CD1) which recommended refusal of the application. The Council addresses the reason for a refusal.

(1) Reason for Refusal 1 – Green Belt

- 6.2 The development is inappropriate development in the Green Belt, applying the NPPF. The Appellant's agree with this position as stated in their Statement of Case at paragraph 5.4.
- 6.3 The development harms the Green Belt by reason of its inappropriateness and the loss of openness. The Council submits that the development will harm the openness of the Green Belt in both spatial and visual terms. This harm will be permanent. Further, the Council submits that the development will conflict with the purposes of including land within the Green Belt, specifically NPPF paragraph 143, criterion c). The Green Belt Purpose assessment is set out in the Committee Report (CD1) at paragraph 5.15 onwards.
- 6.4 The Council submits that the harm to the Green Belt and the other harm identified in the Committee report (CD1) and above is not clearly outweighed by the other considerations relied on by the Appellant in their statement of case.
- 6.5 The Appellant in their statement of case sets out their case and central material factors at paragraph 5.6 onwards. The Appellant states *"the central material factors that support a finding of very special circumstances in this case are as follows:*
1. *Need for the Development in terms of:*
 - i. *Climate Change*
 - ii. *Energy Security*
 - iii. *Energy Affordability*
 2. *The availability of a Grid Connection*
 3. *Biodiversity Net Gain*

4. Economic and Social Benefits”

- 6.6 The Council in their Committee Report (CD1) applied **‘very significant weight’** to Government’s initiative, national policy and the schemes contribution to meeting a low carbon future in climate change through supporting renewable and low carbon energy and associated infrastructure in accordance with paragraph 157 of the NPPF.
- 6.7 Officers acknowledge that since the submission of the appeal and the Appellant’s statement of case, a revised NPPF was published in December 2023. The NPPF reiterates the Government’s approach to mitigate and limit climate change. It provides strengthened policy for renewable or low carbon energy stating that small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions at paragraph 163, criterion a). The words ‘significant’ has been inserted.
- 6.8 In accordance with legislation and national policy, it is considered that there is a clear need for renewable energy or low carbon projects in the United Kingdom (UK) and this is not disputed by the Council however, no information was provided with regards to potential energy generation.
- 6.9 Similarly, officers acknowledged the contribution towards biodiversity net gain achieving 100% on the site and applied **‘significant weight’** to this factor.
- 6.10 Officers acknowledged the construction phase and job creation for this development. Whilst it is acknowledged the total construction cost of £28,000,000 for the appeal scheme, given in the Appellant’s statement of case, there is no breakdown of where this money will be spent, will some of this money be spent in the local economy by using materials produced locally and local tradesman. It is known that the batteries themselves are manufactured and shipped from countries outside of the UK.
- 6.11 Officers also acknowledge there will be jobs created through the construction and operation phases of this development. The construction programme provided at application stage stated the construction phase will be approximately 3 to 5 months, including site clearance and preparation. This period is short lived. Once operation, on-going management and maintenance is required of these facilities, however the actual employment densities once the battery facility is in operation are low and therefore, **‘very limited weight’** was attributed to this factor.
- 6.12 Appeal decision APP/V1505/W/23/3318171 (CD62) at paragraph 25 states “economic benefits in terms of construction, employment and maintenance, any benefits attached to ceasing intensive agricultural use and increased business rates could apply to any site and would be unlikely to represent very special circumstances”. The appeal site is associated with the equestrian use of land rather than agricultural, but the same stance can be applied to this proposal.
- 6.13 It is common ground between the Council and the Appellant that the development is considered to be inappropriate development in the Green Belt, by definition is harmful. Substantial weight is be applied to this factor in accordance with the NPPF. The Appellant has advanced material factors to support their case, the main dispute

between the Council and the Appellant relates to the availability of a grid connection and in particular, its location and siting.

- 6.14 It is understood that grid connections have to be identified by National Grid and the developer has to find suitable/available land to secure the connection, within a particular timeframe acceptable to the Distributor Network Operator (DNO), in this instance UK Power Network (UKPN). It is also understood, a grid connection to Rayleigh sub-station had been identified between 2030-2032. The developer had secured a connection between Rayleigh and Tilbury.
- 6.15 The Appellant in their statement of case at paragraph 5.22 refers to 'clustering' and goes on to state at paragraph 5.23 that the suggestion is flawed. At no point was it suggested that the development should be sited directly adjacent to Rayleigh Substation or that the battery facility should be connected to an alternative sub-station as per the appellant's points 1 and 3 of paragraph 5.23. Officers understand a battery facility needs to be in close proximity to an identified grid connection, however it was considered that the Appellant had not sufficiently demonstrated why this site and pylon in particular had been selected and if there were any other sites/pylon along the identified overhead line route between Rayleigh and Tilbury that had been considered as part of their site selection process and if there had been any other site, why were those discounted.
- 6.16 Officer's also acknowledge the appellant's comment at paragraph 5.26 and the requirement for a new super grid transformer at three substations and the cost of this which would render the development unviable. This information was not available at the time when the planning application was being considered.
- 6.17 Furthermore, the appellant's statement of case at paragraph 5.33 refers to the development being temporary for a period of 40 years. The committee report (CD1) at paragraphs 5.52 and 5.53 address this point and therefore, attributed '**very limited weight**' to this factor.

Conclusion

- 6.17 Whilst officers accept, it is clear there is an urgent need to address climate change at an international, national and local level. It is also clear there is a pressing need for the UK to secure its own energy, and in turn reduce the impact from volatile energy markets and move to generate cheap renewable energy.
- 6.18 For the reasons above, the development fails to accord with the development plan and the NPPF, read as a whole, and the other material considerations do not indicate a determination other than in accordance with the development plan and NPPF. It follows that this appeal should be dismissed.

CONDITIONS

6.19 Without prejudice, a full list of the conditions the Council would propose if the Inspector were minded to allow the appeal, shall be agreed through the Statement of Common Ground.