**Statement of Common Ground**

**Town and Country Planning Act 1990**

**Planning and Compulsory Purchase Act 2004**

**Localism Act 2011**

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**Appeal Against Refusal of Planning Application 22/01108/FULL at Land at Whites Farm, Barleylands Road, Basildon, SS15 4BG**

**Full planning application for a proposed battery energy storage site, substation compound, with associated infrastructure, fencing, access road, drainage and landscaping**

**On Behalf Of:**

**Anglo ES Whites Farm Ltd**

**Prepared By:**

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Job Ref: P11862 Date:

**STATEMENT OF COMMON GROUND**

**Land at White’s Farm, Barleylands Road, Basildon, SS15 4BG**

**PLANNING APPEAL REFERENCE: APPXXX**

**LOCAL PLANNING AUTHORITY REFERENCE NUMBER: 22/01108/FULL**

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**SIGNED BY**

**Paul Barton BSc (Hons) MRTPI on behalf of The Appellant**

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**Date**……………………….

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**SIGNED BY**

**Xxxx on behalf of Basildon Borough Council**

**………………………..**

**Date………………….**

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1. **INTRODUCTION**
	1. This Statement of Common Ground ***(‘SoCG’)*** has been prepared by Harris Lamb Planning Consultancy (“HLPC”) on behalf of Anglo ES Whites Farm Ltd (Burnsall Road) Limited (“the Appellant”) in respect of an appeal against the decision of Basildon Borough Council to refuse planning permission for planning application 22/01108/FULL. It has been prepared in accordance with the guidance set out in the Procedural Guidance: Planning Appeals England (April 2022) Annex R – Statement of Common Ground.
	2. The SoCG records the position between the Appellant and Basildon Borough Council (BBC) in respect of the appeal site, the surrounding area and material planning considerations. It identifies areas of agreement between the two parties. It is signed by Harris Lamb Planning Consultancy ***(‘HLPC’)*** on behalf of the Appellant and XXX on behalf of BBC.
	3. The appeal has been submitted following BBC refusing planning application 22/01108/FULL ***(‘the Application’)***. The planning application proposes:

 ***“Proposed battery energy storage site, substation compound, with associated infrastructure, fencing, access road, drainage and landscaping*** *(****“the Appeal Scheme”)”***

* 1. The planning application was refused at Committee. The Committee Report can be found at CDXX. The Decision Notice (CDXX) contains a single reason for refusal, set out below:

***“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.”***

1. **DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA**
	1. The Appeal Site is part of a much wider complex of commercial and leisure uses, which comprise of farm buildings, large stables building, indoor arena, ancillary buildings, outdoor manege, associated parking and grazing, and 9 container units used for a variety of industrial and storage purposes. There is a pylon which is located close to the proposed site with overhead powerline, which is visible from the PROW to the north of the proposed site. The pylon infrastructure is the connection point for the project.
	2. The site is approximately 1.61 hectares in size and is located to the east of Barleylands Road, adjacent to the Barleylands equestrian centre. The adjacent area is characterised by fields used for equestrian purposes; the land on the opposite side of Barleylands Road is used to provide football pitches.
	3. Whites Farm is located approximately 2 miles north of the centre of Basildon, 2.5 miles south of the town of Billericay and 4 miles west of the town of Wickford.
	4. The wider area to the east and west of Barleylands Road is occupied by a variety of uses including recycling centre, equestrian uses, football pitches and tourist camping area. The extent of these various uses is easily appreciated when standing on the Appeal Site.
	5. The fields are bordered in part by mature hedges and trees. The extensive subdivision of the fields by fences associated with equine use (that includes field shelters for horses), and football pitches affects the appearance of the land near the farmstead and equestrian buildings and facilities and erodes the rural character of the surrounding area.
	6. The BESS will be sited to the south beyond the existing farm and equestrian buildings. There are a number of bunds in this area, which are located close to the Appeal Site.
	7. The proposal is screened from long distance views by established hedgerow along Barleylands Road to the west and Wash Road to the south.
	8. The battery storage site adjoins the farm, commercial and equestrian buildings and facilities. In terms of visual impact, any wider views of the site include the overall complex as a backdrop. The presence of existing buildings is such that views directly south from the farm and equestrian buildings would be effectively screened.
	9. In closer views, the battery storage facility would be seen as an extension to the existing complex. The effect of changes in near views would be limited.
	10. Having regard to existing character of the site and its surroundings, the siting of the BESS in the Green Belt would, with new landscaping, be assimilated in visual terms.
	11. The Appeal Scheme is approximately 250m away from the nearest residential properties on Wash Road.
	12. Access to the proposed BESS site is via the existing access to Whites Farm and the Equestrian Centre from a point off Barleylands Road. The access runs from the road in an easterly direction. The existing track is made of hard surfacing.
	13. There is no ecology designation on site or nearby. The EA flood map shows that the site is within Flood Zone 1. The site is Grade 3 agricultural land. There are no landscape, historic or environmental designations on site or nearby.
	14. There is a nearby housing allocation for delivery of around 400 homes on the opposite side of Wash Road to the south of the site, close to the junction with Barleylands Road (Policy H10 Land East of Noak Bridge, Basildon).
2. **THE PROPOSED DEVELOPMENT**
	1. Theproposed development is a Battery Energy Storage Facility (“BESS”). The facility is temporary and will be removed after 40 years. The facility will use battery technology to offer network balancing and stabilisation services. This is achieved by importing electricity from the UK Power Networks (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. The BESS will be connected to the UK Power network via a connection to the 132kV network which crosses close to the Appeal Site.
	2. The BESS will consist of:

An existing hard surfaced access from Barleylands Road, off Barleylands Road connected to the existing highway.

132kV Substation and transformer, consisting of:

132/33kV transformer

Distribution Network Operator (“DNO”) & Customer switch yards

Battery switch room

Battery control room

Palisade fencing

Battery compound, comprising of

24 banks Battery storage units

Battery Management / Power Control System (transformer / inverters / monitoring system)

Palisade fencing/Wooden fencing

Parking facilities for maintenance vehicles

CCTV monitoring system.

The land within the substation and battery compound will be laid to gravel.

Drainage system made up of swales and filter drains.

Landscaping

1. **PLANNING POLICY GUIDANCE**
	1. A number of planning policy documents are relevant to the consideration of the appeal. These include National Planning Policy, Development Plan Policy and Supplementary Planning Documents/Guides. A list of relevant policies set out below.

 **Development Plan**

* 1. The development plan relevant to the appeal scheme consists of:

-Basildon District Local Plan Saved Policies 2007 (“BDCLP”).

 The only relevant policy of the BDCLP is Policy BAS GB1 (The definition of the Green Belt)

 **Other Relevant Policy and Guidance**

 *Climate Change Act 2008*

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

 *National Planning Policy Framework (Dec 2023)*

*National Policy Statement for Energy (Nov 2023)*

*National Policy Statement for Energy EN-1 (Nov 2023)*

*National Policy Statement for Fossil Fuel Electricity Generating Infrastructure EN-2) (Nov 2023)*

 *National Policy Statement for Renewable Energy Infrastructure EN-3 ( (Nov 2023)*

 *Clean Growth Strategy (October 2017)* *Net Zero Strategy : Build Back Greener*

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

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

 *Climate Change 2022 Impacts, Adaptation and Vulnerability - (February 2022)*

 *British Energy Security Strategy (April 2022)*

 *Powering Up Britain Energy Security Plan (March 2023)*

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

 *National Grid Future Energy Scenarios (July 2023)*

1. **MATTERS OF AGREEMENT**
	1. The following matters are agreed:
	2. *Green Belt*
	3. The proposal is considered to be *Inappropriate Development* for the purposes determining applications within the Green Belt.
	4. In terms of the five Green Belt Purposes, the Appeal Development only conflicts with c) safeguarding the countryside from encroachment.
	5. The degree of that conflict with purpose c) is limited.
	6. Paragraph 156 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

*The Absence of Other Harm*

* 1. There were no objections from any of the Statutory Consultees during the application/ appeal process.
	2. There will be no economic harm, indeed the Appeal Development will generate some economic benefits with all of the ancillary benefits for the supply chain when developing a project of such value.
	3. Any Landscape Character impact arising from the Appeal Development, would not be substantial and can be minimised with mitigation, as set out at paragraph 5.69 of the July 2023 Committee Report presented at CD2.
	4. Visual impacts will primarily be limited to immediate surroundings and are not deemed significant as set out at paragraph 5.72 of the July 2023 Committee Report presented at CD2.
	5. The loss of agricultural land is not significant and does not conflict with National or Local policy requirements as set out at paragraph 5.76 of the July 2023 Committee Report presented at CD2.
	6. It is not considered there is any impact on heritage assets, as set out at paragraph 5.82 of the July 2023 Committee Report presented at CD2.
	7. It is not considered there is any impact on archaeology, as set out at paragraph 5.84 of the July 2023 Committee Report presented at CD2.
	8. It is not considered there is any impact on Drainage, as set out at paragraph 5.92 of the July 2023 Committee Report presented at CD2.
	9. There will be no ecological harm as a result of the Appeal Development as set out at paragraph 5.94 of the July 2023 Committee Report presented at CD2, indeed the significant Biodiversity Net Gain. (c.386.5 m of new native hedgerow comprising 5 no. native species that would deliver 100% Biodiversity Net Gain (BNG) for hedgerows). This should be considered a substantial benefit which will exist beyond the life of the proposed development.
	10. There are no unacceptable impacts on neighbouring amenity as set out at paragraphs 5.98 and 5.99 of the July 2023 Committee Report presented at CD2.
	11. There is no unacceptable impact with regard to noise as set out at paragraph 5.100 of the July 2023 Committee Report presented at CD2.
	12. There is no unacceptable impact on the highway network as set out at paragraph 5.104 of the July 2023 Committee Report presented at CD2.
	13. The Appeal Development is for only a temporary period and causes no permanent harm.

*Benefits of the Appeal Scheme*

* 1. The provision of storage is considered a Critical National Priority (CNP) as set out Overarching National Policy Statement for Energy (EN-1) set out in the Definition bullet point 3 *inter alia.* The appeal scheme’s contribution to a CNP should attract substantial weight.
	2. Climate change is one of the largest issues facing the international community. The Appeal scheme should help achieve the goals of The Climate Change Act 2008, which sets a legally binding date of 2050 to achieve net zero, this carries substantial weight.
	3. 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 Appeal scheme should help achieve the goals of the Plan, this carries substantial weight.
	4. Successive Governments have understood the importance for the UK to provide its own energy security. The Appeal scheme should help achieve theses aims and should attract substantial weight.
	5. The affordability of Renewable Energy has been dropping for many years and there is an infinite amount of renewable energy to be harnessed. The appeal scheme should help achieve affordable energy and should carry substantial weight.
	6. The Appellant has secured a Grid Connection from the Distribution Network Operator (UK Power Network) to install a BESS without improvements to the Grid. This carries Substantial weight.
	7. Paragraph 163 of the Framework states that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and the new NPPF (December 2023) has inserted the word “*Significant”* when assessing small scale projects’ contribution to cutting greenhouse gas emissions, raising the importance of schemes such as the Appeal Development since the application was refused.

*Alternative Sites*

* 1. Locations in close proximity to existing substations have been reviewed in MHPs Landscape Statement (Appendix 2 of Appellant SoC and CD50). Development at these locations would have at best, the same impact on the Green Belt, or greater impact when compared with the Appeal Scheme.
	2. In addition, given the need for the construction of a Super Grid Transformer to enable the development of any battery energy storage at existing substations, such development (i.e. BESS plus Super Grid Transformer) is not viable.
	3. A Super Grid Transformer would also be necessary for any alternative connection to any pylon along this stretch of overhead line. This is because when offering grid connections, the DNO (in this case, UK Power Networks) operates a first come, first served policy based on existing capacity. Once the capacity of existing infrastructure is reached any applicant for a grid connection must meet the costs of facilitating that connection. In this area, all existing capacity has been used, and any new application for a connection would have to address the costs of capacity enhancements (e.g. a Super Grid Transformer) in order to accommodate that connection.
	4. All other pylons on this stretch of line, where capacity was identified, are all in the Green Belt.
1. **MATTERS OF DISPUTE**
	1. The very special circumstances advanced do not provide sufficient reasoning to justify a departure from the National Planning Policy Framework.