



## Appeal Decision

Hearing held on 8 November 2022

Site visit made on 8 November 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

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Appeal Ref: APP/N2739/W/22/3300623

Rawfield Lane, Fairburn, Selby LS25 5JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by UKPA EnergyMF Ltd against the decision of Selby District Council.
  - The application Ref 2021/0789/FULM, dated 18 June 2021, was refused by notice dated 15 December 2021.
  - The development proposed is construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping.
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### Decision

1. The appeal is allowed, and planning permission is granted for the construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping at Rawfield Lane, Fairburn, Selby LS25 5JB in accordance with the terms of the application Ref 2021/0789/FULM, dated 18 June 2021, subject to the conditions set out in the schedule to this decision notice.

### Preliminary Matters

2. Prior to the Hearing the appellant submitted a Unilateral Undertaking which secures the maintenance of the proposed landscaping and biodiversity enhancement area for the duration of the development on the site. This is a material consideration to which I turn to later.

### Main Issue

3. The appeal site is located within the Green Belt and parties agree that having regard to the National Planning Policy Framework (the Framework) the proposal is inappropriate development. In that context, the main issues are:
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the purposes of including land within the Green Belt;
  - the effect of the proposal on the character and appearance of the area;
  - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal:

## Reasons

### *Openness*

4. The appeal site is agricultural land within the open countryside. The proposal involves the provision of an energy management building, 104 battery containers in five blocks, 104 inverters with transformers, two main transformers, five additional transformers, seven switchgear containers, one communications house, high voltage infrastructure, three 5 metre high acoustic walls, six security light columns and palisade fencing incorporating electric fencing. As a result, the majority of the site would be covered with development where there is currently none. Consequently, even though the appeal site forms only a small part of the Green Belt as a whole, the spatial effect on openness would be significant.
5. The appeal site is located within a natural dip in the land. This together with the surrounding rolling topography and natural vegetation means that visually it is well contained and has limited wider visibility in the landscape. The development would though be prominent in views from a nearby Public Right of Way 35.15/1/1 (PROW) until proposed landscaping became established. There is nearby electricity infrastructure, in the form of the adjacent substation and overhead powerlines and pylons. However, this does not, in my view, 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 significantly industrialise this open field.
6. The duration of the development would be 40 years. While not permanent, this would still be a lengthy period of time over which the openness of the Green Belt would be significantly reduced.
7. Activity in the short term would be high during the construction phase. However, the appellant confirmed at the Hearing that this would reduce to monthly visits for maintenance when operational. There would be no harmful impact on openness in this regard.
8. Overall, therefore there would be a significant impact on the openness of the Green Belt.

### *Purposes of Green Belt*

9. The Council confirmed at the Hearing its principal concern relates to the impact of the development on safeguarding the countryside from encroachment.
10. As part of the evidence for the emerging Selby District Council Local Plan, a draft Stage 1 Green Belt Study was produced in 2015 to inform the extent of strategic countryside gaps, development limits, safeguarded land and the status of villages in the Green Belt. The appeal site lies within area Central 10 and scores 4 out of 5 in terms of protecting the openness of the countryside with the area essentially being devoid of development except for the substation and limited residential development, therefore displaying a strong rural character.
11. The appeal site is adjacent to the existing sub-station. However, I do not accept that this means that it contributes less to safeguarding the countryside from encroachment than the rest of the Central 10, rather it provides a buffer to existing development. The extent of built form across the appeal site would

mean that development would encroach into the countryside over a relatively large area contrary to one of the purposes of the Green Belt.

12. The Council also expressed concern that the development would contribute to nearby settlements merging reducing the undeveloped gap between Lumby and Fairburn. The actual wording of the Framework in this respect is the prevention of neighbouring towns merging. I saw that Lumby and Fairburn are both small villages. Even if I were to consider them in the context of this purpose of the Green Belt, I saw that there would still be large areas of undeveloped land between the settlements such that the development would cause no material harm in this respect.
13. For the reasons above therefore, I conclude the proposal would result in considerable encroachment of the countryside.

#### *Character and appearance*

14. The appeal site is located within an area of rolling countryside intersected by transport and electricity infrastructure. There are hedgerows marking field boundaries and areas of native woodland. As a whole therefore the area has a dominantly rural characteristic. I acknowledge the local infrastructure, including the large substation. However, the combination of the topography and natural vegetation means that this is not particularly dominant in the landscape and does not significantly erode the pastoral nature of the area.
15. The appeal site itself sits in a natural dip in the landscape and is agricultural in nature bounded by vegetation on all sides apart from the open southern boundary. It therefore contributes positively to the rural character and appearance of the area. The PROW runs east-west to the south of the appeal site. To the north is the existing large substation. I saw though that this is largely screened from the south by existing vegetation.
16. The equipment to be erected on the site ranges in size and height. The highest structures, the main transformers, would be sited at the northern end adjacent to existing infrastructure. The battery containers at 2.63 metres in height would then extend across the site to the south. A 10 metre landscaping strip would be planted around the edge of the development.
17. The development would inevitably change the existing agricultural nature of the appeal site. However, it would be contained within the existing field pattern. Furthermore, planting along the boundaries would reinforce the characteristic wooded development within the area and be of native species, such that as the landscaping becomes established there would be only a minor effect overall on the appeal site and landscape character. This is the findings of **the appellant's Landscape and Visual Assessment (LVA) and the later** assessment carried out, taking into account the Enhanced Mitigation Strategy<sup>1</sup>. The Council confirmed at the Hearing that it did not dispute these findings.
18. The parties agreed that the appeal site is visually well contained. I saw this to be the case at my site visit and from visiting the surrounding area. Existing vegetation and natural topography mean that views of it, and the adjacent substation are very limited, in the wider landscape. The Council confirmed at the hearing that its principal concern related to the views from the footpath encompassed in viewpoint 2 in the LVA.

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<sup>1</sup> TOPIC PAPER: Landscape and Visual Matters 4 August 2022

19. Viewpoint 2 is taken from the adjacent PROW which is about 20 metres from the southern boundary of the appeal site. Currently walkers will walk across an open field. They may glimpse the neighbouring substation and infrastructure to the north, but I saw that this is well screened by vegetation even though leaves had started to fall at the time of my site visit.
20. The development would be set about 10 metres inside the site boundary behind a landscape buffer consisting of native deciduous and evergreen tree and shrub species, incorporating transplants and advanced nursery stock up to 4.25m tall when planted. The planting would be established over the first 3 years and reach a consistent height of 8m after 15 years. A green palisade fence together with electric fencing would be erected beyond the 10 metre buffer adjacent to the proposed equipment.
21. The indicative visual representations submitted by the appellant of the view from viewpoint 2<sup>2</sup> show the development with and without the landscaping just after construction and the view 15 years after construction. I also have had regard to the Councils submitted photo points within its Landscape and Visual Appraisal Rebuttal. The Council expresses concern about the accuracy of the height of the trees on view 2.2 given the comparison with the height of the fence. However, the appellant confirmed at the Hearing it was accurate and the fence would be behind the trees, therefore its full extent could not be seen on the plan as it was covered by the tree canopies. **I also understand the Council's** concern regarding the planting of larger trees in an attempt to overcome the visual intrusion, which would be high at the point of construction. The trees, being larger specimens would need more rigorous maintenance and there would likely be a high level of failure.
22. The appellant accepted this was likely to be the case at the Hearing and has committed to a longer period of maintenance and tree replacement secured by condition and obligation within the UU. Furthermore, there would be underplanting of smaller trees. I am therefore satisfied that these measures would appropriately secure the provision of a substantial landscape buffer.
23. There would be a moderate adverse visual effect within the first year. Once established, the use of advanced nursery stock would significantly reduce that effect, such that in time walkers would have a similar view to that existing to the north, albeit the planting would be closer. Consequently, there would be a negligible harmful effect to appearance, especially given that woodland planting is not an unusual feature in the landscape.
24. The Council confirmed at the Hearing that it was in general agreement with the findings relating to the remainder of the viewpoints in the LVA. I would concur, I saw that the site had such limited visibility in the wider area that there would be a neutral effect, particularly after the landscaping had established.
25. The Council and the Parish Council raised concerns regarding the considerable number of developments in the local area which are currently proposed. These include a quarry, service station and the Yorkshire Green Nationally Significant Infrastructure Project (NSIP) proposing an extension to the adjacent substation, together with a smaller application for battery storage on an adjacent site to the one before me. However, of these the only one that has planning permission is the adjacent battery storage site which is of a much

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<sup>2</sup> TPLV 2.1, 2.2 and 2.3

smaller scale than that proposed here. Although close by, the combination of proposed and existing landscaping would ensure that there would be no harmful cumulative effect. Any cumulative effects of this and other projects would be taken into account when those projects were considered.

26. For the reasons above, I conclude that the proposal would cause some harm to the character and appearance of the area. It would therefore be contrary to the requirements of Policies ENV1 and ENV 3 of the Selby District Local Plan Part 1 General Policies 2005, Policies SP18 and SP19 of the Selby District Core Strategy Local Plan 2013 and with the Framework which together seek to provide good quality of development, which safeguards landscape character and does not compromise local distinctiveness, character and form.
27. Notwithstanding the above, the identified harm must be considered in the context of my findings that any harm would be localised, and mostly reduced by the proposed mitigation measures. Therefore, I afford the identified minor harm to the character and appearance of the area a minor level of weight against the scheme in the balancing exercise.

#### *Other considerations*

28. There is no dispute between the parties regarding the need for this type of development contributing to the recognition of the importance of a faster transition to Net Zero, to support energy security and reduce exposure to volatile international fossil fuel prices, by harnessing abundant renewable and low carbon resources. National Grid are working to deliver carbon free operation by 2025 contributing to the UK's target to decarbonise the power system by 2035 as part of its target of achieving Net Zero by 2050<sup>3</sup>.
29. 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. These store excess energy at times of high renewable generation and provide somewhere to get energy from when demands are high and generation output is low. Consequently, 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 seven fold increases in capacity and volume respectively from 2021 to 2050 to meet the challenging Net Zero targets<sup>4</sup>. 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. Hence, I give the need for the equipment very significant weight.
30. The main issue for the Council, is that in its opinion the site has been chosen starting with connectivity issues in mind, rather than consideration of the Green Belt which has been a secondary issue. **In the Council's view the** equipment proposed could be located anywhere and it is not essential it be located in the Green Belt. The Framework and the Government attach great importance to the Green Belt and inappropriate development should not be approved except in very special circumstances. The Green Belt has not therefore been given proper consideration in the search and selection of sites.
31. The proposed scheme would deliver both Battery Energy Storage Systems (BESS) and Synchronous Compensators (SC) which would manage the stability

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<sup>3</sup> Net Zero Strategy: Build Back Greener HM Government 2021

<sup>4</sup> Future Energy Scenarios July 2022 National Grid

- of the national grid including the relationship between voltage and current and the resilience of the system to sudden faults. This would provide support to the transmission network (275kV and 400kV) as opposed to the smaller developments which would generally only provide support via BESS. Connecting directly to the transmission network means that the project would assist in capacity, frequency, voltage, inertia and reactive power. This scheme alone would provide some 50% of the voltage requirement. Furthermore, it would provide capacity of some 320MW.
32. The appellant has consulted with National Grid and was directed to the network in the West Yorkshire area which is currently congested. Although a different area to administrative boundaries, the Council is concerned that the area of search has not been sufficiently wide within that West Yorkshire area of concern. It therefore put forward a number of alternatives, where it knows that planning applications have been granted or are pending for battery storage linked to other power stations not in the Green Belt.
33. However, the appellant states that National Grid has advised they are unable to connect to existing power stations such as Drax. Furthermore, the detailed analysis of each active or former power stations within the **appellant's Topic Paper: Location Selection and Alternatives** found that each was deficient in some requirement, most notably that none could achieve a connection before 2030 and, in most cases, there was only connection to one or other of the required 275kV and 400kV circuit, or capacity is limited.
34. The appellant also investigated other substations in the area, but of these only one had connection to both the 275kV and 400kV circuits at Thorpe Marsh. This is located within South Yorkshire, not identified by National Grid as having the voltage issues of the West Yorkshire area. Furthermore, although not in the Green Belt, the substation is adjacent to flood zones 2 and 3a and at risk of flooding which has previously occurred on the site.
35. The appellant also considered whether similar benefits could come from a number of smaller sites outside of the Green Belt. However, smaller sites would generally not accommodate SC and the consequent benefit of grid stabilisation this would bring. Furthermore, the appellant found that the provision of five smaller sites to produce about the same MW output would use 50% more land. While not in the Green Belt, it would still involve a high take up of land and not deliver the benefits of the scheme before me now.
36. Perhaps one of the most important factors is the ability to connect to the National Grid. The appellant has submitted evidence that demonstrates that future connections to the National Grid will be challenging and applicants face a 10 year wait to connect to the grid due to existing capacity being exhausted. Therefore, projects that have secured connection are fundamental to achieving Net Zero targets given the increased requirement for storage capacity. This proposal has an agreed connection to the grid in 2024 which significantly adds to the overall benefit of the scheme.
37. I acknowledge that this is not in itself a renewable energy project and therefore paragraph 151 of the Framework 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 energy from renewable sources only. I am satisfied therefore, 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 Framework.

38. From the evidence before me it is likely that BESS schemes could be located elsewhere. However, the combination of BESS and AC and the magnitude of benefits that would bring within the required timescales in an area of need is unlikely to be delivered elsewhere in the area of search. Accordingly, I give very substantial weight to the lack of alternative sites to deliver the high level of benefits, most importantly, in the required time frame to help deliver the National Grid and UK's ambitious Net Zero targets.

#### Other Matters

39. I have had regard to the various appeal decisions and planning decisions that have been submitted by both parties in support of their cases. While there may be some similar circumstances such as some being in the Green Belt, I cannot be sure that the level of evidence I heard at the Hearing would have been replicated in each case and that circumstances are similar enough to justify me reaching similar decisions where those are counter to that made in this decision. I have therefore determined this proposal based on the particular circumstances and the evidence I have seen and heard.
40. I appreciate that the Council has felt disadvantaged by the quantity and nature of the evidence before me from the appellant. However, there is nothing conclusive before me to suggest the Council could not have sought specialist independent advice regarding the evidence submitted.

#### Legal Agreement

41. The submitted UU secures the maintenance of the landscaping scheme and the biodiversity enhancement scheme for the duration of the development. Given the importance of the landscaping scheme for integrating the development into the local landscape and avoiding harmful visual effects I consider this to be necessary for the lifetime of the development. Similarly given the requirement in the Framework to provide net gains for biodiversity I consider the maintenance of that area to be necessary to make the development acceptable in planning terms.
42. Both requirements are directly related to the development and fairly and reasonably related in scale and kind to the development. I am satisfied therefore that the obligations in the UU meet the requirements of paragraph 57 of the Framework.

#### Conclusion

43. The proposal would be inappropriate development in the Green Belt and would be significantly harmful to its openness, contrary to the Framework. The proposal would also fail to safeguard the countryside from encroachment contrary to one of the aims of the Green Belt. In accordance with the Framework, together I give these harms substantial weight. There would also be minor harm to the character and appearance of the area to which I give minor weight.

44. However, in this instance I have found that the development would deliver very substantial benefits, contributing to Net Zero targets and facilitating the role out of increasing use of renewable energy resources in the country. Therefore, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. The proposal therefore would comply with Policies SP2 and SP3 of the Local Plan which require that planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.

45. For the reasons outlined above the appeal should be allowed.

#### Conditions

46. The suggested conditions were discussed at the Hearing some were revised based on that discussion. I have had regard to the revised agreed list of conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.

47. The standard conditions relating to timescale for commencement and accordance with plans are imposed for certainty. A condition is imposed to ensure that the site is restored to its current state once the 40 year life of the development is over, or after the cessation of the use, in the interests of the character and appearance of the area and restoration of the Green Belt.

48. Measures to protect the existing trees and hedges on site are required prior to work commencing on site to ensure none are harmed by development. A detailed landscaping plan, based on the principles submitted as part of this appeal, is necessary to protect the character and appearance of the area. This needs to be submitted prior to the commencement of development to ensure that appropriate measures are in place.

49. A construction management plan is required to be submitted to ensure that necessary protocols are in place for parking and storage before the commencement of development. Conditions (7) and (8) are imposed in the interests of highway safety.

50. Details of a drainage strategy are required to ensure that the movement of water on site is appropriately managed prior to work commencing and that surrounding areas are not at risk of flooding.

51. Condition (10) is imposed to ensure that acceptable provision is made for the recording of any archaeology. Conditions (11)-(14) are necessary to ensure that adequate investigation of contamination is made prior to any works occurring on site and that appropriate remediation is undertaken to ensure risks from land contamination for future users are minimised.

52. The submission of a Noise Mitigation Scheme prior to work commencing is necessary to protect the living conditions of nearby residents at all stages of the development. Details of lighting and the colour of the equipment, its housing and fencing are required to protect the character and appearance of the area.



53. A condition requiring compliance with plans and reports regarding ecology, together with the submission of a Non Licensed Method Statement (NLMS) for Great Crested Newts is necessary to ensure no harmful impact on ecology and net gains for biodiversity are achieved. The NLMS is required prior to work commencing on site to ensure that Great Crested Newts are protected prior to construction activity. Conditions regarding the proximity of the public water main and the National Grid Assets are required to protect the structures and assets and allow essential maintenance.

*Zoe Raygen*

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Richard Wood.

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Associates on behalf of Selby  
District Council

Barrie Gannon

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James Blackburn

Engineering Director of UK  
Power Associates Ltd

Matthew Sharpe

Senior Director, Quod

Lee Morris

Managing Director and Co-  
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DOCUMENTS SUBMITTED AT THE HEARING

1 Appellants response to Council's Landscape and Visual Appraisal Rebuttal

## CONDITIONS

- 1) The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the plans/drawings listed below: 1A 3403-REP-013, 3403-DR-P-0001 Rev 14, TC22068-LP 01v1, 3403-DR-LAN-102 Rev A, 3403-DR-P-0006, 3403-DR-P-0007, 3403-DR-P-0008-1, 3403-DR-P-0009, 3403-DR-P-0008, 3403-DR-P-0011, 3403-DR-P-00013 , 3403-DR-P-0014
- 3)
  - (a) The use of proposed development shall cease on or before 29 November 2062 and all buildings, equipment and infrastructure removed and the land shall be restored in accordance with a decommissioning scheme that must be submitted to and approved by the local planning authority. The decommissioning scheme shall include a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.
  - (b) All buildings, structures and associated infrastructure must be removed within six months of the use of the proposed development ceasing, and the land restored in accordance with the details approved pursuant to paragraph (a).
- 4) No development may commence until an Arboricultural Method Statement and tree protection measures, in compliance with BS5837, has been submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.
- 5)
  - (a) No development may commence until a detailed hard and soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the details set out in drawing number TC22068-LP.01v1 (by Tir Collective dated 20 May 2022) and the Offsite Landscape Enhancement Plan drawing number 3403-DR-LAN-102 Revision A (by Arcus dated 2 June 2021) and must include details of proposed landscape and ecology works, including:
    - i) soft landscape details;
    - ii) hard surfacing materials;
    - iii) proposed finished ground levels;
    - iv) species type, size and planting density
    - v) vehicular and pedestrian access;
    - vi) a landscape maintenance, management and monitoring plan, including details of seasonal watering.
  - (b) The approved landscaping scheme shall be implemented in its entirety within the first available planting season following construction of the development.
  - (c) The scheme shall be retained and managed in accordance with the approved landscape maintenance, management and monitoring plan for the duration of the development.

(d) If any tree or shrub is removed, dies or becomes seriously damaged or diseased within the lifetime of the development it must be replaced with suitable replacement plants or trees to the approved details.

- 6) No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
- i) the parking of contractors' site operatives and visitor's vehicles;
  - ii) areas for storage of plant and materials used in constructing the development clear of the highway; and
  - iii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Construction of the permitted development must be undertaken in accordance with the approved plan.

- 7) The development must not be brought into use until a scheme for the access to the site at Rawfield Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme must be in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following:
- i) The access must have a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E70; and
  - ii) Drainage details that set out measures to prevent surface water from the site/plot discharging onto the highway.

All works must be carried out in accordance with the above approved details.

- 8) There must be no access or egress by any vehicles between the highway and the application site at Rawfield Lane until splays are provided giving clear visibility of 130metres (north) and 129 metres (south) measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 9) No development must commence until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be in accordance with the principles set out in in the Outline Sustainable Drainage Strategy (dated June 2021). The approved scheme shall be implemented and maintained for the lifetime of the development
- 10) No development must commence until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) An assessment of significance and research questions;
  - ii) The programme and methodology of site investigation and recording;

- iii) Community involvement and/or outreach proposals;
- iv) The programme for post investigation assessment;
- v) Provision to be made for analysis of the site investigation and recording;
- vi) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vii) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- viii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be brought in to use or the site occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 11) No development must commence until a contamination investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be developed in accordance with the recommendations set out in the Phase 1 Contaminated Land Assessment (dated May 2021). The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii) an assessment of the potential risks to
  - 1. human health,
  - 2. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - 3. adjoining land,
  - 4. groundwaters and surface waters,
  - 5. ecological systems,
  - 6. archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

The development shall be carried out in accordance with the approved details.

- 12) No development must commence until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) details of any remedial works needed to bring the site to a condition suitable for the intended use, including the removal of unacceptable risks to human health, buildings and other property and the natural and historical environment;
- ii) Any works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

- iii) Confirmation that the site is not contaminated land, as defined by Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall be carried out in accordance with the approved details.

- 13) The development must not be brought into use until the approved remediation scheme has been carried out. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority within two months of the development coming into use.
- 14) If in undertaking the construction of the development, contamination not previously identified is found to be present at the site, then it must be reported in writing as soon as possible to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.
- 15) No development must commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations set out in the Noise Impact Assessment (dated May 2021). The approved scheme must be implemented as approved for the life of the development.
- 16) No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.
- 17) The battery containers, palisade fencing and energy management building shall not be installed until details of the external materials have been submitted to and approved in writing by the Local Planning Authority. The battery energy storage containers, transformers and associated switchgear; containers, communications house, energy management building, perimeter palisade fencing, acoustic walls must be finished with green colour materials only.

The development shall thereafter be carried out only in accordance with the approved details.

- 18) Prior to commencement a Non Licensed Method Statement (NLMS) for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved NLMS and the recommendations, advice and mitigations measures contained in the Landscape and Ecology Mitigation Plan and offsite Landscape Enhancement Plan and adherence

to the measure set out in the Ecological Impact Assessment by Arcus dated June 2021.

- 19) No building or other obstruction including landscape features shall be located within 3 (three) metres of the public water main (i.e. a protected strip width of 6 (six) metres). No diversions or closure of the water main must take place unless or until details of any diversion or closure, including the proposed timing of the works has, following consultation with the relevant statutory undertaker, been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented as approved.
- 20) A 5.3m minimum clearance with National Grid Assets must be maintained as shown on the Site Layout Plan (drawing number 3403-DR-P-0001, Rev 14).

\*\*\*\*\*END OF CONDITION SCHEDULE\*\*\*\*\*