



Appeal Decision

Inquiry held on 27 March – 2 April 2025

Site visit made on 28 March 2025

by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2025

Appeal Ref: APP/N4720/W/24/3354875

Land At Westfield Road, Carlton, Leeds WF3 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Firma Vogt Solar Limited against the decision of Leeds City Council.
 - The application Ref is 23/06404/FU.
 - The development proposed is the installation, operation, and decommissioning of a of a 50MW Battery Energy Storage System and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the installation, operation, and decommissioning of a of a 50MW Battery Energy Storage System and associated infrastructure at land at Westfield Road, Carlton, Leeds WF3 3TW in accordance with the terms of application Ref 23/0604/FU and subject to the 30 conditions in the attached Schedule.

Preliminary Matters

2. During the course of the appeal the Appellant requested that I consider a Noise Impact Assessment Report ACO001-01 and amended plans, which, amongst other matters removed double security fencing and 3 storage units, amended the landscaping strategy, provided acoustic enclosures around the inverter units and included a 3 metre high acoustic fence around part of the site.
3. The Council raised no objection to the proposed amendments. Interested parties were consulted of the changes to the proposal and numerous representations were submitted in this regard, which, in addition to the consultation responses received at both the planning application and appeal stage both in writing and orally, I have taken into account in my decision.
4. Having regard to the principles established in the Courts, and in particular the Holborn Studios Ltd judgment¹ I consider that the amendments do not involve a substantial difference or a fundamental change to the proposed development and that no party would suffer procedural unfairness by my acceptance of the drawings. I have thus assessed the proposal on the basis of the amended drawings.
5. On the basis of the amended plans, the Council is satisfied that noise is no longer a matter in dispute between it and the appellant.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

6. During the course of the appeal the National Planning Policy Framework (Framework) was revised (February 2025), and changes relevant to the determination of this case relate to paragraph 155, which introduced a further category of development not considered to be inappropriate in the Green Belt. The Planning Practice Guidance was also revised on 27 February 2025 and of relevance to this appeal is the guidance on Green Belt. The parties were provided with the opportunity to comment on the revisions and I have taken the comments received into account.
7. The Council advised that it was updating the Leeds Local Plan through two separate Development Plan Documents (DPDs): the Local Plan Update and the Leeds Local Plan 2040. However, it has now decided to consolidate the update into a single document, and the respective draft plans have been withdrawn. Public consultation on the new development plan is yet to occur. On this basis, what were the emerging policies in the two DPDs carry no weight in my determination of this appeal.
8. The Council's planning witness was not able to attend the inquiry, however their written statement has been taken into account in my decision.
9. Following completion of the parties' cases the Inquiry was adjourned to allow submission of amended conditions and for the closing submissions of the Appellant and the Council to be submitted in writing. The Inquiry was closed in writing on Wednesday 9 April 2025.

Main Issues

10. The appeal site is located within the Green Belt. Accordingly, the main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the appeal site is grey belt land and whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

Character and Appearance

11. The appeal site is located within the countryside, close to the settlements of Robin Hood and Carlton. It is triangular in shape and forms part of the open agricultural setting of these settlements and also Lofthouse, Robin Hood and Carlton. The site slopes north to south with West Beck being the lowest point at the southern boundary, beyond which, and outside of the appeal site, the land rises. Westfield Road forms the easterly boundary of the site, which is separated from the appeal site by a gappy hedgerow. On the opposite side of the road there are houses fronting the road close to the northern tip of the site. Agricultural fields are located on the opposite side of the road to the main part of the site. To the west of the appeal site is Rothwell Greenway, Leadwell Lane to the north, part of the Leeds Country Way to the south and Carlton to the east. A 132 kV overhead line passes over the corner of the site from southeast to northeast and an electricity pylon sits in the southeastern corner of it.
12. The parties agree that the appeal site is not located within, nor is within the setting of a protected or designated landscape, either nationally or locally. Whilst of value

to local people, the main parties agree that it is not a valued landscape for the purposes of Framework paragraph 187 a). It is located within the National Character Area NCA Profile 38: Nottinghamshire, Derbyshire and Yorkshire Coalfield.

13. The NCA is extensive embracing major industrial towns and cities as well as villages and wider tracts of countryside. The landscape is underpinned by generally low and variable hills, escarpments and broad valleys. Overall field size and pattern is variable with some areas intact with thick hedges, while elsewhere the field pattern has broken down with more fencing and fewer trees. The NCA displays a mixed pattern of developed areas and farmed, open countryside. Both parties agree (following cross examination of the Council's witness) that the sensitivity of this NCA is low.
14. More locally, the appeal site lies within the Arable Fringe Farmland landscape character type² which is described as a landscape of actively farmed land containing a mixture of landscape influences, all dominated by human activity. Within this character type, the appeal site and its environs fall within the landscape unit Rothwell Fringe (LCM5). The parties agree that the LCM5 has a medium sensitivity.
15. The Rothwell Fringe is described as a chaotic and fragmented area of arable fringe farmland, lying in the main, on gently, often imperceptibly rolling land. Key characteristics are fragmented urban fringe farmland, large arable fields, strips of horticulture, allotments and pockets of horse pasture, strip woodland along isolated becks, spoil tips, sparse tree cover and motorways. The Rothwell Fringe is described as being dominated by human activity and is under intense public pressure. The overall management strategy for the area is identified as one of restoration of areas of more intact farmland where characteristic features are being lost combined with enhancement through the creation of a new landscape character, which could be done through new large scale woodland planting.
16. The imperceptibly rolling landscape is typical of the appeal site, as is the tree lined Beck, but the intense public pressure and human activity is not readily apparent on either the appeal site or the nearby fields. The appeal site and its nearby fields, whilst located between built development and in arable use, are not in my judgement 'chaotic' or 'fragmented' areas of farmland. They are attractive areas of open farmland.
17. Whilst the proposal would include additional hedgerow, landscaping and trees the change to the landscape from the partial terracing of the site and the introduction of a mound, whilst temporary for 40 years, would have an adverse effect on the landform. Whilst the effect would be localised and limited given the size of the appeal site and scale of development, this characteristic landform feature would be partially lost. Although by year 15, the proposed landscaping would have matured, the effect on landform would remain with the mound, having an uncharacteristic steepness, relative to adjoining land, despite meadow planting, which would be particularly visible through the access into the site and in the winter months. Harm to the character and appearance of the appeal site would occur, even factoring in that the hedgerow planting along Westfield Road would be a positive benefit

² The Leeds Landscape Assessment 1994

removing the 'gappiness', along with tree planting, shrub planting and hedgerow planting along the other boundaries of the site.

18. Furthermore, whilst sited at the lower part of the appeal site, the BESS equipment would be visible and noticeable from a number of receptors. From the Appellant's viewpoints 1 and 10, the proposal would deteriorate the open view across the fields, introducing an alien form of development into this otherwise largely undeveloped area. The presence of the pylons and overheads lines whilst visible upon the site and wider landscape are largely visually permeable, as opposed to the solid box like structures associated with the BESS, with little space between them and the solid, high acoustic fencing. Even with the proposed landscaping the proposal would be visible from parts of Westfield Road, along the proposed access, in winter and from the bridge crossing over West Beck from where it would be viewed as an unsightly imposition.
19. From the viewpoints on the Leeds Country Way which is elevated above the appeal site the proposal would be visible during construction. In the early years of the scheme views into the site would be significantly changed and detrimental. This is a popular recreational route and users of the public right of way within the vicinity of the site would at certain points be faced with a stark outlook over industrial style containers and associated equipment climbing up the slope of the site. This visual harm would be of a moderate temporal duration because elsewhere along the route the BESS facility would not be visible, being filtered by landform and vegetation. Moreover, it would be viewed against a wider panorama including the built form of nearby settlements and over time, as the proposed landscaping matures, the views of the BESS would be substantially reduced such that this visual intrusion would be mitigated successfully.
20. From the Rothwell Greenway, which is also a popular recreational route views of the appeal site are largely filtered by mature vegetation. At certain points, glimpses of the scheme would be observed, but for much of the route it would not be visible. Even in winter the dense vegetation would provide a filtering effect of the proposal. Thus, whilst the proposal would change the views from this route, it would be minor temporal and once the landscaping proposed matures, the proposal would be unlikely to be visible from the Rothwell Greenway.
21. From Leadwell Lane the proposal would result in a marked change to the character and appearance of these agricultural fields. In this view the proposal would be viewed in the context of the electricity pylon on the site, but that said, the spread of development across of the field would be uncharacteristic and harmful.
22. From Amspool Court and residential properties on the western edge of Carlton, the proposal would sit at a lower level and whilst the equipment would be visible in the short term, it would be viewed at a distance in the context of the built form of Robin Hood and development along Westfield Road. With the proposed landscaping maturing over time, the proposal would be unlikely to be harmful or intrusive in the outlook from these sensitive receptors.
23. Haigh Side Drive is located further away from the appeal site than the other viewpoints previously referred to. From here, occupiers have a largely open outlook from the rear of some of the properties across agricultural fields. The proposal would be viewed at a distance with polytunnels visible in the foreground and a

backcloth of landform and landscaping such that, in my judgement, the proposal would not be intrusive.

24. There is a high probability that users of Cemetery Lane would be either on foot, on a bike or in a vehicle. In a car and on a bike its occupiers' focus should be on the road conditions rather than what is occurring in surrounding fields. The pavement is on the right hand side of the road approaching Carlton and there is hedgerow planting on the field boundary on the opposite side of the road. Glimpses of the proposal may be obtained, but given the separation distance and landscaping, I find that the scheme would not be intrusive or harmful from this road.
25. Taking the above matters into account, it is my judgement that the proposal would cause harm to the character and appearance of the area, which whilst mitigated to some extent given the duration of time with landscaping maturing, would not be sufficient to reduce either the landscape or visual impacts of the proposal over its 40 year lifespan. Moderate harm to the character and appearance of the area would result for the operational lifetime of the development.
26. As such the proposal would be in conflict with Leeds Unitary Development Plan (Review – 2006) Volume 1: Written Statement (UDP) Policy N37A which requires all new development in the countryside to have regard to the character of the landscape, UDP policy GP5 which seeks proposals to avoid problems of environmental intrusion and loss of amenity, amongst other matters, and UDP Policy N24 which requires development proposals to assimilate into the landscape. There would also be conflict with Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (CS) Policy P10 which requires new development to provide good design that is appropriate to its location, scale and function that respects and enhances existing landscapes and CS Policy P12 which requires the character, quality and biodiversity of Leeds' townscapes and landscapes to be conserved and enhanced to protect their distinctiveness. There would be no conflict with UDP Policies LD1 or N25 which require landscaping to reflect the character of the area and boundaries of sites to be designed in a positive manner, because much of the proposed landscaping accords with the management strategy for the Rothwell Fringe.

Whether Grey Belt Land/Inappropriate Development

27. The Framework sets out that inappropriate development, is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework identifies a list of development exceptions in the Green Belt, none of which are applicable to the appeal proposal. Policy N33 of the UDP is broadly consistent with the Framework in this regard.
28. Paragraph 160 of the Framework specifically identifies that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. At the time that the appeal was submitted, both main parties agreed that the proposal would comprise inappropriate development in the Green Belt, however since this time national planning policy has changed with the concept of 'Grey Belt' introduced.
29. Paragraph 155 of the Framework establishes that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following criteria apply. Firstly, that the development would utilise grey belt land and would not fundamentally undermine the purposes

(taken together) of the remaining Green Belt across the area of the plan; secondly that there is a demonstrable need for the type of development proposed; thirdly that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The main parties were in agreement that the fourth criteria relating to 'Golden Rules' is not relevant to the appeal proposal, it not being major development involving the provision of housing.

30. In order to qualify as 'grey belt' the glossary to the Framework in Annex 2 sets out that it is 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b), or d) in paragraph 143. 'Grey Belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
31. The five purposes of Green Belt are set out in Framework paragraph 143. Purpose a) is to check the unrestricted sprawl of large built-up areas; b) is to prevent neighbouring towns merging into one another and d) is to preserve the setting and special character of historic towns. Purpose c) is to assist in safeguarding the countryside from encroachment and e) is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
32. The Council referred me to guidance in the PPG including at paragraph 005 which sets out considerations to inform judgements about the strength of contribution areas of land make to purposes a), b) and d), to which I have regard.
33. The Council has not undertaken a Green Belt assessment which has identified grey belt land³, nor are there any policies in the development plan relating to grey belt. In such circumstances the PPG sets out that 'authorities should consider evidence, in light of this guidance⁴ on:
 - whether the site strongly contributes to the Green Belt purposes a, b or d; and
 - whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF (other than Green Belt) provide a strong reason to restrict development; and
 - whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance'⁵.
34. The main parties make it clear in the Statement of Common Ground (January 2025) that they are in agreement that the appeal site does not strongly contribute to purposes b) or d) of paragraph 143 of the Framework, set out above. They also accept that the areas or assets in footnote 7 do not provide a strong reason for refusing or restricting development. I concur.
35. In terms of purpose a) whilst the proposal would result in development on open land, which is largely free of existing development, between the settlements of Robin Hood and Carlton, the PPG makes it clear that this purpose relates to the

³ The Submission Draft Green Belt Review Background Paper February 2017 was produced prior to grey belt being introduced in the Framework.

⁴ The PPG

⁵ PPG paragraph 009 Reference ID:64-009-20250225

sprawl of large built up areas, and that villages should not be considered large built up areas. Carlton and Robin Hood are agreed to be villages.

36. Leeds is the agreed large built up area which is located in a northerly direction from the appeal site. It is enclosed at its southern point by the M1 motorway, beyond which are agricultural fields which are located in the Green Belt⁶. The settlements of Rothwell, Robin Hood and Carlton are located outside of the Green Belt but the land around them is within it. The appeal site is located some distance from the built up area of Leeds, and is separated from it by nearby settlements and open fields.
37. I acknowledge that from elevated points within the vicinity of the appeal site including from parts of the Leeds Country Way and the Rothwell Greenway that the appeal site is viewed in the context of development in Leeds, Rothwell, Robin Hood and Carlton. However spatially and physically there is a distinct separation between the appeal site and the built up area of Leeds. Moreover, other than in panoramic views, where it forms part of the open agricultural landscape between settlements, the appeal site is visually separate from the built up area of the city.
38. Given that the appeal site is not adjacent to, or near to the built up area of Leeds it does not strongly contribute to checking the unrestricted sprawl of large built up areas (Green Belt purpose a)).
39. Accordingly, given my findings that the appeal site does not strongly contribute to any of purposes a), b), or d) in paragraph 143 of the Framework, I conclude that it comprises grey belt land for the purposes of Framework paragraph 155.
40. However, before I conclude whether or not the proposal would result in inappropriate development in the Green Belt, it is necessary to assess whether the development would accord with the relevant tests of Framework paragraph 155, listed a. to d..

Framework paragraph 155 a.

41. The proposal would utilise grey belt land. I have found that the appeal site does not strongly contribute to Green Belt purposes a), b) or d). The proposed development would accordingly not fundamentally undermine these Green Belt purposes across the area of the plan.
42. The development of an open agricultural field as proposed would inevitably result in encroachment into the countryside such that there would be conflict with Green Belt purpose c), which is not disputed. However, given the size of the appeal site and the scale of development upon it, such encroachment would be small. Reference is made to Leeds Green Belt covering 33,840ha, which is not disputed. The appeal site at 1.7ha constitutes 0.005% of its total area and approximately 30% of the site would be developed. This would not fundamentally undermine Green Belt purpose c) of the remaining Green Belt across the area of the plan.
43. In terms of purpose e) the proposal would not recycle derelict and other urban land. The Appellant considers that the development of this greenfield site would allow for other types of development with a longer lifespan than the proposal to be constructed on derelict and other urban land. Whilst this argument may have some merit, it has not been substantiated and I afford this matter little weight.

⁶ Leeds Local Plan Policies Map (Nov 2018) Map 29a

44. It is however clear from the Appellant's Alternative Site Assessment⁷ (ASA) that derelict and other urban land were assessed for a Battery Energy Storage System (BESS) which were considered locationally suitable, close to a grid connection. A 2km search area from any substations was used that had potential capacity for a 50MW BESS throughout the administrative district of Leeds, along with other locational capacity, the methodology of which was agreed with the Council. The ASA was undertaken in November – December 2022.
45. The Council indicated at the inquiry that other than sites 21 and 24 of the ASA, the other sites it had concern about in evidence carry little weight because cross examination on matters of detail could not be provided at the Inquiry. Local Residents drew attention to other sites which they considered suitable for the proposed facility. However, limited detail was provided of the circumstances of these examples, including whether the sites were available, their size and suitability given the locational requirements of a BESS. This therefore limits the weight that I can give this matter.
46. Sites 21 and 24 comprise previously developed land and were identified within the ASA as potentially suitable sites, including at the third screening stage. However, at the final screening stage they were rendered not available because the landowners had not responded to the appellant's search for sites request. I note the concern raised in this regard and consider that it would not have been too onerous a task to try and make further contact with the land owners of these sites, particularly given that the last contact was made in October 2021⁸ and circumstances/land ownership could have changed since this time. That said, an ASA is not a requirement of national policy as opposed to a sequential and exception test in areas of flood risk as was the case in the appeal decision⁹ referred to me.
47. In this case whilst the proposal would not recycle derelict or other urban land its small size relative to the Green Belt of the plan area as a whole is very small as set out above. Given this, and acknowledging the great importance the Government attaches to Green Belts, the proposal cannot reasonably be said to fundamentally undermine the purpose of assisting urban regeneration, by encouraging the recycling of derelict and other land.
48. Even taking that there would be conflict with purpose c) and e), taken together I conclude that the proposal complies with criteria a. of paragraph 155 of the Framework.

Framework paragraph 155 b.

49. The Council consider that the demonstrable unmet need that needs to be demonstrated is a local need, despite setting out in the Statement of Common Ground (SoCG) dated 31/01/2025 that 'there is a demonstrable unmet need for Battery Energy Storage System development both locally and nationally'. This was then changed in the updated SoCG dated 20 March 2025, following revisions to the PPG in respect of Green Belt where concern was raised in respect of the need not being evidence locally.
50. I am not convinced with the Council's stance in this regard. If local need had been the Government's intention, it would have said so, either within the criterion of

⁷ enzygo environmental consultants (September 2023)

⁸ Example Letter Sent to Landowners CD1.26

⁹ Ref APP/D0121/W/22/3313624

Framework paragraph 155 b. or within a footnote, similar to that relating to housing and traveller sites.

51. Furthermore, the Framework needs to be read as a whole. Whilst paragraph 168 states that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, there is in my judgement an intentional distinction in areas of grey belt requiring a demonstrable unmet need for the type of development proposed to be proven, including for renewable schemes, because of the importance the Government attaches to the Green Belt.
52. What is clear is that the Government requires the planning system to support the transition to net zero by 2050¹⁰ and take full account of all climate impacts. It should, amongst other matters minimise vulnerability and improve resilience, and support renewable and low carbon energy and associated infrastructure¹¹.
53. The Department for Energy Security & Net Zero Overarching National Policy Statement for Energy (EN-1), November 2023 whilst part of a suite of National Policy Statements (NPS) for delivery of major energy infrastructure, establishes that it may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Both parties have referred to EN-1 and I consider that it is a material consideration in this case.
54. NPS EN-1 sets out that electricity storage has a key role to play in achieving net-zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Such storage can provide various services, locally and at the national level, including maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NESO) and Distribution Network Operators (DNO) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases.
55. When NPS EN-1 was first published there was around 4GW of electricity storage operational in Great Britain, with around 1GW of this being battery storage. NESO has produced advice on how the Government can achieve clean power for Great Britain within its Clean Power 2030 report. Its pathways to clean power see battery capacity increase from around 5 GW in 2023 to between 23-27 GW by 2030. NESO see the principal role of batteries is to provide within-day flexibility by recycling regularly to help match supply and demand and provide vital system services, such as frequency response. It is estimated that their role is likely to grow to 2030 as use of gas generation falls and renewable energy infrastructure is expanded. Although not Government policy, the NESO report provides important context in what is likely to be required to meet the Government's energy ambitions.
56. The proposal would make a contribution to achieving the Government's ambitions set out in Framework paragraph 161, a matter to which I am required to give significant weight as set out in Framework paragraph 168 a).

¹⁰ In line with the duty under the Climate Change Act 2008

¹¹ Framework paragraph 161

57. Although I cannot give any weight to the emerging development plan it is clear from the evidence before me that Leeds City Council had declared a climate emergency in 2019. In October 2023 when it produced its Carbon Reduction Background Paper, it had the ambition to achieve net zero carbon emissions across the city by 2030. The document submitted at the Inquiry 'Renewables Areas for LCC Local Plan Update Report' (August 2022) identifies at section 5 that there may be a role for large electricity storage systems to be used to store power at times when local supply exceeds demand and then to discharge when demand exceeds supply (typically only a few hours later). This use of energy storage is identified within the report as helping to increase the self-sufficiency of the Leeds City Council area and to balance the national supply and demand of electricity (assuming that most other parts of the country will be deploying similar measures to decarbonise).
58. BESS facilities would help to achieve the Council's ambitions similar to the contribution that they make to the Government's ambitions. In the absence of evidence to substantiate how net zero will be achieved, there is a high probability that BESS will be one of the technologies required to achieve this. 2030 is only 5 years away. Although consented BESS schemes have not been implemented within the Council's administrative area, there could be a number of reasons for this including grid connection issues. To my mind, this point does not demonstrate that there is not a demonstrable unmet need for battery storage systems.
59. Given the above, whilst there is dispute over whether there is a demonstrable local unmet need for the BESS, there is no such dispute that there is not a demonstrable national unmet need for BESS facilities. In the context of national planning policy, the ambitions to achieve net zero, I am satisfied that criterion b. of Framework paragraph 155 has been demonstrated.

Framework paragraphs c. and d.

60. As set out earlier in my decision the Council has indicated that there is no conflict with criteria c. of paragraph 155 and that the Golden Rules (criteria d.) are not relevant to the proposal.

Conclusion on whether inappropriate development in the Green Belt

61. Given the above, I conclude that the proposal would not comprise inappropriate development in the Green Belt. There would be no conflict with the aims of UDP Policy N33.
62. Given my conclusion in this regard it is not necessary to assess the proposal's impact on openness or determine whether other considerations amount to very special circumstances to justify development in the Green Belt.

Other Matters

Safety

63. Concern has been expressed in relation to the safety of the BESS installation, which would include a significant number of containers containing racks of batteries, and other equipment. I do not take this concern lightly, particularly given the number of residents expressing it and that the Framework requires that planning policies and decisions should promote public safety, amongst other matters. In this regard, national planning policy requires that the layout and design of developments should be informed by the most up-to-date information available

from the police and other agencies about the nature of potential threats and their implications. This includes taking appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security¹².

64. There was information given in evidence in relation to the fire which had occurred at a BESS facility in Liverpool¹³. That fire was in an installation which used a more volatile type of battery than that proposed in this case. I understand that this is the only fire that has occurred at an operational BESS facility in the United Kingdom of which I was told there were 161. I was informed that there were no casualties, no pollution of water courses and that the plume was considered to be negligible in terms of toxic gas concentration.
65. Reference was also made to a fire at Thurrock BESS in February 2025 when the development was being constructed. At the time of the Hearing an investigation into why the fire had occurred had not been undertaken, but it is understood that the fire brigade were able to control the fire and there were no casualties or risk to the public.
66. Reference was also made to fires at installations in America but little detail was provided particularly in regard to the type of batteries used, but of 736 BESS facilities, 19 fires had occurred.
67. The West Yorkshire Fire and Rescue Service (WYFRS) recommended that the National Fire Chiefs Council's (NFCC) guidance on grid scale battery energy storage systems was met. The guidance includes a number of matters with WYFRS highlighting that the proposal did not comply with it because of its single access point and the access between the BESS units and unit spacing.
68. Whilst the site only has one vehicular access point, it is in close proximity to Westfield Road with a distance of 30 metres cited. Fire service vehicles could park within the road if they were unable to gain vehicular access onto the site and fire fighters would be able to access the BESS enclosure on foot with their firefighting equipment. A planning condition requiring a pedestrian gateway to allow such access would secure this. Given this I am satisfied that fire crews would be able to access the site in the event of a fire and deal with the incident accordingly.
69. The physical distance between equipment is the most significant factor in how fire can spread within a BESS site, so maintaining adequate separation is crucial to minimising its potential impacts. Containers housing battery cells, being the most likely source of a fire, must be separated from each other and from other equipment such as transformers, control equipment, office buildings, and from the site perimeter. The NFCC guidance suggests a minimum spacing between units of 6 metres unless suitable design features can be introduced to reduce this. This distance is based on 2017 information set out within FM Global (2017) Property Loss Prevention Data Sheets: Electrical Energy Storage Systems, para. 2.3.2.2. Since this time, updated guidance has been published (in 2023 by FM Global) which establishes that where containers have at least a 1-hour rating in accordance with ASTM E119, aisle separation of at least 2.4 metres is acceptable. In this case, the appellant contends that the BESS containers are sited at least 2.5 metres apart

¹² Framework paragraph 102

¹³ Carnegie Road – September 2020

(on sides containing openings) and that conformity with the ASTM E119 1-hour rating will be a requirement of the selection of the BESS units.

70. The closest residential properties to the BESS equipment would be a minimum of 100 metres away which is not disputed. The primary school in Carlton is a greater distance from the site. These distances exceed the NFCC minimum distance of 25 metres between occupied buildings and BESS units prior to any mitigation being required. The WYFRS have not suggested any mitigation between the BESS units and nearby residential properties.
71. The pavement alongside the appeal site is a popular route to the school and also with walkers. I acknowledge that if there was a fire event on the appeal site, users of the pavement and nearby occupiers could be affected by this event.
72. I was told that operators of BESS facilities take safety seriously. The proposal would use battery packs that are actively heated, ventilated, and/or cooled as appropriate, and are certified to industry standards. The units follow the principles for battery safety including fire prevention, using battery technology proven to be at low risk of thermal runaway/fire; equipment monitoring, both automatic and remotely of operational parameters to promptly respond to warnings and prevent faults, and in the event of an incident fire suppression methods are utilised upon detection of fire, smoke, or other gases to prevent a runaway event. Monitoring and isolation of affected equipment would also occur to prevent the thermal runaway occurrence and aerosol systems would also be installed within the BESS units which would be activated in the event of a fire. The gravel substrate and spacing between units would also serve to isolate individual containers.
72. Whilst there can be no guarantee that there would not be a fire at the appeal site, the evidence before me indicates that this is a rare occurrence within both the United Kingdom and the United States of America. Moreover, the evidence before me, including specialist advice from the WYFRS, indicates that the design of the scheme is informed by the most up to date information available and that there are no locational reasons from a fire safety perspective to prevent a BESS facility on the appeal site. Moreover, a Battery Safety Management Plan could be secured by condition to ensure that measures are in place in the event of an incident. In light of the above I find that the proposal would not result in harm to public safety, and there would be no conflict with the Framework in this regard.

Effect on, and potential loss of agricultural land

74. An Agricultural Land Classification Report of the appeal site was undertaken in August 2023. This identified that 0.44 hectares of the site was Grade 3a and 1.33 hectares was Grade 3b. Grade 3a falls within the classification of best and most versatile (BMV) agricultural land.
75. The appeal site is located within the 'Rhubarb Triangle', an area renowned for producing early forced rhubarb. Although not apparent upon the appeal site, I observed rhubarb growing in nearby fields. I was told that whilst the forced rhubarb had protected status, the land upon which it is grown is not.
76. The proposal would take the land out of agricultural production for 40 years. Whilst this is a significant period of time, it is not permanent. The Framework does not prevent the development of BMV but requires that its economic and other benefits are recognised, and where significant development of agricultural land is

demonstrated to be necessary that areas of poorer quality land should be preferred to those of a higher quality.

77. In this case, the size of the appeal site would not result in significant development of agricultural land. Once the BESS facility has been decommissioned the land could be returned to agriculture. I note the suggestion that the changes to the land form would result in the loss of BMV land, but this has not been substantiated.
78. Given the above I find that the proposal would take the site out of agricultural production for a significant period of time, but its economic and other benefits would not be lost. There would be no conflict with the Framework in this regard.

Biodiversity

79. Wet Beck runs along the southern boundary of the site. The Ecological Impact Assessment by Brooks Ecological identifies West Beck as a Priority Habitat and as such is a Habitat of Principal Importance.
80. There is the potential for pollution of West Beck from large volumes of water/foam in the event of a fire event at the facility. The Environment Agency advises that such facilities should be provided with systems for containing and managing water run-off, and that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring.
81. In this regard the proposal includes permeable surfaces upon the site and an attenuation tank which would contain a large volume of water (a minimum of 228,000 litres is proposed). Whilst the attenuation tank may not contain all of the water used in a fire event, some of it is likely to drain away naturally upon the site. The evidence from the Liverpool BESS fire suggests that the lime-based gravel covering at the base of the BESS neutralised the fire run-off water and upon testing was found to be of a low alkaline level. Whilst ground conditions are likely to be different in each case, the evidence before me indicates that subject to these measures, and the implementation of the Battery Safety Management Plan that there would be a low probability of pollution of the nearby water course from the proposal.
82. I was told at the Inquiry that the area is rich in wildlife including birds and mammals. Reference was made to buzzards, bats, badgers and deer amongst other species. The appellant undertook an Ecological Survey which identified that there would be no significant residual impact on protected species as a result of the proposal. A number of mitigation measures were however suggested specifically with regard to new landscaping creating wildlife habitats and in respect of lighting and bat boxes which can be secured by planning condition.
83. The proposal, whilst not the subject of mandatory biodiversity net gain, on account of the timing of the planning application would result in considerable biodiversity net gain with 164.6% referenced. This far exceeds the now statutory 10%. This would undoubtedly be of benefit to existing wildlife and may well attract more into the locality.
84. On the evidence before me I find that the proposal would enhance biodiversity and the natural environment in accordance with part 15 of the Framework. The Council found similarly in this regard.

Highways

85. The BESS facility would be accessed from Westfield Road. On the side of the road where the access would be provided is a pavement which is well used, as observed on my visit and indicated in the submitted representations, including by school children.
86. The construction phase is estimated to last for about 6 months, wherein articulated lorries would be delivering equipment to the site. The appellant has indicated that between 10 and 25 staff would be working on site during this period. Although the proposal is likely to increase the size of vehicles using the road, it is wide enough for 2 way traffic and the construction period would be for a temporary period. The appellant has indicated that they would be happy for deliveries to be controlled outside of the peak school drop off times to avoid any potential conflict between vehicles and young children. This could be controlled by planning condition through the implementation of a Statement of Construction Practice.
87. After the construction phase, daily vehicle movements to and from the site are not expected. Maintenance of the facility is likely to be monthly requiring an in person presence but at most this is likely to require 2 maintenance vehicles.
88. The design of the access and position of the gate is such that vehicles could pull off the highway whilst waiting for the gate to open thereby would be unlikely to obstruct pedestrian passage across the access to the site. Whilst I appreciate that vehicle movements to and from the site will be different to the current situation, and noting the safety concerns for pedestrians, the evidence before me does not demonstrate that the local highway network cannot accommodate the number or type of vehicles that would be generated by the proposal, or that harm to pedestrian or vehicular safety would be adversely affected by the proposal. Accordingly, the proposal does not fall on this matter. It is noteworthy that the Highway Authority raised no objections in this regard.

Noise

89. I am in no doubt that BESS facilities result in a degree of noise pollution, as suggested by interested parties and as found in the initial noise assessment submitted with the planning application. The noise readings presented to me at the Hearing are noted, but there is little evidence to suggest that the design of the Oaks Lane, Stairfoot facility or others referred to in evidence are directly comparable to the appeal proposal, which includes acoustic enclosures and an acoustic fence.
90. The revised noise assessment, which included noise from the fans and transformer found that with the design features mentioned above the BESS facility would not give rise to any noise related issues at the nearest residential properties. This assessment was reviewed by the Council's Environmental Health officers, who initially objected to the proposal, and they found similarly in this regard, considering that the revised design to the scheme would not result in noise related harm from the proposal, even when nearby occupiers had their property windows open. Maintenance of the facility would occur and noise levels from it could be monitored which would be secured by planning condition. Accordingly, I am satisfied that the living conditions of nearby occupiers would not be harmed as a result of noise generated by the proposal.

Heritage Assets

91. Carlton Hall Farmhouse is a Grade II Listed Building located within Carlton. It is described in the listing description as dating from the 16th century with additions in the 18th century. Whilst much altered its significance is derived from its historic and architectural value and remaining historic fabric. Set in large grounds off Queen Street which provide the immediate setting to the listed building with fields beyond providing the wider setting, also contributing to its significance as a designated heritage asset.
92. The appeal site is located at a lower level to the appeal site and there is limited intervisibility between it and the listed building. Although agricultural in nature, there is no suggestion that the appeal site field has historical association with the former farmhouse. Even if it were, it is my judgement that the appeal site whilst forming part of the agricultural setting of the listed building has a neutral contribution to its significance. Accordingly, whilst the proposal would change the character and appearance of the appeal site, the setting of the listed building would be preserved. There would be no conflict with section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Harm would not be caused to its significance as a designated heritage asset.

Flood Risk

93. The appeal site is located within Flood Zone 1 which has a low probability of river or sea flooding in any year. The BESS facility is classified as essential infrastructure which is a use considered acceptable in flood risk terms within this Flood Zone. The site is however prone to surface water pooling in some areas as identified in the site-specific flood risk assessment¹⁴ (FRA) and as shown on a photograph submitted by the Carlton Village Action Group. Fluvial flooding along West Beck is also identified.
94. The development of the site with the introduction of impermeable surfaces would, without mitigation increase the amount of water run off upon the site which is not disputed. To mitigate flood risk to low or negligible across the site a number of measures are recommended in the FRA. These include siting the equipment a set distance from West Beck, siting development outside the mapped extent of surface water flooding, providing an easement along the extent of the Beck, undertake maintenance and adopt a surface water management strategy. Subject to such mitigation, which could be controlled by planning conditions, it is my judgement that the development would not be at risk of flooding, would control flow rates and would reduce volumes of run off and would not increase flood risk elsewhere. It is noteworthy that neither the Council, the Environment Agency or the Local Lead Flood Authority raised objection to the proposal on drainage/flood risk grounds.

Insurance

95. I note the concern about the developer not being able to get the BESS facility insured but this is not a land use planning matter and not a determining factor in this appeal.

¹⁴ NPPE: Flood Risk Assessment enzygo environmental consultants (October 2023)

Community Consultation

96. Whilst the Framework encourages early communication with communities that may be affected by a development it does not specify how this should be done or by whom. I note local residents' frustrations in how they were consulted about the proposed BESS facility by the Appellant. However, the Council also undertook a consultation exercise in respect of the proposal, and I am not aware of any criticism of this exercise. I am satisfied that local people have had adequate opportunity to comment on the appeal proposal, both at the planning application and appeal stages, and this is reflected in the number of responses received.

Planning Balance and Conclusion

97. The proposal would result in harm to the character and appearance of the area and would result in conflict with some development plan policies. That harm however, would reduce over time as landscaping matures and overall I attach moderate weight to the harm that would be caused in respect of these matters.
98. My findings on grey belt land and whether the proposal is inappropriate development are neutral considerations, neither weighing in favour or against the proposal.
99. The benefits of the proposal include its contribution to the Framework's presumption in favour of sustainable development by mitigating and adapting to climate change and moving to a low carbon economy. The proposal would contribute to the Framework's objective of supporting the transition to net zero by 2050.
100. The BESS facility would have the ability to provide 50MW of energy storage, estimated to provide sufficient electricity to power 14,000 homes per annum. Utilising a 2-hour system means that the facility could store and discharge 100MWh of electricity a day, or 200MWh a day if the system exports all of its capacity in the morning and then again at night, providing electricity to a greater number of homes and businesses.
101. The site benefits from an early grid connection date of 2027, and whilst I have not seen a copy of the grid connection agreement, I have no reason to doubt that one exists. In approximately 2 years therefore electricity could be being stored within and discharged from the BESS facility. The ability of the proposal to provide flexible input to the grid when needed is a major benefit of the proposal. Moreover, the proposal would make a positive contribution to the Clean Power 2030 objective, including assisting in improving energy security and resilience.
102. Significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future as set out in Framework paragraph 168.
103. A further benefit of the scheme is the contribution it would make to enhancing the natural environment through new tree and hedgerow planting and wildflower meadows. Whilst in part some of this would be required to mitigate the visual effects of the proposal, the overall biodiversity net gain is significant and carries considerable weight in favour of the proposal.
104. Given the above, I consider that the harm that would be caused to the character and appearance of the area and the conflict with the development plan is

outweighed by the benefits of the proposal. Accordingly, the benefits amount to material considerations which indicate that the development should be granted planning permission despite the conflict with the development plan as a whole.

Conditions

105. The main parties agreed a set of suggested conditions that were discussed at the inquiry. This discussion led to a number of them being revised. I have also amended some of the suggested wording for preciseness. There are a number of pre-commencement conditions which the Appellant has confirmed in writing are acceptable.
106. In addition to the standard implementation condition (condition 1), it is necessary to define the plans with which the scheme should accord (condition 2). To limit the period of the planning permission condition 3 is reasonable and necessary as are conditions 4 and 5 which require a scheme of restoration to be undertaken either at the end of the 40 year period, or when energy exporting ceases.
107. In the interests of the character and appearance of the area a condition requiring further details of the BESS and associated equipment is necessary (condition 6), as is further information in respect of site levels (condition 7).
108. In the interests of highway safety conditions relating to vehicular access (condition 8), visibility splays (condition 9), access gradient (condition 10) and location of gates (condition 11) are reasonable and necessary. In the interests of highway safety and the living conditions of nearby occupiers a condition requiring the submission and implementation of a Statement of Construction Practice is necessary. I have amended the suggested condition to control timings of deliveries, which should avoid the school drop off and pick up times as agreed with the Appellant at the Inquiry (condition 12).
109. To ensure that nearby occupiers living conditions are not harmed conditions relating to noise mitigation measures being implemented with a post completion sound test being undertaken are necessary (conditions 13 and 14). Suggested condition 15 requiring a noise and/or vibration assessment to be undertaken is not reasonable or necessary to make the development acceptable and this matter is sufficiently controlled by condition 13. I have not imposed this condition.
110. To ensure that the site is suitably drained, to prevent flooding and to protect West Beck from pollution, a condition requiring further drainage details to be approved and implemented is reasonable and necessary (condition 15).
111. To protect the character and appearance of the area, tree and hedgerow protection measures are necessary (condition 16), as are conditions requiring details to be approved and implemented of hard and soft landscaping and landscape management measures (conditions 17, 18, 19 and 20).
112. In the interests of safety the approval and implementation of a Battery Safety Management Plan is reasonable and necessary (condition 21). I have amended the suggested condition to include the requirement for a personnel gate within the Westfield Road fencing to allow fire personnel access into the site.
113. To protect biodiversity the approval and implementation of a construction environmental management plan is necessary (condition 22), as are conditions

relating to bat protection measures (condition 25). To enhance biodiversity conditions 23, 24 and 26 are necessary.

114. To eradicate an invasive species, condition 27 is necessary and to deal with unexpected contamination, in the interest of safety, condition 28 is necessary. Likewise condition 29 is necessary to ensure that contaminants are not brought onto the site.

115. A condition controlling external lighting is necessary to protect the character and appearance of the area, living conditions and biodiversity (condition 30).

Conclusion

116. For the reasons set out above, the appeal is allowed.

RC Kirby

INSPECTOR

APPEARANCES

For the Appellant

Thea Osmund -Smith	Counsel instructed by Kateryna Martovytska
Stuart Natkus	Stantec (Planning)
Matthew Chard	Stantec (Landscape)
Lewis Wheatley	Stantec (Noise)
Jim Tough	Abbot Risk Consulting Ltd
Chris Schofield	Enzygo

For the Council

Timothy Leader	Counsel instructed by Philippa Plumtree Varley
Sarah Wilson	Senior Design and Landscape Officer
Louise White	Team Leader Minerals Waste and Energy Planning
Simon Clothier	Environmental Health

Interested Parties

Cllr Karen Bruce	Ward Member and local resident
Mark Hughes	Carlton Village Action Group
Phillip Gidney	Carlton Village Action Group
Colin Roberts	Local resident
Jayne Gabbitas	Local resident
Ann Wray	Local resident
Dr Anthony M Wray	Local resident
Peter Ellis	Local resident
Cllr Karen Renshaw	Ward Member

DOCUMENTS SUBMITTED AT THE INQUIRY

DOC 1	Renewables Areas for LCC Local Plan Update Report (AECOM) (August 2022)
DOC2	Opening Statement on behalf of the Appellant
DOC3	Opening Statement on behalf of Leeds City Council
DOC4	Holborn Studios Limited Judgment [2017] EWHC 2823 (Admin)

DOCUMENTS SUBMITTED AFTER THE INQUIRY

DOC1 Council's Closing Submissions

DOC2 Appellant's Closing Statement

DOC3 Agreed List of Conditions

Schedule

Conditions

1. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan SHF.3045.007.PLD.002.D,
Landscape Strategy Plan LN-P-07.rev C,
Acoustic Fencing Elevation GBR.0050.DEV.M4.029.2.rev.0,
Acoustic Enclosure Elevation GBR.0050.DEV.M4.028.2.rev.0,
Power Conversion System Elevation GBR.0050.DEV.M4.027.2.rev.B,
Site Layout GBR.2232.DEV.M2.022.0.rev.0.,
Site Access Arrangements D-1003.rev.B,
Substation Layout GBR.0050.DEV.G4.011.1.rev B,
Access Track Details GBR.0050.DEV.M2.002.3.rev 0,
BESS Elevation Details GBR.0050.DEV.M4.024.2.rev B,
O & M Container GBR.0050.DEV.M4.039.rev A,
Security Fence IBV001-SD-01.rev 01,
Substation Elevations GBR.0050.DEV.G2.012.1.rev B,
3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the battery energy storage scheme to the electricity network (the First Export Date). Written confirmation of the First Export Date shall be given to local planning authority within 14 days of the first export date.
4. Eighteen months before the end of the 40-year period taken from the First Export Date submitted under condition 3, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:
 - a) details of the retention of any approved boundary treatment(s) and planting, a restoration scheme to be used at the end of the operational lifespan of the development.
 - b) a written scheme of restoration for returning the site to agricultural use on cessation of energy storage at the site.The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 3.
5. In the event the development ceases to export electricity to the grid for a continuous period of 12 months, it will be deemed to have ceased to be required. A scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, along with a timetable for the works shall be submitted to and approved in writing by the local planning authority within 3 months of the deemed cessation date. The approved restoration scheme shall be implemented within 6 months of written approval being given and completed within the approved timescale.

6. Prior to their erection on site external details (specifications, measurements, design, colour and finishes) of the battery containers, transformer units, PCS units, substation, DNO substation, gates, fencing, external lighting, CCTV and associated structures shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out only in accordance with the approved details.
7. No development shall take place, until a plan showing existing and finished site levels in general conformity with Cut and Fill Plan and Section GBR.2232.DEV.M2.022.0.B has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. Prior to commissioning of the battery energy storage facility the vehicular access shall be constructed in accordance with plan ref D-1003.rev.B. The vehicular access shall retained thereafter for the lifetime of the proposed development.
9. The access hereby approved shall not be brought into use until works have been undertaken to provide the sightlines / visibility splays shown on the approved plan ref D-1003.rev.B. These sightlines / visibility splays shall be retained clear of all obstruction to visibility greater than 1m in height above the adjoining carriageway for the lifetime of the development.
10. The vehicular access gradient shall not exceed 1 in 40 (2.5%).
11. Any gates across the access road to the development site shall be set back 25 metres from the back edge of the highway/footway, and only open inwards into the development site.
12. Development shall not commence until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority, the Statement of Construction Practice shall include full details of:
 - a) The construction vehicle routing, means of access, location of site compound, storage, and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
 - b) Timings of deliveries to and from the site which should avoid the morning and afternoon school drop off and pick up timings;
 - c) Methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.
 - d) Measures to control the emissions of dust and dirt during construction.
 - e) How the statement of construction practice will be made publicly available by the developer.The approved details shall be implemented at the commencement of works on site and shall thereafter be retained and employed until completion of the works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.
13. The development shall not be brought into use until noise mitigation measures including acoustic barriers have been erected. The rating level of the noise due

to the operation of the development when measured and/or calculated shall not exceed the sound levels at the façade of the noise sensitive receptors listed below:

Receptor Location	Daytime 0700 - 2300	Night time 2300 - 0700
No.42 Westfield Road	42dB LAeq, 1hr	33dB LAeq, 15mins
No.92 Westfield Road	39dB LAeq, 1hr	32dB LAeq, 15mins

14. A post-completion sound test shall be carried out to confirm compliance with operational noise levels stated in the approved Noise Impact Assessment Report ACO001-01 and the results shall be submitted to and for the written approval of the Local Planning Authority within 3 months of the date electricity is first stored by the approved development. If sound levels exceed the calculated specified impact at the residential dwellings cited in condition 13, the applicant shall undertake immediate corrective action and re-test. Once compliance can be demonstrated the results shall be resubmitted to and for the written approval of the Local Planning Authority.
15. Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be prepared in accordance with the principles set out in in the Flood Risk Assessment & Drainage Strategy (October 2023). The scheme shall include details on the storage and treatment of runoff in the event of a fire, and the mechanism to safely remove fire waters off site (if necessary). The approved surface water drainage scheme shall be implemented and maintained for the lifetime of the development.
16. Prior to the commencement of development a written Arboricultural Method Statement (AMS), including an annotated plan showing all tree protection measures, in accordance with BS5837 for a tree care plan shall be submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

No works shall commence until all existing trees, hedges, bushes shown to be retained in the AMS are fully safeguarded by protective fencing and ground protection provided in accordance with the approved details. Such measures shall be retained for the duration of any demolition and/or approved works.

No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services.

Seven days written notice shall be given to the local planning authority that the protection measures are in place prior to the approved development commencing to allow inspection and approval of the works.

17. The development hereby permitted shall not be brought into operation until full details of both hard and soft landscape works, including a dated implementation programme (inclusive of any phasing), have been submitted to and approved in writing by the local planning authority.

Hard landscape works shall include:

- a) other vehicle and pedestrian access and circulation areas,
- b) hard surfacing areas,
- c) existing trees with Root Protection Areas (RPAs) and all other retained vegetation.

Soft landscape works shall include:

- d) planting plans (showing existing trees with Root Protection Areas (RPAs) and all other retained vegetation),
- e) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- f) schedules of plants noting species, planting sizes, root packaging and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 (Code of Practice for General Landscape Operations). The landscaping works shall be maintained in accordance with the approved details for the lifetime of the development.

18. Within 5 years of the First Export Date, no retained tree/hedge/bushes shall be cut down, uprooted or destroyed nor any tree be topped or lopped or suffer root severance without the prior written approval of the local planning authority.

In the event of any such works being carried out without having first sought and received written approval from the local planning authority, a replacement planting scheme shall be submitted to and approved in writing by the local planning authority. The replacement planting scheme shall be implemented in the first available planting season and maintained in accordance with the approved replacement planting scheme.

Within 7 days following implementation of the replacement planting scheme, documentation shall be submitted to the Local Planning Authority that evidences the works have been carried out in accordance with the agreed scheme.

19. If within a period of five years from the date of the planting of any tree/hedge/shrub that they, or any replacement, is removed, uprooted, destroyed or dies, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season and maintained thereafter.
20. Concurrent with the submission of comprehensive details of the proposed landscape works a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be adhered to for the lifetime of the development and shall be carried out as approved.
21. The development shall not be brought into use until a Battery Safety Management Plan has been submitted to and approved in writing by the local planning authority. The Battery Safety Management Plan shall be prepared in

accordance with the Outline Battery Safety Management Plan (dated August 2023) and include the following details:

- a) site prevailing wind direction data;
- b) confirmation that both external and internal site roads are suitable for fire and rescue service's emergency response vehicle;
- c) the proposed provision of water for firefighting and access including personnel access from Westfield Road;
- d) spacing of batteries and cabinets, including containment approach, and
- e) location of water tank(s).

The development shall be implemented and operated in accordance with the approved full Battery Safety Management Plan.

22. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall put in place measures to retain and protect the Habitat Units, Hedgerow Units and Watercourse Units as identified in the On-site Habitat (A1), Hedgerow (B1), and Watercourse (C1) Baseline Units to be Retained and Enhanced in the updated Biodiversity Metric 4.0 (MAN.3045.010.EC.R.001) and Ecological Impact Assessment SHF.3045.007.EC.R.002 and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Measures to avoid or reduce impacts during construction.
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication.
- g) Use of protective fences to BS 5837:2012, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

23. Prior to the commencement of development, a Landscape and Biodiversity Net Gain Management Plan along with a timetable for its implementation shall be submitted to and approved in writing by the local planning authority.

The Plan shall deliver a minimum of an additional 8.14 Habitat Units over the 4.94 baseline Habitat Units, an additional 2.16 Hedgerow Units over the baseline 1.41 Hedgerow Units and an additional 0.38 Watercourse Units over the baseline 2.35 Watercourse units on land identified in the Headline Results for On-site Post-Intervention in the updated Biodiversity Metric 4.0 and Ecological Impact Assessment SHF.3045.007.EC.R.002 and include details of the following:

- a) Description of features to be managed to include Baseline Metric calculation

- of Biodiversity Units with Condition assessments and UKHab mapping;
- b) Extent and location/area of proposed features and Biodiversity Units on scaled maps and plans using UKHab mapping, with Target Condition assessments and Metric calculations;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and Objectives of management to include Target Biodiversity Units and Target Condition Criteria;
- e) Appropriate management Actions for achieving Aims and Objectives;
- f) A dated Annual Work Programme (to cover the initial 5 year period);
- g) Details of the specialist ecological management body/organisation responsible for implementation of the Plan;
- h) How the Plan is to be funded and confirmation from the landowner that it can be delivered;
- i) For each of the first 5 years of the Plan, a progress report sent to the local planning authority within 3 months of each year being completed, by an appropriately qualified ecological consultant reporting on progress of the Annual Work Programme and confirmation of required Actions for the next 12 month period;
- j) Confirmation that habitat monitoring will be carried out in years 1, 3, 5, 10, 20 and 30 and how this will be funded;
- k) The Plan shall set out how contingencies and/or remedial action will be identified, agreed and implemented when necessary;
- l) The Plan will be reviewed and updated every 5 years and implemented for the lifetime of the development;

The approved Plan shall be implemented in full accordance with the approved details.

24. The Biodiversity Net Gain (BNG) Habitat Monitoring Reports set out in condition 23 j) above shall be carried out by an appropriately qualified ecological consultant, and shall be submitted (within 3 months of each year being completed) and agreed in writing by the local planning authority. The Reports shall include the following:
- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 13.08 Habitat Units, 3.57 Hedgerow Units and 2.27 Watercourse Units identified in the Headline Results for On-site Post-Intervention in the updated Biodiversity Metric 4.0 and Ecological Impact Assessment ER-6106-02-B;
 - b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required;
 - c) How the monitoring is funded and the appointed specialist ecological body.

Where remedial measures or changes in management are required these will be addressed in updates of the Landscape & Biodiversity Net Gain Management Plan and its Annual Work Programmes.

25. No development shall take place until the bat protection measures set out on page 33 within the Ecological Impact Assessment (SHF.3045.007.EC.R.002) are put in place. They shall thereafter be retained for the lifetime of the development.

26. The development shall not be brought into use until a scheme and timetable for the specification, location and implementation of 2 bat boxes has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and retained thereafter for the lifetime of the development.
27. Prior to the commencement of development a Method Statement for the control and eradication of Himalayan Balsam (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the local planning authority. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12-month period of time occurs where none of the Target Species is identified growing on the whole site, if any Target Species is identified as growing on-site during the 12-month monitoring period then treatment shall resume and continue until a continuous 12-month period with no Target Species occurs. The agreed Method Statement shall thereafter be implemented in full.
28. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
29. The development hereby permitted shall not be begun until a Desk Study to assess the suitability of any subsoil and/or topsoil material to be imported onto the land has been submitted to and approved in writing by the local planning authority. The Desk Study shall set out details of the sampling regime and analysis carried out to ensure that the proposed material shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. No subsoil and/or topsoil material shall be imported unless it has been so approved by the local planning authority. The developer shall subsequently test samples of any imported subsoil and/or topsoil material on the land and submit results to the local planning authority as required to verify that the imported soil is free from contamination in accordance with the approved scheme.
30. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

END OF SCHEDULE