



Appeal Decision

Hearing held on 18 March 2026

Site visit made on 19 March 2026

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal Ref: APP/N4720/W/25/3376171

Land Off Newton Lane, Ledston WF10 2AW

- 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 Harmony LS Limited against the decision of Leeds City Council.
 - The application Ref is 24/05828/FU.
 - The development proposed is Battery Energy Storage Facility and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for Battery Energy Storage Facility and associated works at Land Off Newton Lane, Ledston WF10 2AW in accordance with the terms of the application, Ref 24/05828/FU, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development is taken from the planning application form. I have, however, omitted 'Resubmission' as it does not describe an act of development.
3. The Council has indicated in the final Statement of Common Ground (SoCG), submitted prior to the Hearing, that it now considers that the proposal is not inappropriate development in the Green Belt and that its first reason for refusal no longer stands. However, as there are objections from interested parties on this matter, I consider that it is necessary to address it as a main issue.
4. The appellant submitted a revised Fire Water Management Plan to the Council following its decision and has provided a response to the comments of West Yorkshire Fire and Rescue Service (WYFRS) on that document. I acknowledge the complaints that the Council were late in publishing this information, however, additional time has been given for interested parties to comment. I am, therefore, satisfied that no one will be prejudiced if I take such evidence into consideration in my decision.
5. The main parties agree that the appeal site lies within the setting of several listed buildings. Although not forming part of the Council's reason for refusal, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving such buildings or their settings or any features of special architectural or historic interest which they possess. It is therefore necessary to consider this matter as a main issue.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Whether there is sufficient information to demonstrate that there would be adequate mitigation to reduce the risk of fire, ensure public safety and avoid environmental damage;
- The effect of the proposal on the setting of nearby listed buildings; and
- Whether other considerations clearly outweigh any harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Whether inappropriate development

7. The appeal site lies within the Green Belt. It comprises part of a field to the north of Newton Lane and to the east of Barnsdale Road and lies close to the development limits of Allerton Bywater.
8. The Framework, at paragraph 142, identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
9. At paragraph 153, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless it falls within identified exceptions set out at Framework paragraphs 154 and 155. Paragraph 155 provides that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where criteria a) to d) apply.
10. Policy N33 of the Leeds Unitary Development Plan (Review – 2006) (UDP), adopted 19 July 2006, predates the introduction of the concept of grey belt and the exception set out at paragraph 155. Consequently, it is more restrictive than, and therefore not fully consistent with, the Framework. As such, being mindful that weight should be afforded to development plan policies based on their degree of consistency with the Framework, I have afforded greater weight to the Framework in assessing whether the proposal would be inappropriate within the Green Belt.

Paragraph 155 - Criterion (a)

11. Criterion (a) is 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. The definition of 'grey belt' is set out at Annex 2 of the Framework as 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.

12. The Planning Practice Guidance (PPG) sets out how the contribution land makes to the relevant Green Belt purpose should be assessed¹. It states that when addressing purpose (a), to check the unrestricted sprawl of large built-up areas, villages should not be considered as large built-up areas. It also states that purposes (b), to prevent neighbouring towns merging into one another, and (d), to preserve the setting and special character of historic towns, relates to the merging of towns and not villages.
13. The appeal site is between Allerton Bywater and Ledston. Although it is agreed by all parties that Ledston is a village, interested parties disagree with the Council and the appellant about Allerton Bywater, contending that in combination with Great Preston it is a town by virtue of its population and facilities. I note, however, that the UDP defines Allerton Bywater as a village. I acknowledge that the UDP was adopted almost 20 years ago, nonetheless, my observations on my visit do not suggest that it has developed in the intervening period to the extent that it should now be regarded as a town.
14. Consequently, in accordance with the PPG, the appeal site cannot make a strong contribution to Green Belt purposes (a), (b) or (d) as it lies between two villages. The relationship of the site to Kippax, which is defined as a town in the development plan, does not alter my finding in this regard, given that Allerton Bywater and Ledston are the nearer settlements between which the appeal site lies.
15. The appeal site forms part of the designated Ledsham and Ledston Special Landscape Area and is within the risk impact zone of the Fairburn and Newton Ings Reserve and Site of Special Scientific Interest (SSSI). Even so, the site does not fall within any of the areas or assets set out in footnote 7 of the Framework (other than Green Belt) and is not, therefore, excluded from being grey belt by virtue of footnote 7.
16. I thus find, for the foregoing reasons, that the appeal site is grey belt land as it falls within the definition set out in the Framework. Nevertheless, a judgement must be made as to whether the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
17. The proposal would be sited close to Ledston Substation and to Allerton Bywater Business Park in a location where there are overhead powerlines. Nevertheless, as it would introduce a range of industrial plant into an area of countryside which is currently devoid of built form, I find that it would conflict with Green Belt purpose 143c), to assist in safeguarding the countryside from encroachment.
18. The proposal requires a specific location where a grid connection is possible. The appellant has sought to demonstrate, in an Alternative Site Assessment (ASA), that there are no suitable and available alternative sites where connection to any of the substations within the development plan area can be achieved. In the absence of anything to demonstrate that the conclusions of the ASA are unreliable, and as no unconsidered site has been presented, I have no reason to conclude that an alternative, and less harmful, site exists.

¹ PPG Green Belts - Paragraph: 005 Reference ID: 64-006-20250225

19. Therefore, although the proposal would be sited on a field within the rural area, it would not undermine purpose (e), to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
20. Although I have found that the proposal would conflict with Green Belt purpose (c), given my findings on purposes (a), (b), (d) and (e), and having regard to the extent of the site, which is a very small proportion of the Green Belt across the area of the plan, I find that the proposal cannot reasonably be said to fundamentally undermine all of the Green Belt purposes taken together.
21. For the reasons set out above, I find that criterion (a) of the paragraph 155 exception applies to this case.

Paragraph 155 - Criterion (b)

22. Criterion (b) requires there to be a demonstrable unmet need for the proposed development. The PPG outlines that electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively, for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity². The PPG therefore categorises Battery Energy Storage System (BESS) facilities as 'renewable and low carbon energy'.
23. The Government has well publicised net zero ambitions and targets and, I note that the Council declared a climate change emergency in 2019. The proposed development would store surplus electricity resulting from periods where the electricity network is effectively over supplied by existing energy generating sources, both renewable and non-renewable. Such energy, which would otherwise be wasted, can then be exported back into the grid during low generation periods or at periods of high demand. Consequently, although not a producer of renewable energy, the proposed BESS would, nonetheless, make a meaningful contribution towards the delivery of climate change through renewable and low carbon energy and meeting net zero targets. In accordance with paragraph 168 of the Framework, substantial weight is afforded to such benefits which demonstrates that there is unmet need for the proposal. Thus, I find that criterion (b) of the paragraph 155 exception applies to this case.

Paragraph 155 - Criterion (c)

24. Criterion (c) requires that the development would be in a sustainable location, with particular regard to paragraphs 110 and 115 of the Framework.
25. The locational requirement for the proposal, its proximity to Ledston Substation, has implications for the accessibility of the site in this rural area. However, except for the construction and decommissioning phases, the facility would not generate much traffic and could not reasonably be considered to be significant development in this regard.
26. In addition, there is no compelling evidence before me to demonstrate that a safe and suitable access could not be provided and secured by condition, and I note that the Highway Authority did not object.

² Renewable and low carbon energy - Paragraph: 032 Reference ID: 5-032-20230814

27. Overall, I consider that the proposal would be in a sustainable location having regard to paragraphs 110 and 115 of the Framework and that paragraph 155(c) applies to this case.

Paragraph 155 - Criterion (d)

28. As the proposal is not major development involving the provision of housing, the 'Golden Rules' do not apply.

Inappropriate development conclusion

29. Consequently, I find that the proposal would satisfy the requirements of paragraph 155 and, therefore, it would not be inappropriate development in the Green Belt. Thus, it is not necessary for me to address whether the proposal would be harmful to the openness of the Green Belt and, in the absence of any identified Green Belt harm, no very special circumstances are required to justify the development.

Fire risk

30. The Council has cited, in its second reason for refusal, that the proposal does not include adequate mitigation to reduce the risk of fire as recommended within the National Fire Chief Council's 2022 guidance³ (the Guidance). Within the final SoCG, the Council has agreed that following an update to the Guidance in December 2025, the only conflict is in respect of vehicle access from the highway, having initially also raised concerns about BESS separation.
31. I note that WYFRS has raised concerns that a single point of access to Newton Lane is proposed, as the Guidance sets out that it is preferable to also provide an alternative access point, taking account of wind direction. WYFRS has not, however, justified why it considers that the proposed access around the perimeter of the compound is not a 'loop' type that the Guidance suggests as a suitable alternative to the provision of a second access point.
32. Interested parties have suggested that fire service vehicles would not be able to negotiate the bends in the perimeter access. Nonetheless, as such bends would be outside of the compound and not flanked on the outer side by any form of boundary treatment, it is reasonable to consider that fire service vehicles would have the space to be able to manoeuvre around the compound in either direction. Therefore, noting that wind direction can be variable, if one route around the compound was obscured by a smoke plume, the water supply contained in the SuDS/firewater retention pond could be accessed from another direction. Furthermore, in the unlikely event that the access to the site from Newton Lane was impassible, given the limited separation distance and notwithstanding that there is a narrow belt of trees between the road and the site, I am satisfied that access could be gained from Barnsdale Road on foot in an emergency.
33. I find, therefore, based on the evidence before me, that the proposed site access arrangements accord with the Guidance and are satisfactory in respect of public safety.
34. The appeal plans show that 3 metre BESS separation can be achieved, which exceeds the Guidance as revised in December 2025, and it is indicated that the BESS units would be tested to the UL9540A latest standard, as would the fire

³ Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services

suppression system that would be installed. The site would be continuously monitored to detect any faults and any affected battery would be taken offline to minimise the risk of thermal runaway. I am, thus, satisfied that the risk of a fire starting and spreading to other units, would be minimised subject to appropriate measures and controls being secured by condition.

35. Although the compound is wholly in flood zone 1, where there is a low probability of flooding, photographs provided by an interested party shows that the site occasionally floods. There is, however, no compelling evidence before me to suggest that the proposed SuDS could not be designed to ensure that it appropriately addresses surface water run-off, or that there would be a material risk of thermal runaway due to on-site flooding. The imposition of conditions would secure full details of the SuDS as well as its implementation and management and would ensure that water discharge does not increase the risk of flooding or contamination.
36. I have had regard to the concerns expressed by interested parties about matters which might prevent the WYFRS from being able to tackle any fires, including whether the SuDS pond would contain sufficient water, whether such water could be drawn from the pond, and that only one pumping chamber is proposed. I understand the concerns in relation to the risks posed by the proposal and the absence of finalised details as to how such risks would be mitigated. I have also had regard to the instances of fires at BESS sites that have been brought to my attention.
37. It is, however, commonplace for BESS approvals to include conditions requiring battery safety, fire risk and firewater management plans, and to secure a final emergency response plan. This ensures that the developer can procure the most technologically advanced and safest systems and that the agreed plans are appropriate for the systems to be installed. It would be the responsibility of the Council to discharge any such conditions imposed, and it would be able to seek advice from relevant consultees as to whether such plans were fit for purpose. For these reasons, I am not persuaded that the use of conditions would be inappropriate in this case or that further evidence is required to be satisfied that the risk of fire could be appropriately mitigated.
38. I therefore find that sufficient information has been provided to demonstrate that adequate mitigation to reduce the risk of fire, ensure public safety and avoid environmental damage could be secured through planning conditions. The proposal would not conflict with UDP Policy GP5 which, amongst other things, requires that proposals should seek to avoid problems of pollution and danger to health and life. In addition, there would be no conflict with Policy Water 2 of the Natural Resources and Waste Local Plan, adopted January 2013, which requires that development within areas adjacent to sensitive water bodies, must demonstrate control the quality of surface water run-off for the lifetime of the development. It would also accord with the similar aims of the Framework, including those set out at paragraph 102.
39. The second reason for refusal also refers to UDP Policy N35. However, as this relates to best and most versatile agricultural land, it is not relevant to this main issue.

Heritage Assets

40. A Grade II listed milestone is located near to the appeal site, within the highway verge adjoining Barnsdale Road. It is described in the list description as a stone post of triangular section with flat semi-circular head, cast-iron plates with raised lettering bolted onto the head and each of the 2 outer faces.
41. The significance and special interest of the milestone are derived from its associative and historic value as a way marker. Its setting comprises the roadside. Given that the route it relates to would be unaltered, the proposal would not obstruct the functional use of the milestone and therefore would not harm the way that this listed structure is experienced. Thus, the proposal would not harm the setting, or the significance of this designated heritage asset.
42. The Grade II listed Low Lodge was constructed in the early 19th century, along with the associated gate piers and wall which form part of the listing and is located a short distance to the north of the appeal site on the opposite side of Barnsdale Road. Low Lodge is a single storey building, in the Gothic style, built in sandstone ashlar with a slate roof. The architectural features include a deeply recessed doorway which has a hoodmould, a window of 2 arched lights with hollow spandrels and hoodmould, and moulded cornice to an embattled parapet. The low screen walls each side of the entrance to the drive are concave in plan with square piers at each end. The significance and special interest of Low Lodge, the gate piers and wall are, in part, derived from their aesthetic value arising from their attractive design.
43. The Barn, approximately 10 metres west of Home Farm Farmhouse is also Grade II listed. It was built, with integral stables, byre and dovecote, in the earlier 18th century, as part of the former Kippax Park Home Farm, associated with the former Kippax Hall. Its significance, in the context of this appeal, derives from its historic value as part of a historic farmstead.
44. The significance of Low Lodge and the Barn is also derived from their historical association with Kippax Hall, now demolished, and its parkland. The extract of the 1893 map provided by the appellant shows the parkland to be located to the northwest of the appeal site on the opposite side of Barnsdale Road. Low Lodge would have served as a gatehouse to Kippax Hall and Home Farm would have produced food and income for its occupants. The relationship of the listed buildings to the parkland provides a historic understanding of the hierarchy and functional links to the former Kippax Hall, so contributing to a sense of social history.
45. Ledston Substation adjoins Low Lodge and lies between it and the appeal site. The Barn, which is further away, would be separated from the proposal by several intervening fields. Both listed buildings are on the opposite side of Barnsdale Road to the appeal site.
46. The proposal would not, therefore, intrude upon the immediate surrounds of these listed buildings and would have no physical impact on them. Furthermore, the appeal site does not form part of the parkland and does not contribute to the historical relationship of these listed buildings to Kippax Hall. For these reasons, I consider that the proposal would not harm the way that Low Lodge and the Barn are experienced and, therefore, would not have a harmful effect on their setting or significance.

47. The Grade I Ledston Hall (the Hall), was started circa 1200 as a chapel and kitchen built by the monks of Pontefract Abbey and extended circa 1500. It was then acquired after the Dissolution and incorporated into a courtyard house circa 1560 which was then subordinated to a grandiose scheme in the 17th century. Its architectural features include the symmetrical 11 bays of the principal range of the Hall, the straight flight of steps protected by a wrought iron balustrade which leads to the principal entrance, the piano nobile, the Dutch Gables that disguise the roof line, and the four corner turrets of the wings which have a low ogee-shaped pyramidal lead cap with ball finial.
48. The stable block and entrance gates and lodges, sited close to the Hall, are also Grade I listed and the Garden House adjoining the west terrace is Grade II* listed. Several Grade II* and Grade II listed structures are also located within the garden of the Hall. These form part of the Grade II* Registered Park and Garden (RPG) which comprises a designed landscape immediately surrounding the hall, and an area of pasture and wooded parkland to the north, North Park. According to the list entry, the RPG, the walled gardens and terraces are probably of late 17th century and early 18th century with elements of the garden designed by Charles Bridgeman, as shown in plans dated 1738. The North Park is said to have 17th century origins.
49. The Hall, associated buildings and structures, and its designed landscape is situated in an elevated position some distance from the appeal site on the edge of Ledston village, with North Park further away. The significance of the listed buildings, in the context of this appeal, derives from the grand architectural qualities of the Hall, the surviving historic fabric and the relationship to the designed landscape. The significance of the RPG is, in part, derived from its designed form and its relationship with the Hall.
50. Due to the topography and intervening vegetation, I find that it would be unlikely for the proposal to be prominent or harmful within views from and towards these designated heritage assets. However, the proposal would change the character of the approach to the Hall from Barnsdale Road. Whilst this would only affect a small part of the route and would be mitigated to some extent by the proposed landscaping, I find that the proposal would harm the significance of Ledston Hall and the associated buildings and structures. Such harm to each of these heritage assets would, in my view, be at the lower end of 'less than substantial', but, nevertheless, of considerable importance and weight.
51. At the request of an interested party, I visited Ledston village which contains a Grade II listed building within its core, now known as Manor Barn Cottages. It is a two-storey, stone built former barn enclosed by a stone wall. Based on my observations and in the context of this appeal, I consider that the significance of this listed building derives from its historic value as an agricultural building. Due to the limited, if any, intervisibility between the appeal site and the village, I consider that the proposal would not harm the way that this listed building is experienced, and its setting and significance would be preserved.
52. Although I agree that there are many other buildings within Ledston which have a degree of architectural and historic interest, there is no evidence before me to suggest that they should be treated as non-designated heritage assets. In any event, for the reasons given in the preceding paragraph, I consider that the

proposal would not harm the character and appearance, or any significance, of the village and the other buildings it contains in addition to Manor Barn Cottages.

53. As set out above, I have identified that there would be harm to the Grade I listed Ledston Hall, Grade I listed stable block and entrance gates and lodges, Grade II* listed west terrace and the Grade II* and Grade II listed structures located within the garden of the Hall. Such harm individually and cumulatively would be less than substantial.
54. In accordance with paragraph 215 of the Framework, this harm should be weighed against the public benefits of the proposal. Although of significant importance and weight, I find that the less than substantial harm that I have identified to the significance of the designated heritage assets is, nonetheless, outweighed by the public benefits of the proposal which I have set out above. Consequently, it accords with the Framework and the expectation of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Considerations

55. The appeal site is 600 metres from, and within the impact risk zone of, the Fairburn and Newton Ings SSSI, which is a nationally notable wetland recognised for its value to overwintering, breeding and migrant birds as well as for its diverse botanical communities and invertebrates. Lin Dike, which passes close to the appeal site, flows through the SSSI. Consequently, the discharge of polluted firewater run-off has the potential to adversely affect Lin Dike and, in turn, the SSSI.
56. Concerns have also been raised that contaminated firewater run-off could not be retained on site after an incident, and that there is no mechanism in place to ensure tankers could remove contaminated water within an appropriate time frame. However, the main parties agree that mitigation measures could be secured to ensure that contaminated firewater is safely within the site and that there is no risk of it being discharged into the adjacent Lin Dike. Furthermore, I note that the Environment Agency and Natural England have not objected to the scheme.
57. In the absence of any contrary technical evidence, there is no basis upon which I could reach a different conclusion. Accordingly, I find that, subject to the imposition of conditions, the proposal would not have likely significant effects the qualifying features of the SSSI.
58. I acknowledge that full details of the proposal have not been provided. However, a plan setting the scale parameters of the proposal and others showing indicative elevations have been included as appeal documents. Contrary to the view of interested parties, I am satisfied that such plans, together with the supporting documents, provide sufficient information to describe the proposal and to enable an assessment of it, including its impact on the character and appearance of the area.
59. As identified in the appellant's Landscape and Visual Appraisal and Landscape Technical Note, the site is mainly experienced in short distance views from a short section of the Ledston 8 Public Right of Way (PRoW) that crosses the site, and along short sections of Barnsdale Road and Newton Lane. Otherwise, the site is currently screened by mature hedgerows and trees. It is, however, reasonable to consider that the site will become more exposed if the considerable number of

trees within the Barnsdale Road tree belt, identified for removal due to Ash Dieback, are felled.

60. The proposed development would bring a change from an open green field to an industrial compound containing utilitarian structures. Existing planting would partially screen the development when initially installed. Nonetheless, it would be seen as an urban feature in the identified short distance views.
61. Many heavy standard trees would be planted as part of a landscaping scheme which would, over time, soften the appearance of the development in views from Newton Lane and the PRoW. However, as there is no room for tree planting along the west side of the compound it would be highly visible along Barnsdale Road if/when Ash trees are removed.
62. Although 40 years is more than a generation, so a considerable period, the proposal is not permanent and I could impose conditions to ensure that the permission would be restricted to this time period, and to require subsequent decommissioning and reinstatement of the land. I am satisfied that this would, to a limited extent, temper the impact of the proposal as would its siting close to the other industrial features of the Ledston Substation and Allerton Bywater Business Park. Furthermore, conditions can be imposed to secure the approval of the full details of the proposal. Nevertheless, I find that it would result in localised harm to the character and appearance of the area for the duration of the development.
63. The main parties agree that the appeal site is classified as Grade 3a agricultural land. As such, the proposal would result in the temporary loss of best and most versatile agricultural land. Nevertheless, the appeal site, at 1.71 hectares, could make only a limited contribution to food production and, therefore, the proposal would be unlikely to make a meaningful impact on food security.
64. Overall, although I have found localised harm to the character and appearance of the area and through the loss of land for food production, this would not outweigh the significant benefits arising from the contribution that the proposal would make to the mitigation of climate change and the regulation of electricity flows within the wider supply network, as set out above. The proposal would not, therefore, seriously conflict with the interests of protecting areas of the best and most versatile agricultural land, and, as such, the granting of planning permission would not be contrary to UDP Policy N35.

Other Matters

65. The appellant's noise impact assessment (NIA) is based on an indicative scheme and is limited to the nearest properties. Nonetheless, in the absence of any compelling evidence to the contrary, there is no reason to dispute its findings. As such, in line with the conclusions of the NIA, I consider that noise from the proposal would not lead to unacceptable internal noise levels within the closest dwellings, which can reasonably be expected to be the most likely to be affected by noise arising from the proposal. I note that the Council has not objected on such grounds. I therefore find that the living conditions of nearby residents would not be adversely affected by the proposal.
66. It has been suggested that a financial bond should be secured for the decommissioning and restoration of the site to ensure that this would not be at the public's expense. However, this is not common practice in BESS approvals, and

there is no compelling evidence before me to suggest that there is a material risk that decommissioning and restoration works would not be completed by the appellant or a future owner of the development. Therefore, the absence of any mechanism to secure a financial bond does not weigh against the proposal.

Planning Obligation

67. The appeal is supported by a planning obligation in the form of an agreement, dated 23 February 2026, made pursuant to section 106 of the Town and Country Planning Act 1990 (the Agreement). Consideration of planning obligations is to be undertaken having regard to paragraph 58 of the Framework and the statutory requirements contained in Regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations, 2010 (the Regulations).
68. The Agreement makes provision for the payment of an onsite biodiversity net gain (BNG) monitoring contribution of £3,000 to meet the Council's costs for the monitoring of the significant increase in on-site habitat biodiversity value that would arise from the development, and which would form an integral part of it. As the contribution will assist in ensuring that conditions relating to BNG are complied with, I find that it would be necessary to make the development acceptable in planning terms and would be directly related to it. In addition, the amount has not been disputed, and there is nothing before me that would lead me to conclude that it would not be fairly and reasonably related in scale and kind to the development. The Agreement therefore accords with the Framework and the Regulations.

Conditions

69. The main parties provided me with agreed conditions, which I have reviewed and amended in line with guidance and best practice, and to ensure consistency and clarity. Where amendments have been made to the wording of the suggested conditions, these have not changed the substance of them.
70. I have, in the interests of certainty, imposed conditions that specify that the development is carried out in accordance with the approved plans, which includes the parameter plan referred to above, and to limit the export capacity of the BESS.
71. I have also imposed a condition limiting the period of the proposed development to 40 years as that was the basis of my assessment. It is appropriate and necessary to impose conditions to secure the decommissioning of the development and the restoration of the site at the end of that timeframe, or sooner if the development is no longer in use. Such conditions are required to protect the Green Belt from permanent incursion, and in the interests of the character and appearance of the area. A pre-commencement condition covering the management of soil on the site is necessary in the interests of agricultural land quality.
72. In the interests of the character and appearance of the area, approval of the full details of the BESS and associated equipment is necessary. As no evidence is before me that such requirements are relevant to planning and/or the development, I have simplified the condition from that which was agreed by the main parties by removing the list of requirements relating to security measures. Nonetheless, the appellant is aware of the advice of West Yorkshire Police and may choose to incorporate the recommended measures in the details submitted to satisfy the condition.

73. I have imposed, in the interests of the character and appearance of the area, conditions requiring approval and implementation of site levels and detailed tree and hedgerow protection measures. These are pre-commencement conditions as levels need to be agreed before any works commence and to ensure that the trees and hedgerows are retained and protected over the full course of construction, decommissioning and restoration works. I have, however, omitted the requirement that protection measures should be employed during the operational phase of the development as there is nothing before me to suggest that there is a risk of loss or damage to trees and hedgerows during that time.
74. Conditions regarding approval, implementation and verification of hard and soft landscaping works are also necessary in the interests of the character and appearance of the area. However, it is not reasonable to require that landscaping works are maintained for the lifetime of the development as has been suggested. I have, therefore, amended the wording of the condition to require replacement planting during the standard period of five years which should allow it to mature and become established.
75. I have, in the interests of highway safety, imposed conditions relating to the construction of the site access and visibility splays, and which specify the position of the access gates.
76. I acknowledge the concern expressed by interested parties that the provision of visibility splays would involve land outside of the application site, but there is no compelling evidence to suggest that the requirements in this regard could not be met. I have also considered the use of a Grampian condition to secure the visibility splays, as discussed at the Hearing. However, as the evidence before me indicates that the land required in this regard is either within the site or on the public highway, and no physical alteration to the public highway would be needed, I do not consider that such a negatively worded condition, that prohibits development until the splays are in place, is necessary.
77. In the interests of protecting the enjoyment and safety of the users of the PRoW that crosses the site, I have imposed a condition requiring that it is protected and improved. I also consider that it is necessary to control any construction, decommissioning and restoration works in the interests of protecting the living conditions of nearby residents, highway safety and to protect the environment. However, to ensure that the agreed measures reflect the circumstances at the time that decommissioning and restoration takes place, which may be materially different to the construction phase, I have split the requirements into two conditions. I have adopted the same timing clause for the decommissioning and restoration phase as that imposed in condition 5 to ensure consistency.
78. The controls to protect the users of the PRoW and the construction phase must be secured through pre-commencement conditions to ensure protection measures are agreed and in place prior to the start of any construction works.
79. I consider that it is reasonable and necessary to ensure that defects to the public highway arising from the development are identified and made good. To that effect, I have amended the condition as suggested by the main parties and imposed a condition to secure a baseline survey prior to the commencement of development, to establish the condition of the road prior to the start of construction works. I have also imposed a separate condition that requires the agreement and

implementation of a method statement to secure surveys at specified stages of the development and the submission and approval of remediation works. Such amendments have not changed the substance of the suggested condition.

80. A geophysical survey, provided with the appeal documents, indicates that there is the potential for archaeological remains to be found within the site. I am, therefore, satisfied that a condition is required to secure archaeological recordings. This is a pre-commencement condition as, by their nature, such investigations would largely take place before construction works commence.
81. In the interests of minimising impacts on biodiversity of the nearby Lin Dike and on-site, management of works are necessary. I have simplified and combined the suggested conditions into one to require the provision of Construction Environmental Management Plan to avoid repetition and have clarified that it relates to the construction, decommissioning and restoration works, given that biodiversity can be affected during these phases of the development. For the same reason, I have imposed conditions to secure the provision and management of a buffer zone along the Lin Dike, and details of the outfall and headwall to Lin Dike. A condition securing Landscape and Biodiversity Net Gain Management Plan (BNGMP) to provide a significant increase in on-site habitat biodiversity value and a monitoring plan, is also necessary in accordance with the PPG. These are pre-commencement conditions to ensure that appropriate measures and enhancements are identified and put in place before development commences.
82. I have omitted any reference to the minimum number of units to be delivered from the wording of the BNGMP condition, as was agreed by the main parties at the Hearing. In addition, I do not consider that it is necessary to provide details of how the BNGMP will be funded and confirmation that it can be delivered. I have therefore omitted this requirement from the condition.
83. To enhance and protect biodiversity, conditions are required to secure monitoring reports in respect of the implementation of the BNGMP, to secure bat roosting and bird nesting features and to require confirmation that such features have been provided, and to require the agreement of a lighting design strategy. However, I do not consider that it is necessary for the Council to approve the required confirmation that the approved bat and bird features have been installed and have omitted that requirement from the condition as worded in this decision.
84. To protect the living conditions of nearby residents, I have imposed conditions that restrict operational sound levels and requires testing to confirm compliance with such levels, and restricting hours of working during the construction, decommissioning and site restoration phases. Again, I do not consider that it is necessary for the Council to approve the required confirmation that the development complies with the specified operational noise levels, and I have adjusted the wording of the condition accordingly.
85. As discussed previously, conditions are necessary to ensure that a final battery safety management plan, emergency response plan, risk management plan and fire water management plan are approved and implemented to ensure the safe operation of the site in the interests of public safety and the protection of the environment and biodiversity.

86. To minimise the risks of surface water flooding I have imposed a condition that requires compliance with the submitted Flood Risk and Drainage Assessment Report.

Conclusion

87. For the above reasons, the appeal is allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephanie Hall	Barrister, Kings Chambers
Steven Longstaff	ELG Planning
Louise Wood	ELG Planning
Tessa Fletcher	Harmony Energy
Jim Tough	Abbott Risk Consultancy Ltd
Mark Evans	CMLI Urban Green

FOR THE LOCAL PLANNING AUTHORITY:

Phillipa Plumtree-Varley	Principal Legal Officer
David Newbury	Group Manager – Development Management

INTERESTED PARTIES:

Councillor James Lewis	Ward Member
Lynne Howard	Local resident
Alan Taylor	Local resident

DOCUMENTS

Document 1	Extract from the Ash Dieback map
Document 2	Planning Obligations Summary and Title Verification – Leeds City Council
Document 3	Community Infrastructure Levy Compliance Statement – Leeds City Council
Document 4	An updated/amended list of conditions

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and such other drawings and documents as may be approved pursuant to other conditions of this permission:
 - Location Plan – PA-LS-LP_Rev H (dated 25.07.2023)
 - Proposed Parameters Plan – PA-LS-PSP_Rev H (dated 18.09.2023)
- 3) The Battery Energy Storage System (BESS) shall have an exported capacity not exceeding 25 MWac.
- 4) Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification from the District Network Operator (or equivalent organisation). Written confirmation shall be submitted to the local planning authority within 14 working days of the date of its receipt from the District Network Operator (or equivalent organisation).
- 5) Eighteen months before the end of the 40-year operational period, taken from the Final Operational Notification date submitted under Condition 4, a Decommissioning and Restoration Scheme (DRS) for the removal of the Battery Energy Storage System and all associated approved development under, on and over the land within the site shall be submitted to, and approved in writing by, the local planning authority. The DRS shall include a timetable, details and measures to achieve and address the following:
 - i) Removal of the development from the land, inclusive of the outfall and headwall to Lin Dike, the site access from Newton Lane and all cables and pipework
 - ii) Engineering of the land to return it to its previous or enhanced appearance, including a method statement for the handling and laying out of the original soils stripped from the site
 - iii) Returning the land to an agricultural land classification of not less than Grade 3a (good quality land), to be confirmed via an independent Agricultural Land Classification Report
 - iv) Retention of any approved planting and its protection during the decommissioning phase, and for all protection measures to be removed on full decommissioning
 - v) Removal of signage required by this planning permission
 - vi) Provision of hard and soft boundary treatment with Newton Lane for the full width of the approved site access (once removed), inclusive of protection measures for existing plants either side of the former access and full details of new plants.

The approved DRS shall be implemented, achieved and completed within 12 months of the end of the 40-year period taken from the date submitted under Condition 4.

- 6) 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 Decommissioning and Restoration Scheme (DRS) for the removal of the BESS and all associated approved development under, on and over the land within the site shall be submitted to, and approved in writing by, the local planning authority within 3 months of the deemed cessation date. The DRS shall include a timetable, details and measures to achieve and address the requirements i – vi of Condition 5. The approved DRS shall be implemented, achieved and completed within 12 months of the local planning authority's written approval being issued.
- 7) Prior to their erection on site, external details (specifications, measurements, design, colour and finishes) of the battery containers, transformer containers, PCS units, substation, control room, switch room, storage/office container, 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 in accordance with the approved details.
- 8) No development shall commence until a scaled plan(s) showing existing site ground levels and proposed finished site ground levels in conformity with the Firewater Management Plan ref. GON.0238.0141v7 (received 06.01.2026) and the Proposed Site and Earthworks Plan ref. PA_22_PSPa Rev. K have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) Prior to commissioning of the BESS, the vehicular access from Newton Lane shall be fully constructed in accordance with plan ref. LTP/5076/V1.01F. The vehicular access gradient shall not exceed a maximum of 1 in 25 for the first 10m from the highway and shall be hard bound surfaced in an appropriate naturalised colour and drained for the initial 25m from Newton Lane. The surface and substructure of the approved vehicular access road shall be retained and maintained in accordance with the approved details thereafter for the lifetime of the development. The approved access shall not be brought into use until the visibility splays shown on plan ref. LTP/5076/V1/01.01H have been cleared of any obstruction exceeding 1m in height above the adjoining carriageway. The visibility splays shall be retained as such for the lifetime of the development.
- 10) Gates across the site access road to the development site shall be set back 5 metres from the back edge of the highway, and only open inwards into the development site.
- 11) No development shall commence until a Statement of Construction Practice and Traffic Management Plan (CPTMP) has been submitted to, and approved in writing by, the local planning authority. The CPTMP shall be based on the following requirements and details:
 - i) Construction vehicle routing to and from the site shall be limited to Barnsdale Road and directly to the site access point on Newton Lane
 - ii) The means of access, location of site compound, storage, and parking (including workforce parking) (temporary or otherwise), the means of loading

- and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures
- iii) Timings of deliveries to and from the site
- iv) Methods to prevent mud, grit and dirt being carried out of the site on to the public highway
- v) Measures to control the emissions of dust and dirt during construction
- vi) How the CPTMP will be made publicly available by the developer.

The approved CPTMP shall be implemented at the commencement of works on the site and shall thereafter be retained and employed until completion of the works on the site and shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

- 12) Eighteen months before the end of the 40-year operational period, taken from the Final Operational Notification date submitted under Condition 4, a Statement of Decommissioning and Restoration Practice and Traffic Management Plan (DRPTMP) shall be submitted to, and approved in writing by, the local planning authority based on the requirements and details set out in condition 11. Upon decommissioning of the development and for the duration of site restoration the approved DRPTMP shall be implemented until completion of the approved Restoration Scheme pursuant to conditions 5 and/or 6 (whichever relevant). The DRPTMP shall be made publicly available for the lifetime of the decommissioning and restoration phases of the development in accordance with the approved method of publicity.
- 13) No development shall commence until a baseline survey of the condition of Barnsdale Road (for a distance of 50m either side of the crossroad junction with Newton Lane and Park Lane) and Newton Road (from the crossroad junction and the farthest point of the site access from that junction) has been submitted to, and approved in writing by, the local planning authority.
- 14) Prior to commissioning of the BESS, a Defect Remediation Method Statement (DRMS) shall be submitted to, and approved in writing by, the local planning authority. The DRMS shall include:
 - i) Confirmation that further condition surveys will be carried out following the completion of construction works, and prior to the commencement and the completion of decommissioning and restoration works.
 - ii) The timescales within which the results of the further condition surveys shall be submitted to the local planning authority.
 - iii) The timescale within which details of remediation works to address defects to the public highway that are associated with the operation of the development, as identified in the further condition surveys undertaken following the completion of construction works and the completion of decommissioning and restoration works, shall be submitted to the local planning authority for its written approval.
 - iv) How defects to the public highway associated with the operation of the development that are identified during routine inspections of the highway and are deemed to be a danger to the public shall be addressed.

The provisions of the approved DRMS shall be fully implemented and any remediation works shall be completed within three months of the date of the approval by the local planning authority.

- 15) No development shall commence until a Public Footpath Improvement and Protection Scheme (PFIPS) for Public Footpath Ledston No. 8 has been carried out in accordance with details that shall be submitted to, and approved in writing by, the local planning authority. The PFIPS shall provide practical and appropriate measures to protect the safety of users and their right of passage along Public Footpath Ledston No. 8 during the construction, operational, decommissioning and restoration phases of the development and shall include full details of:

- i) a clearly demarcated crossing point on the site access road for footpath users
- ii) footpath surface improvements
- iii) warning signage to the footpath

The approved measures to protect the footpath users shall be retained for the lifetime of the development and for the decommissioning and site restoration phases after which time they shall be removed.

- 16) No development shall commence until a programme of archaeological recording has been conducted, by an appropriately qualified and experienced archaeological consultant, in accordance with a written scheme of investigation which shall have been submitted to, and approved in writing by, the local planning authority.

- 17) No development shall take place until a Construction and Ecological Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall put in place measures to retain and protect the 0.68 Habitat Units, 0.72 Hedgerow Units and 1.12 Watercourse Units as identified in the On-site Habitat (A1), Hedgerow (B1), and Watercourse (C1) Baseline Units to be Retained and Enhanced in the Biodiversity Metric (submitted to the local planning authority on 08.10.2024) and include the following:

- i) An Environmental Risk Assessment detailing the potential damage to valuable habitats caused by construction/ decommissioning/ restoration activities
- ii) Identification of "biodiversity protection zones", environmentally sensitive areas and buffer zones
- iii) Measures to avoid, reduce and/or mitigate impacts during construction/ decommissioning/ restoration works
- iv) Location and timings of sensitive works to avoid harm to biodiversity features,
- v) Times during construction/ decommissioning/ restoration when specialist ecologists need to be present to oversee works
- vi) Details of management responsibilities, including an appointment of an Ecological Clerk of Works or a suitably qualified ecologist
- vii) Use of protective fences to BS 5837:2012, exclusion barriers and warning signs.

The construction/ decommissioning/ restoration phases of the development shall take place in accordance with the provisions of the approved CEMP.

18) No development shall commence until a scheme for the provision and management of a minimum 10 metre wide buffer zone alongside the Lin Dike waterbody has been submitted to, and approved in writing by, the local planning authority. The buffer zone scheme shall be free from built development and shall include:

- i) Scaled plans showing the extent and layout of the undeveloped buffer zone
- ii) Details of any proposed vegetation enhancements and/or planting scheme
- iii) Details of any proposed habitat improvement within the buffer zone
- iv) Details demonstrating how the undeveloped buffer zone will be protected and managed over the long-term during the construction, operational, decommissioning and site restoration phases.

Thereafter, the development shall be carried out in accordance with the approved scheme until restoration of the site has been completed.

19) No development shall commence until a detailed design plan of the outfall and headwall to the Lin Dike waterbody has been submitted to, and approved in writing by, the local planning authority. The plan shall detail:

- i) The outfall and headwall set back from the channel and angled 45 degrees pointing downstream
- ii) Scour protection which if needed should be of the minimum appropriate size
- iii) The headwall should be hand built and minimise encroachment into the riparian zone
- iv) The method and timescale for removing the outfall, headwall and any scour protection measures during the site restoration phase following removal of the development.

The approved design plan shall be implemented at the commencement of works on the site and shall thereafter be retained until removed in accordance with the approved timescale and Restoration Plan pursuant to conditions 5 and/or 6 (whichever is relevant).

20) No development shall commence until a Plants Protection Scheme (PPS) has been submitted to, and approved in writing by, the local planning authority. The PPS shall detail measures, in accordance with BS5837, to be employed to protect trees and hedgerows to be retained in and around the site during the construction, decommissioning and site restoration phases. The approved scheme shall be implemented prior to the commencement, and retained for the duration, of each phase.

21) The development hereby approved shall not be brought into use 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 and soft landscape works shall include the following:

- i) written specifications, including soil depths, cultivation and other operations associated with plant and grass establishment

- ii) schedules of plants noting species, planting sizes, root packaging and proposed numbers/densities
- iii) drainage proposals
- iv) hard surfacing for parking of emergency vehicles along the internal access road

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, British Standard BS 4428:1989 (Code of Practice for General Landscape Operations) and in general accordance with Leeds City Council website landscape guidance entitled 'Landscape Planning and Development'. The landscaping works shall be maintained in accordance with the approved details for the lifetime of the development.

If, within a period of 5 years from the date of planting, any tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

- 22) All hard and soft landscaping works shall be carried out in accordance with the implementation programme approved pursuant to condition 21. On completion of those works and by no later than 12 months following the development being brought into use, a Verification Report shall be submitted to, and approved in writing by, the local planning authority to demonstrate that the approved hard and soft landscaping works have been implemented.
- 23) No development shall commence until a Landscape and Biodiversity Net Gain Management Plan has been submitted to, and approved in writing by, the local planning authority and shall include details of the following:
 - i) Description of features to be delivered and managed to include Baseline Metric calculations of Biodiversity Units with Condition assessments and UKHab mapping
 - ii) 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
 - iii) Ecological trends and constraints on site that might influence management
 - iv) Aims and Objectives of management to include Target Biodiversity Units and Target Condition Criteria
 - v) Appropriate management Actions for achieving Aims and Objectives
 - vi) A dated Annual Work Programme (to cover the initial 5 year period)
 - vii) Details of the specialist ecological management body/organisation responsible for implementation of the Plan
 - viii) 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
 - ix) Confirmation that habitat monitoring will be carried out in years 1, 3, 5, 10, 20 and 30

- x) The Plan shall set out how contingencies and/or remedial action will be identified, agreed and implemented when necessary

The Plan will be reviewed and updated every 5 years, and implemented for the lifetime of the development in accordance with the approved details.

- 24) Biodiversity Net Gain Habitat Monitoring Reports will be carried out in Years 1, 3, 5, 10, 20 and 30 as per the stated years in the Landscape and BNG Management Plan by an appropriately qualified ecological consultant and, within 3 months of each year being completed, shall be submitted to, and approved in writing by, the local planning authority. The BNG Habitat Monitoring Reports will include the following:

- i) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the minimum of 7.57 Habitat Units, 1.11 Hedgerow Units and 1.30 Watercourse Units on land identified in the Headline Results for On-site Post-Intervention of the submitted Statutory Biodiversity Metric (submitted to the local planning authority on 08.10.2024)
- ii) 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
- iii) 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) Prior to commencement of development, a Lighting Design Strategy for Bats shall be produced by an appropriately qualified ecological consultant and submitted to, and approved in writing by, the local planning authority. The strategy shall:

- i) Identify those areas/features on site that are particularly sensitive for roosting, commuting or foraging bats - using an appropriately scaled map to show where these areas are
- ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb commuting and foraging bats.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter in accordance with it.

- 26) Prior to the commencement of development, a Plan shall be submitted to, and approved in writing by, the local planning authority to detail the provision of pole mounted bat roosting and bird nesting features (for species such as House Sparrow and Swift) within the site. The agreed plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified Bat consultant. All approved features shall be installed prior to first use of the BESS for electricity

storage. The bird nesting and batroosting features shall be retained in the manner as approved thereafter.

- 27) Written confirmation of the approved bat roosting and bird nesting features shall be submitted to the local planning authority within 10 working days of the first use of the BESS for electricity storage. This shall include photographs of features in-situ and a written statement that all features have been installed as per the agreed specifications and locations.
- 28) The cumulative operational sound level from the development shall not exceed the following decibel levels when measured and/or calculated from the nearest point of the footway to 88 Park Lane and the nearest point of the footway to 24 Barnsdale Road:
- i) Between 0700-2300 LAeq, 1hr 38dB at 1.5m above ground level
 - ii) Between 2300-0700 LAeq, 15mins 34dB; and 54dB in the 100hz 1/3 octave band at 4.0m above ground level.
- 29) A post-completion sound test shall be carried out to confirm compliance with operational noise levels stated in the approved Noise Impact Assessment Report ref. 50-622-R1-8 and the results shall be submitted to the local planning authority within 3 months of the date electricity is first stored by the approved development.
- 30) No BESS unit shall be installed at the site until a revised and final Battery Safety Management Plan, Emergency Response Plan, Risk Management Plan and Fire Water Management Plan have 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 ref. OWC-048882-001-REP001-B and include the following details:

- i) site prevailing wind direction and speed data
- ii) confirmation that both external and internal site roads are suitable for fire and rescue service's emergency response vehicle
- iii) the proposed provision of water for firefighting and access including personnel access from Newton Lane and, if necessary, via Public Footpath Ledston No. 8 taken from Barnsdale Road
- iv) spacing of batteries and cabinets, including containment approach
- v) location, design and cubic volume of any water tank(s)
- vi) a firewater management plan to include provision for firewater run-off to be safely contained within the site, tested before release and removed from the site to be treated
- vii) a vegetation control plan.

The Emergency Response Plan, Risk Management Plan and Fire Water Management Plan shall be prepared in accordance with the guidance produced by the National Fire Chief Council's guidance entitled Grid Scale Battery Energy Storage Systems, or the latest version of the document published thereafter.

No BESS unit shall be brought onto the site until a Review Strategy to periodically review and update the approved Battery Safety Management Plan, Risk Management Plan, Emergency Response Plan and Fire Water Management Plan shall be submitted to, and approved in writing by, the local planning authority.

The Review Scheme shall include details about a programme for periodic review, to include a timetable for the submission of any revised plans and/or documents for the written approval of the local planning authority. The approved Review Scheme shall be implemented for the duration of the development.

The development shall be implemented and operated in strict accordance with the latest approved Battery Safety Management Plan, Emergency Response Plan, Risk Management Plan and Fire Water Management Plan.

- 31) The methods for managing flood and surface waters at the site shall be implemented prior to the development being brought into use and retained and maintained for the duration of the development in accordance with the approved Flood Risk and Drainage Assessment Report ref. GON.0070.0043.
- 32) No works shall commence until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include the quantities of topsoil and subsoils to be stripped from the site, a plan to show where such topsoil and subsoil will be stripped, the method and location of topsoil and subsoil storage on site, and the management and protection of the topsoil and subsoil storage areas for the duration of the development. The development shall be implemented and carried out in accordance with the approved Soil Management Plan.
- 33) Construction, decommissioning and site restoration works shall only take place between the hours of:
- i) 0800 and 1800 on Mondays – Fridays
 - ii) 0900 and 1300 on Saturdays.

END OF SCHEDULE