



Appeal Decision

Inquiry held on 14-17, 21-22 and 30 April 2026

Site visits made on 13, 21 and 30 April 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2026

Appeal Ref: APP/X4725/W/25/3368025

Land south of Wakefield B Substation and east of Neil Fox Way, Wakefield WF1 5DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Harmony WB JV Limited against Wakefield Metropolitan District Council.
- The application ref. 22/01460/FUL is dated 30 June 2022.
- The development proposed is construction and operation of a temporary battery energy storage system, formation of an access road, SuDS pond, landscape and ecological enhancements and associated works.

Decision

1. The appeal is allowed and planning permission is granted for 'a temporary battery energy storage system, formation of an access road, SuDS pond, landscape and ecological enhancements and associated works' on land south of Wakefield B Substation and east of Neil Fox Way, Wakefield in accordance with the terms of the application ref. 22/01460/FUL, dated 30 June 2022, subject to the conditions in a schedule attached to this Decision.

Preliminary Matters

2. The proposed development was the subject of a Screening Opinion required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Opinion confirmed that the appeal scheme is not EIA development.
3. Prior to the Inquiry four parties were granted main party status under Rule 6(6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000 (2000 Rules); Wakefield Civic Society (WCS), Heath Residents Association (HRA), Dreamtime Creative: Forgotten Women of Wakefield (FWoW), and Wakefield District Gypsy and Traveller Association (WDGTA). The four Rule 6(6) parties fully exercised their rights under the 2000 Rules.

Site and surroundings

4. The appeal site is about 7.2 hectares and is slightly less than half of an arable field. To the west of the field is Wakefield B electricity sub-station and Oakenshaw Beck beyond which is Neil Fox Way and a large modern housing estate. To the north-east of the field is the village of Heath and to the east is Heath Common, an area of rough grassland accessible by the public. To the south-west of the field, between the beck and Neil Fox Way, is a Council operated Gypsy and Traveller Site, and to the south is a small private Gypsy and Traveller Site. Access into the site is off Kirkthorpe Lane at the east corner of the field and at the southern corner of Heath.

5. Public Footpath 5 (PF5) passes through the field from Heath to the south-east corner of the sub-station compound. The footpath continues alongside the north-east boundary of the compound to woodland beyond. Public Footpath 1 (PF1), which is a section of the Trans Pennine Trail, is alongside the south-east boundary of the field. About 37% of the site is Grade 2 agricultural land, classified as best and most versatile land (BMV land) and about 62% is Grade 3b agricultural land. The field slopes down gently from Heath towards Oakenshaw Beck. The field is not subject to any landscape or ecological designations.

6. In the north part of the field and close to woodland to the west is Dame Mary Bolles' Tower, a water tower that is a Grade II* listed building. To the east of the field and close to FP1 is the Whittling Well, a Grade II listed building. Heath is a Conservation Area that includes thirty-eight listed buildings of all listing categories. The listed buildings and the Conservation Area are designated heritage assets. The field is part of Historic Landscape HL02, a non-designated heritage asset, and to the north of the field are the remains of Heath Old Hall, another non-designated heritage asset.

7. The field, and therefore the appeal site, is part of the Green Belt. Land to the west of the field, including the sub-station compound, is outside the Green Belt.

The proposed development

8. The appeal site is alongside the south-west boundary to Oakenshaw Beck, the south boundary to the private Gypsy and Traveller site, and the south-east boundary to Heath Common. The proposed battery energy storage system (BESS) compound, which would be rectangular and surrounded by a fence, would be located close to the south-west boundary of the field and the south-east boundary of the sub-station compound. The compound would encompass, amongst other things, 72 battery energy storage containers, 36 battery transformers, two switchgear rooms, an 'office container' for storage and welfare facilities for maintenance staff, and a main transformer compound in its west corner. The operational elements of the BESS would be about 3.5 metres high except for the main transformer which would be up to 7 metres high.

9. The BESS compound would be surrounded by proposed vegetation comprising native woodland mixed planting of shrubs and tree whips and including heavy standard trees. The compound and planting around it is the principal element of the proposed development. The secondary element of the development would comprise similar native woodland planting, which would extend in a belt alongside the south-west, south and south-east boundaries of the site up to the entrance to the site at the east corner of the field, and a wildflower meadow planted with heavy standard native trees. A gravel access track would extend through the meadow from the entrance off Kirkthorpe Lane to a gated entrance in the south-west fenced boundary of the BESS compound.

10. The proposed BESS could import and export nearly 100 MW of electricity to the National Grid; energy storage being a crucial requirement in the Government's pursuit of the development of sources of renewable energy. Construction of the BESS and all other elements of the scheme would take about sixteen months including testing and commissioning. The planning permission would be subject to a condition that would require the removal of the BESS, if it is brought into use, 40 years after the first import of electricity from the National Grid. Another condition would require the implementation of an approved Restoration Scheme. Decommissioning and removal of all elements of the BESS would be accomplished in about sixteen months.

11. A draft Unilateral Undertaking, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), was submitted prior to, and was discussed at, the Inquiry. A signed and dated version was submitted after the Inquiry closed. The Undertaking has two covenants; the payment of an Onsite Bio-diversity Net Gain (BNG) Monitoring Contribution and the submission and implementation of a Heritage Enhancement Scheme (HES) for Mary Bolle's Tower, which would be prepared in consultation with the Council, Historic England (HE), FWO and WCS.

12. The HES would include details of works to the Water Tower to improve its condition and reduce its rate of deterioration, confirmation of whether listed building consent would be required for the works, an Ecological Management Plan (EMP) for woodland close to the tower to better reveal the historical relationship between the tower and its associated pond, the creation of a permissive right of way to the tower, information boards along the permissive right of way and a timetable for implementation of the HES works to be approved by the Council.

Local planning policy

13. The Development Plan includes the Wakefield District Local Plan 2036 (WDLP).

14. WDLP policy SP24 states that, in order to contribute to the UK 2050 net zero emissions target, the Council will encourage the development of new sources of renewable energy generation where there is no adverse environmental impact or harm to nearby communities. Policy LP35 states that proposals for renewable energy development will be supported provided that they will not have an unacceptable impact on, amongst other things, landscape character and the visual appearance of the area, heritage assets and their character, appearance and setting, and local amenity including noise and odour. Policy LP55 states that development within the countryside shall contribute towards the protection of the character of the District's landscape.

15. WDLP LP63 'Conserving the Historic Environment' states that the District's heritage assets will be conserved in a manner appropriate to their significance and that developments which will help in the conservation of the historic environment, especially those assets which are at risk, will be encouraged. The policy also states that particular attention will be paid to the conservation of those elements which contribute most to Wakefield's distinctive character and sense of place; including the distinct Conservation Area of the historic village of Heath with its combination of common land, surrounding open fields, and collection of significant 16th to 19th century buildings.

16. WDLP policy LP64 states that development proposals affecting a designated heritage asset, including its setting, shall conserve the significance of the asset, and where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, any harm will be weighed against the public benefits of the proposal. The same considerations for non-designated heritage assets are set out in LP policy LP65.

National policy on Green Belts

17. The National Planning Policy Framework (NPPF), at paragraph 142, states that 'The Government attaches great importance to Green Belts. 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'.

18. Grey belt is defined, in the glossary to the NPPF, as land in the Green Belt that is either previously developed land and/or any other land that, in either case, does not

strongly contribute to any of purposes (a), (b) or (d) of the five purposes of including land in the Green Belt as set out in paragraph 143. The glossary entry goes on to state that 'grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 would provide a strong reason for refusing development. Footnote 7 states that the policies referred to in the definition of grey belt are those in the NPPF relating to, amongst other things, designated heritage assets.

National policy on the Historic Environment

19. Paragraph 212 of the NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation... This is irrespective of whether any potential harm amounts to substantial harm... or less than substantial harm'. Paragraph 215 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'. Paragraph 216 relates to the effect of a development on non-designated heritage assets and states that '...a balanced judgement will be required having regard to the scale of any harm... and the significance of the heritage asset'.

National policy on Climate Change

20. Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and that it should support renewable and low carbon energy schemes and their associated infrastructure. Paragraph 168 states that, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities, and by implication other decision makers, should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

21. The 'Overarching National Policy Statement for Energy (EN-1)' states, at paragraph 3.3.25, that electricity "Storage has a key role to play in achieving net zero and providing flexibility to the energy system..." and, at paragraph 3.3.26, that "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".

Reasons

22. The secondary element of the proposed development, as described above, would be neutral in its impact on matters of agreed importance. The tree belt along the boundary of the field would continue a similar feature alongside Oakenshaw Beck, the wildflower meadow with standard trees would be akin to parkland that would not be out of character, and the gravel track would be no different to many other access tracks in the area. There would be no more than two vehicles accessing the BESS compound per month, once it is operational, and the traffic movements would be inconsequential.

23. The Appellant and the Council agree that the proposed development would cause less than substantial harm to two designated heritage assets, Dame Mary Bolle's Water Tower and Heath Conservation Area, and would cause harm to the significance of two non-designated heritage assets, Historic Landscape HL02 and Heath Old Hall. HRA claim that less than substantial harm would also be caused to another designated heritage asset, the Whittling Well.

24. The main issues are; first, the level of harm that would be caused by the principal element of the proposed development to the setting and significance of designated and non-designated heritage assets and to cultural heritage; second, whether the appeal site is grey belt land and whether the proposed development otherwise complies with national Green Belt policy; and third, the effect of the principal element of the proposed development on the visual amenity of the landscape.

The first issue – effect on heritage assets

25. Dame Mary Bolles' Water Tower has a square plan form and thick stone walls that rise up to a shallow pitched pyramidal stone slate roof. The 5-stage tower has no floors and high up on each elevation is a small window. There are Tudor-arched doorways at the lowest level in the west elevation and at 2nd stage in the east elevation. In the right hand jamb of the lower doorway is a datestone – '1685'. Inside there is a partly excavated cistern carved out of bedrock that is fed by a spring in the north-east corner. Outside to the west and at a lower level there are remains of a 19th century cast-iron water wheel with narrow overflow channel.

26. The listing description describes the water tower as 'A unusual building associated with Heath Old Hall. From it a vista of the city of Wakefield may be obtained and it is likely it was a viewing tower. What use the water wheel was put to is uncertain. It may have driven the water in the cistern to a tank at the top and is thought to have served a nearby ironworks'. There is, indeed and as indicated in the list description, uncertainty about the purpose of the tower. The tower was located because of the presence of a spring and its height suggests that the water was delivered for a useful purpose by a gravity system.

27. If the water wheel was used to move water to a tank at the top of the tower then that tank would have taken up the space where a floor would have been for guests to take advantage of the views from the windows. If it was a viewing tower, as the listing description suggests is likely, then the small windows in the thick stone walls would not have afforded much in the way of views; westwards towards Wakefield or across countryside in other directions. Notwithstanding uncertainty about the original purpose of the building, the Water Tower is a building of historical significance not least because of its association with Dame Mary Bolles and Heath Old Hall.

28. The Water Tower is unsecured and in a state of disrepair, though from a visual inspection the stonework structure is sound and there is no danger of collapse. It is partly covered with ivy which, if unchecked and in time, will cover the entirety of the building. The tower is in private ownership and is not generally accessible to the public. It is, nevertheless, a prominent and distinctive feature of the landscape and is clearly treasured by residents of Heath and those who visit the area. The tower is particularly prominent in the foreground of panoramic views from PF5, on leaving Heath, with the city of Wakefield in the background.

29. The Water Tower is also visible, from greater distances, in views north-westwards across the field from PF1. In views from both footpaths the Water Tower is seen with either the sub-station building in the background or to one side. The sub-station building is a substantial bulky block of light grey metal cladding and despite partial screening by trees and other vegetation it is a prominent and intrusive feature in the landscape. The sub-station building intrudes into, and detracts from, the setting of the Water Tower in all views across the field.

30. The proposed BESS, given its industrial appearance and before intended screening vegetation matures, would intrude into and detract from the setting of the Water Tower in the same way as the sub-station building. Once the trees and other vegetation mature, after about five years, the BESS would be largely screened in views across the field except from the vicinity of the east corner of the sub-station compound where footpath users would be close to the BESS compound. However, from these vantage points on the footpath the Water Tower is to the north whilst the BESS compound would be to the south.

31. The proposed development would, for a limited period, intrude into the setting of Mary Bolles' Water Tower and would cause a low level of less than substantial harm to this designated heritage asset. Once screening vegetation has matured the harm caused would be further diminished and would become negligible. Screening vegetation can sometimes be intrusive in a landscape, particularly in an open landscape. In this situation, there is a substantial tree belt alongside Oakenshaw Beck and the proposed tree planting, in all views from the west and south-west, would be seen to be an expansion of this attractive landscape feature.

32. The proposed BESS compound would be about 300 metres from the boundary of Heath Conservation Area and it would be set down in the landscape around this designated area. The proposed BESS compound and its electrical equipment would not be visible from within the Conservation Area and no suggestion has been made that they would be visible from upper floors in any building in the Conservation Area. The compound and equipment would be in the background on the approaches to the Conservation along PF5, PF1 and Kirkthorpe Lane. Glimpses of the BESS on leaving the Conservation Area would not undermine any appreciation of this area. The proposed BESS compound would have no more than a negligible harmful effect on character and appearance of the Heath Conservation and, consequently, would cause a very low level of less than substantial harm to this designated heritage asset.

33. The Whittling Well is an 18th century well head and cover in dressed and rock-faced stone on Heath Common. It has a semi-elliptical archway with rock-faced voussoirs and a dropped keystone. It is appreciated from PF1 and from its immediate surroundings. Between PF1 and the field is a line of trees and hedgerow vegetation and there are only glimpses across the field from the footpath and even less so from the vicinity of the well. The proposed BESS and its compound would be about 300 metres away and, given also the aforementioned screening trees and vegetation, they would not be visible from the vicinity of the well. The proposed development would not cause any harm to the significance of the Whittling Well.

34. The remains of Heath Old Hall are about 140 metres to the north of Mary Bolles' Water Tower and the closest part of the proposed BESS and its compound would be about 150 metres to the south of the Water Tower. Only the lower parts of some walls of Heath Old Hall remain and they are now attached to two modern houses. Between the remains and the appeal site are a tree belt within the garden area of one of the houses and woodland to the west of the Water Tower. It is unlikely that there would be any intervisibility between the remains of Heath Old Hall and the proposed BESS and its compound. The proposed development would not cause any harm to the significance of Heath Old Hall.

35. All of the appeal site is within Historic Landscape HL02, which includes Heath Common and which surrounds, mostly, the Heath Conservation Area. It is, in this regard and along with open land to the east, land that is the setting for the

Conservation Area. The proposed BESS compound is at the lowest part of HL02 and would be a small part of it. The compound and electrical components within it would not undermine, or cause any significant harm to, the setting of the Conservation Area. However, the principal element of the proposed development, to a small degree, would erode the designated landscape and would have a very low level harmful effect on the significance of Historic Landscape HL02.

36. With regard to designated heritage assets the principal element of the proposed development would cause a low level of less than substantial harm to Mary Bolles' Water Tower and would cause a very low level of less than substantial harm to Heath Conservation Area, but would cause no harm to the significance of the Whittling Well. With regard to non-designated heritage assets the principal element of the proposed development would cause no harm to the significance of Heath Old Hall but would have a very low harmful effect on the significance of Historic Landscape HL02. The proposed development does, to a limited degree, conflict with WDLP policies LP64 and LP65. The balancing exercise required by the policies will be considered later.

37. Ms Cobham, for FWoW, has raised the issue of whether the BESS development would harm the significance of intangible cultural heritage, as opposed to its effect on tangible heritage assets as considered above. She has done so with reference to the Convention for the Safeguarding of the Intangible Cultural Heritage (CSICH) held in 2003 by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The report on the Convention affirms that 'cultural heritage' includes traditions or living expressions inherited from our ancestors and which will be passed on to our descendants, such as oral traditions and social practices.

38. The Government recognises the safeguarding intentions of UNESCO for cultural heritage and a consultation was undertaken, between 23 December 2023 and 29 February 2024, on an initial implementation stage of the CSICH which focused on defining and identifying intangible cultural heritage in the UK. The response to the consultation was last updated on 12 April 2025. Whilst the Government has ratified the 2003 CSICH it has not yet initiated any process towards adoption of national policy on cultural heritage that developers would be required to comply with when proposing development that could affect cultural heritage and intangible heritage assets.

39. Ms Cobham mentioned at the Inquiry that some local residents have, over the years, requested that their ashes be scattered in the former parkland area. She claims, in effect, that such a practice is an intangible cultural practice that would be harmed or compromised by the proposed development. There is no explicit law against scattering ashes on private land as long as permission to do so is granted by the owner of the land. It is not known whether that permission has been sought or granted in the past but there is no reason to suppose that such a practice could not continue in the future. The introduction of the BESS development would not compromise this cultural practice.

40. Other than the scattering of ashes in the field, Ms Cobham has not suggested any other local traditions or practices that would be affected or compromised by the proposed development. The proposed BESS and its compound would take up only a small part of the field and it is possible, rather than access along PF5, that access could be provided to the 'parkland' area proposed at the east side of the field where ashes could be scattered in meadowland rather than in an arable field. The intentions of the CSICH are recognised and understood but they are not yet incorporated in national policy and do not have any bearing on the outcome of the appeal.

The second issue – Green Belt

41. The appeal site, along its south-west boundary to Oakenshaw Beck and along its south-west and north-west boundaries to the sub-station compound, adjoins the settlement boundary of Wakefield as set out on the adopted WDLP Proposals Map. The boundary marks the edge of the built-up area of the city outside of which land is Green Belt. With regard to the NPPF glossary definition of ‘grey belt’, the Council and the Appellant differ on whether the appeal land can be regarded to ‘strongly’ contribute to purpose (a) of including land in the Green Belt; ‘to check the unrestricted sprawl of large built-up areas’. The Appellant maintains that the site only ‘moderately’ contributes to purpose (a) whilst the Council maintains that the site does ‘strongly’ contribute.

42. The Government’s Planning Practice Guidance (PPG) on Green Belts provides guidance on what could be regarded to be illustrative features of land that make either a ‘strong’ or ‘moderate’ contribution. Land that contributes strongly, as stated in the PPG, are likely to be free of existing development and lack physical features in reasonable proximity that could restrict or contain development. The appeal site is free of existing development as is the remainder of the field of which it is a part. The sloping nature of the site was no impediment to planning the introduction of the BESS and its compound and, given that the field is no less steep elsewhere, there would be no impediment to the introduction of further similar development.

43. The Appellant argues that the proposed BESS would be contained by planned planting but this is an easy argument to make and is not relevant because it could be used, similarly, to justify further incremental developments. Furthermore, the planting is an integral part of the proposed development and is not a physical feature that currently exists to restrict development. The PPG also requires that land which makes a strong contribution is likely to be adjacent to a large built up area and if developed would result in an incongruous pattern of development. It is indicated that the use of the land, in this regard, would be ‘an extended “finger” of development into the Green Belt’.

44. The appeal site, in particular that part of the site which would be developed, is, as set out above, adjacent to the built up area of Wakefield. It is adjacent to that area on two sides and though it could not, in this regard, be considered to be a ‘finger’ of development into the Green Belt it would be a ‘set of knuckles’. The narrower part of the appeal site, through which the gravel track would pass, would undoubtedly be a ‘finger’ of development into the Green Belt pointing north-eastwards towards the access into the site off Kirkthorpe Lane. Though not crucial to the Decision it is worth noting that the extended access to the developed part of the site has been proposed because the area next to the sub-station is otherwise inaccessible.

45. The proposed development, assessed against the PPG, has all the features to justify a conclusion that the land makes a strong contribution to purpose (a) for including land in the Green Belt. The land cannot therefore, as a matter of principal, be considered to be grey belt. It is not necessary to consider, with regard to Footnote 7 on page 6 of the NPPF, whether application of policies in the NPPF would provide a strong reason for refusing or restricting development. The land that is the subject of the appeal is part of the Green Belt and is not grey belt. With regard to paragraph 155 of the NPPF the proposed development would not utilise grey belt land and must therefore be regarded to be inappropriate. The provisions of paragraph 160, which relates to inappropriate renewable energy projects, will be considered later.

The third issue – visual amenity of the landscape

46. WCS, HRA and FWoW have all referred to evidence regarding the history of the field. There is, indeed, historical evidence, in the form of maps, which indicates that the field was once parkland. A map of 1844 defined the extent of Old Hall Park, which encompassed what is now the field, Heath Old Hall and its environs, the sub-station compound and the private Gypsy and Traveller site. Crossing the Park, in an east/west direction, was a 'private carriage road' leading from Wakefield to Heath. Part of the carriage road, where it now crosses the field, is PF5. The map also suggests that there was a straight tree-lined drive from Old Hall to the corner of the Park where it adjoined Kirkthorpe Lane. The map also shows the location of Mary Bolles' Water Tower.

47. Some parties at the Inquiry referred to the field as 'parkland'. The field is not, as a matter of fact, parkland as it is wholly in arable cultivation. It is, furthermore, in private ownership and there is no public right of access to the field other than along PF5. These circumstances are not going to change if the appeal is dismissed. The historical evidence of the Park will remain as will any historical remnants, around what was its perimeter, of its past existence.

48. The field is a wholly open area of land that separates the built up area of Wakefield from Heath. Its undeveloped character and its openness are valued by local residents. The part of the appeal site from the entrance off Kirkthorpe Lane to the BESS compound, which would be meadow land with sporadic trees and an attenuation pond, would have a parkland character and, together with the proposed tree belt along the south-east boundary, would complement the heathland to the east and, for users of PF1, would enhance their recreational experience. The proposed development of this part of the site would not harm the visual amenity of the landscape.

49. Users of PF5 would have a different experience. Leaving Heath, with the panorama of Wakefield in the background, the foreground is taken up by the tree belt alongside Oakenshaw Beck and beyond the field. Prominent in this view is Mary Bolles' Water Tower though its contribution is diminished by the sub-station building to the rear despite screening vegetation. The sub-station building and the Water Tower are to the right of the footpath in this view. The proposed BESS and its compound would be to the left of the footpath and, particularly before screening vegetation and trees mature, they would be prominent and visually intrusive in the view.

50. The sub-station building, despite its bulk and colour, is a simple block that is close to being visually neutral in the view. The proposed BESS, conversely, would have many components all of an industrial character. The main transformer, in particular, would be a complex item of electrical infrastructure rising to a height of about 7 metres and it would, together with all of the other associated components, be a visually intrusive and alien feature in this otherwise attractive rural setting. At the point where PF5 reaches the corner of the sub-station compound the proposed BESS compound would be close by to the south.

51. From this point there would be a slightly downward view across the proposed BESS compound. No amount of screening, even when mature, would obscure the BESS. It would be a complex and alien industrial development in an otherwise mainly undisturbed countryside area. From PF5, where it crosses the field and for users leaving Heath, the proposed BESS and its compound would have a significant adverse effect on the visual amenity of the Green Belt. The harmful visual effect would increase as users approach the corner of the sub-station compound but would, it must be said, endure for only a small part of any countryside walk around Heath.

52. The proposed development would have a significant adverse effect on the visual amenity of the landscape, albeit limited to a small area and apparent from only a small part of the footpath network of the area and when users are walking towards Wakefield from Heath. The significant adverse effect would diminish to a moderate adverse effect once the planned screening vegetation has matured. The proposed development conflicts with WDLP policies LP35 and LP55.

Other matters

53. At the opening of the Inquiry WDGTA maintained a concern that noise emanating from the proposed BESS would cause disturbance for residents of the Gypsy and Traveller sites. This concern was discussed with the Appellant outside of the Inquiry and has been overcome by adjustments to noise conditions. Residents of the two sites are concerned that a fire at the BESS site would cause them danger and that toxic fumes resulting from a fire would be a significant health risk. The West Yorkshire Fire Service (WYFS) has been consulted on the proposed development and has made comments but not an objection. Fire detection measures incorporated into the scheme would alert WYFS in the unlikely event that a fire occurred and there would be direct access to the site from the highway network for any fire to be dealt with promptly. No evidence has been brought forward to indicate that fumes resulting from a fire would be a significant health risk.

54. The proposed development would take up about 2.8 hectares of BMV land. Paragraph 187 of the NPPF recognises the economic benefit of BMV land and SOLP policy DES7 requires new development to make provision for the effective use of natural resources by, amongst other things, avoiding the development of BMV land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality. The Council maintains that the policy requires consideration of alternative sites and a sequential approach to deciding the sustainable choice of a site.

55. The Council maintains that the Appellant has not thoroughly investigated the possibility that alternative sites to that proposed are available to accommodate the proposed BESS within the nearby urban area. The Appellant has considered alternative sites, though maybe not over a wide enough area to satisfy the Council, and have discounted these sites for a variety of reasons, such as access, availability and the cost of electrical connectivity to the National Grid. To be a credible alternative another site must have been the subject of detailed analysis. The Council has not carried out any detailed analysis of any other site so it is not possible to conclude on whether their suggested sites are credible alternatives. This matter is, furthermore, somewhat academic because an appeal has been submitted against non-determination by the Council of an application for a proposed BESS development on a greenfield site outside the urban area and the appeal must be determined on its merits.

56. All other matters mentioned in opposition to, and in support of, the appeal have been taken into account but they do not, either individually or collectively, affect the planning balance to be considered and the overall conclusion to be reached.

Conditions

57. The main parties have agreed a list of thirty-six conditions. All of the conditions have been imposed though they have been amended, where necessary, in the interests of clarity and precision and to meet the tests set out in the PPG. Reasons for the conditions are given in the schedule of conditions attached to this decision.

Section 106 Agreement

58. A draft Legal Undertaking, made pursuant to Section 106 of the Act, was submitted before the Inquiry. The completed document, dated 11 May 2026, has been signed by all relevant parties and was submitted to The Planning Inspectorate on 14 May 2026. The requirements of the Undertaking are as set out in paragraph 9 above. The obligations of the Undertaking are related to requirements of development plan policies and are necessary to make the development acceptable in planning terms. They are, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Undertaking therefore complies with the tests set out in the PPG and with Regulation 122 of the CIL Regulations 2010.

The heritage balance

59. The principal element of the proposed development would cause a low level of less than substantial harm to Mary Bolles' Water Tower and a very low level of less than substantial harm to Heath Conservation Area and to Historic Landscape HL02. The proposed development conflicts with WDLP policies LP64 and LP65. These policies require less than substantial harm caused to the significance of designated and non-designated heritage assets to be weighed against the public benefits of the proposal. This local policy balancing exercise reflects the NPPF in which it is stated, at paragraph 215, that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal.

60. The Section 106 Undertaking would require the implementation of an agreed and approved HES that would ensure, in brief, improvements to the condition of the Water Tower, the preparation of a schedule of works to confirm whether listed building consent is necessary, the preparation and implementation of an Ecological Management Plan for woodland adjacent to the Water Tower to better reveal its historical relationship to an associated pond, the creation of a permissive right of way to the Water Tower, the installation of information boards along the permissive way, and the agreement of a timetable for implementation of the HES works.

61. The HES would require the removal of ivy from the Water Tower and would, it is likely, prevent the return of this invasive and potentially damaging plant growth. There is no reason to suppose that listed building consent for the HES works, if it is required, would not be forthcoming. Mary Bolles' Water Tower, if the requirements of the HES are not carried out, would become further enveloped by ivy and would deteriorate structurally and visually, and it would continue to be inaccessible to the public. Whilst the owner of the building has a statutory responsibility to preserve the listed building and its architectural and historic interest, they are not required to improve access to the building and to enhance its surroundings. These matters could only be achieved through carrying out the requirements of the HES.

62. The low level of less than substantial harm that would be caused to the setting of Mary Bolles' Water Tower by the proposed development, for a temporary period, would be outweighed by the significant improvements that would be achieved to its structure and surroundings through the Section 106 Undertaking, which would be binding if planning permission is granted and if its implementation is pursued. It is likely that these benefits for the Water Tower would remain long after the proposed BESS has been removed after the temporary permission elapses.

63. The significant weight that must be given to the benefits associated with renewable and low carbon energy generation and associated infrastructure far outweighs, as a matter of planning judgement, the very less than substantial harm that the proposed BESS would cause to the significance of Heath Conservation Area and Historic Landscape HL02, even though, in accordance with paragraph 212 of the NPPF, great weight is given to the conservation of these heritage assets.

The planning balance

64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

65. Paragraph 160 of the NPPF states that many renewable energy projects would be inappropriate development in the Green Belt. Inappropriate development is, by definition and as set out in paragraph 153, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which may, in the case of renewable energy projects, be the wider environmental benefits associated with increased production of energy from renewable sources.

Benefits of the proposed development

66. The principal environmental benefit of the proposed development is the need for the BESS. This is agreed by the main parties and is set out in section 6 of the SoCG. Some extracts from this section are:

- a) The Council declared a Climate Emergency in May 2019 and has committed to achieving net zero by 2030, and by 2028 at the latest.
- b) The need for a fundamental shift away from fossil fuels and towards renewable sources of energy is essential to achieve the UK's legally binding climate target of reaching net zero carbon by 2050.
- c) Renewable energy sources are intermittent and BESS can help regulate the situation, making the best and most effective use of renewable energy that is generated around the country.
- d) BESS act as cost-effective and deliverable means of reinforcing and improving the efficiency and resilience of the National Grid.

67. WCS and HRA, in particular, disagree that there is a need for the BESS. They maintain that there are operational, under construction and permitted BESS schemes that will provide about 95GW of energy storage; the Government's Clean Power 2030 target being 27GW. They have commented that in the Yorkshire and Humber Region there are such schemes that will provide 13GW of energy storage, about half of the entire UK 2030 target for BESS storage. Information submitted indicates that, at March 2026, total BESS capacity in the UK was 7.9GW operational and 8.2GW under construction, and that there was 77.9GW with planning permission.

68. Some of the BESS schemes that have planning permission will not have been commenced because they do not have an arranged connection to the National Grid. Others will not have been commenced for unknown reasons. All schemes that have

not been commenced cannot be considered to contribute to the 27GW target for energy storage by 2030 because it is not known if any of the schemes will be commenced and brought into use. There was a shortfall in BESS storage capacity, at March 2026 and against the 2030 target of 27GW, of 10.9GW, and there is only about 3.5 years in which to redress that shortfall.

69. The Appellant secured a grid connection in April 2021 and the agreement will remain until 23 months after the date of planning permission. Construction of the proposed BESS scheme, including testing and commissioning, is expected to take about 16 months so there is no reason to doubt, if planning permission is granted, that the BESS would export energy to the grid before the connection agreement expires. The proposed BESS scheme would contribute towards meeting the shortfall in the Government's target of 27GW BESS storage capacity by 2030.

70. The proposed BESS scheme would benefit the local economy by creating jobs during the construction, operation and decommissioning phases.

Harm caused by the proposed development

71. The proposed BESS would cause a low level of less than substantial harm to Mary Bolles' Water Tower and a very low level of less than substantial harm to Heath Conservation Area and Historic Landscape HL02, and the harm would subsist for a temporary period of forty years. The proposed development conflicts, to a limited degree, with WDLP policies LP64 and LP65.

72. The proposed development would have a significant adverse effect on the visual amenity of the landscape, but this would diminish to a moderate adverse effect once planned screening vegetation has matured. The significant reducing to moderate harm to the landscape would subsist for a temporary period of forty years. The proposed development conflicts with WDLP policies LP35 and LP55.

73. The proposed BESS would take up about 2.8 hectares of BMV land for a period of 40 years.

Conclusion

74. The world is in crisis; a climate crisis caused by carbon emissions. One of the remedies to the crisis is to reach net zero carbon emissions as soon as possible. The Government has set necessarily challenging targets to reach net zero and has stated, in EN-1, that "Storage has a key role to play in achieving net zero and providing flexibility to the energy system...".

75. The significant weight that must be afforded to the need for the BESS, in itself and as a matter of planning judgement, far outweighs the low level of harm that would be caused to the significance of heritage assets and to the visual amenity of the area, and the temporary loss of about 2.8 hectares of BMV land. The environmental benefits of the proposed development are the material considerations which indicate that the appeal shall be determined other than in accordance with the Development Plan. The benefits are the considerations that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness. Very special circumstances exist in this case.

76. Areas around major conurbations and between other urban areas were first established in 1955 to prevent unacceptable urban growth and the merging of towns. The areas were called 'Green Belt' to reflect their mainly green nature and appearance.

If the climate crisis is not successfully addressed then the Green Belt might become no longer green and might have to be renamed the Brown Belt.

77. The appeal is allowed and planning permission has been granted for 'a temporary battery energy storage system, formation of an access road, SuDS pond, landscape and ecological enhancements and associated works' on land south of Wakefield B Substation and east of Neil Fox Way, Wakefield in accordance with the terms of the application ref. 22/01460/FUL, dated 30 June 2022, subject to the conditions in a schedule attached to this Decision.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms S Hall	Barrister
she called	
Mr C Morley BA MPhil MCIfA	Head of Cultural Heritage at ERM
Mr J Ingham BA(Hons) DipLA CMLI	Director of Landscape Planning at Stephenson Halliday
Mr M Sharpe BA(Hons) DipTP MRTPI	Senior Director at Quod

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Robson	Barrister
he called	
Ms E Sharpe BA(Hons) MA	Senior Conservation and Design Officer
Mr R Wood BA(Hons) BPI MBA MRTPI	Director of Richard Wood Associates

FOR HEATH RESIDENTS ASSOCIATION:

Ms C Nevin	Barrister
she called	
Mr J Dunbavin BSc MTP MRTPI	Director of ID Planning
Mr N Hammond BA(Hons) MCIfA	Director of Archaeo-Environment

FOR WAKEFIELD CIVIC SOCIETY:

Professor B Goodchild	Professor (Emeritus) of Housing and Urban Planning
Mr K Trickett MBE	President of Wakefield Civic Society

FOR FORGOTTEN WOMEN OF WAKEFIELD:

Ms S Cobham BA	Director of Dream Time Creative and Forgotten Women of Wakefield
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FOR WAKEFIELD AND DISTRICT GYPSY AND TRAVELLERS ASSOCIATION

Dr S Ruston BSC(Hons) MA MA MRTPI	Principal of Ruston Planning
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THIRD PARTIES:

Mr J Trickett	Member of Parliament
Ms J Bower	Resident of Heath
Ms Nicholson	Representing the Gypsy and Traveller Community
Mr C Daley	Resident of Heath
Mr N Stackhouse	Resident of Heath
Ms J Sefton	Part-time resident of Heath
Ms M Vasey	Warmfield cum Heath Parish Councillor
Ms J Medford	Normanton Town Councillor
Mr D Wilton	Normanton Town Councillor

DOCUMENTS

1. Appearances on behalf of the Appellant.
2. Opening statement on behalf of the Council.
3. Appellant's opening statement.
4. Opening statement by Wakefield Civic Society.
5. Opening statement by Heath Residents Association.
6. Opening statement by Forgotten Women of Wakefield.
7. Opening statement by Wakefield and District Gypsy and Travellers Association.
8. Representation by Mr C Daley.
9. Representation by Ms J Bower.
10. Representation by Mr N Stackhouse.
11. Representation by Ms Nicholson.
12. Representation by Councillor M Vasey of Warmfield cum Heath Parish Council.
13. Representation by Councillor D Wilton.
14. Representation by Mr J Trickett MP.
15. Fencing condition suggested by Wakefield Civic Society.
16. Additional noise condition suggested by Dr Ruston.
17. Draft Section 106 Unilateral Undertaking.
18. Note on identification of site as historic parkland.
19. Council's CIL compliance statement.
20. Closing statement by Wakefield Civic Society.
21. Closing statement by Heath Residents Association.
22. Closing statement by Forgotten Women of Wakefield.
23. Closing statement by Wakefield and District Gypsy and Travellers Association.
24. Closing statement by the Council.
25. Closing statement by the Appellant.

SCHEDULE OF CONDITIONS – APPLICATION REF. 22/01460/FUL

1. The development hereby permitted shall commence no later than the expiration of 3 years from the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Except where required by compliance with details approved pursuant to following conditions the development hereby permitted shall be carried out in accordance with the following drawings:

- Location Plan (Ref: PA_19_LP_Rev_H, dated 23/05/25)
- Proposed Parameters Plan (Ref: WF_PPP_Rev G, dated 26/09/23)
- Proposed Access Visibility Splays (Ref: LTP_4859_P1_01_01_Rev C, dated 14/02/24)
- Proposed Site Sections (Ref: WB-EL-SS-01, dated 15th November 2022 in so far as it relates to land levels shown for the BESS compound)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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).

Reason: For the avoidance of doubt as to what is authorised by this permission.

4. In the event the Battery Energy Storage System ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for its removal, including all associated structures, equipment, access and passing bays, shall be submitted to the Local Planning Authority within 3 months of the end of the 12-month period for approval in writing. The restoration scheme shall include the following:

- a) Details of the retention of any approved boundary treatments and planting;
- b) A written scheme of restoration for returning the site to a pasture field.

The approved scheme of restoration shall be fully implemented and completed within 12 months of written approval being issued.

Reason: For the avoidance of doubt as to what is authorised by this permission.

5. Eighteen months before the end of the 40-year operational period, taken from the Final Operational Notification date submitted under condition 3, a Restoration Scheme for the removal of the Battery Energy Storage System and all associated development shall be submitted to the Local Planning Authority for approval in writing. The restoration scheme shall include details and measures for the following:

- a) Removal of the development and restoration of the land back to agricultural use.
- b) Removal of the access from the site to the public highway shown on the 'Proposed Access Visibility Splays' (Ref. LTP_4859_P1_01_01_Rev C, dated 14/02/24) The decommissioning highway works shall be maintained for the duration of the decommissioning stage.
- c) Retention of any approved planting and its protection during the decommissioning phase.
- d) Details of the decommissioning highway works, including visibility splays as shown on the drawing titles 'Proposed Access Visibility Splays' (Ref. LTP_4859_P1_01_01_Rev C, dated 14/02/24). The decommissioning highway works shall be maintained for the duration of the decommissioning stage.

The approved Restoration Scheme shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 3.

Reason: For the avoidance of doubt as to what is authorised by this permission.

6. No battery units, ancillary structures, fencing, external lighting or CCTV shall be installed until the relevant details have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) A Site Layout Plan (scaled at 1: 500), in general accordance with the Proposed Parameters Plan (Ref: WF_PPP_RevG, dated 26/09/23). The Site Layout Plan shall specify the spacing between BESS Units, transformer units, switch room, auxiliary transformer, water tanks and acoustic fencing.
- b) The External Track shown on the Proposed Parameters Plan (Ref: WF_PPP_RevG, dated 26/09/23), and the internal road within the Compound shall be constructed and surfaced to provide for the passage of fire and rescue service emergency response vehicles.
- c) The BESS Compound shall have 2 gateway entrances off the External Track that are suitable for fire and rescue service emergency response vehicles.
- d) Elevation Plans to show that the development is no greater than the heights specified on the Proposed Parameters Plan (Ref: WF_PPP_RevG, dated 26/09/23).
- e) Details of external materials and finishes, including measurements, design, colour, positions and layout) for the BESS Units, transformer units, switch room, auxiliary transformer, signage and water tanks; and
- f) Design and technology for the BESS units.

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

Reason: In the interests of visual amenity.

7. No external lighting shall be installed other than in accordance with a scheme that has previously been submitted to and approved in writing by, the Local Planning Authority. Any external lighting installed shall be maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interest of safety and crime prevention and to ensure that the development does not cause unacceptable light pollution.

8. No site clearance or vegetation clearance works shall be commenced until a full landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The full landscape scheme shall set out details of hard and soft landscape works, including an implementation programme, and shall be prepared in accordance with the approved General Arrangement Plan (UG_1474_LAN_GA_DRW_01_Rev P15, dated 23/05/25), Soft Landscape Plan Sheet 1 (Ref: UG_1474_LAN_SL_DRW_02_Rev P08, dated 23/05/25), Sheet 2 (UG_1474_LAN_SL_DRW_03_Rev P08, dated 23/05/25), and Enhanced Mitigation Strategy Sheet 3 (UG_1474_LAN_SL_DRW_04, Rev P08, dated 23/05/25).

Hard landscape details shall include dimensions, proposed finished levels/gradients and sections, materials and colours for the following:

- a) Finished levels and/or contours;
- b) Boundary details, means of enclosure and retaining structures;
- c) Vehicle parking layout;
- d) Vehicle and pedestrian access and circulation areas;
- e) Hard surfacing areas;
- f) Details of the security fence (which shall be in accordance with the fencing shown in purple on the General Arrangement Plan (UG_1474_LAN_GA_DRW_01_Rev P15, dated 23/05/25) and no other boundary fencing); and
- g) Proposed and existing functional services above and below ground.

No fencing shall be installed along the access track between the site access and the BESS compound.

Soft landscape works shall include:

- a) Detailed planting plans (with appropriate stand-off distances from proposed drainage infrastructure) including the locations of trees, shrubs, grasses, bulbs and hedge planting;
- b) Written specifications (including cultivation, stock handling/quality, seasonal/weather restrictions, planting methods, soil amelioration, drainage, irrigation, surface finish;

- c) Schedules of plants noting species, planting sizes and proposed numbers/densities; and
- d) An implementation schedule.

The approved landscape scheme shall be retained and managed in accordance with the approved landscaping scheme for the duration of the development.

If within the lifetime of the development from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased replacement planting of the same species and size shall be planted in the same location in the next planting season.

Reason: In the interests of visual amenity and protection of the significance of Dame Mary Bolles' Water Tower.

9. No works or development shall commence until a written Arboricultural Method Statement (AMS), to include details which address the trenchless technique proposals for works within the RPA of tree group G1 in accordance with BS5837 for a tree care plan, has been submitted to and approved in writing by the Local Planning Authority.

No works shall commence until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and the specifications and the provisions of BS 5837 (2012) Trees in relation to design, demolition and construction.

Safeguarding shall include ground areas intended for Structural Planting (clause 6.2 of BS5837) and only the BS5837 default barrier with the scaffold framework shall be employed. A fully dimensioned tree protection plan drawing shall be included in the submission. Such measures shall be retained for the duration of construction 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/drainage, without the prior written approval of the Local Planning Authority.

Works shall be carried out in accordance with the approved AMS.

Reason: To ensure the protection of retained trees and to safeguard visual amenity.

10. A landscape management plan, including long term design objectives, planting replacement and management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development. The landscape management plan shall be implemented for the lifetime of the development and carried out as approved.

Reason: In the interests of ensuring the proper management and maintenance of the retained and enhanced landscape.

11. No works shall commence until a Soil Management Plan (SMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall

include the quantities of topsoil to be stripped from the site, a plan to show the location of topsoil to be stripped, the location of topsoil storage on site, and the management and protection of the topsoil storage areas for the duration of the development. The development shall be implemented in accordance with the approved SMP.

Reason: To ensure soil protection during construction.

12. No development (including ground works, vegetation clearance, stockpiles, construction and vehicle movements) shall commence until a Habitat Management & Monitoring Plan (HMMP), using the Biodiversity Metric 4.0 Calculation Tool, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include the following:

- a) An overview of the current site, including a summary of habitats present and management operations currently in effect, and any other land uses;
- b) The location, extent and habitat type of areas which are proposed to be (i) retained, protected, and enhanced, (ii) created, for the purposes of enhancing the ecological value of the development site, and (iii) intended land uses;
- c) Baseline and Environmental information and associated impacts;
- d) Works to facilitate the enhancement and establishment of the proposed habitats, including any contouring, soiling, seeding, cultivation, planting, water feature provision or drainage works to be undertaken;
- e) Site-wide principles and overarching aims and objectives that guide the HMMP;
- f) Habitat condition targets - the agreed BNG delivery based on the approved statutory biodiversity metric;
- g) A description of the habitats that are to be retained in baseline condition and any measures required to maintain this condition;
- h) A site-wide risk register associated with creating, enhancing and/or managing each habitat type;
- i) Details of an implementation and delivery programme / timetable;
- j) A monitoring schedule to include report submissions for years 2, 3, 5, 10, 20 and 30 that details the methods to be utilised to adequately monitor progress towards agreed targets, confirmation of the responsible body, and details of legal and funding mechanism(s) by which the implementation and long term maintenance of the HMMP will be secured.

The HMMP shall thereafter be fully implemented/undertaken in accordance with the approved details and all BNG habitat creation shall be managed and monitored in accordance with the approved HMMP for a period of not less than 30 years after development is completed.

Reason: In the interests of mitigating ecological harm and providing for a measurable biodiversity net gain following the development.

13. No development shall commence (including ground works, vegetation clearance, stockpiles, construction and vehicle movements) until a scheme for the provision of wildlife enhancement features has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- a) Four bat roosting features located on trees;
- b) Four bird nesting boxes;
- c) Two hedgehog houses;
- d) Hibernacula for amphibians.

The scheme shall include detailed drawings or product specifications of the bat/bird features/boxes, and proposed locations of features/boxes, hedgehog houses and amphibian hibernacula.

All approved features shall be installed prior to the development being brought into use and retained thereafter for the lifetime of the development. Any approved features that deteriorate or are destroyed shall be replaced with on a like for like at the time.

Reason: To maintain and enhance biodiversity.

14. If, at any time during the agreed monitoring schedule, the approved HMMP is found not to be delivering agreed targets then within 3 months an HMMP Contingency Plan detailing measures that will be undertaken to remedy the identified shortfall shall be submitted to the Local Planning Authority for their written approval. The Contingency Plan shall include full details of (i) what additional measures will be undertaken, (ii) how they will be delivered and, (iii) subsequent monitoring to ensure the aims of the Contingency Plan are met. The Contingency Plan shall thereafter be delivered in accordance with the approved details.

Reason: In the interests of mitigating ecological harm and providing for a measurable biodiversity net gain following the development.

15. No development shall commence until a Written Scheme of Archaeological and Geoarchaeological Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. No demolition/development shall take place other than in accordance with the approved WSI, which shall include:

- a) A statement of significance and research objectives;
- b) A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- c) A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Development shall be implemented in accordance with the approved WSI.

Reason: To ensure that the development does not result in the loss of heritage assets with archaeological interest and that appropriate archaeological recording is undertaken.

16. No development (including ground works, vegetation clearance, stockpiles, construction and vehicle movements) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority

The CEMP shall include details of the following:

- a) Parking provision for site operatives and visitor vehicles;
- b) Locations for loading and unloading of plant and materials;
- c) Proposed access routes for construction traffic and how such traffic will be managed;
- d) Locations for the storage of construction plant, equipment, and materials;
- e) Contractors' compounds and storage arrangements for cranes and plant, equipment, and related temporary infrastructure;
- f) Enclosure of parts of the site and the erection and maintenance of any security hoarding;
- g) Signage (types and location) for directing construction traffic;
- h) Access/egress by emergency vehicles;
- i) Construction lighting (type and location);
- j) Measures to prevent mud and debris being brought on to the highway; and
- k) Measures to protect and manage the existing pedestrian/cycle movements utilising the Trans Pennine Trail route as it crosses the site access.

All works including ground works, engineering and construction works shall be undertaken in accordance with the approved CEMP which shall be adhered to throughout the construction phases of the development.

Reason: In the interests of amenity and highway safety.

17. No development (including any ground works, vegetation clearance, stockpiles and vehicle movements) shall commence until a Construction Environmental Management Plan (CEMP Dust) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include;

- a) The location of nearest sensitive receptors;

- b) A site works summary which identifies the timescales for activities and potential sources of dust emissions;
- c) The measures to be employed to minimise escape of fugitive dust during normal activities;
- d) Staff roles and responsibilities for dust management ;
- e) A protocol for receiving, recording and investigating complaints relating to dust;
- f) Details of any corrective actions or extra measures taken to reduce dust shall be recorded and this information shall be available for inspection by the Local Planning Authority.

Dust minimisation and control shall be carried out in accordance with the approved CEMP (Dust) at all times during the on-site construction activities. The approved CEMP (Dust) shall be adhered to throughout the duration of construction works.

Reason: To control emissions in accordance with air quality objectives.

18. No development (including any ground works, vegetation clearance, stockpiles and vehicle movements) shall commence until a scheme for the control of construction site noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be operated and retained throughout the construction period and shall include:

- a) A review of the plant and equipment to be used on site to ensure that it is the quietest available for the required purpose, including a consideration of the type of vehicle reversing alarms, and any other precautions that are proposed to further minimise the noise from such equipment (acoustic enclosures/screens and non-metallic dollies for piling operations etc.);
- b) The proposed location of any fixed plant, buildings and storage yards;
- c) Details of a community engagement plan, to include a named individual chosen to liaise with the public upon receipt of complaints;
- d) Details of the information that all those operating on site will be given regarding the control of noise;
- e) Any other measures proposed to control construction noise.

Reason: To protect the environment from harmful construction noise.

19. No development (including ground works and vegetation clearance) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall include the following;

- a) Risk assessment of potentially damaging construction activities;

- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Details of pollution prevention measures to avoid harm and potential mortality to aquatic wildlife within Oakenshaw Beck;
- f) Details of biosecurity measures to prevent the spread of waterborne diseases and Invasive Non-Native Species;
- g) Risk assessment of potentially damaging construction activities on the woodland and hedgerows surrounding the site;
- h) Tree protection in regard to retained trees following recommendations from the Arboricultural Impact Assessment from Lakeland Tree Consultancy (Ref LTC130, dated 12/06/2024);
- i) Use of directional lighting during construction and operation, which will not shine upon the site boundaries, hedgerows, or trees within the site;
- j) Programme of pre-commencement checking surveys, including nesting birds, Otter and Water vole, Badger, and up-dating aerial tree inspections for bats;
- k) Measures to protect common amphibians, reptiles, and nesting birds;
- l) Measures to protect Badgers and Hedgehogs who might otherwise access the site for foraging and commuting purposes; and
- m) Responsible persons and lines of communications.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area.

20. No development (including ground works, vegetation clearance, stockpiles, construction and vehicle movements) shall commence until a Materials and Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of where waste material will be stored, how waste will be recycled/removed from the site and how it will be disposed of. The approved Plan shall be adhered to during all phases of the development.

Reason: To ensure the development maximises recycling and reuse of materials and waste in the interests of sustainability and amenity.

21. No development (including ground and site preparation works, any demolition requirements, stockpiling, construction and vehicle movements) shall commence until

washing equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The washing equipment shall be fully operational and shall be used to clean all vehicles to ensure that they are free from mud and debris before leaving the site during the carrying out of such works until its completion. Any mud or debris from the site which is deposited on to the highway during the period of works shall be removed immediately by the developer.

Reason: In the interests of highway safety.

22. No development (including ground works, vegetation clearance, stockpiles, construction and vehicle movements) shall commence until a scheme detailing measures to minimise the risk of crime at the approved BESS development, including CCTV coverage, any lighting for the operational phase and all fencing/boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The BESS shall not be brought into use until the measures detailed within the approved scheme have been implemented/completed. The measures shall thereafter be retained, maintained and operated throughout the lifetime of the development.

Reason: To minimise opportunities for crime.

23. Demolition, engineering and/or construction work shall not take place on Sundays or Bank/Public Holidays and not at any other time except between the hours of 07:30 to 18:00 on Mondays to Fridays and 08:30 to 13:00 on Saturdays.

Reason: In the interests of the amenity of the occupiers of neighbouring properties.

24. Except in an emergency or with the prior written approval of the Local Planning Authority, deliveries associated with engineering and/or construction work shall not take place except between the hours of 07:30 to 18:00 hours on Mondays to Fridays and 08:30 to 13:00 hours on Saturdays. No deliveries shall take place at any time on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenity of the occupiers of neighbouring properties.

25. Means of vehicular access to and from the site shall only be as shown on the Proposed Access Visibility Splays Plan (LTP_4859_P1_01_01_Rev C, dated 14/02/24). Visibility splays at the access shall be provided, and kept clear of obstruction to visibility greater than 1m in height, before any vehicles leave the site and shall be retained for the duration of the development. The gate at the site access must be hung so as to open inwards to the site away from the public highway.

Reason: To ensure a suitable access and layout in the interests of highway safety.

26. The BESS shall not be brought into use until a plan detailing turning facilities and surfacing of all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycletracks, loading and servicing areas and vehicle parking spaces, has been submitted to and approved in writing by the local Planning Authority. The plan shall detail an area for fire appliances to access, park and turnaround at the SuDS basin and details of the surfacing of the proposed vehicle access area leading from the carriageway edge to a point 25m into the site.

The BESS shall not be brought into use until the turning facilities have been provided in accordance with the approved plan and the site has been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway.

Reason: To ensure a suitable access and layout in the interests of highway safety.

27. No development shall commence until a Surface Water Drainage Scheme (SWDS) has been submitted to and approved in writing by the Local Planning Authority. The SWDS shall be prepared in accordance with the principles set out in the Flood Risk & Drainage Assessment Report (Ref: GON.0018.0020, Rev 5, dated 09/07/2025) and include details in accordance with the Firewater Management Plan (Ref: GON.0263.0161, Rev 5, dated 09/07/2025). The approved SWDS shall be implemented and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and prevent increased flooding elsewhere.

28. No BESS Unit shall be installed until an updated noise assessment has been submitted to and approved by the local planning authority. The assessment shall be prepared in accordance BS4142: 2014 and shall include details of proposed plant and demonstrate that the noise levels set out below will be met.

Background noise levels shall not include any noise contribution from Wakefield B substation or overhead power lines.

Noise levels from the BESS shall comply with a BS4142:2014 Rating Level and shall not exceed background noise when measured at a location within, or representative of, the garden area or outdoor amenity area of the closest residential properties to the BESS. Assuming habitable windows of properties in are partially open, the noise level shall not exceed 30dB LAeq,15mins and NR20 for bedrooms between the hours of 23:00 and 07:00, and shall not exceed 35dB LAeq,1h and NR25 for living rooms and bedrooms between the hours of 07:00 and 23:00.

For the purpose of this condition any habitable areas of the caravans on the Travellers' sites shall be designated as both living rooms and bedrooms.

Reason: To protect the living conditions of nearby residents.

29. In the event of a reasonable complaint being received by the Local Planning Authority relating to noise from the BESS, the operator of the BESS shall agree a methodology for investigating the complaint with the Environmental Health Officer, which shall include undertaking a narrow band analysis of the noise generated by the approved units within one month of the Local Planning Authority notifying the operator of the BESS installation of the complaint and thereafter one of the following shall occur:

- a) The findings of the narrow band analysis of the noise generated by the approved units which demonstrates that the levels are acceptable and no mitigation is required shall be submitted to and approved in writing by the Local Planning Authority; or

- b) Based on the findings of the narrow band analysis of the noise generated by the approved units, a scheme detailing measures to mitigate the noise impacts of the units shall be submitted to the Local Planning Authority for approval in writing. Within one month of the date of the scheme being approved by the Local Planning Authority the approved scheme/measures shall be fully completed, which shall thereafter be retained.

Reason: To protect the living conditions of nearby residents.

30. Development shall not commence until a remediation strategy to mitigate the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by a site investigation scheme, based on the recommendations in the Phase I Geoenvironmental Assessment Report [e3p, March 2022, Ref. 15-277-R1-1], and, based on the results of the site investigation, details of remediation measures required and how they are to be undertaken. The approved remediation measures shall be carried out in accordance with the approved strategy and a timetable to be approved in writing by the Local Planning Authority.

No part of the development shall be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised.

31. If, during development, contamination not previously identified is found to be present at the site then works shall cease and no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised.

32. No BESS Unit shall be brought onto site until a revised Fire Strategy Report has been submitted to and approved in writing by the Local Planning Authority. The revised Fire Strategy Report shall be prepared in accordance with the Fire Strategy Report (Ref: O-LO-R16-033905, dated March 2024), Emergency Response Plan (dated March 2024) and Fire Risk Management Plan (dated March 2024). The Fire Strategy Report shall also specify 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 emergency response vehicles;
- c) The provision of water tanks and/or hydrants for firefighting and access;
- d) Spacing of batteries and cabinets;

- e) Size, capacity and location of water tank(s);
- f) Measures to facilitate safety during the construction, operation and decommissioning of the site.

Development shall be carried out in accordance with the approved Fire Strategy Report.

Reason: In order to ensure the development has been designed to minimise fire safety risk.

33. The development shall be carried out in accordance with the submitted Proposed Site Plan rev U dated 10/04/2024, to ensure a minimum 8 metre easement between the development and the landward toe of the natural high ground level (acting as an informal flood defence) alongside Oakenshaw Beck.

Reason: To reduce the risk of flooding.