

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1589 – 24 SEPTEMBER 2021****21/00522/FUL****LAND NORTH OF NATIONAL GRID, LONDON ROAD,
RAWRETH****CONTAINERISED BATTERY STORAGE FACILITY AND
ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS
TRACK AND BOUNDARY TREATMENT, ALTER EXISTING
VEHICULAR ACCESS ONTO A129****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1589 requiring notification to the Corporate Services Officers by 1.00 pm on Wednesday, 29 September 2021 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr C M Stanley referred this item on the grounds that the land is within the Green Belt; however, the application does not meet the special circumstances required to justify development within the Green Belt and there is sufficient room on the site to incorporate the proposal.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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Application No :	21/00522/FUL Zoning: MGB
Case Officer:	Ms Katie Fowler
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land North Of National Grid London Road Rawreth
Proposal:	Containerised Battery Storage Facility and associated infrastructure including access track and boundary treatment. Alter existing vehicular access onto A129

SITE AND PROPOSAL

1. The site is an area of land to the north and immediately adjacent to the Rayleigh Transforming Sub Station that is currently part of an agricultural field located within the Green Belt forming part of Dollymans Farm. It is adjoined by the A130 to the west, London Road to the north, the substation to the south and individual houses 220-500m to the east and north east. The closest residential neighbour is "Magnolias" fronting London Road. The site is an arable farmed field having an area of 3.18ha and slopes gently to the east away from the A130. The site is accessed by a farm roadway and bridge over the A130 from Dollymans Farm to the west but can also be accessed from the southern extent of the disused Old London Road which adjoins the site. The site is relatively open to views from the A130 but screened to the remaining areas by various trees and hedging to the field margins and beyond.
2. The proposal is for the installation of a battery storage facility (E-Houses and MV Block), a substation, switch room and control building, DNO Control Room, vehicle access track, boundary treatments and landscaping. The proposal would provide a 99.98MW battery storage facility. A 49.99MW battery storage facility and 49.99MW gas fire electricity generating facility were previously granted consent on the site (ref: 17/00939/FUL and 17/00942/FUL). A third consent was granted for a new access into the site from the A129 (ref: 18/00305/FUL). The current application is an accumulation of all three previous planning consents, however the proposal for the gas fire electricity generating facility would be replaced by a battery storage facility (BSF) of the same scale and within the same siting.
3. The facility would comprise 108 single storey steel cabins, known as E-Houses. The E-Houses would have a depth of 12m, a width of 2.4m and a height of 2.9m. 23 MV Blocks (transformers) would sit alongside the E-Houses. The substation would have a maximum height of 6m. The fencing surrounding the site would be 2.5m in height.

RELEVANT PLANNING HISTORY

Application No. 17/00939/FUL – development of a 49.99MW battery storage facility with associated infrastructure and landscaping – Permitted.

Application No. 17/00942/FUL – development of a 49.99MW gas fired electricity generating facility with associated infrastructure and landscaping – Permitted.

Application No. 18/00305/FUL – construction of a new hard standing access track and gated entrance to the consented Dollymans power and storage facilities off London Road and construction of gas kiosk – Permitted.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principle of Development

6. By importing excess renewable energy from the grid and storing it, batteries can capture energy that would otherwise be lost / unutilised. In respect of their storage ability, batteries offer opportunities to support the intermittent nature of renewables by storing the excess energy they produce and importing it back into the grid when demand requires. During situations when primary power sources (e.g. traditional power stations) are interrupted, Battery Storage Facilities (BSFs) can bridge the gap in production, thus avoiding potential blackouts. It should be noted that the UK electricity network is wholly interconnected and issues in one geographic location can have far reaching implications on the network. Accordingly, BSFs offer additional capacity to deal with system stress and any variations in grid frequency at both a local and national level.
7. Paragraph 5 of the National Planning Policy Framework (the framework) states that 'National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications.' As such the Overarching National Policy Statement for Energy (EN-1) is a material consideration which must be taken into account in the determination of this planning application.
8. Paragraph 2.2.20 of EN-1 states; "It is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply we need sufficient electricity capacity (including a greater proportion of low carbon generation) to meet demand at all times... This requires a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand."

9. Paragraph 3.3.29 of EN-1 supports the development of decentralised electricity generation facilities: “The Government would like to see decentralised and community energy systems such as micro-generation make a much greater contribution to our targets on reducing carbon emissions and increasing energy security from current levels of these systems. These technologies could lead to some reduction in demand on the main generation and transmission system.”
10. The proposed development is therefore required to complement the mix of electricity generation and to meet the Government’s objective of maintaining a reliable electricity supply, help lower carbon emissions, minimise cost to the UK electricity consumer and safeguard the National Interest.

Green Belt

11. The site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposal needs to be assessed against local Green Belt policies and in relation to the framework. There is a general presumption against inappropriate development within the Green Belt and development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
12. Paragraph 149 of the framework states that the local planning authority should regard the construction of a new building as inappropriate in the green belt. There are exceptions to this as identified by paragraphs 149 and 150 of the framework. The proposal would not fall within any of the exceptions listed. Paragraph 148 of the framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.
13. When located in the Green Belt many energy type projects will comprise inappropriate development. The current proposal is considered to amount to inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
14. Although not comprising power production from renewable energy, the current proposal represents a form of development which is critical infrastructure to the UK and would improve the electricity infrastructure for the United Kingdom Power Network (UKPN) region. It is considered that this could therefore represent a very special circumstance. However, it is also important to consider whether any other suitable sites with a lesser impact on the Green Belt have been considered. The applicant has summarised within the Planning Design and Access Statement and outlined the study within the Green Belt Report (submitted as part of planning ref: 17/00939/FUL) an assessment they carried out of all the major substations in the UK. Specifically, in the UKPN region, which includes the local authority area of

Rochford there were 168 substations that were assessed. Of these, 2 substations present the optimum sites for this type of facility; both are in green belt; one being this application site. However, the proposed battery storage facility to which this current application relates must be located where there is capacity in the electrical supply network to take the stored power.

15. The applicant has set out that a great number of sites considered did not have sufficient land available, willing landowners or adequate capacity in the power network. The Raleigh site is one of very few remaining where power capacity and gas supply is readily available. Officers consider from the information provided by the applicant that other sites have therefore been comprehensively considered and that the site proposed is the best site selected for the proposal. Effort has also been made to select a site with as limited impact as possible on its Green Belt location and the openness of the Green Belt. The proposed siting against the backdrop of the existing substantial transforming station and containment by the alignment of the Railway line and A127 to the south, A130 to the west and A1245 to the east helps mitigate the impact upon existing openness.
16. The proposal would not compromise the four objectives of the Green Belt as set out in the Rochford District Council Core Strategy and the framework. The very special circumstances include matters of national and local importance, including provision of a reliable and flexible energy source, which will be located adjacent to an existing substation ensuring that transmission losses are minimized. Finally, the design of the facility seeks to minimise any visual impact in the local and wider area. The replacement of the Gas Fired Electricity Generating Facility approved by planning consent ref: 17/00942/FUL, with the BSF would reduce the scale of the built form within the south-west of the site as the BSFs are more modest in appearance.
17. In addition, the same very special circumstances apply to the highway infrastructure proposed which includes an access track and a gate with a height of 2.05m. The infrastructure would be required in connection with the wider strategic objective, such that the very special circumstances which include matters of national and local importance, justify the development on the site proposed.
18. Policy DM11 to the Council's adopted Development Management Plan generally advocates support for existing lawfully established businesses in the Green Belt. The site is classified as Grade 3 agricultural land predominantly heavy clay with cool soils and poor germination. The site is also limited in size less suited for large scale agricultural operations. The landscaping and water body proposed would help enhance the appearance of the site. The strictly functional appearance of the apparatus proposed would read well visually against the existing large transformer substation and highway infrastructure without conflict with policy DM11.
19. Overall, there would be limited harm in Green Belt terms set against significant benefits of the development in terms of supporting the growth in flexible energy and strong evidence that the development could not be located

in a non-green belt location. The consequences of refusing the application while avoiding this very limited harm, would lose substantial benefit and in the planning balance this amounts to the very special circumstances required to outweigh the perceived inappropriate nature of the development in Green Belt terms. As such officers do not consider the proposal to conflict with National Policy for the Green Belt or Policy GB1 to the Council's adopted Core Strategy and the proposal would generally accord with Policy DM11 that allows for the lawfully established business of power supply at the location to be extended.

Visual Amenity and Design

20. The existing Rayleigh sub-station dominates the immediate landscape around it, not only by virtue of the sub-station itself but because of the large number of overhead transmission lines which radiate from it. It lies, however, within a small area of farmland, ringed by major roads and within which there are no sensitive receptors.
21. The site is afforded a high level of visual enclosure from the sub-station, the embankment of the A130 and a railway embankment. Tree cover associated with the highway network and screen planting to the sub-station provide further screening, the effectiveness of which will increase over time.
22. There are no dwellings nearby (within 200m) and no significant views from the sparse public right of way network in the area. A few long distant views are possible from the high ground on the edge of Rayleigh but the proposed development would be hard to see in the wider area through the foreground clutter of the sub-station and pylons. The most striking views will be those to the short stretch of the A130 adjoining the site.
23. The facility proposed is of an industrial and functional appearance true to its character and nature. The landscaping proposed would include hedge and tree planting. A bund planted with trees would be installed along the boundary with the A130 and a hedge with trees would be planted along the southern boundary. Within a short period of time this landscaping would screen the most part of the BSF that has an overall height of some 4.5m. Wildflower meadows and areas of grassland are also proposed. The facility would arrange the apparatus and plant in a relatively tight grouping. The resulting development would relate well to the neighbouring transformer and would be of a compatible scale and appearance to the existing installation without conflict with Policies DM1 and CP1.
24. The proposed access would have a width of 5m with a gated access set back 18m from the southern side of the A129 London Road. The access visibility splay of 2.4m by 120m would accord with the standards required by the design Manual for Roads and Bridges. The technical specifications indicate that the track will be made up of 250mm depth of compacted rock fill on compacted ground topped by a 200mm depth of processed sub base material. It is indicated that the existing water course will be culverted. The Environment Agency have responded advising that a permit will be

necessary, this will be a matter for the applicant to deal with independently with the Environment Agency. It is noted that the proposed track is designed such that it would follow where possible, existing field boundaries to minimise visual impact.

Impact on Residential Amenity

25. The closest residential dwelling to the site is “Magnolias” fronting London Road located approximately 200m to the north of the proposed site. Due to this distance it is not considered that the proposal would have a detrimental impact upon this neighbouring property.
26. Policy DM5 to the Council’s Development Management Plan requires applicants to consider the impact of proposed development and lighting with regard to the limitations against obtrusive light set out in guidance from the Institution of Lighting Professionals so as to avoid inappropriate light pollution.
27. The facility would require limited attendance by maintenance operatives. Officers understand that lighting would respond on a sensor as staff walk through the facility so limiting the amount of illumination, as detailed within the Planning Design and Access Statement. When not attended there would be no need for lighting. As such the applicant has demonstrated that the minimal amount of lighting would occur with the least harm to the rural landscape and in accord with Policy DM5.
28. The application is also supported by a Noise Impact Assessment that concludes that no adverse impact would be likely in terms of the noise at any receptor. Noise from the facility would be below the World Health Organisation guidelines including that for the avoidance of sleep at night. No consultation response from the Council’s Environmental Health consultee has been received. However, the consultee raised no objections to either previous application and agreed that the report and proposed mitigations were robust and adequately addressed noise concerns such that the acoustic barrier mentioned in the application details would not be required. It is acknowledged that the development is of a larger scale, however, the conclusions reached by the noise impact assessments were the same on all applications and therefore the previous consultation response is considered still of relevance.

Ecology

29. A preliminary ecological assessment including a protected species assessment was submitted as part of this application. The assessment comprised two parts: a desktop study and a site visit. The desktop search collates all available public information regarding the biodiversity of the area, the habitat structure of the surrounding area and statutory designations.
30. The survey found the presence of breeding birds, amphibians and reptiles on the site and the following recommendations are made to ensure protection of the protected species:

Birds:

31. It was found that there was no evidence of breeding birds at the time of the survey, though the hedgerow with tree standard found on site has nesting potential for breeding birds. It is understood that this hedgerow is to remain, however, should plans change at a later date to include for any removal of the hedgerow with tree standard, then it would be recommended that the bird breeding period is avoided (March to August). If not, then nest checks will need to be made by an Ecologist pre - commencement. If an in-use nest is found a buffer of no less than 5m would be installed until the young have fledged and the nest is no longer in use.

Amphibians:

32. No evidence of Great Crested Newts (GCN) were found at the time of the eDNA survey. However, the hedgerow on site could be used for commuting, foraging or refuge. There is a pond within 10m of the application site which has been identified by the HIS calculation as being of excellent suitability for Great Crested Newts. In addition, Natural England's direct licence impact risk map highlights the site to be within an amber zone, which is classed as containing main population centres for GCN's and comprises of important connecting habitat that aids natural dispersal.
33. Given the proximity of a pond which may contain GCN and the medium risk of the presence of GCN on the site, this development may impact the protected species. Mitigation is therefore required via the District Licensing Scheme.
34. Therefore, a District Licence under the District Licensing Scheme will be required in order for works to proceed lawfully. This provides mitigation for habitat loss for GCN by paying a fee to Natural England which is used in the creation, enhancement and restoration of GCN habitat nationally.

Reptiles:

35. The application site is dominated by bare ground with marginal improved grass. The hedgerow on site could be used for commuting, foraging or refuge. It is understood that the hedgerow is to remain as part of the development, however, if plans change to include the removal of it this would need to be searched by an ecologist to prevent the accidental killing of any fauna. Furthermore, the applicant has stated that contractors would be made aware of the potential for reptiles to be present and if any are encountered, to let them escape unharmed.

Water Voles:

36. The ecological survey has not provided an assessment or identified water voles within the application site. However, the officer report for the previous application (ref: 17/00942/FUL) made the following observation:-

If works are kept within the arable field within the barbed wire fence and do not encroach upon the habitat surrounding the stream to the east of the site, no mitigation for water voles will be required. No heavy machinery or plant should be stored or parked along the stream edge. A working buffer zone of 5m from the stream edge should be maintained at all times. No effluent from

construction works should be allowed to enter the stream. A non-licensed method statement may be required.

37. It has been queried with the applicant the reasoning for the absence of water voles within the current ecological survey to which their ecologist has stated that the distance of the works from their likely habitat is covered by a buffer from the top of the bank to the work. The ecologist has stated that this would negate the need to have any concern for the species. A site visit was conducted in which the ditch which is proposed to be culverted to provide the access point was inspected. There did not appear to be a suitable habitat for water vole as per the Natural England Standing Advice which is in line with the ecologist's explanation. The Council's Assistant Director of Place and Environment has been consulted on the application and considers that given the short run of the ditch and its location, that they would also agree with the ecologist's conclusion.
38. Having regard to the above it is considered that with the inclusion of appropriate mitigation there will not be a significant impact to protected species or habitats as a result of development and as such the proposal would not conflict with Policy DM27 of the Council's adopted Development Management Plan.

Trees

39. Within the site the applicant has advised that no trees would require removal and the development would not be within the root protection area of these trees. There are trees on the boundaries within the area where enhanced soft landscaping is proposed. When working close to trees, standard best practice should be followed to avoid damage to root systems. Guidelines outlined in BS 5837: 2012 'Trees in relation to Design, Demolition and Construction' should be followed. It is not considered that a detrimental impact would occur to the trees where the development would be located, in accordance with Policy DM25.

Flood Risk

40. The application site is mostly located within Flood Zone 1 which is classified as the lowest level of flood risk from fluvial/tidal sources. The northern section of the site, associated with the proposed access road, is located within Flood Zone 3a which is at high risk of fluvial/tidal flooding. A site-specific Flood Risk Assessment (FRA) has been submitted.
41. Paragraph 167 of the framework outlines that development should only be allowed in areas of flood risk wherein light of the FRA, it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
42. The majority of the development proposal has been located within Flood Zone 1. The development of the access road through an area of Flood Zone 3 has the potential to increase flood risk elsewhere. The proposed access road development would be undertaken so that there is no change in ground level with the road being constructed from permeable gravel with a geo-textile membrane. This construction method seeks to limit the loss of floodplain storage from the hard standing.
43. The Environment Agency have raised no objection to the application on the basis that the LPA consider that the access and egress route travels through Flood Zones 3 and therefore in times of a flood there would not be a safe route of access. The majority of the access route is at very low susceptibility to flooding. Furthermore, the BSF would be mostly unmanned and access can be gained during times of no flood warnings or alerts. The FRA has detailed that this should be checked before any visit to the site. The proposal is considered to comply with paragraph 167 of the framework and the EA standing advice in regard to the flood risk from fluvial/tidal sources.
44. However, it is important to ensure that surface water drainage is considered on the site due to the quantity of hard surfacing that would be added to the land that is currently grassed. Subsequently, an FRA and Drainage Impact Assessment (DIA) have been submitted. There would be an increase in low permeability cover and surface runoff would need to be controlled at an agreed runoff rate. Microdrainage calculations indicate that the overall attenuation requirement for the development would require a storage volume of 1454.6m³ for the 1 in 100 year plus 40% climate change event.
45. The Lead Local Flood Authority (LLFA) have responded to the application and outline that they do not object to the application on the basis that additional information is submitted such as a detailed surface water drainage scheme. The additional details required by the LLFA are suitable to be dealt with by way of condition and are considered realistic for the site to achieve.

Heritage

46. A Geophysical Survey Report was submitted as part of the application. The detailed gradiometer survey did not detect any anomalies thought to relate to archaeological activity. There is no clear evidence of prehistoric or Roman settlement activity, recorded in the local HER.

47. The nearest listed building (Beke Hall) is over 600m to the east of the site and is not visible from the site or vice versa. Given the distance and separation it is not considered that the proposed development would have a significant adverse effect upon the setting of the designated heritage asset.
48. The proposed development is therefore in accordance with the guidance contained within the framework and Planning Practice Guidance (PPG) in relation to heritage and archaeology.

Highways

49. Access to the site would be provided directly from the A129, London Road. A new access is proposed 92m south of double gate bridge. There is an existing gap within the hedgerow in which the ditch would be culverted to create the access.
50. The proposed highway access would comply with the standards set out by the Design Manual for Roads. An Access Report has been provided with the application. Once constructed there would be limited movements to and from the site, the majority of the movements would be during the construction phase.
51. A Construction Traffic Management Plan has been provided with the application. This advises that whilst there would be traffic generated throughout the construction phase of 6 months equating to approximately 10-20 HGV movements and 10-12 site personnel movements for 40 staff each day, once the facility would be operational there would be only one or two visits a week to the site for maintenance purposes. There would be sufficient parking space on site for three vehicles in association with the use of development. A temporary construction compound would be created as per Drawing No. GP_CC_01. This area would be just north of the BSF and would be used as a set down area during construction for vehicles to unload. Essex County Highway Authority has no objection to the proposal providing compliance with the recommended conditions. As such, no objection is raised in terms of Policies T1 and T8 of the Core Strategy and Policy DM30 of the Development Management Plan.

CONCLUSION

52. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

RAWRETH PARISH COUNCIL:

The Council are unhappy about the new access onto the A129 and the Council would like to see an arrangement made with National Grid to use their access further towards the east. The new site access is on a curve near to the deregulated section of the A129 and near to the Old London Road exit and although Council note there is

a comprehensive safety report, question if a 120m vision in both directions is adequate?

The application has doubled the storage capacity but eliminated the gas fired power station which the Council are pleased about. There is only a limited need for maintenance so access does not necessitate a new permanent opening onto the A129 and should therefore go via the existing entrance.

The continuing industrialisation of the small strip of countryside between Wickford and Rawreth/Rayleigh is further erosion of the limited habitat. Council have studied as best they can the drainage report and under the circumstances without any input from ECC, The Lead Flood Authority, the consultants have done a reasonable job, but this needs expert clarification.

PLACE SERVICES SPECIALIST ARCHAEOLOGICAL ADVICE:

I have checked this application against the Historic Environment Record and there are no archaeological recommendations to make in this instance.

NATURAL ENGLAND:

No objection Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

ENVIRONMENT AGENCY:

Thank you for your consultation we have reviewed the plans as proposed and we have no objection to the planning application, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Containerised Battery Storage Facility and associated infrastructure including access track and boundary treatment. Alter existing vehicular access onto A129 which is classified as a 'Essential Infrastructure' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

We are satisfied that the flood risk assessment, referenced HLEF79824 and dated 16th April 2021, provides you with the information necessary to make an informed decision. In particular:

- Drawing SL237-100 shows all proposed development lies within Flood Zone 1
- The access and egress route travels through Flood Zones 3 and therefore does not have a safe route of access.
- Flood Storage Compensation is not required.
- A Flood Evacuation Plan has yet been proposed.

Incorporating New Climate Change Allowances

As the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it is unnecessary to request the applicant to re-model designated main river in order to incorporate the new climate change allowances. This is because the majority of the new climate change allowances have not exceeded the current extent of the existing flood zone 2.

Informative – Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Chichester Hall Brook, is designated a 'main river'.

NATIONAL GRID:

Our engineer has requested that the customer overlay cad file onto master plan showing detail of the proposed site layout and submit for review. Note the 12m of (green zone) required around National Grid tower XT100 for maintenance and access. Note the 30m stand off (red zone), it is advised any conductive material within this zone be adequately earthed.

NATIONAL GRID UPDATED:

National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable, Medium Pressure Gas Mains.

ESSEX COUNTY COUNCIL HIGHWAY AUTHORITY:

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes an area of land that is subject to an essential licence for the associated highway improvements on the A127/A130 Fairglen Interchange, the applicant must liaise with Essex County Council in relation to this matter. For reference, the associated plans have been sent to the LPA with this application. The proposed Battery Storage facility includes a new vehicle access that is provided with the required visibility splays, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The applicant shall not to carry out any works in the area [covered by the CPO plan] without the prior agreement of ECC.

Reason: To ensure that the proposed development does not adversely impact the programme for construction of the A127 Fairglen Junction Improvement in the interests of highway safety in accordance with policy DM1.

2. The new vehicular access on the A129 shall be provided with the visibility splays as shown on planning drawing JTP 00418 - DR2 Rev a. The access shall be provided with an appropriate vehicular crossing of the highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. The inward opening gates provided as shown on planning drawing JTP 00418 DR1 Rev a. The gate shall be set back a minimum of 18 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. The public's rights and ease of passage over bridleway no. 59 Rawreth shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

- The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change • Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the half drain down time is longer than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy GB1, CP1, T1, T8

Development Management Plan (December 2014) Policy DM1, DM5, DM11, DM25, DM27, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

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DR1
DR2
1001 REV P4
GP_DNO_01
GP_BYD_BAT_01
GP_CK_03
GP_MVB-02
GP_PF_02
GP_SF_01
436_BP_01
436_CS_01
SL237_500
GP_CC_01
GP_EG_01
436_PP_02_REV A
436_BP_01_REV A

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of visual amenity.

4. The development shall be undertaken in accordance with a landscaping scheme to be approved by the Local Planning Authority before commencement of development. The development shall be implemented in accordance with such details as may be agreed. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees or shrubs or other elements of landscaping dying within five years of planting, shall be replaced by the developers or their successors in title.

REASON: To ensure sufficient landscaping is provided for visual and residential amenity reasoning.

5. The development shall be implemented in accordance with the recommendations identified in section 4.3 pages 29 – 34 to the Ecology Report by Cherryfield Ecology (updated 17th March 2021) submitted in support of the application.

REASON: To ensure that there are no implications or impacts on species identified.

6. No works shall take place within an area subject to any agreed compulsory purchase without the prior agreement in writing of the Local Planning Authority in consultation with Essex County Council.

REASON: To ensure that the proposed development does not adversely impact the programme for construction of the A127 Fairglen Junction Improvement in the interests of highway safety.

7. The new vehicular access on the A129 shall be provided with the visibility splays as shown on planning drawing JTP 00418 - DR2 Rev a. The access shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

8. The inward opening gates shall be provided a minimum of 18 metres from the back edge of the carriageway as shown on planning drawing JTP 00418 DR1 Rev A.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

10. The public's rights and ease of passage over bridleway no. 59 Rawreth shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

11. The Construction Traffic Management Plan shall be implemented and adhered to throughout the construction period.

REASON: To ensure that there are appropriate traffic movements and to prevent the highway from being obstructed during the construction period in the interests of highway safety.

12. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been

undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change • Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the half drain down time is longer than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation and in accordance with the approved details.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

13. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: Construction may lead to excess water being discharged from the site. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater.

14. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long

term funding arrangements should be submitted to and agreed by the Local Planning Authority and implemented as agreed.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

15. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

16. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by RPS Group reference HLEF79824 and dated 16th April 2021. The mitigation measures which include:

- Maintaining the ground level of the access road and constructing it from permeable gravel with a geo-textile membrane
- Access shall only be granted to the site during a time when no flood warnings or alerts are present within a near location
- The EA's Flood Warning for England website should be checked before any site visit to confirm any potential flood warnings or alerts in the area

shall be fully implemented prior to occupation.

REASON: To reduce the risk of flooding to the proposed development and future visitors to the site.

17. Prior to commencement of the development hereby approved, the developer shall provide evidence that they have entered into the District Licensing Scheme in respect of Great Crested Newts or provide details of other mitigation to be submitted to and agreed in writing with the local planning authority. Any mitigation either through the scheme or as agreed shall be carried out in accordance with these details.

REASON: To ensure that Great Crested Newts are not harmed during the construction of the development approved, in accordance with Policy DM27.

18. Any hedgerows that are to be removed from the site shall be removed outside of the bird breeding period (March to August). If this cannot be avoided then nest checks would need to be carried out by an Ecologist.

REASON: To ensure compliance with the agreed Ecology Report submitted by Cherryfield Ecology.

19. Any hedgerows that are to be removed from the site should be checked by an Ecologist for reptiles to prevent their accidental killing. Prior to commencement, the results should be submitted to and agreed by the Local Planning Authority.

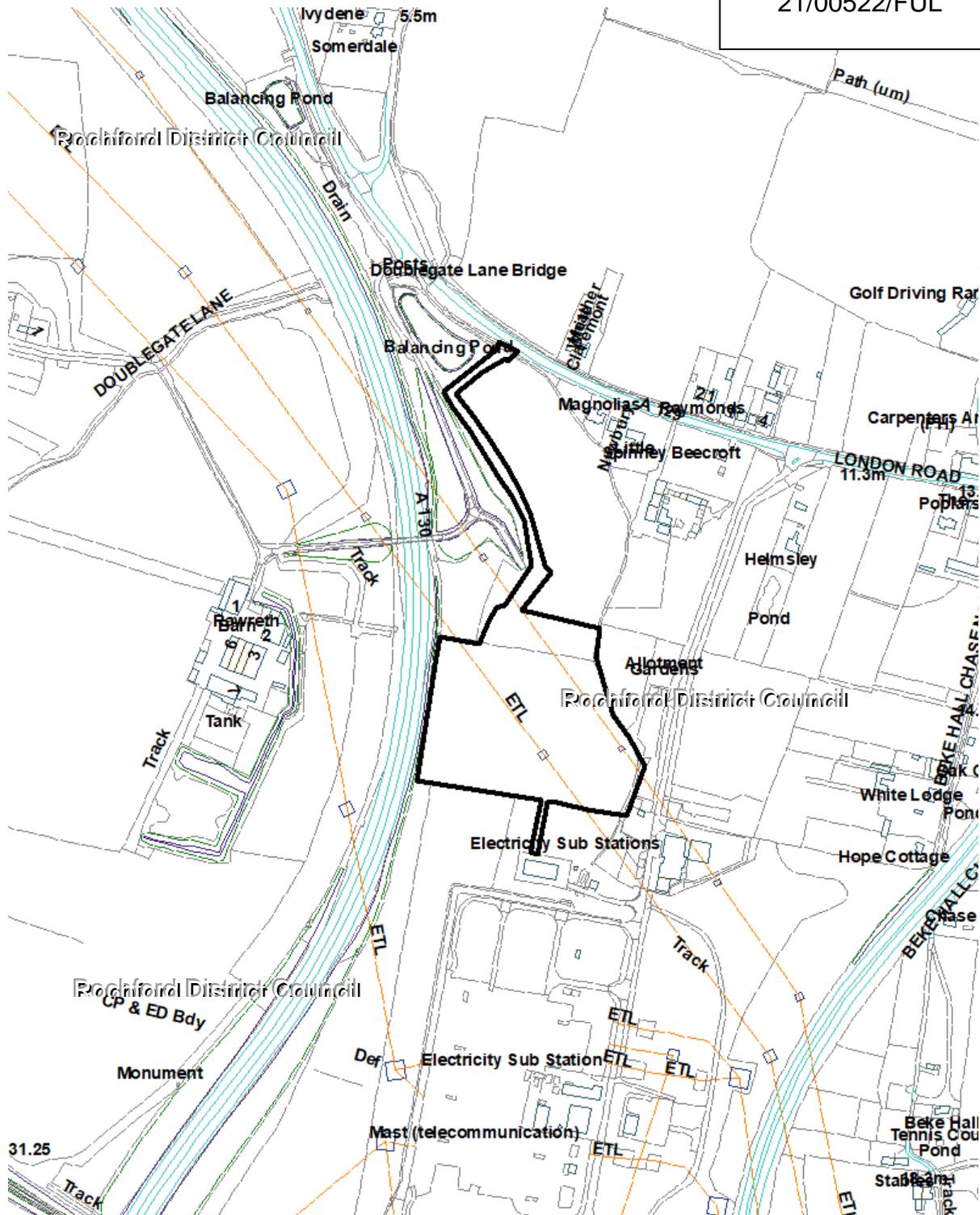
REASON: To ensure compliance with the agreed Ecology Report submitted by Cherryfield Ecology.

20. Prior to the first operation of the development hereby approved the applicants shall submit to the Local Planning Authority details for the external lighting of the application site. The development shall be implemented in accordance with such details as may be agreed. Scheme of lighting shall be submitted, agreed in writing as implemented as agreed. Lighting will then be maintained in the approved form for the duration of the development.

REASON: In the interests of visual and residential amenity.

The local Ward Members for the above application are Cllr J. Newport, Cllr C. Stanley and Cllr C. Cannell.

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