

PLANNING COMMITTEE – 21st May 2026

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 25/503466/FULL		
PROPOSAL - Conversion of agricultural land (Sui Generis) into a Battery Energy Storage System (BESS) facility (Sui Generis) including the erection/formation/installation of ancillary access arrangements, equipment, infrastructure, structures, and landscaping.		
SITE LOCATION - Land North of Solar Farm, Old Rides Farm, Leysdown Road, Eastchurch, Kent		
RECOMMENDATION - Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement or Conservation Covenant as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be necessary and appropriate.		
APPLICATION TYPE: Major (Full Application)		
REASON FOR REFERRAL TO COMMITTEE - The officer recommendation for approval is contrary to an objection received from a statutory consultee (KCC Public Right of Way).		
Case Officer: Andrew Gambrill		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Old Rides Energy Storage Limited AGENT Ridge & Partners LLP
DATE REGISTERED 28 August 2025		TARGET DATE 22 May 2026
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - 25/503466/FULL Conversion of agricultural land (Sui Generis) into a Battery Energy Storage System (BESS) facility (Sui Generis) including the erection/formation/installation of ancillary access arrangements, equipment, infrastructure, structures, and landscaping. Land North Of Solar Farm Old Rides Farm Leysdown Road Eastchurch Kent ME12 4BD		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The site occupies an area of 49 Hectares and is currently in agricultural use. The surrounding area features a mix of rural and semi-developed landscapes. From a landscape perspective the site is within the Greater Thames Estuary National Character Area. The Swale Landscape Character and Biodiversity Appraisal SPD, identifies the site as being within the 'Clay Farmlands' Landscape Character Type area; and Landscape Character Area 13 - Central Sheppey Farmlands.
- 1.2. The site is not a valued landscape for the purposes of paragraph 180 of the NPPF.
- 1.3. To the north, the site is bordered by Leysdown Road beyond which the land slopes upward and is in agricultural use. To the east the site adjoins the Old Rides Farm buildings and undeveloped farmland. The existing farm buildings are of a considerable size, and in addition, numerous large vehicles (combine harvesters) are stored adjacent to the large farm buildings.
- 1.4. The site itself is largely flat, the southern boundary adjoins a solar farm and wind turbines, beyond which land slopes downward towards the south coast of the Island. To the south, due to the falling topography, there is no inter-visibility with the adjacent solar farm or the marshes from within the site. To the west is more farmland and further west, HM Prison buildings.
- 1.5. Access is provided via a two-lane track from Leysdown Road, with a secondary informal agricultural entrance from Leysdown Road to the west of the main entrance.
- 1.6. Two ditches traverse the central part of the site. One flows from the north towards the south-western corner, while the other runs westward from the eastern corner, eventually converging with the first. There are no trees within the centre of the proposed development fields; however, the site has a number of trees and hedges around its perimeter.
- 1.7. The surrounding area is characterised by open agricultural land interspersed with isolated farmsteads, farm buildings and infrastructure, such as wind turbines and solar installations.
- 1.8. While the village of Eastchurch lies relatively close by, the site's position is visually and physically separated from the settlement.
- 1.9. The site lies within open countryside and is not subject to other designations. While no adopted Public Rights of Way (PROW) pass through the site, an application has been made to KCC for a right of way running roughly from the southeast to the northwest of the site. That application was made on the basis that a right of way is alleged to subsist across the land.
- 1.10. Approximately 850m to the south is the Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. There are no historically significant buildings within or near to the site, no trees on site are subject to tree protection orders.

- 1.11. Parts of the site are at medium/high risk of surface water flooding, particularly in proximity to Old Rides Farm/the solar farm to the south east, ditches that lie across the site and parts of the north of the site.

2. PLANNING HISTORY

- 2.1. 25/501228/ENVSCR: Screening Opinion: Proposed battery energy storage system ('BESS') facility with a capacity of up to 1 giga-watt (GW).

Environmental Impact Assessment not required Date: 10.04.2025

- 2.2. Apart from the Screening Opinion above, the site itself does not have any other planning history which is relevant. Set out below is the planning history of nearby sites considered relevant to the determination of the current application.

Land immediately to the south of the application site (Old Rides Farm)

- 2.3. 15/505091/FULL: Siting of spare parts container for use in connection with solar farm approved under SW/12/1448.

Approved Date: 17.08.2015

- 2.4. SW/12/1448: Installation of an 8 MWP solar photovoltaic farm comprising 32,832 solar panels and associated transformer inverter units, and substation, with associated security fence, grid connection and landscaping.

Approved Date: 14.02.2013

Land immediately to the west of the application site (Solar Farm)

- 2.5. 21/503240/FULL: Full planning permission for the installation of a ground mounted photovoltaic (PV) solar energy generation system, associated infrastructure, security measures (including CCTV) and landscaping.

Approved Date: 30.09.2021

Land immediately to the west of the application site (Wind Farm)

- 2.6. 24/503105/EIFUL Section 73 - Application for variation of condition 3 (to allow change of permission expiry from 25 years from the date when electricity is first exported from the wind turbines, to 40 years) pursuant to SW/13/1571 for - The erection of four wind turbines with a maximum blade tip height of up to 126.5 metres, together with a substation and control building, associated hardstanding, an improved access junction, connecting internal access tracks, and other related infrastructure.

Approved Date: 09.12.2025

- 2.7. SW/13/1571: The erection of four wind turbines with a maximum blade tip height of up to 126.5 metres, together with a substation and control building, associated hard standings, an improved access junction, connecting internal access tracks, and other related infrastructure.

Appeal Allowed Date: 17.01.2014

Land immediately to the east of the application site (Old Rides Farm)

- 2.8. 22/501792/FULL: Erection of 2 No. roofs over existing external cattle yards.
Approved Date 22.10.2022
- 2.9. 21/504949/FULL: Retrospective application for a change of use of 2 no. agricultural buildings to B8 storage use.
Approved Date: 25.04.2024
- 2.10. 15/504964/FULL: Change of use of part of Store 2 from agricultural use to storage and distribution of marquees with use of part of existing offices as offices in association
Approved Date: 12.10.2015
- 2.11. SW/07/0691: Administration and staff facilities building with farm produce shop, associated car park and additional farm access road (elevational and material amendments to those approved under application SW/06/0771)
Approved Date: 03.09.2007
- 2.12. SW/06/0771: Administration and staff facilities building with farm produce shop, associated car parking and additional farm access road.
Approved Date: 08.08.2006
- 2.13. SW/05/1186: Erection of agricultural buildings for livestock housing and fodder storage.
Approved Date: 03.11.2005
- 2.14. SW/99/0154: Agricultural storage building and associated paved areas.
Approved Date: 04.05.1999

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the conversion of agricultural land (Sui Generis) into a Battery Energy Storage System (BESS) facility (Sui Generis) including the erection/formation/installation of ancillary access arrangements, equipment, infrastructure, structures, and landscaping.
- 3.2. The overall site is approximately 49 hectares in area. The majority of the site would accommodate BESS units, with the remainder accommodating switchgear buildings, converters, a substation, access roads, security fencing, CCTV, emergency water tank, and both hard and soft landscaping features.
- 3.3. The compounds for the BESS equipment accommodate storage units arranged in rows, enclosed by perimeter fencing with gated access. The units would be built on hardstanding and equipped with fire safety measures and CCTV surveillance.
- 3.4. The BESS storage containers would be arranged in linear rows and separated by internal access tracks; the plans indicate that there would be 15 compounds. The compounds vary in size (some would accommodate more BESS units than others);

the Transport Statement indicates approximately 1,200 BESS containers would be located within the 15 compounds.

- 3.5. Additionally, the site will include Power Conversion Systems (Medium Voltage Skid Units) and Electrical Switchgear units.
- 3.6. The energy storage containers would have a maximum height of approximately 3.1 metres above ground level, while the Low Voltage switchgear buildings are proposed to be taller, at around 4.1 metres. The units are proposed to be green in colour. The Power Conversion Systems would be circa 3 metres tall.
- 3.7. A substation area is proposed to the southeast of the site, including water tanks, internal roads/tracks, landscaping, noise mitigation measures (an acoustic fence), engineering works related to level changes, and other associated works. The overall system could store 1GW of electricity. Battery storage of this size is no longer required to proceed through the Nationally Significant Infrastructure Project (NSIP) process.
- 3.8. The substation area would cover approximately 0.8 hectares of the site and would be a compound accommodating High Voltage (HV) equipment, including HV transformers. Infrastructure in this part of the site would be up to 10.22m in height. This area would contain several Medium Voltage (MV) switchgear buildings, a control room, and a fire safety system, and will be enclosed by an acoustic fence (9.5m high), a 2.4m high security fence is also proposed around the substation.
- 3.9. A 2.4m high security fence is also proposed around the perimeter of the BESS areas, with secure access gates for controlled entry. The fencing would be finished in a green colour to reduce visual impact. To monitor operations, a Closed-Circuit Television (CCTV) system would be installed, covering both the external areas of the compounds and the interiors. Externally, the cameras would be positioned on poles.
- 3.10. Proposed lighting would be motion-sensitive for security reasons (lights would only turn on if sensors are triggered by movement). As the site would operate without regular on-site personnel, it would typically remain unlit.
- 3.11. Vehicular access from Old Rides Farm, off Leysdown Road is proposed. The existing vehicular bell mouth entrance would be widened. A second emergency access is proposed approximately 475m to the west of the main entrance to the site from Leysdown Road.
- 3.12. A comprehensive landscape scheme is proposed, including trees, hedging, raised bunds, and additional planting.

4. REPRESENTATIONS

- 4.1. One round of consultation was undertaken, during which letters were sent to nearby occupiers. A notice was displayed at the application site, and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. In response to the consultation, two letters of representation objecting to the proposal were received. Concerns/ comments were raised in relation to the following matters:

First Round Comments	Report reference
Concerns that the increase in traffic would exacerbate existing congestion.	7.9.11 - 7.9.15
Additional traffic would worsen existing highway safety issues.	7.9.11 - 7.9.15
There is no plan submitted for returning the site to agricultural land when the BESS use becomes obsolete.	7.2.23 – 7.2.25
The development would cause low frequency noise and cause health concerns from emissions associated with the battery storage.	7.14.2 – 7.14.3
There would be impacts on the community from 24 hour site visits.	7.9.15 – 7.9.16
There would be an impact upon wildlife including from lighting.	7.8.26
The natural environment would be displaced.	7.3; 7.8
The wind turbines already create noise the proposal would exacerbate noise impacts.	7.14.3
Agricultural land would be lost.	7.2.32 – 7.2.35; 7.16.29
There are concerns that the proposal would impact on human health and that of nearby live stock.	7.14.3

4.3. Eastchurch Parish Council object to the application on the following grounds:

First Round Comments	Report reference
The NPPF stresses sustainable development, protection of agricultural land, and safeguarding local communities from harmful impacts. The development would conflict with this.	7.14.3; 7.2.32 – 7.2.35; 7.16.29; 7.17.1
The proposal involves the permanent loss of agricultural land and risks conflict with Local Plan policies on landscape character, biodiversity, and rural amenity.	7.2.32 – 7.2.35; 7.3; 7.16.28 – 7.16.35
Lithium-ion battery storage carries significant risks of fire and explosion, which are well documented across the UK and internationally.	7.15.2 – 7.15.9
The proximity to residential areas heightens the danger, particularly given limited emergency response capacity on the Isle of Sheppey.	

The development would introduce large-scale industrial infrastructure into a rural setting, negatively affecting the character of the landscape.	7.3; 7.7
The local community would be severely impacted by visual intrusion, noise, and the risks associated with hazardous battery technology.	7.14; 7.15.2 – 7.15.9
The application does not provide adequate detail on safety systems, fire suppression measures, or emergency response protocols.	7.15.2 – 7.15.9
A site meeting is requested with planning officers and the applicant to fully assess the proposal.	Whilst a site meeting has not been carried out with Eastchurch Parish Council, officers have fully assessed the application having considered comments made by the Parish Council during the course of the application, on the basis of the plans/information submitted by the applicant and having visited the site.
The Parish Council urges that any financial or community benefit must remain within Eastchurch and the eastern end of the Isle of Sheppey, as this area would bear the brunt of the impact.	Given the nature of the proposals, no financial contributions other than the monitoring fee required for the ongoing monitoring of Biodiversity Net Gain (para 7.8.40) are to be secured. Whilst sitting outside of the planning regime, the applicant has committed up to £1m per year for the life of the project being secured under a community benefit fund.

5. CONSULTATIONS

- 5.1. Set out below is a summary of matters raised in representations. For those individual consultees that have been consulted more than once, the comments represent the final position of the consultee:
- 5.2. **KCC Highways** – No objection subject to conditions.
- 5.3. **KCC Flood and Water Management** - No objection subject to conditions.
- 5.4. **KCC Ecological Advice Service (KCC EAS)** – No objection subject to conditions and planning obligations.
- 5.5. **KCC Public Rights of Way (PROW)** – KCC PROW are in receipt of a claim to record a PROW which crosses through the middle of the site. They strongly advise that the

application should be considered as if this application will be successful. Either the application should be amended to accommodate this PRow, or no decision on the application is made until the PRow issue has been determined. Otherwise, should the claim be successful and the BESS built as currently laid out, the proposals would result in an unlawful obstruction of a public highway. For this reason, they place a holding objection on this application at the current time.

Officer comment – *Since these comments were issued (September 2025), KCC Public Right of Way have confirmed that they are in the process of making an Order to record the route as having footpath status on the Definitive Map of Public Rights of Way. This order once 'made' is subject to a 6 week advertising period where anybody can object to the order. If any objections are received, the case is submitted to the Planning Inspector for decision. This can add substantial delay. If no objections are received, then KCC will confirm the order itself. KCC cannot confirm an order if objections are outstanding. KCC PRow have advised that they have no objection to the planning principle but maintain their holding objection given the impact on the claimed route pending that matter being concluded.*

- 5.6. **KCC Archaeology** - No objection subject to conditions.
- 5.7. **SBC Design** – No comment to make.
- 5.8. **SBC Tree Officer** - No objection subject to conditions.
- 5.9. **SBC Climate Change Officer** – No objection.
- 5.10. **Mid-Kent Environmental Protection** – No objection subject to conditions.
- 5.11. **National Highways** - No Objection, the matters raised in pre-application scoping have been addressed in the submission.
- 5.12. **Environment Agency (EA)** – No objection.
- 5.13. **UK Power Networks** – No objection subject to conditions.
- 5.14. **Natural England (NE)** – No objection.
- 5.15. **Lower Medway Internal Drainage Board (LMIDB)** – No objection subject to conditions.
- 5.16. **Southern Water** – No objection following submission of additional information.
- 5.17. **Kent Police** – No objection subject to conditions.
- 5.18. **Kent Fire and Rescue** – Would expect the applicant to liaise with KFRS to ensure water provisions are adequate for the site and firefighting operations. Initial access concerns relating to the southern part of the site have now been addressed by the applicant in terms of an amended route into the lower section to create an additional access point with a full loop which is broadly compliant from a KFRS perspective at this stage.

Acknowledge that the final Emergency Response Plan and Battery Safety Management Plan will be completed further down the line due to the evolving

document (procurement/construction/maintenance etc.) and note it will be carried out in conjunction with KFRS as highlighted by the applicant.

5.19. **Health and Safety Executive** – No comments received.

6. **DEVELOPMENT PLAN POLICIES**

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)

ST1 Delivering sustainable development in swale

ST3 The Swale settlement strategy

ST6 The Isle of Sheppey Area strategy

CP1 Building a strong, competitive economy

CP2 Promoting sustainable development

CP4 Requiring good design

CP7 Conserving and enhancing the natural environment – providing for green infrastructure

CP8 Conserving and enhancing the historic environment

DM3 The rural economy

DM6 Managing transport demand and impact

DM7 Vehicle parking

DM14 General development criteria

DM19 Sustainable design and construction

DM20 Renewable and low carbon energy

DM21 Water, flooding and drainage

DM24 Conserving and enhancing valued landscapes

DM28 Biodiversity and geological conservation

DM29 Woodland, trees and hedges

DM31 Agricultural land

DM32 Development involving listed buildings

DM33 Development affecting a conservation area

DM34 Scheduled monuments and archaeological sites

Supplementary Planning Guidance/Documents -

Landscape Character Assessment and Biodiversity Appraisal (LCA&BA), 2011.

Parking Standard Supplementary Planning Document, 2020.

Swale Landscape Assessment (2019)

Air Quality and Planning Technical Guidance (July 2024)

Noise and Vibration Planning Technical Guidance (May 2020)

Renewable Energy Guide (July 2014)

Planting on New Developments Supplementary Planning Guidance

National Planning Policy Framework (the NPPF)

National Planning Practice Guidance (NPPG)

Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025 & the Kent Mineral Sites Plan (KMSP), 2020.

7. ASSESSMENT

7.1. The main considerations involved in the assessment of the application are:

- Principle
- Landscape and Visual
- Heritage
- Archaeology
- Trees
- Character and appearance
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Other Matters

7.2. Principle

7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.2.2. The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

- 7.2.3. Chapter 14 of the NPPF specifically relates to meeting the challenge of climate change stating that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure.
- 7.2.4. NPPF paragraph 161 requires that the planning system should support the transition to net zero by 2050. NPPF 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 should not require applicants to demonstrate the overall need for renewable or low carbon energy and 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.
- 7.2.5. Further to the above, relevant national acts, strategies and white papers underpin the government's drive towards decarbonisation of the energy sector.
- 7.2.6. Local Plan Policy ST1 provides support for the expansion of renewable energy in the Borough, stating in part that development proposals will as appropriate meet the challenge of climate change through promotion of sustainable design and construction, and the expansion of renewable energy.
- 7.2.7. The proposal would be located in the countryside. Policy ST3 relates to the Swale settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Whether the proposal demonstrates that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside is considered in Section 7.3 of this report.
- 7.2.8. Policy ST6 which relates to the Isle of Sheppey sets out that development proposals will be located at sites within built-up area boundaries.
- 7.2.9. Local Plan Policy DM20 promotes development which delivers renewable and low carbon energy generation. Whilst the policy does not specifically address BESS proposals, it is acknowledged that that these are critical components of an energy system involving wind and solar generation.
- 7.2.10. The proposals have been considered against the criteria of policy DM20 below, insofar as that relates to renewable energy and low carbon generation which these proposals would benefit.

1 Analysis of all impacts and methods to avoid and mitigate harm from these impacts is fully addressed in any planning application for such proposals.
- 7.2.11. The proposal has the potential to result in a variety of impacts, and it is noted that the application is supported by a comprehensive suite of documents which seek to address these points. An analysis of this is undertaken in the relevant sections of the report below.

2 Demonstrating how opportunities highlighted in the Borough's Energy Opportunities Map have been exploited, in particular in the delivery of district heating, where shown to be financially viable and technically feasible.

- 7.2.12. The Energy Opportunities Map (EOM) does not include any reference to BESS, which is an energy technology which has been developed since the EOM was produced.
- 7.2.13. The proposal would support the principle of the Energy Opportunities Map, which is to reduce energy usage and promote the Council's plans set out in the Climate Emergency declaration.
- 7.2.14. Surplus energy is typically created when renewable sources such as existing and future solar farms and wind turbines are producing more electricity than demand requires. Rather than curtailing that renewable generation, the excess energy is absorbed by the battery energy storage system (BESS), stored, and then discharged back to the grid when demand increases or renewable output drops.
- 7.2.15. This allows the BESS to support grid stability, reduce curtailment of renewable energy, and help balance supply and demand more efficiently. The proposal would support renewable energy generation, including from schemes on the Isle of Sheppey, which is a location identified in the EOM as being appropriate for energy generation from wind.

3 Priority will be given to development on previously developed land or buildings and proposals which incorporate renewable, decentralised and low carbon energy as integral to new commercial or residential schemes;

- 7.2.16. Due to the scale and type of development proposed, it is logical that it be located away from sensitive receptors, particularly given the site needs to be large enough to accommodate the proposal. The scale of previously developed land required (49 Ha in a single location) is not considered to be available.

4 For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use.

- 7.2.17. The loss of Best and Most Versatile agricultural land is discussed in detail in the following section of this report.

5 Opportunities to enhance biodiversity are exploited.

- 7.2.18. The proposal would achieve significant Biodiversity Net Gain (BNG), well above the government requirement of 10% BNG. The proposal clearly accords with this requirement.

6 Landscape, visual and heritage impacts as well as impacts on geology, soils and flood risk, including cumulative impacts, are minimised and mitigated to acceptable levels

- 7.2.19. Landscape and visual impacts are discussed in Section 7.3 of this report, flooding in Section 7.12. There would be no harm to heritage assets, the development would be

safe from flooding and landscape and visual impacts would be minimised and partially mitigated.

7 Impacts on residential amenity and safety, including noise, air quality, tranquillity and transport are minimised and mitigated to acceptable levels

7.2.20. The above matters are discussed in the subsequent sections of this report, however in summary, the proposal would accord with this part of Policy DM20.

8 Applications demonstrate evidence of local community involvement and/or leadership.

7.2.21. The application is accompanied by a Statement of Community Involvement which details the nature of public consultation carried out prior to the application being submitted.

9 All relevant plans, policies, appraisals and associated guidance, including landscape appraisals and designations and biodiversity management plans, are referenced in any planning application to ascertain the appropriate type and scale of development for any particular location.

7.2.22. The application is comprehensive, relevant policies and guidance are appropriately referenced.

10 In cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life are set out as a part of any application.

7.2.23. The application does not seek temporary planning permission. That said the Applicant has advised that it is possible that the proposed development may end at some point in the future. The BESS and Battery deteriorate over time, Lithium-Ion cells degrade just like any battery technology. If permission is granted a condition should be imposed on any consent requiring a decommissioning plan to ensure that once the BESS is no longer required, the land is restored to its pre-development condition as closely as possible.

7.2.24. The Applicant advised that decommissioning typically covers the following stages:

- Disconnection from electrical network
- Removal of energy storage units from site
- Removal of transformers and other electrical equipment from site
- Demolition of buildings and removal of materials
- Demolition and removal of foundations
- Excavation and removal of hardstanding
- Reinstatement of subsoil and topsoil
- Removal of site security fence
- Demobilisation from site
- Implementation of restoration plan

- 7.2.25. The units are containerised, and this means removal is straight forward. Subject to a condition being imposed on any consent to secure a decommissioning and restoration plan, no objection would be raised.
- 7.2.26. In conclusion the proposal would comply with the majority of Policy DM20, save for criteria (4) and (6). Whether the proposal would comply with Policy ST3 in terms of landscape impacts is examined in more detail in the relevant sections below.
- 7.2.27. Rural economy and Best and Most Versatile Agricultural Land
- 7.2.28. The site is in a rural location and as such Policy DM3 of the Local Plan is relevant. The policy states that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. The development would not be permanently staffed such that there would be limited benefits arising from an employment perspective during the operational phase, other than those generated by the management and maintenance of the site. There would be economic benefits arising during the construction phase as a result of employment during that period, albeit this would be on a temporary basis.
- 7.2.29. The loss of the farmland to the proposed development would impact on rural workers who could be engaged in farming. Applying the ratio of agricultural jobs in Swale per hectare of land from DEFRA (April 2025: Land use, Livestock and Agricultural workforce in England by Local Authority) this gives a ratio of 0.05 (Full Time Equivalent) jobs per hectare. This would give a total of around 2.5 agricultural jobs that could be displaced by the development, noting that the agricultural economy extends beyond the site itself. It is unclear how the proposals would support rural employment. In view of this, the proposals are considered to be in conflict with Policy DM3.
- 7.2.30. The NPPF at paragraph 180 states in part that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued soils and the wider benefits from natural capital and ecosystem services, by recognising the economic and other benefits of the best and most versatile agricultural land.
- 7.2.31. Local Plan Policy DM31 aims to ensure that Best and Most Versatile (BMV) land is only developed where there is a demonstrated need and where other options have been examined first; and having regard to other sustainability considerations.
- 7.2.32. Part of the site comprises Grade 3a agricultural land (16.4 Ha or 31% of the site), which is classed as BMV agricultural land. The overall need for renewable or low carbon energy is established in national policy. Given the scale of the proposal (49 Ha), it is difficult to see how the proposal could be accommodated within the Borough's built-up boundary.
- 7.2.33. The site is not allocated for development. The Applicant has undertaken an assessment of the availability of lower grade agricultural land; however the analysis is problematic, it does not stratify Grade 3 agricultural land (into 3a which is BMV and 3b which is not), this means it is not possible to conclude from the analysis that land of a lower grade is not available.

- 7.2.34. The landowner has confirmed that the site represents only a small part of the agricultural land holding, and the remainder will continue to be farmed.
- 7.2.35. While the proposal accords with elements of Policy DM31, overall, it does not comply with it. The proposed loss of BMV is contrary to Policy DM31, and this weighs against the proposal in the planning balance.

7.3. Landscape and Visual

- 7.3.1. Local Plan Policy ST3 sets out the Swale settlement strategy. Part 5 of this Policy advises that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless certain criteria are met including enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 7.3.2. Local Plan Policy DM14 relates to general development criteria and requires development to reflect the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets.
- 7.3.3. Policy DM24 of the Local Plan states the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed. The NPPF requires decisions to ensure that development is 'sympathetic to... landscape setting'.
- 7.3.4. The application is accompanied by a Landscape Visual Impact Assessment (LVIA). This establishes a 'Study Area' which was defined in part by the use of 'Zone of Theoretical Visibility' (ZTV). A ZTV is defined in the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) as "A map usually digitally produced, showing areas of land within which, a Proposed Development is theoretically visible".
- 7.3.5. The ZTV takes account of topographical data, the proposed height of development and the main visual barriers within the landscape, such as existing buildings.
- 7.3.6. At a national level this LVIA concludes that there will no adverse impacts on nationally designated landscapes. The assessment concludes that there will be no adverse effects on the Kent Level: North Kent Marshes Area of High Landscape Value (AHLV) which is located approximately 550m to the south of the site at its nearest point.
- 7.3.7. Even though the site is not considered to be a valued landscape for the purposes of paragraph 180 of the NPPF, Local Plan Policy DM24 states that non-designated landscapes will be protected and enhanced (the development would not protect or enhance the landscape). When significant adverse impacts remain, the social and or economic benefits of the proposal need to significantly and demonstrably outweigh the harm to the landscape character and value of the area.
- 7.3.8. Reference is made to National Character Areas for England. National Character Areas (NCAs) divide England into 159 distinct natural areas. The site is located within the central part of National Character Area 81: Greater Thames Estuary. Some of the key characteristics which are relevant to the site and study area are identified as:

- Predominantly flat, low-lying coastal landscape where extensive open spaces are dominated by the sky, and the pervasive presence of water and numerous coastal estuaries extend the maritime influence far inland.
- Geological contrast and variety along the coastline provided by Sheppey, a long, low island rising from a stretch of very flat marsh along the Swale Estuary in Kent with low, steep clay cliffs facing towards Essex, and Mersea Island in the Blackwater Estuary in Essex.
- Open grazing pastures patterned by a network of ancient and modern reed-fringed drainage ditches and dykes, numerous creeks and few hedges or fences, with tree cover a rarity.
- Traditional unimproved wet pasture grazed with sheep and cattle combined with extensive drained and ploughed arable land protected from floods by sea walls, with some areas of more mixed agriculture on higher ground.
- Strong feelings of remoteness and wilderness persist on extensive salt marshes, mudflats and reclaimed farmed marshland, which support internationally important plants, invertebrates and populations of breeding and overwintering birds, notably overwintering Brent geese.
- Some of the least settled parts of the English coast with numerous small villages and hamlets on higher ground and marsh edges reflecting medieval patterns and the coastal economy.
- Increasing development pressures around major settlements and especially towards London, with urban, industrial and recreational sites often highly visible within the low-lying marshes.

7.3.9. The site displays many of the characteristics of NCA 81. The most recently published Landscape Character assessment of relevance to the site is the Swale Landscape Character and Biodiversity Appraisal SPD. The site is located within Landscape Character Area (LCA) 13 - Central Sheppey Farmlands. The key characteristics of the LCA 13 are identified as:

- Ridge of London clay rising steeply to north
- Eroded clay cliffs of geological significance
- Coastal views of estuary and windfarm
- Large-scale open predominantly arable landscape, with infrequent isolated orchards
- Remnant shelterbelts and fragments of over-mature hedgerows
- Poor quality urban fringe developments including holiday parks
- Distinctive outcrop at Bunny bank, Eastchurch
- Prison complex raised on Stanford Hill provides a dominant feature

7.3.10. The Landscape and Visual Impact Assessment (LVIA) notes that the features/elements/characteristics identified as important or “key” to the landscape character of the site are:

- Low-lying gently undulating arable landscape.
- Field pattern defined by hedgerows and ditches.
- Rural qualities with a sense of openness.
- Marshes to the south of the arable landscape.

- 7.3.11. The methodology used for assessing the landscape and visual effects is based on the recommendations in Guidelines for Landscape and Visual Impact Assessment 3rd Edition, published by The Landscape Institute and the Institute of Environmental Management & Assessment in 2013 (GLVIA3).
- 7.3.12. In addition to GLVIA3, the following guidance was also used:
- Landscape Institute's Technical Guidance Note LITGN-2024-01 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), published August 2024.
 - Landscape Institute's Technical Guidance Note 02/21 Assessing landscape value outside national designations.
 - Landscape Institute's Technical Guidance Note, Visual Representation of Development Proposals, September 2019.
- 7.3.13. In landscape and visual assessments, a distinction is normally drawn between landscape effects (i.e. effects on the character or quality of the landscape, irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on people's views of the landscape, principally from residential properties, but also from public rights of way and other areas with public access).
- 7.3.14. The assessment set out in the LVIA is based on an appropriate and recognised methodology. The methodology has been applied in a consistent and fair manner, and the level of effects identified seems, on balance, to be reasonable. The LVIA considers the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD. The coverage and content of the assessment is generally balanced. The effects as set out in the LVIA form a reasonable basis for taking into account landscape and visual effects as part of the overall planning balance.
- 7.3.15. Mitigation
- 7.3.16. Mitigation measures are proposed to avoid or reduce adverse effects. These include:
- The location of the battery storage area is positioned to avoid the removal of vegetation and drainage ditches, retaining existing field pattern.
 - Strengthening and infilling gaps in the existing hedgerows to reduce visual effects.
 - New native hedgerows with trees are proposed through the centre of the site alongside the drainage ditches, to provide screening whilst providing wildlife corridors and connections to existing features. Sections of native hedgerows with trees are also proposed along the eastern and southern boundaries.
 - Areas of native scrub with trees have been proposed in blocks around the site, to provide some screening, particularly for nearby residents, and to enhance existing habitats.
 - Buffers from existing hedgerows and trees within the site are included to ensure existing features that contribute to the character of the landscape are retained and protected, including Root Protection Areas (RPAs).
 - Perimeter fencing is to be offset from existing hedgerows and tree canopy edges to ensure existing vegetation is not damaged or disturbed.

- The battery storage units and perimeter fencing are to be painted a recessive colour.
- Raised and planted bunds are proposed.

7.3.17. Effects on the landscape

7.3.18. The LVIA assessment covers the following scenarios:

- Construction phase - this includes all clearance and levelling works, and the construction of the proposed battery storage. Construction is expected to be up to 18 months.
- Operation at year 1 – the fully constructed and completed proposed battery storage development, including mitigation planting.
- Operation at year 15 – the operational battery storage development with established and maturing proposed mitigation planting.

7.3.19. The degree of the likely landscape effects of the proposed development is determined by relating the sensitivity of the receptors to the changes arising from the proposals, and the degree and nature of the changes in the landscape arising from the proposed development. The effects of the proposal on the landscape identified in the LVIA are shown in the table below:

Receptor	Construction	Year 1	Year 15
Low-lying gently undulating arable landscape:	Moderate adverse	Moderate adverse	Moderate adverse
Field pattern defined by hedgerows and ditches	Moderate adverse	Moderate adverse	Minor-moderate beneficial
Rural qualities with a sense of openness	Moderate-major adverse	Moderate adverse	Minor-moderate adverse
Marshes to the south of the arable landscape	Minor-moderate adverse	Minor-moderate adverse	Minor adverse

7.3.20. At year 15, the associated planting within the site would be established. The scrub planting, hedgerow, trees, scrub and grassland within the site would be largely established, providing additional screening of the proposed development. This would reduce the sense of openness in the BESS area and obscure some mid-distance views. Although the LVIA comments that the “proposed 9.5m acoustic fencing around the substation in the southeast of the site would help to reduce some perceptual changes within the north of the marshes”, that is not agreed. Whilst it would help to screen the introduction of industrial type infrastructure (the substation) in the landscape, it would be a tall and visually imposing structure in of itself. It is not agreed that it would have a minor adverse impact (it would be moderate at least), as it would be a readily noticeable structure in the landscape. It is recognised however, that the substation and fencing would be seen within the context of the solar farm to south and adjacent farm buildings to the east.

7.3.21. While the proposed development would continue to detract from the rural qualities of the site, the establishment of planting would help to partially mitigate this impact. The planting would also provide some screening of the adjacent large farm buildings.

7.3.22. Visual effects

7.3.23. The degree of the likely visual effects of the proposed development is determined by relating the sensitivity of the receptors to the changes arising from the proposed development, and the degree and nature of the changes in the views available to people and in their visual amenity arising from the development.

7.3.24. The ridgelines to the north and west of the site would limit views of the proposed development to within circa 0.5km to the north and west of the site. To the east, potential views would extend towards the edges of Warden and Leysdown on-Sea to about 2km from the site boundary.

7.3.25. To the south of the site, where topography of the marshes is flatter and the site is slightly more elevated, views would extend further to the south. Screening features would reduce views of the proposed BESS elements to moderate but due to equipment in the substation part of the site being circa 10.2m in height with a 9.5m acoustic fence surrounding it, the substation would be more visible from a wider area.

7.3.26. A photographic survey was undertaken to identify the potential extent of the visibility of the proposed development by locating viewpoints available to sensitive receptors. Potentially sensitive visual receptors within the study area include residents, users of public rights of way, visitors, and road users.

7.3.27. A total of 11 views were studied to illustrate the site and its appearance in publicly available locations. The view positions were chosen to represent the most open view available and are considered reasonable.

7.3.28. The assessment of visual effects is described by considering how the different groups of “visual receptors” may be affected. Visual receptors include:

- People in settlements and residential properties.
- Users of public rights of way and visitors to the Marshes.
- Road users.

7.3.29. The visual effects of the proposal identified in the LVIA are shown in the table below:

Receptor	Construction	Year 1	Year 15
Residents in dwellings adjacent to the site with open and unobscured views towards the site.	Major adverse or Moderate-major adverse	Major adverse or Moderate-major adverse	Moderate adverse or minor-moderate adverse
Residents in dwellings within 300m of the site with open and unobscured views towards the site.	Major adverse	Moderate-major adverse	Moderate adverse
Residents in the scattered dwellings and farmsteads between 300m and	Moderate adverse	Moderate adverse	Minor adverse

1km of the site with filtered, oblique or partial views.			
Users of public rights of way within 1km of the site with open views towards the site.	Moderate-major adverse or moderate adverse	Moderate adverse or minor-moderate adverse	Minor-moderate adverse or minor adverse
Users of public rights of way beyond 1km of the site with open views towards the site.	Minor-moderate adverse	Minor-moderate adverse	Minor adverse
Local road users within 1km of the site with oblique, partial or filtered views towards the site.	Moderate adverse	Moderate adverse	Negligible

- 7.3.30. It is noted that in some instances the effect has more than one conclusion (e.g., Moderate-major adverse or moderate adverse). The Applicant's landscape consultant has advised that this is logical as the assessment is based on a number of viewpoints, which are representative of different visual receptors. The magnitude of change is different at each viewpoint because it depends on factors such as the angle of view and the scale of the development in the view.
- 7.3.31. Residents, as a group of receptors, are represented by more than one assessment photograph. For some residents adjacent to the site, there would be Major Adverse visual effects, while for others, effects would be Moderate-major. The effect depends on the nature of the view experienced and intervening features.
- 7.3.32. This is the case for each group of receptors where more than one location of view is included. The other example where 'or' is used is for 'Users of public rights of way within 1km of the site with open views towards the site'. The effects on this group are not consistent across the whole study area, so two different levels of effects are included – 'Moderate-major adverse or moderate adverse'.
- 7.3.33. By year 15, the proposed hedgerow planting with trees along around the boundary of the site would be well established. These features, along with bunding and shrub and scrub planting, are expected to filter views of the battery compound and substation.
- 7.3.34. The proposed landscaping is also likely to screen some views of the existing farm buildings and wind turbines in the distance. Views of the open farmland would be changed to close views of native hedgerow and trees. The planting would provide greater screening and filtering, reducing the overall scale of change. Views of the established planting would be a typical characteristic along the roadside.
- 7.3.35. Overall, the visual effects would be largely contained within the immediate vicinity of the site due to the rolling topography and the presence of boundary vegetation and nearby buildings that provide some screening. The proposed development, save for the substation and acoustic fencing which is set to the south of the site, is relatively low in height and would sit below the horizon with the central farmlands continuing to for the backdrop to views.

7.3.36. Any views of the development would be seen in the context of existing features such as the wind farm, solar farm, and adjacent large buildings at Old Rides Farm. If approved conditions would be required to ensure planting is secured.

7.3.37. Landscape and visual – Conclusion

7.3.38. Ultimately, there would be harmful landscape and visual impacts that the proposed mitigation would not be able to entirely overcome.

7.3.39. The landscape and visual impacts across the site would be considered contrary to the landscape aspects of policies ST1, ST3, ST6, DM14 and DM20 of the Local Plan, and weigh against the scheme.

7.3.40. Policy DM24 is clear that when significant adverse impacts remain, an assessment needs to be made as to whether the social and/or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area. This is considered in the Planning Balance section of this report.

7.4. Heritage

7.4.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

7.4.2. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.

7.4.3. Policy DM32 of the Local Plan relates to development involving listed buildings and states that development proposals affecting a listed building, or its setting will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

7.4.4. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. 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 that may arise and this is endorsed by the Local Plan.

7.4.5. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets which could be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.

- 7.4.6. The application is accompanied by a Heritage Impact and Archaeological Assessment. In this case, the Grade II* listed Shurland Castle (and Shurland House Scheduled Monument) lies circa 700m to the north west of the battery infrastructure proposed on the site, with the associated Grade II listed Shurland Garden Walls also located to the west/north west (over 600m away from the battery infrastructure). That significant distance between the proposals and the Shurland Castle Grade II* listed building/Scheduled Monument combined with the change in topography and intervening vegetation ensures that there is very limited intervisibility between the application site and those designations. The proposals are also sufficiently distant the Grade II listed wall such that it would have a neutral impact on the setting of that designation.
- 7.4.7. The Grade II listed 22 and 24 High Street in Eastchurch lie circa 900m to the north west of the battery infrastructure proposed, whilst further listed buildings, including the Grade I listed Church of All Saints and Grade II* listed Memorial to 'The Home of Aviation', lie further to the west along Eastchurch High Street. Due to the presence of intervening built form, separation distance and change in topography, there would also be no intervisibility between those designations and the battery infrastructure proposed. The Grade II listed Parsonage Farmhouse and associated garden walls lie circa 900m to the west of the site, with the Grade II listed Four Hangars lying further away to the west. Due to the separation distance and intervening vegetation, as well as planting proposed within the site, the proposals would have no adverse impact on the setting of those designations.
- 7.4.8. Designated heritage assets lie at a significant distance from the proposal, such that the development would not affect the setting of those designations. In view of this, the proposals are considered to be in accordance with policies CP8 and DM32 of the Local Plan and the NPPF. In coming to this conclusion, the council have had special regard to the desirability of preserving listed buildings and their setting, as per the statutory duty.
- 7.5. **Archaeology**
- 7.5.1. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved. The policy also seeks to ensure that the setting of any Scheduled Monument is not adversely affected by any development proposals.
- 7.5.2. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authority's should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.5.3. The Shurland Castle Scheduled Monument lies circa 700m to the north west of the battery infrastructure proposed on the site, with the Scheduled Monument associated with the Cold War Heavy Anti-Aircraft Battery lying on land to east of Harty Ferry Road over 900m to the east.

- 7.5.4. The Heritage Impact and Archaeological Assessment submitted with the application was evaluated by the KCC Archaeologist who advised that the archaeological potential of this area of Sheppey is relatively unknown due mainly to the limited amount of archaeological survey and investigation in the area.
 - 7.5.5. The KCC Archaeologist noted that the WW1 and WW2 defences do not extend into the site. Work on similar topography in Sheppey has identified archaeological landscapes around the marsh edges. The KCC Archaeologist considers that there is potential for the development to affect archaeological remains, and that the potential impacts of the scheme on archaeology could be appropriately addressed through further evaluation and mitigation that could be secured through a condition on any consent.
 - 7.5.6. Subject to such a condition, no objection is raised in terms of impacts to archaeology. The proposals are also sufficiently distant from the Shurland Castle Scheduled Monument and Scheduled Monument associated with the Cold War Heavy Anti-Aircraft Battery lying on land to east of Harty Ferry Road such that their setting would not be adversely affected by the development. The proposal is, therefore, in accordance with policy DM34 of the Local Plan.
- 7.6. **Trees**
- 7.6.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is set out primarily within policies CP4 and DM29 of the Local Plan.
 - 7.6.2. In summary, Policy CP4 of the Local Plan states that development should retain trees where possible (including old orchards and fruit trees, hedgerows, shelter belts, woodland and scrub) particularly those that make an important contribution either to the amenity, historic, landscape character or biodiversity value of the site or the surrounding area.
 - 7.6.3. Local Plan Policy DM29 relates to woodlands, trees and hedges and states that unless the need for, and benefits of development in a location clearly outweigh the adverse impacts, planning permission will be refused where there is a loss of trees (including individual trees, old orchards, fruit trees, hedgerows and woodland scrub) that make an important contribution either to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area.
 - 7.6.4. The application is accompanied by an Arboricultural Impact Assessment, tree surveys and tree retention plans. There is one category U tree (category U refers to trees that are either dead, dying, or possess serious, irremediable structural defects) which is beyond the red line boundary, within the landowners other holdings, which is not protected and is proposed for removal, based on its poor condition rather than to enable the scheme.
 - 7.6.5. Pruning of two trees and hedging is proposed to form a safe visibility splay for the second access to the site (the new entrance proposed approximately 475m west of the existing main entrance, along Leysdown Road). This would necessitate removal of approximately 18m of hedgerow. Partial removal (circa 24m) and replacement of

hedging at the main entrance from Leysdown Road is also proposed to facilitate a wider entrance and visibility splay.

- 7.6.6. In terms of proposed landscaping, new trees are proposed alongside the retained hedgerow along Leysdown Road. The proposed trees are aimed at filtering views for people travelling along Leysdown Road. The retained hedgerow is to be managed to encourage growth of up to 3m high. Where there are any gaps, it is proposed these be in-filled with native hedgerow species.
- 7.6.7. Proposed native shrubs and trees are proposed help screen and filter views of the proposed development for people travelling along Leysdown Road. Further areas of trees and shrubs are shown in the landscape master plans along the eastern and western boundaries of the site. In addition, areas of trees and shrubs are proposed between the boundaries and the BESS compounds (to both the eastern and western sides of the BESS compounds).
- 7.6.8. Native hedgerow with trees are proposed along the main access road to help screen and filter views of the proposed development for nearby residents and users of public rights of way to the east. Proposed species-rich neutral grassland is proposed everywhere beyond the BESS compounds which is not to be otherwise planted.
- 7.6.9. Grassed slopes are proposed immediately adjacent and adjoining all BESS compounds and the substation area. In addition, extensive raised bunds (circa 2m high) planted with grass are proposed to the west and east of the BESS compounds. Native hedgerows are proposed alongside the retained drainage ditches within the site to help filter views of the proposed development. Grass mix would be planted alongside all proposed hedgerows (an ecological benefit).
- 7.6.10. A drainage feature (pond) is proposed to be planted with species-rich wetland grass.
- 7.6.11. The application was referred to the Council's Tree Officer who raised no objection to tree impacts, proposals or the tree retention plans. Subject to conditions to ensure tree protection measures are implemented and to secure the implementation of a comprehensive landscape strategy, and maintenance thereafter of landscaping, the proposal would comply with landscaping and tree aspects of policies CP4 and DM29 of the Local Plan.

7.7. **Character and appearance**

- 7.7.1. Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and set out that design should contribute positively to making places better for people.
- 7.7.2. The Design and Access Statement submitted with the application notes that the layout of the proposed development was informed by various factors, including topography, land availability, drainage, and the site's distance from noise-sensitive receptors, alongside its proximity to the highway and utility infrastructure, there is clear evidence that the proposal responds to constraints and opportunities posed from climate change and natural processes.

- 7.7.3. The development comprises several distinct elements, including energy storage units, a substation, attenuation ponds, fencing and landscaping features. The appearance and scale of the proposed development are aligned with the objective of making efficient use of the available grid connection. While the design is somewhat utilitarian, it is in line with industry standards for similar energy projects, and various measures are proposed to lessen impacts, including limited height, muted colours, and landscape screening.
- 7.7.4. The scheme comprises various types of electrical equipment. The specifications of each component have been designed to minimise the overall footprint of the development, while maximising the efficiency of the grid connection.
- 7.7.5. The proposal would displace farmland, and while the overall height of the proposed built form is limited, the open fields contribute to local character and distinctiveness and these would be largely built over. There would also be some cut and fill reprofiling required across the site to enable a level platform to be provided for the development. The proposed landscaping and the limited scale of the majority of structures would help mitigate impacts. However, while the landscaping would reflect the positive characteristics and features of the site and locality, the BESS equipment and substation and associated development would not.
- 7.7.6. In terms of the scale of the proposal, the BESS units would be approximately 3.1m in height, with Switch Gear structures being 4.1m in height. This scale is akin to a single storey building (noting that there would be a significant number of compounds and BESS units).
- 7.7.7. The substation equipment is greater in height, with some elements rising to circa 10.2m and the overall substation area surrounded by a 9.5m high acoustic fence which in of itself would have an imposing visual presence. It is acknowledged that there are very large farm buildings in existence which would be immediately adjacent (to the east) of the substation site, and that the substation (and its associated fence) would be seen within the context of large existing structures. Nonetheless, it is inevitable that a degree of visual harm would arise from the introduction of structures of this scale and form in this location.
- 7.7.8. Management of the buildings and equipment is proposed, and the application is supported by a Landscape and Ecology Management Plan, there is demonstrable evidence that the proposal involves the long-term maintenance and management of buildings, spaces and features.
- 7.7.9. The inherent nature of the proposed development and the location mean that the proposal does not accord with many of the aspects of policies CP4 and DM14, that said there is clear evidence that to the extent it is possible (given the nature of the built form), the proposal does seek to minimise impacts to the character and appearance of the area. The landscaping strategy in particular would help to partially limit visual impacts. In conclusion there is a degree of conflict with policies CP4 and DM14, which weighs against the scheme in the planning balance.

7.8. Ecology

7.8.1. Habitat Regulations

- 7.8.2. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.8.3. The Swale Ramsar site and Special Protection Area (SPA) and SSSI are approximately 875m to the southeast (at closest point) of the Site. Although outside of the Zone of Influence, many of the protected features are mobile (birds) and therefore could be present on site, as such there is the potential for the arable fields present on site to provide functionally linked habitat.
- 7.8.4. It is also noted that the Medway Estuary Marshes Ramsar site and SPA is 9km from the Site. However, given the expansive areas of arable farmland present between that European site and the proposed development it is reasonable to conclude that designated features are unlikely to be reliant on the arable fields on site. However, access to the Isle of Sheppey is taken across a bridge (A249) which is bound to the east by The Swale Ramsar site and SPA and to the west by the Medway Estuary Marshes Ramsar site and SPA. Emissions from traffic going to and from the site via the A249 has the potential to impact on the protected sites.
- 7.8.5. Regulation 63 of the Habitat Regulations states that a competent authority (in this case the Council), before giving any consent to a project which:
- is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications of the project. The competent authority (in this case the Council) may only agree to the project if it will not adversely affect the integrity of the protected site.
- 7.8.6. Under the Natural Environment and Rural Communities Act (2006), the authority must have regard to the purpose of conserving biodiversity. Furthermore, the NPPF states that '*the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible*'. The NPPF is clear that if significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for then planning permission should be refused.
- 7.8.7. The Application includes a shadow Habitat Regulations Assessment Screening Report (HRA screening), which concludes that it is possible to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

7.8.8. Emissions

- 7.8.9. Construction traffic would use the A249 to gain access to the Isle of Sheppey. The A249 crosses between The Swale Ramsar site and SPA and the Medway Estuary Ramsar site and SPA between the mainland and the island. Although the large components (for example battery units) used in the development are likely to arrive by sea into the Port of Sheerness (thereby not needing vehicles to drive through the protected habitat sites), it is expected that construction workers and deliveries of some materials will come by road from the mainland.
- 7.8.10. The A249 (as it crosses between the designations) has an annual average daily flow of 44,042 vehicles (data from Department for Transport). The Framework Construction Traffic Management Plan submitted with the application demonstrates a worst-case scenario of up to 120 traffic movements per day. This is up to 80 movements (including arrival and return) for light vehicles (e.g. cars, vans, minibuses) and up to 40 HGV movements (two way).
- 7.8.11. It is noted that the HGV movements represent a real worst-case scenario as many of the movements would be between the Port of Sheerness and the Site and would not come within 200m of the protected sites. The 120 traffic movements represent an increase of approximately 0.27% in traffic movements for a period of up to 18 months.
- 7.8.12. The Air Pollution Information System (APIS) shows that the concentration of nitrogen oxides (NO_x) is well below the critical level of 30 µg-3 (levels between 14.7 and 15.9 µg-3) on land within the designated sites within 200m of the A249. Given the low levels of traffic and low background concentration it can be concluded that there would be no effect associated with increases in the concentration of NO_x.
- 7.8.13. The Critical Load for nutrient nitrogen (N) has a minimum of 5 kg/N/ha/yr and a maximum Critical Load of 15 kg/N/ha/yr.
- 7.8.14. The background levels show deposition varies between 10.9 and 11.2 kg/N/ha/yr demonstrating that there is no exceedance of the maximum Critical Load.
- 7.8.15. There is an exceedance of the minimum Critical Load. However, the proposed development would contribute very limited amounts of nutrient nitrogen on a daily basis, and the contribution would be short lived. As coastal grazing marshes and mudflats (the habitats used by the designated features) are naturally nutrient rich the small and short-term contribution of the proposed development can be discounted, both alone and in-combination with other plans and projects. The KCC EAS advise that harm to the integrity of protected habitat sites from construct traffic emissions can be ruled out.
- 7.8.16. Functionally Linked Land (FLL)
- 7.8.17. Natural England's definition of functionally linked land is '*....supporting habitat beyond the boundary of a focal area, such as a designated site, that is connected to the life and reproduction of a population for which a site has been designated or classified. This land will be important to the continuing survival, reproduction and viability of the species population associated with a designated site*'.

- 7.8.18. The closest area of suitable habitat for the breeding birds, passage and wintering birds associated with The Swale is on the Site, with the arable fields providing potential roosting and feeding locations for waterbirds particularly during the winter period. A winter bird survey undertaken on the Site between October 2024 and March 2025 (see the wintering bird report appended to the Ecological Impact Assessment – 16414B-30-01-D01) included twelve survey visits.
- 7.8.19. The number of protected bird species observed overflying the site were small, and no feeding, roosting or loafing activity was noted on the site. Therefore, the evidence suggests strongly that waterbirds do not rely on the site for survival or reproduction of The Swale protected bird population.
- 7.8.20. Given the type of development proposed and the results of the winter bird surveys, the proposal would not result in any Likely Significant Effects associated with human presence and noise during the construction phase either alone or in-combination with other plans and projects. Displacement of birds associated with the European sites from the operation of site would not result in a detectable effect on the populations of non-breeding birds present. Impacts to the protected sites due to construction activities are not expected, subject to typical site management practices that are standard across development projects. The KCC EAS consider that there would be no significant effects downstream and within The Swale SPA and Ramsar site.
- 7.8.21. Conclusion on Habitat Regulations
- 7.8.22. The Proposed Development will not result in any likely significant effects on any European sites, either alone or in-combination with other plans and projects. Harm to the integrity of protected sites can be ruled out and it is unnecessary for an Appropriate Assessment to be undertaken.
- 7.8.23. Protected species
- 7.8.24. The submitted ecological impact assessment and wintering bird survey has detailed that the site is largely an arable field, with grassland margins, hedgerows and ditches. The surveys have confirmed that 52 species were recorded during the wintering birds and there is suitable habitat for breeding birds, foraging bats, water vole, otter, reptiles and hedgehogs.
- 7.8.25. Other than wintering birds, no other specific species surveys were carried out and for the majority of species the KCC EAS advise that there is a rationale for not having undertaken further surveys, as the majority of the boundary habitat will be retained and the proposed landscaping plan demonstrates that there will be an increase in grassland and scrub habitat within the site which will benefit biodiversity.
- 7.8.26. Bats are likely to be present within the site and lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill. The submitted lighting plans do demonstrate that the lighting will drop below 1 lux relatively quickly and as the lighting will only be activated when required, the KCC EAS is satisfied that the site will largely have limited or no lighting. Conditions should be imposed on any consent to secure controls over artificial lighting.

- 7.8.27. The submitted information shows that the proposed habitat would be suitable habitat for breeding birds and due to the proposed management will provide increased foraging opportunities.
- 7.8.28. The site would need to be actively managed for the life time of the development and informed by ongoing species and habitat surveys. If planning permission is granted an ecological mitigation strategy should be secured as a condition of planning permission.
- 7.8.29. To protect retained ecological designations, habitat and faunal species and minimise disturbance to these during construction works, a series of safeguarding and mitigation measures will be implemented during the construction phase. This would also need to be secured by way of a condition on any consent.
- 7.8.30. Biodiversity Net Gain (BNG)
- 7.8.31. In terms of the Local Plan, Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.8.32. This application was submitted after the commencement of Mandatory Biodiversity Net Gain and is therefore required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.
- 7.8.33. The application is accompanied by a BNG assessment. This assesses the base line position, what would be lost to development and then the proposals to increase habitats. The Proposed Development will result in an on-site net change of:
- 140.83 habitat units, an increase of 148.85%
 - 7.94 hedgerow units, an increase of 208.90%
 - 0.90 watercourse units, an increase of 67.21%
- 7.8.34. The Proposed Development would not require the delivery of additional biodiversity units off-site as an excess of 10% BNG is provided for. The KCC EAS have reviewed the BNG assessment and agree that the BNG requirement would be met.
- 7.8.35. Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development.
- 7.8.36. The habitat creation constitutes significant on-site gains. Government guidance states: *"The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."*
- 7.8.37. Developers must maintain significant on-site habitats that they create or enhance for a minimum of 30 years. These habitats would be subject to a monitoring schedule that ensures they achieve the target condition and distinctiveness that was stated in the Biodiversity Metric.
- 7.8.38. The 30-year monitoring period commences once the habitat(s) have been implemented, and a 'Certificate of Completion' issued by the Council. The frequency

of monitoring will be agreed as part of an approved Habitat Management and Monitoring Plan (HMMP) and reflected in the S106 or conservation covenant. Where habitats are identified through monitoring as not meeting the expected target condition or distinctiveness, remedial management strategies may need to be prepared, approved and actioned to address any deficiencies.

- 7.8.39. A monitoring fee is required with the submission of each monitoring report to the Council for approval. The fee covers the costs of Swale Borough Council's and Kent Ecological Advice Service's time and resources to process and review the monitoring reports.
- 7.8.40. The total monitoring fee would equate to £17,413.72 (+VAT and index linked).
- 7.8.41. The significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. The monitoring fees should be secured as the gains would need to be subject to monitoring reports across 30 years, which would need to be reviewed by the Local Planning Authority with an associated cost.
- 7.8.42. A Landscape and Ecological Management Plan (LEMP) has been submitted which confirms that the habitats can be managed to achieve the condition detailed within the BNG assessment.
- 7.8.43. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.
- 7.8.44. The LEMP has confirmed that habitat piles, bat and bird boxes would be incorporated into the site. KCC EAS advise that the LEMP should be reviewed and updated as a condition of planning permission.
- 7.8.45. Conclusion on Ecology
- 7.8.46. Subject to planning conditions imposed on any consent, the application demonstrates that it would not (in combination with other projects) result in harm the integrity of protected sites or species. The required BNG would be achieved, and the proposal would accord with Local Plan policies CP7 and DM28 and the Habitats Regulations.

7.9. **Transport and Highways**

- 7.9.1. Local Plan Policies CP2 and DM6 promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. Policy DM7 of the Local Plan requires parking provision to be in accordance with the Council's Parking SPD.
- 7.9.2. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on

the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

7.9.3. Access proposals

- 7.9.4. The primary access to the site is proposed from the Old Rides Farm access road and takes the form a priority junction. This access would serve the development for construction traffic, deliveries, and future operational traffic.
- 7.9.5. The primary access proposals include amendments to the bell mouth at the Leysdown Road / Old Rides Farm access junction to accommodate the swept path of delivery vehicles. These amendments include the realignment of the western kerb and existing masonry wall. Additionally, an existing bus stop and telegraph pole (at the entrance to the site) are situated within the required widening area and therefore will be relocated approximately 20m west of their current positions.
- 7.9.6. An internal site road is proposed to connect the existing Old Rides Farm access road to the proposed BESS site. Vehicles would enter the site via the existing Old Rides Farm access, approximately 150m south of the intersection with Leysdown Road. The proposed internal site road has been designed to accommodate the largest expected vehicles requiring access to the site.
- 7.9.7. A secondary access is proposed on B2231 Leysdown Road at the location of an existing farm access, approximately 475m northwest of the Old Rides Farm access.
- 7.9.8. This access will serve as an emergency access to the development site when operational. Kent Fire and Rescue Service require the second access to be provided for fire safety reasons (so that the western side of the development can be accessed by fire appliances in an emergency).
- 7.9.9. KCC Highways advise that adequate visibility splays are achievable from the proposed emergency access (and can be fully contained within highway land).
- 7.9.10. The location is acceptable in terms of accessibility; with access achievable off Leysdown Road, with improvements to the proposed / existing access able to be secured by imposition of a planning condition. Moreover, once constructed, journeys and visits to the BESS are likely to be infrequent and of an irregular nature; mainly revolving around maintenance of the BESS, associated infrastructure and the monitoring of biodiversity areas within the site. This is would not result in any severe traffic or highways impacts. The proposals do not disrupt any routes within the Swale Local Cycling and Walking Infrastructure Plan December 2025.
- 7.9.11. Traffic generation: Construction Traffic
- 7.9.12. The construction of the BESS facility is expected to be constructed over an 18 month period. It is estimated that up to 20 HGVs would be required on site per day during the majority of the construction period (each HGV would arrive and depart, i.e., 20 HGVs equates to 40 vehicle movements). A Construction Management Plan is recommended in the conditions below, securing details of routing, scheduling, and on-site parking measures to minimise impact on Leysdown Road. KCC Highways have

raised no objection to the traffic impacts during construction subject to such a condition.

- 7.9.13. The landowner has advised that peak vehicle activity associated with the existing farm typically occurs between May and September. The applicant proposes to coordinate the construction programme for the BESS facility with the landowner to avoid the highest levels of construction traffic interacting with the peak farming periods.
- 7.9.14. Traffic generation: Operational Traffic
- 7.9.15. The BESS facility would be operated remotely when the site is fully operational, therefore there will not be any regular (day-to-day) vehicle movements to and from the site.
- 7.9.16. The site will however require routine maintenance, which is expected to be undertaken on a monthly basis by an engineer in a Light Goods Vehicle (LGV). It is expected the site will generate 3 to 4 vehicle trips per week; as such 3 parking spaces are proposed at the site, all with 'Active' EV charging capabilities.
- 7.9.17. HGVs would not be required to access the site on a regular basis once operational, other than for (infrequent) replacing of equipment.
- 7.9.18. The Swale Parking Standards SPD does not have a category for energy storage uses. Three parking spaces are proposed at the site to accommodate regular weekly maintenance of the BESS facility. All three parking spaces are to be 'Active' charging spaces with electric supply and physical charging implemented from the outset. Given the limited access needed for staff to attend the site during operation (it is largely operated remotely), the proposed parking is considered adequate.
- 7.9.19. Public Rights of Way (PROW)
- 7.9.20. Paragraph 105 of the NPPF states inter alia that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 7.9.21. Local Plan Policy CP2 relates to promoting sustainable transport and states in part that development proposals will, as appropriate, provide integrated walking and cycling routes to link existing and new communities with local services and facilities, public transport and the Green Grid network.
- 7.9.22. The supporting text to Local Plan Policy DM6 states that existing public rights of way through a development site should be retained on their established routes unless there are exceptional reasons to agree an alternative and or it can be demonstrated to the satisfaction of the Council and Kent County Council Public Rights of Way Access that change to the network would enhance its recreational value.
- 7.9.23. Part 3 (b) of Policy DM6 states the location, design and layout of development proposals will demonstrate that existing public rights of way are retained, or exceptionally diverted, and new routes created in appropriate locations. Policy DM14 (10) states inter alia that all development proposals will, as appropriate, achieve convenient routes and facilities for pedestrians.

- 7.9.24. While there are no PROW in existence on the site, the KCC Public Rights of Way and Access Service are in receipt of an application / claim to record a PROW which crosses through the site - roughly through one/two compounds and the substation. The claim has been made on the basis that there had historically been a right of way which crossed the site.
- 7.9.25. Having investigated that claim, the County Council are now in the process of making an Order to record the route as a footpath on the Definitive Map of Public Rights of Way. This order once 'made' is subject to a six week advertising period, where anybody can object to the order. If they do so, the case is submitted to the Planning Inspector for decision and can add substantial delay to the process. If no objections are received, then KCC will confirm the order itself. KCC cannot confirm an order if objections are outstanding. At the time of writing this Committee Report, the Order to record the route of the footpath had not yet been made.
- 7.9.26. KCC PROW advised during the course of the application that the proposals should be considered as if the application will be successful and have previously requested that the application should be amended to accommodate this PROW, or no decision on the application made until the PROW issue has been determined. Whilst they have no objection to the principle of the proposals, they have raised a holding objection to the planning application.
- 7.9.27. The proposed layout of the site would obstruct the potential PROW, however there are a number of factors which need to be taken into account in understanding the weight to give to any perceived conflict with policies relating to PROW.
- 7.9.28. The first is that the application for the potential PROW across the site is at an early stage in the process, with the Order to proceed with the route as a designated footpath not yet complete. Even when complete, it will be subject to a consultation period which may result in objection, triggering the need for the case to be considered by the Planning Inspectorate. Whilst KCC PROW are of the view that a right of way is reasonably alleged to subsist, this is not to say that the Order itself (when produced by KCC) will be confirmed.
- 7.9.29. The UK government has a Clean Power by 2030 Action Plan whilst the NPPF states that the planning system should support the transition to net zero by 2050. As part of this the electricity network must undergo expansion, as the economy electrifies, to deliver decarbonisation. To connect new generation and meet future demand, around twice as much new transmission network infrastructure will be needed. Delaying the current planning application (potentially for some time) while a final decision is made on the claimed right of way that crosses the site would not align with National clean energy aims or avoid unnecessary delay as advocated by the NPPF.
- 7.9.30. In this case, there is the potential that the claimed footpath route running partially across the site (roughly through one/two compounds and the substation) could be confirmed. Whilst this would impact on the layout of the infrastructure proposed under this application, the developer would be in a position to vary their proposals or seek a diversion of the route. KCC PROW would also be in a position to enforce and take legal action over any obstruction of the route, so there are mechanisms in place that

would ensure the route, if confirmed, could still be maintained. For these reasons, the application proposed at this stage is not considered to prejudice the route of the claimed footpath in the long term. It is therefore recommended that the application not be refused for this reason, particularly given that there are separate legal powers over confirmed public right of way that could be utilised to safeguard the claimed route in the event any Order was confirmed.

7.9.31. Conclusion on highway matters

7.9.32. There would be no unacceptable impact on highway safety, nor would the residual cumulative impacts on the highway network be severe. No objection has been raised to the proposal by National Highways or KCC Highways in these respects. The application would comply with Local Plan Policies CP2, DM6 and DM7 from a highway network perspective.

7.9.33. The proposal covers an area which may potentially become a designated right of way route, however the PROW is not confirmed at this stage and may never be. There are other factors (discussed above) which need to be taken into account in understanding the weight that can be afforded to any perceived conflict with PROW related policies. This is discussed in the Planning Balance section of this report.

7.10. **Air Quality**

7.10.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

7.10.2. Policy DM6 of the Local Plan sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.

7.10.3. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

7.10.4. The Planning Practice Guidance on Air Quality (Paragraph: 005 Reference ID: 32-005-20191101) states that:

“whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats

and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

- 7.10.5. The applicant has undertaken an Air Quality Assessment in support of this proposal, this has been reviewed by the Council's Environmental Protection Officer and found to be accurate. The Air Quality Assessment notes that there are no AQMAs in the study area.
- 7.10.6. The Environmental Protection Officer confirmed that Air Quality guidance only requires an assessment of construction traffic air quality where the number of vehicles generated by the proposed development exceeded 500 car/van trips or 100 HGV trips daily. As these thresholds would not be exceeded during construction, the construction traffic associated with the development would not give rise to significant air quality effects on sensitive receptors along the route.
- 7.10.7. In terms of dust during construction, earthworks are proposed to focus on levelling areas for platforms (BESS, substations, and construction compounds) and creating ponds and bunds. Measures are proposed to mitigate against dust during the construction phase, and subject to conditions being imposed on any consent to control and manage construction, no objection is raised in terms of air quality.

7.11. **Community Infrastructure**

- 7.11.1. Planning obligations must accord with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:
- Necessary
 - Related to the development
 - Reasonably related in scale and kind
- 7.11.2. The significant on site BNG gains would need to be secured by way of a planning obligation or conservation covenant. In addition, a monitoring fee is required with the submission of each BNG monitoring report to the Council for approval. The fee covers the costs of the time and resources required to process and review the monitoring reports.
- 7.11.3. The total monitoring fee would equate to £17,413.72 (+VAT and index linked).
- 7.11.4. This planning obligation is considered to meet the requisite tests and should be secured in a S106 legal agreement associated with any consent.

7.12. **Flood Risk, Drainage and Surface Water**

- 7.12.1. In respect of flooding from rivers and seas, the site is within flood zone 1 (the lowest-risk area), however parts of the site – particularly to the south east and north, as well as along ditch channels - are at risk of surface water flooding. Local Plan Policy DM21 relates to water, flooding and drainage and requires that when considering the water-related, flooding and drainage implications of development, development proposals

will need to accord with several criteria, including according with national planning policy and planning practice guidance.

- 7.12.2. Paragraph 175 of the NPPF states the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.
- 7.12.3. The Planning Practice Guidance on Flood Risk and Coastal Change states that in applying paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.
- 7.12.4. With reference to NPPF Annex 3 'Flood Risk Vulnerability Classification', it is noted that Battery Storage is considered as 'Essential Infrastructure'. Although the site is at risk of surface water flooding, under the NPPF Annex 3, it is deemed compatible to construct the type of development proposed in areas at risk of surface water flooding.
- 7.12.5. The application is accompanied by a Flood Risk Assessment (FRA) and drainage strategy. The FRA explains that it is proposed to reprofile and widen existing ditches and to implement SuDS features to intercept, contain and redirect the surface water overland flows away from the proposed built development. The overland surface water flow path would be intercepted within the existing ditch in the western side of the proposed development and redirected away from the proposed development. The existing ditch would be regraded and sized to be able to accommodate the amount of surface water going into it.
- 7.12.6. The provision of an appropriately designed sustainable surface water drainage system in conjunction with appropriate consideration of overland surface water flows within proposed topographical amendments, would be sufficient to mitigate the requirement for flood storage compensation.
- 7.12.7. All proposed highways and associated drainage would be designed in accordance with the "Design and Construction Guidance for Foul and Surface Water Sewers offered for adoption under the Code of adoption agreements" and current Building Regulations criteria, adopting overland flow routes for the conveyance of excess floodwater toward areas of low vulnerability and water compatible end use (such as open space and soft landscaping), where water may be temporarily detained where required.
- 7.12.8. The technical assessment of flood risk presented in the FRA demonstrates that the immediate and residual flood risks over the lifetime of the development are readily manageable. KCC Flood and Water Management raise no objection to the proposals subject to conditions. The proposals are considered acceptable in terms of flood risk

throughout their lifetime, without increasing flood risk elsewhere, such that the sequential test is not required. Southern Water raise no objection to the proposals.

- 7.12.9. In view of the above, the proposals are compliant with the NPPF and Policy DM21 of the Local Plan.

7.13. Contamination

- 7.13.1. Policy ST1 of the Local Plan states that development proposals shall conserve and enhance the natural environment by applying national planning policy in respect of pollution, despoiled, degraded, derelict, contaminated, unstable and previously developed land. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.13.2. The application is supported by a contamination assessment. This identifies potential sources of contamination (for example, historically there had been a light railway line traversing the site, and activities associated with the Old Rides Farm operations may have resulted in contamination).
- 7.13.3. By considering the sources, pathways and receptors (pollutant linkages), an assessment of the human health/ environmental risks is made with reference to the significance and degree of the risk. The risk assessment was undertaken with reference to BS 10175:2011+A1:2013 and CIRIA Document C552: Contaminated Land Risk assessment 'A Guide to Good Practice'.
- 7.13.4. Due to the nature of the materials being stored on site, specialist precautions need to be taken to ensure that in the event of a fire, any contaminated surface water runoff does not enter the ditches that have been proposed to outfall the surface water.
- 7.13.5. At the penultimate manholes prior to the outfall location, Penstock Valves (a robust, sliding-gate valve used to control, isolate, and regulate water flow in drainage/flood prevention systems) would be used to divert contaminated water into temporary underground storage tanks, preventing it reaching the pond and ditches. Any contaminated water would then be pumped and taken away from site for specialist treatment and disposal.
- 7.13.6. The application was referred to the Environmental Protection Officer who advised that the submitted contamination assessment follows an acceptable methodology and demonstrates the previous history, and the Conceptual Model of potential contaminants and receptor linkages.
- 7.13.7. The Study determines a low risk for end users, though it recommends a watching brief for the construction works. This should be secured by way of a condition being imposed on any consent.
- 7.13.8. The study also recommends further limited investigations on Made Ground to confirm presence of localised contaminants. Subject to this requirement being secured through a condition on any consent no objections are raised.
- 7.13.9. As a result of the above the proposals comply with policy ST1 of the Local Plan.

7.14. Living Conditions

Existing residents

- 7.14.1. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14.2. The application was referred to the Council's Environmental Protection Officer, who advised that the Noise Impact Assessment and additional technical note follow an acceptable methodology. The submissions show a low risk for noise issues for the construction phase, provided the proposed mitigations (set out in the Construction Environmental Management Plan (CEMP)) are implemented. A condition is recommended to secure this and the CEMP.
- 7.14.3. In order to avoid any unacceptable impacts from the sub-station, the Noise Impact Assessment submitted recommends the installation of an acoustic fence around the perimeter of that part of the site. This is recommended to be secured by condition and installed prior to any of the equipment within the substation being brought into use. During the course of the application, the applicant was also asked to provide additional information relating to low frequency noise. A technical note assessing low frequency noise as per Defra's NANR45 criteria, was subsequently provided. The Council's Environmental Protection Officer advised that this demonstrated that low frequency sounds would be below the threshold reference curve at the nearest representative noise sensitive receptors. No objection was raised by the Council's Environmental Protection Officer in terms of operational noise.
- 7.14.4. In terms of light spill, a Lighting Assessment was submitted with the application, this shows that the lighting scheme would comply with the Institute of Lighting Professionals guidelines. Subject to conditions being imposed on any consent to ensure the lighting scheme proposed is the one installed, the Council's Environmental Protection Officer raised no objection.
- 7.14.5. In respect of other living condition considerations such as impacts on light, privacy and outlook, the infrastructure proposed on the site is sufficiently distant from neighbouring residential property to the east and elsewhere such that it would not give rise to any unacceptable impacts on residential amenity.
- 7.14.6. In view of the above and subject to conditions relating to lighting, construction and the acoustic fencing, the proposals would be in accordance with Policy DM14 of the Local Plan.

7.15. Other matters

7.15.1. Fire Safety

- 7.15.2. The application is accompanied by an Outline Battery Safety Management Plan (OBSMP). That document outlines the key fire safety provisions, including measures to reduce fire risk, as well as fire protection measures and systems, for the 1GW Battery Energy Storage System (BESS) proposed on site.

- 7.15.3. The OBSMP formalises the Applicant's commitment to comply with the Construction (Design and Management) Regulations 2015, by outlining their approach to identifying, assessing, and mitigating health and safety risks throughout the project lifecycle, from design to decommissioning specific to BESS hazards.
- 7.15.4. The applicant proposes to produce a Detailed Battery Safety Management Plan (DBSMP), which would detail the appointment of key roles and establish clear communication channels between all stakeholders. The DBSMP would also incorporate comprehensive risk assessments, emergency response protocols, and design considerations specific to BESS hazards. The safety standards would be updated in the DBSMP.
- 7.15.5. The DBSMP would include:
- A statement on the battery system specifications,
 - A statement on the fire detection and suppression systems.
 - A statement on operational procedures and training requirements, including emergency operations.
 - A statement on the overall compliance of the system with all applicable legislation.
 - A statement on governance, general site management and maintenance.
 - A detailed procurement exercise to ensure that the battery technology selected conforms to current UK and international standards, with the detailed design, including drawings of the BESS.
 - A fire risk assessment which evaluates potential ignition sources, fuel loads, and fire spread scenarios. It will also assess the adequacy of existing fire detection, suppression, and evacuation measures.
 - An environmental risk assessment to ensure that the potential for indirect risks e.g. through leakage or other emissions, is understood and mitigated.
 - A Smoke Plume Analysis Report.
 - An Emergency Response Plan covering construction, operation and decommissioning phases developed in consultation with KFRS, to include the adequate and appropriate provision of firefighting equipment on-site.
- 7.15.6. Provision of the above information prior to construction would demonstrate that all the considerations and requirements set out in the OBSMP have been addressed, and the BESS installation would be safe and continually monitored to enable immediate action on the detection of a fault or abnormal signal reading. A condition should be imposed on any consent to secure a Detailed Battery Safety Management Plan.
- 7.15.7. The application was referred to Kent Fire and Rescue Service. They requested clarity during the course of the application on matters such as water provision across the site and access for emergency vehicles to the south.
- 7.15.8. The applicant has submitted a Draft Emergency Response Plan in response. This states that private fire hydrants connected to a wet pipe system will be installed across the site, approximately 90m apart, in compliance with BS9990 Non-automatic Firefighting Systems. These will be appropriately positioned to enable the fire and rescue service to have multiple options concerning the positioning of equipment and personnel. It is recommended that details of appropriate water provision across the site be secured in a Detailed Emergency Response Plan condition. The same

document also clarifies that an access loop will be provided to the south of the site, enabling suitable access for emergency vehicles.

- 7.15.9. Kent Fire and Rescue advise that the access proposals are broadly compliant from a KFR perspective but advise that they expect future liaison with the applicant as the Emergency Response Plan evolves. A condition securing a Detailed Emergency Response Plan is recommended below.
- 7.15.10. Five year commencement
- 7.15.11. Subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) outlines that every planning permission granted should be subject to a condition that the development to which it relates must be begun not later than the expiration of a set period of time beginning with the date on which the permission is granted. The time period is usually 3 years; however, Section 91(b) permits such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
- 7.15.12. In this case, the applicant has asked for a period of five years to commence on the basis that it would *“enable the coordinated delivery of the development alongside transmission network connection programmes and associated strategic infrastructure upgrades. This is particularly relevant given the ongoing pressures on the UK transmission network and the substantial pipeline of energy infrastructure projects currently progressing through the grid connection process”*.
- 7.15.13. In view of the above, it is considered reasonable in this case to recommend a five year period for commencement.

7.16. **Planning Balance**

- 7.16.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary to determine whether the applications is consistent or otherwise with the local development plan.
- 7.16.2. In this case conflict with policies in the development plan have been identified as set out below:

Local Plan

- *ST1 Delivering sustainable development in Swale.*
- *ST3 The Swale settlement strategy.*
- *ST6 The Isle of Sheppey area strategy*
- *CP4 Requiring good design.*
- *DM3 The rural economy.*
- *DM14 General development criteria.*
- *DM31 Agricultural land.*

- 7.16.3. A conclusion as to the compliance of the proposal with Local Plan Policy DM24 requires a balance to be struck between landscape impacts and the benefits of the scheme. This is set out in later in this section.
- 7.16.4. In establishing compliance with the development plan as whole, recognition needs to be made for example of the fact that in most cases there is a partial conflict and often partial compliance with the same policies. However, officers are of the view that the Development Plan when taken as a whole cannot be said to be complied with.
- 7.16.5. For the purposes of this application, the following weight is given to conflicts and benefits across the spectrum of categories (and in some cases I refer to weight across categories):
- Neutral
 - Limited
 - Moderate
 - Significant
- 7.16.6. Benefits
- 7.16.7. Biodiversity Net Gain (BNG)
- 7.16.8. There would be 149% uplift in habitat units, 209% in hedgerow units and 67% in watercourse units. The proposals greatly exceed the statutory 10% gain requirement. Achieving a BNG assists with reversing a national decline in biodiversity, significant positive weight is afforded to this benefit.
- 7.16.9. Energy storage
- 7.16.10. Paragraph 161 of the NPPF states inter alia that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should help support renewable and low carbon energy and associated infrastructure.
- 7.16.11. Paragraph 168 of the NPPF states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. This formalizes the high value of green energy projects in the planning balance.
- 7.16.12. The Clean Power 2030 Action Plan was published in December 2024. It sets out the Government's plan to deliver a clean power system by 2030, setting a target of clean sources producing at least 95% of Great Britain's generation means by 2030. The proposals would support the storage of renewable energy, making a positive contribution to meeting these targets.
- 7.16.13. The proposed development will have a power capacity of up to 1,000MW (1.0 GW). Data for 2023 indicates that the total installed renewable energy capacity in the South East stood at 4.5 GW. This serves to highlight that the proposals could store up to

22% of renewable energy generated across the region. Energy Storage Systems help to provide additional flexibility in the grid network.

- 7.16.14. The UK is transitioning away from non-renewable sources of energy supply towards lower carbon renewable sources. This has translated to a considerably lower carbon footprint in the grid network, and the application would support this.
- 7.16.15. At times, such as night-time or when there is no wind, when energy is not being generated by solar panels or wind turbines or when excess energy is being generated and cannot be passed directly into the transmission network, the BESS would temporarily store this energy. In doing so, BESS plays an important part in ensuring that the 'lights stay on' and that the flow of energy into the grid from when it is generated to when it is needed is balanced.
- 7.16.16. The proposed development is estimated to offset up to 1,615 tonnes of CO₂ per day. This amounts to 589,550 tonnes over the course of a year.
- 7.16.17. The NPPF directly ties planning decisions to the UK's 2050 net zero targets and energy security. This change reinforces the importance of renewable energy in achieving the UK's decarbonisation targets. This benefit is afforded significant positive weight.
- 7.16.18. Economic benefits
- 7.16.19. Paragraph 85 of the NPPF highlights that planning policy and decisions should place significant weight on the need to support economic growth and productivity, identifying that Britain should capitalise on areas where it can be a global leader in innovation, and address any challenges for the future.
- 7.16.20. The U.K.'s Modern Industrial Strategy (2025) presents plan to deliver certainty and stability; encourage investment in high growth sectors; and drive the UK's growth mission. The strategy sets out a commitment to achieve sustainable growth in alignment with Net Zero and wider environmental objectives. It also outlines the ambition for the UK to be a global climate leader and build a strong and sustainable economy, creating good, well-paid jobs in the green sectors of today and of the future.
- 7.16.21. The Industrial Strategy identifies eight growth-oriented sectors, which include Clean Energy industries. The strategy highlights that Clean Energy industries are a major driver of global growth and that there is global demand for low-carbon products.
- 7.16.22. During construction there would be construction jobs and spending on materials and equipment, all with associated economic benefits. The application is accompanied by an analysis of economic benefits, which calculates that the proposed development could support 90 direct Full-Time Equivalent (FTE) jobs during construction.
- 7.16.23. Construction involves purchases from a range of suppliers, who in turn purchase their goods and raw materials from businesses further down the supply chain. It is anticipated that businesses in Swale and the wider region could benefit from supply chain linkages and trade connections established during the construction of the proposed development. This would support additional indirect jobs.

- 7.16.24. The construction phase could be expected to support 110 indirect FTE jobs. In total, therefore, during construction, the proposed development is expected to support 200 direct and indirect FTE jobs during the peak period of the construction phase.
- 7.16.25. During the operational phase, the energy storage sector supports employment across a host of occupations, in professional, scientific and technical activities. The delivery of a new Energy Storage System would support these sorts of opportunities offsite.
- 7.16.26. The additional direct employment supported, as well as the energy produced/stored by the proposals, could also be expected to make a positive contribution towards local economic output, measured on the basis of Gross Value Added (GVA). Moderate positive weight is afforded to the economic benefits of the proposal.
- 7.16.27. Harm
- 7.16.28. The Application would conflict with Policy ST1 (3) - impacts to the rural economy, (4) - development outside of the settlement strategy, and (11) - failing to protect, and where possible, enhance, the intrinsic character, beauty and tranquillity of the countryside. Noting the broad scope of the policy and that there are elements the proposal would accord with the conflict can be afforded moderate weight.
- 7.16.29. The Application would partly conflict with Policy ST3 (5) due to the fact that the proposals would fail to protect the intrinsic value, landscape setting, tranquillity and beauty of the countryside. Policy DM20 of the Local Plan acknowledges that proposals for energy may be located on agricultural land, but does require poorer quality land to be used in preference to higher quality land. Policy DM31 also seeks to ensure that poorer quality land is used in preference to BMV. Given the scale of the proposals and the difficulty in securing a site within a built-up area boundary or on previously developed land of the required size, a countryside location is necessary for the development, whilst there is national policy support for the proposal. Moderate weight is afforded to the loss of BMV land, which makes up 31% of the site area.
- 7.16.30. There is a conflict with Local Plan policies CP4 and DM14 as these relate to retaining and enhancing features which contribute to local character and distinctiveness and being of an appropriate scale given the context. Given the landscape screening proposed, the impact would be moderated but nonetheless, given the impact on the character of the area, significant weight is given to this impact.
- 7.16.31. Policy DM3 seeks to protect the rural economy, while there would be a loss of farmland and flow on impacts to the rural economy, the scheme would also bring economic benefits, limited weight is afforded to this conflict.
- 7.16.32. Part B of Local Plan Policy DM24 relates to non-designated landscapes and states that where significant adverse impacts remain planning permission will be granted if the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area. That balance is undertaken here.
- 7.16.33. At year 15 there would remain moderate adverse impacts to the arable landscape. Other adverse effects would be less impactful. There would be beneficial impacts at year 15 to the field pattern defined by hedgerows and ditches.

- 7.16.34. By year 15, visual impacts would be moderate adverse or less. While the change to the landscape character of the area would be significant, the weight given to this harm is moderated by the proposed mitigation.
- 7.16.35. To comply with Policy DM24, the social and or economic benefits of the proposal must significantly and demonstrably outweigh the harm to the landscape character and value of the area. In this case, although a significant impact would remain, given the mitigation and moderate extent of harmful residual impacts to the undesignated landscape, the social and economic benefits of the proposal are considered to significantly and demonstrably outweigh the harm.
- 7.16.36. The proposed layout of the site would obstruct a potential PROW and could therefore potentially conflict with elements of Local Plan policies CP2 and DM6. However Policy DM6 relates to existing PROW, and the PROW in question is not existing and may never be confirmed. Delaying the current planning application (potentially for years) while a decision is made on the confirmation of the potential PROW would not align with National clean energy aims or avoid unnecessary delay, as advocated by the NPPF.
- 7.16.37. Portions of the potential PROW route already accommodate physical structures. In the event that the claimed PROW is eventually confirmed, the layout of the proposals would need to be amended or the route diverted. In the event of any structures obstructing the route, enforcement action could be taken to have them removed. Given the claimed PROW route has not yet been confirmed and there are separate legal mechanisms available to prevent any obstruction of a designated route, limited weight is afforded to this conflict in the planning balance.
- 7.16.38. Even if the council were to proceed on the basis that the PROW was confirmed, it is considered that the need for energy storage would have to be weighed against this and, in this case, it is considered that the benefits of the proposal would outweigh the harm arising from the obstruction of the public right of way.
- 7.17. **Conclusion**
- 7.17.1. The benefits of the scheme and the reasoning for the weight afforded to them are set out in the preceding Section of this report, including significant benefits arising from the support the proposals would provide to storing energy generated by renewable energy sources and supporting national carbon reduction targets, along with the other benefits. When balanced against the harm and conflicts, the benefits of the scheme outweigh the harms identified. The proposal is therefore considered to accord with the NPPF and that, as well as other material considerations, indicate that planning permission should be granted despite the proposal not being in accordance with the development plan.
- 7.17.2. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

7.18. **RECOMMENDATION**

7.18.1. Grant Planning Permission, subject to the conditions below:

Conditions

1. Time limit

The development to which this permission relates must be begun no later than the expiration of five years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and specifications:

Lighting plan 630001 P01, 630002 P01
0001-NPLUK-00-XX-DR-ED-0006
BA24981TPP - Sheet 1
BA24981AIA - Sheet 2
BA24981TPP - Sheet 3
Site Plan 1613-RDG-PS-BE01-M2-ED-0001 Rev P02
Section 1613-RDG-PS-BE01-M2-ED-0005 Rev P03
Section 1613-RDG-PS-BE01-M2-ED-0004 Rev P03
Tree protection plan BA24981TPP - Whole Site Rev P
Control room plan 0001-NPLUK-00-XX-DR-ED-0008 Rev P01
LV Building plan 0001-NPLUK-00-XX-DR-ED-0009 Rev P01
Battery container plan 0001-NPLUK-00-XX-DR-ED-0001 Rev P01
Transformer plan 0001-NPLUK-00-XX-DR-ED-0003 Rev P01
Substation plan 0001-NPLUK-00-XX-DR-ED-0016 Rev P01
Switch gear plan 0001-NPLUK-00-XX-DR-ED-0005 Rev P01
Levels sheet 1 - 110701 Rev P03
Levels sheet 2 - 110702 Rev P03
Power Conversion System Details 0001-NPLUK-00-XX-DR-ED-0002 Rev P01
Oil Filled Transformer plan 0001-NPLUK-00-XX-DR-ED-0010 Rev P01
Typical Cross Section Details Maintenance Road 0001-NPLUK-00-XX-DR-ED-0012 Rev P01
Maintenance Road and Culvert Typical Cross Section Details 0001-NPLUK-00-XX-DR-ED-0013 Rev P01
Water Tank and Pump Housing Typical Details 0001-NPLUK-00-XX-DR-ED-0021 Rev P01
Storage Container Details 0001-NPLUK-00-XX-DR-ED-0004 Rev P01
Site Fencing and Gate Details 0001-NPLUK-00-XX-DR-ED-0007 Rev P01
Site Acoustic Fencing Detail 1613-NPLUK-00-XX-DR-ED-0014 Rev P01
Proposed Site Layout 1613-RDG-PS-BE01-M2-ED-0003 Rev P04
Emergency Access Visibility Splay And Vehicle Swept Path Analysis 5028073-RDG-XX-XX-DR-H-0004 Rev P03

Primary Site Access, Visibility Splays And Internal Site Road Access 5028073-RDG-XX-XX-DR-H-0001 Rev P03

Primary Site Access Vehicle Swept Path Analysis 5028073-RDG-XX-XX-DR-H-0002 Rev P03

Outline Drainage Strategy 5028073-RDG-XX-XX-D-C-110500 Rev P05

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

3. Detailed Battery Safety Management Plan

No development shall take place until a Detailed Battery Safety Management Plan (DBSMP) based on the principles within the Outline Battery Safety Management Plan (April 2025) that has been submitted with the application have been submitted to and approved in writing by the Local Planning Authority. It shall include details of safety measures and risk mitigation across the construction, operational, and decommissioning phases of the development. The development shall be carried out and maintained for the duration of the permission in accordance with the approved DBSMP.

Reason: In the interests of fire safety. These details are required prior to the commencement of development in order to secure appropriate fire safety measures at operational stage.

4. Detailed Emergency Response Plan

Prior to the first use of any of the equipment on the development hereby approved, a detailed Emergency Response Plan (ERP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of suitable access for fire and rescue services, as well as sufficient water provision across the site. The development shall be carried out and maintained for the duration of the permission in accordance with the approved details.

Reason: In the interests of fire safety.

5. Acoustic fencing

The development hereby approved shall not be brought into operation until the acoustic fencing, as shown on the approved layout plan 1613-RDG-PS-BE01-M2-ED-0001 Rev P02 and elevation drawing no. 1613-NPLUK-00-XX-DR-ED-0014 Rev P01, has been installed. The acoustic fence installed shall have a minimum surface mass density of 13 Kg/m² and airborne sound insulation performance of 27 dB R, being of solid construction and continuous, with no gaps on the horizontal or vertical plane.

Once installed as such, the acoustic fence shall be maintained as such thereafter.

Reason: In the interests of residential amenity

6. Decommissioning

No later than 6 months prior to any decommissioning of the development, a decommissioning and restoration scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of works for the removal and restoration of the site; and also detail which aspects of landscaping, biodiversity and/or ecological measures at the site will be retained.

The decommissioning of the site shall be implemented in accordance with the approved details.

All buildings, structures and associated infrastructure shall be removed, and the land restored, in accordance with the approved details of the decommissioning scheme.

Reason: To ensure the site is appropriately restored and to mitigate landscape and environmental impacts associated with the development.

7. Contamination 1

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses and potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: Required prior to commencement of development to ensure that any ground contamination on the site is identified and remediated and in the interests of the wellbeing of construction workers and future operatives.

8. Contamination 2

No part of the development hereby approved shall be brought into use until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include full verification details as set out in the approved remediation strategy. This should include details of any post remediation sampling and

analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In order to ensure that any required contamination remediation works are carried out satisfactorily in the interests of the wellbeing of future operatives.

9. Contamination 3

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Reason: In order to ensure that any required contamination remediation works are carried out satisfactorily in the interests of the wellbeing of future operatives.

10. Construction Management Plan

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:

- a) Routing of construction and delivery vehicles to / from site.
- b) Parking and turning areas for construction and delivery vehicles and site personnel.
- c) Timing of deliveries.
- d) Provision of wheel washing facilities.
- e) Measures to prevent the discharge of surface water onto the highway.
- f) Temporary traffic management / signage.
- g) Details of dust control measures
- h) Hours of work.

The development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and the free flow of traffic on the highway and to prevent unacceptable impacts to amenity, human health and the environment.

11. Construction Surface Water Management Plan

Prior to the commencement of the development hereby approved, a Construction Surface Water Management Plan (CSWMP) shall be submitted to and approved by the Local Planning Authority. The CSWMP shall detail how surface water and storm water will be managed on the site during construction. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff will be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas.

The development shall be implemented in accordance with the approved CSWMP.

Reason: In the interest of managing flood risk during the construction stage. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

12. Sustainable drainage

No development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Technical Note prepared by Ridge dated 17.12.2025.

The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13. Verification of surface water drainage

No part of the development (or within an agreed implementation schedule) hereby permitted shall be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved.

The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical

drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

14. Landscaping 1

Prior to commencement of the development hereby approved, full details of both hard and soft landscape works (informed by drawing no. L100 (Landscape Masterplan) and the access routes shown on drawing no. 1613-RDG-PS-BE01-M2-ED-0003 Rev P04) shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

15. Landscaping 2

Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with tree or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interest of visual amenities of the area and encouraging wildlife and biodiversity.

16. Lighting

No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.

- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

17. Ecology 1

Prior to commencement of the development hereby approved, an ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy shall be based on up-to date ecological survey information, as advised by a suitably qualified ecologist and include the following:

- Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- Overview of the ecological mitigation to be implemented within the site.
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species (including but not limited to wintering and breeding birds)
- A timetable for implementation of the measures demonstrating they are in alignment with the construction works and
- Persons responsible for implementing the measures, including times during construction when specialist ecologists need to be present on-site;

The approved mitigation strategy shall be adhered to and implemented throughout the construction and operational phases in accordance with the approved details.

Reason: In the interests of biodiversity and to protect and promote ecology.

18. Ecology 2

Any hedgerow and trees to be retained, including its roots, shall be protected from damage in line with The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).

Any required clearance of tall/dense vegetation with potential to support reptiles should be undertaken in two stages, with a first cut to 150mm, followed by a second cut several days later to ground level.

Brash, rubble and log piles to be relocated shall be dismantled by hand. Where these are suitable for hibernating reptiles/hedgehog, removal shall be conducted outside of the hibernation period (November – February).

Backfilling of trenches and other excavations shall be undertaken before nightfall, or a ramp shall be left to allow any animals to easily exit.

All excavations and trenches shall be checked each morning throughout the construction period and prior to infilling.

All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

If at anytime a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works shall not resume until any required surveys and/or mitigation are completed.

Reason: In the interest of biodiversity.

19. Landscape and Ecological Management Plan

Prior to commencement of the development hereby approved, an updated Landscape and Ecological Management Plan (taking into account Landscape and Ecology Management Plan; TIR; April 2025) shall be submitted to and approved in writing by the Local Planning Authority. The updated LEMP must include the following additional information:

- Updated Maintenance tables in chapter 8 to include all habitats
- Details of habitat and species monitoring to be carried out
- Timings of when the metric will be reviewed
- Details of management plan reviews
- Plan showing the location of ecological enhancement features.

The updated Landscaping and Ecological Management Plan must be implemented as approved.

Reason: To ensure landscaping and habitats are appropriately maintained and in the interests of biodiversity.

20. Materials and fencing

Prior to commencement of the development hereby approved, full details of external materials, finishes and colours, security fencing style, materials, and measures to facilitate movement of protected species shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area and biodiversity.

21. Visibility splays

Prior to the first use of either access into the site in connection with the development hereby approved, the visibility splays shown on the approved plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, shall be provided, and thereafter be maintained for the life of the development.

Reason: In the interests of highway safety.

22. Access

Prior to the commencement of the development hereby approved, detailed designs for the vehicle access and associated highway works, including the relocation of the bus stop and widening of the access to include the relocation of the telegraph pole west of the access as indicatively shown on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details approved prior to the first operation of any infrastructure on the site.

Reason: In the interests of highway safety.

23. Archaeology

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To assess and mitigate the impacts of development on significant archaeological remains.

24. Security

Prior to above ground works, details demonstrating the development accords with Secure By Design guidance to address designing out crime shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- A clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- General security arrangements regarding the existing buildings, including perimeter security, alarm systems, lighting and CCTV.
- Perimeter security of the site, including gates, should be reviewed to control site permeability and prevent theft of property.
- Building security
- Security fencing system
- Additional defensive planting of natural hedging around the boundary and along the existing footpath
- Security marking of copper cable, transformers, inverters, switch gear and any other equipment of high value should be security marked, and a full equipment inventory
- All string inverters, substations, transformer stations and buildings/ storage containers alarmed with a monitored system and covered by CCTV (compliant with the Information Commissioner's Office guidance).
- Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings.
- One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.
- Monitored CCTV and alarms systems to be installed and operational to cover vulnerable elevations and site entrances in addition to point
- Crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.
- Doorsets and windows to meet PAS 24:2022 as a minimum-security standard.
- Door locking points with locks that meet the British Standard.

- Glazing for windows to be laminated rather than just toughened for security purposes.

Thereafter the development shall accord with the approved details.

Reason: In the interests of safety and security.

