Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1289
Land To The South of Hartsgravel Wood, Shipley Road, Southwater, West Sussex,

DESCRIPTION:
Proposed construction, operation and maintenance of a Battery Storage Energy System (BESS) with associated Infrastructure and works including highway access, landscaping and biodiversity enhancements.

RELEVANT PLANNING HISTORY:

EIA/24/0002	Request for an EIA Screening Opinion on a proposed Battery Energy Storage project on land to the east of Shipley Road	EIA Advice Given on 04.06.2024.

DESCRIPTION OF THE SITE
The application site is approximately 17.7ha in area and lies on the eastern side of Shipley Road (Class C). There is an existing site access off Shipley Road. The site is irregular in shape, comprising pasture fields, trees and hedgerow. The fields are used for livestock grazing and is classified as Grade 3b agricultural land. The site is located within the Shipley Parish countryside, approximately 910m northeast of Dragon's Green hamlet and approximately 1.5km south of the Southwater town built up area boundary.

An overhead transmission line runs north-west to south-east through the site with a pylon situated in the northern section of the application site. An existing watercourse runs west-east above the northern boundary and through the site running north-south within the eastern running parcel. The land immediately surrounding the watercourse is located within Flood Zones 2 and 3, with the rest of the site in Flood Zone 1. There is also a high risk surface water pathway between the northern and southern fields.

All boundaries are defined by hedgerow, mature trees or woodland. The application site is bounded to the west by Shipley Road, to the north and northeast by Public Footpath 2803, and to the east and south by open fields and woodland, including Little Cockshill Wood (Ancient Woodland (AW)) and Great Cockshill Wood. PRoW 1957 which runs west-east, ending at the northwest corner of the site on the western side of Shipley Road. A local wildlife site owned by Horsham District Council (HDC) abuts the northern boundary, comprising Horsham Common, Coate's Furzefield, Constable's Furze and Ancient WoodlAW) Alder's Copse, the latter situated immediately adjacent to the northeastern boundary. AW Hartsgravel Wood lies in close proximity to the northwest - <15m in one location.

The nearest residential properties from the application red line boundary are Old Keeps Cottage approximately 110m to the northeast, Goffsland Bungalow and Farm approximately 245m to the northwest, and Pondtail Cottages approximately 345m to the southeast. Goffsland Farm is a Grade II listed farmhouse, approximately 440m northwest of the site boundary.

DESCRIPTION OF THE APPLICATION
Within the wider application red line boundary, a smaller area of some 6.1ha is to be occupied by the proposed 400MW BESS (Battery Storage Energy System) for a temporary duration of 40 years. The indictive layout shows this located within the northwestern part of the site, closest to Shipley Road. A development zone plan has been provided to secure this while also allowing for design flexibility with the final site set up. This provides greater distances from the nearest residential properties.

The works include the installation of the BESS site, along with associated infrastructure. The site is proposed to connect to the existing 400kW overhead lines.

The BESS compound will be surfaced with non-compacted gravel and comprise of:

- 52 Lithium-ion battery units each measuring 2.1m (w) x 3.2m (l) x 2.7m (h), to be arranged in rows of three to six units on a 15cm (h) concrete pad.
- 50 MV Twin Skid units measuring 4.3m (w) x 3.2m (l) x 2.5m (h).
- 80 Inverter / transformer units measuring 4.3m (w) x 3.2m (l) x 2.5m (h)
- 2 water tanks measuring 2.5m (h)

The associated infrastructure comprises of:

- 2.4m high steel palisade fence and double gates (green) around the BESS compound;
- CCTV cameras (2.5m – 3m poles)
- Two access routes off Shipley Road (one of which is an emergency access only)
- On-site sub-station and switch-room compound on gravel and concrete footings and contained by 2.4m high fencing measuring 770m x 868m with the tallest piece of equipment measuring 13m in height.
- Underground cabling within the site to connect the battery units and inverters to the proposed on-site substation.
- Manually operated or passive infrared sensor lighting system for in the event of night-time incident requiring maintenance attendance only.

The construction phase is expected to be between 12 and 15 months with proposed construction hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and no construction activities on Sundays or Public Holidays. Once operational, maintenance vehicles would visit the site every fortnight.

The remaining 11.6ha of the site is proposed for drainage, wildlife enhancements and planting. This includes new native hedgerows and trees and species rich wildflower grassland planting, and creation of aquatic habitats and bio-swale resulting in a 16.21% biodiversity net gain.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Shipley Neighbourhood Plan (2020):
Policy Ship HD3: High quality design

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this

application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Submission Horsham District Local Plan (2023-40):
Strategic Policy 1: Sustainable Development
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:
Shipley Design Guidance

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS
HDC Landscape Architect: No Objection.
The Council's Landscape Architect raises no objection subject to soft landscaping scheme and planting schedule to be secured by condition and following amendments to the Habitat Management and Monitoring Plan in regard to action for pernicious weeds.

HDC Conservation: Advice.

The Council's Conservation officer responded to provide advice that the opportunity will remain to understand and appreciate the significance of the listed buildings and their immediate setting without interference from the proposed structures, and that the harm to local non-designated heritage assets would be negligible.

HDC Environmental Health: No objection.
The Council's Environmental Health officer responded to raise no objection subject to planning conditions and made the following comments:

'The proposed development is for a battery storage facility of significant size, located in a green field site in an area with low ambient noise levels. There are several residential receptors who may be impacted by noise from the development, particularly at night, unless this is subject to adequate controls. It should be noted that the equipment and plant will run 24 hours.

The area is dark at night with no significant light sources nearby and therefore any lighting to the facility should be designed to minimise light spill, glare and sky glow. Where LED lighting is used the colour temperature of the lighting should not exceed 4000K.

Conditions are therefore recommended regarding the construction phase, noise control and lighting.'

HDC Biodiversity and Ecology Officer: No Objection.
The Council's Biodiversity and Ecology Officer has received the submitted information and raises no objection. They recommend that the habitats on the habitat creation tab of the metric (modified grassland and mixed scrub) be amended to medium strategic significance at discharge of condition stage. They also note that the Council can be assured that the vegetated areas acting as buffer zones for AW are not integral to the additional 10% net gain.

HDC Tree Officer: No objection.
[In full] The Council's Tree Officer responded to raise no objection subject to planning conditions and made the following comments:

'The site has both tree and woodland constraints to the boundaries and in groups/belts that accord with historic former field hedgerow boundaries. The relationship of the indicative site set up to these features could be undertaken in accordance with the design standard (BS5837) without detrimental physical impact on these features, with the exception of the vehicle access point widening/creation which will require some small tree/understorey removal.

Buffers to the adjacent Ancient Woodland can be reasonably maintained to physically protect the edge trees in accordance with relevant best practice.'

OUTSIDE AGENCIES
WSCC Highways: No objection.
WSCC Highways responded to raise no objection subject to a planning condition and informatives. They conclude that the proposal once operational will have very minimal movements to and from the site and that they do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

WSCC Rights of Way: No Objection.
WSCC Rights of Way responded that the proposal will not impact upon or proposed any alteration to the Public Right of Way and therefore raise no objection subject to the inclusion of recommended informative notes.

Ecology Consultant: No Objection.
The Ecology Consultant has reviewed the submitted information and raises no objection subject to the inclusion of four planning conditions on Ecological Appraisal Recommendations, Construction Environmental Management Plan, Biodiversity Enhancement Layout, and Wildlife Sensitive Lighting Design Scheme.

NatureSpace Partnership: Advice.

NatureSpace Partnership responded with advice that the proposed development would present a low risk to great crested newts and/or their habitats, however, as the development is within the red Impact Risk Zone, they recommended including an informative note on newts and provided additional recommendations to further reduce or completely avoid any risks.

Natural England (Bats): No Objection
Natural England (Bats) has reviewed the Bats Appropriate Assessment and concur with its conclusion that the proposal will not result in adverse effects on the integrity of the The Mens SAC, Ebernoe Common SAC, Arun Valley SAC, SPA, and Ramsar.

WSCC Fire Officer: No Objection
WSCC Fire Officer has reviewed the submitted information and raise no objection subject to the proposed control measures being secured through planning condition.

Lead Local Flood Authority (LLFA): No Objection.
The LLFA has reviewed the submitted Flood Risk Assessment and Drainage strategy and confirm these are in accordance with the NPPF and HDPF Policy 38. The LLFA recommend three planning conditions and an informative.

The Woodland Trust: Objection.
The Woodland Trust responded to raise an objection on the grounds that insufficient evidence has been provided on the presence of ancient or veteran trees within the site and therefore the Woodland Trust is unable to ensure appropriate protection for ancient or veteran trees within the site.

Community Safety Partnership: No views received.

PUBLIC CONSULTATIONS
Representations:
2 letters of Objection have been received from 1 address, objecting to the application on the following grounds:

- Principle of location not supported as outside BUAB in countryside.
- Design: Out of character in rural Shipley Parish and white units will be highly visible.
- Highway Access and Parking: Proposed access on a bend where two fatal accidents have occurred.
- Overdevelopment of site which otherwise supports agricultural productive and takes up a large area with excessively high capacity for energy storage.
- Privacy Light and Noise: Adverse visual and noise impact to public footpath, wildlife and highway users.
- Loss of General Amenity.
- Trees and Landscaping.
- High risk of contamination and pollution.
- Increase risk of flooding.
- No community wide benefit, i.e., no local employment.
- No consultation of wider Shipley Parish been undertaken.

4 letters for Support have been received from 4 addresses, supporting the application on the following grounds:

- Design: Very compact and well designed. Distanced from residents.
- Landscape: Well screened by trees and hedges and will be hardly visible one proposed landscaping is complete.
- Biodiversity: Enhances local biodiversity through landscaping and ecology plan
- Climate change – Need for BESS facilities to achieve net zero targets and expected increase in demand. Most efficient and flexible option for energy storage. Contributes towards Horsham District's zero carbon economy vision. Important role to play in the climate emergence as it allows more renewable onto the gird.
- Addresses potential fire safety risks and is distanced from residents.
- Not on high grade farming land so no significant loss of food producing land.

- Allows landowner to diversity income sources.
- Community benefit fund will provide meaningful and much-need contribution to local green initiatives over next 40 years.

Parish Comments:
Shipley Parish Council: Support
Shipley Parish Council responded to raise support subject to planning conditions for the use of green instead of white containers and to provide improved tree planting screen views from along Shipley Road.

Member Comments:
None received.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background:
Officers are aware of one other such installation built in the district, which gained a 25-year temporary consent under DC/16/1648 for a 10MW 'energy barn', along Kings Barn Lane, Steyning. The battery units in that instance are located within a barn structure which appears to reflect the rural location of the site, noting the adjacent cluster of farm buildings and elevated viewpoints available from the South Downs National Park. Another permission was granted for an 18MW installation located alongside a sewage works, also at Kings Barn Lane (ref: DC/18/0298), although it does not appear that this site has been implemented.

It is clear that the emerging climate crisis is leading the way for large-scale renewable energy installations, which are able to capture and generate significant 'green energy' gains. BESS installations are able to capture and store renewable energy within the National Grid's infrastructure, so that consumer demands during night-time hours and over darker winter months can be met. They can be allied with renewable energy installations, such as solar or wind, charging up a series of large-scale batteries at source, holding the energy until needed before discharging back into the grid network, or they can 'intercept' power from the grid, as would be the case in this application. Increasing energy sourced through solar and wind is intermittent throughout the year, and does not provide a constant energy source, so the BESS installations are able to 'fill' the gap.

The majority of BESS installations use Lithium-Ion (Li-Ion) batteries.

Principle of Development:
Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, setting out that there should be positive local strategies in place that *'maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)' (para 165).* Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy (para 168).

The accompanying Planning Practice Guidance to the NPPF sets out that planning for renewable and low carbon energy remains important as the ability to '*increase the amount of energy from renewable and low carbon sources will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment and new jobs and businesses.'* ('Renewable and Low Carbon Energy'; para 001). Officers note that para 032 of the PPG recognises the role which BESS installations can play in the wider national decarbonising ambitions, as the batteries would store the intermittent energy generated by way of solar and wind farms to create an optimised energy output back into the grid.

Policy 35 of the HDPF states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the districts carbon reduction targets as set out in the Council's Acting Together on Climate Change Strategy 2009. Such measures include the use of decentralised, renewable and low carbon energy supply systems. Policy 36 supports the provision of renewable energy schemes where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value, whilst Policy 2 supports development which adapts to climate change and helps to reduce the District's carbon emissions.

The Shipley Parish Neighbourhood Plan does not include policies directly addressing the delivery of renewable energy schemes such as the application proposals.

In June 2023, Horsham District Council declared a climate emergency and biodiversity crisis, aspiring to achieve a District-Wide Carbon Net Zero target by 2050. As part of the Climate Action Strategy (approved by cabinet, January 2024), it is noted that Horsham lags behind the national average for grid electricity met through renewables. Therefore, there is a district-wide ambition to decarbonise the district's energy consumption by maximising local low carbon and renewable energy generation, setting out a medium-term goal of encouraging large-scale low-carbon and renewable energy generation and storage solutions, which will in turn, take pressure off the national grid and reduce reliance on imported gas and electricity (Horsham District's Climate Action Strategy).

Having regard to the above policy framework it is considered that the principle of the proposal would be in accordance with local and national planning policies, subject to all other considerations as discussed and assessed below. It is considered that the above addresses representation concerns with regard to the principle of development.

Impact on Landscape Character:
Policies 2, 25 and 26 of the HDPF recognise the rural character and undeveloped nature of the countryside has a value that requires protection from inappropriate development. HDPF policy 36, which specifically addresses renewable energy schemes cites that permissions will be granted where there is no '*significant adverse effect on the landscape character'*, whilst policy 33 also requires development '*to relate sympathetically to the landscape'*. Shipley Neighbourhood Plan (SNP) Policy Ship HD3 requires new development to a scale and size which respects the character of the area.

The site's wider landscape context can be described as pastoral in nature, comprising a strong field pattern defined by hedgerow and hedgerow trees, interspersed by woodland, sporadic dwellings and farmsteads. At a district level, this site falls within G4 - Southwater and Shipley Wooded Farmlands Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment. Key relevant characteristics experienced within the site and contextual landscape include a gently undulating, strongly wooded landscape; many small to medium size woodland blocks enclosing an irregular pattern of pasture fields resulting in confined views; and small streams in gentle valleys. The area's overall sensitivity to change is identified as high, reflecting the area's many intrinsic landscape qualities, with small scale incremental change identified as one of the key sensitivities. Relevant planning and land management guidelines state to conserve the rural mostly undeveloped character of the area; and to restore hedgerows where they have been lost.

Existing and proposed access is from Shipley Road on the western boundary. There are multiple public right of ways (PRoW) in proximity, and views of the site can be experienced from PRoW 2803 and PRoW 1957. The rural qualities of the surrounding area and site's context is therefore valued by the

users that walk this footpath network and as such the predominantly undeveloped nature of the site is considered to indirectly contribute to the recreational enjoyment of the users of the footpath.

A Landscape Visual Impact Assessment (LVIA) has been submitted in support of the proposal. The LVIA establishes the baseline landscape and visual environment and considers the landscape and visual impacts of the proposed development alongside mitigation measures. The LVIA concludes that there is capacity for the landscape to accommodate the proposed development without causing significant landscape harm to the surrounding area and that visual effects would be limited in scale and extent, reducing overtime as proposed mitigation planting matures. Furthermore, the effects would be reversible following the removal of the proposed development and reinstatement of the present land management.

The Council's Landscape Architect has reviewed the LVIA against the Landscape Institute's Technical Guidance Note (2020) and has been found it to be compliant. The majority of conclusions are concurred with; however, they dispute judgements made in regard to pylons and power lines. For example, the LVIA suggests that the '*engineered appearance of the Proposed Development would not be at odds with the appearance of the existing pylons and power lines within the Site'* and that the '*associated impact on the character of the Site would be lessened, however, by the existing influence of the pylons and overhead power line*s'. It is the Council's Landscape Architect's judgement that the existing pylons are significantly less of an urbanising detractor than the proposed development, allowing for open views of the immediate landscape.

Notwithstanding this, the Council's Landscape Architect is satisfied that the landscape mitigation proposals, once established, will be successful in reducing the adverse visual effects identified from receptors within the footpath network, and in enhancing the well-treed character of the site and thus also positively contributing to the existing wooded character of G4 and the local area. They additionally concur with the conclusion that visual effects would be limited in scale and extent beyond the immediate vicinity of the site. The Council's Landscape Architect therefore raise no objection and recommends a planning condition for a soft landscaping scheme.

Shipley Parish Council support the proposed development but requested that the containers be finished in green rather than white. The applicant has confirmed that the containers shall be finished in green, and a planning condition has been included to secure this. This is considered to address Shipley Parish Council's comments and those received from representations in regard to the white units.

The proposed development will not therefore result in adverse landscape or visual impacts in accordance with HDPF Policies 2, 25 and 26.

Heritage Assets:
Policy 2(13) of the HDPF supports development which protects, conserves, and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions. Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource, and as such should be sustained and enhanced through positive management of development affecting heritage assets. Policy 34 (6) further requires development to secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

The application site is located in a rural location on the eastern side of Shipley Road. Within the more immediate vicinity of the site to the northwest is the grade II listed building of Goffsland Farmhouse (NHLE 1026926) whilst to the southeast is Pondtail Farmhouse (NHLE 1285265). The Heritage Desk Based Assessment identifies Cuckoo Barn (the remnants of a historic outfarm) to the south and it is agreed that these structures would be considered to be non-designated heritage assets. To the south of the A272 lies the Knepp Castle Historic Park and Garden.

The submitted Heritage Statement notes that the area proposed for battery storage would fall within the wider rural surroundings of a number of listed buildings. It would be suggested that Gofflands Farm, and Pondtail Farmhouse may be most at risk of changes to their significance. The proposed development would introduce battery containers, inverters, substation and other paraphernalia

surrounded by a 2.4-metre-high fence. These structures would have an industrial and utilitarian appearance not expected in a rural landscape.

In considering this whilst the proposed battery storage system will impact on the wider rural setting of these listed buildings, the Council's Conservation Officer states that this harm is lessened due to the intervening topography, and vegetation. They further consider that the opportunity will remain to understand and appreciate the significance of the listed buildings and their immediate setting without interference from the proposed structures.

With regards to Cuckoo Barn the remaining buildings are visible from the site within their rural context. The Council's Conservation Officer considers that due to the nature of these non-designated heritage assets that the impact on their wider setting would result in negligible harm. This harm although negligible is still considered to constitute harm and a balanced judgement would be required as per paragraph 216 of the NPPF. Accordingly, the proposed development would not adversely impact the preservation of local heritage assets in accordance with HDPF policies 2 and 34.

Amenity Impacts:
Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensuring unacceptable harm to amenity of neighbouring properties, such as overlooking or noise, is avoided.

Old Keepers Cottage is the nearest residential property, located approximately 125m northeast of the application site, although as the eastern side of the site is not proposed to be developed, the distance between this property and the proposed battery units and substation is closer to 300m. The application site is bounded by woodland and trees along the eastern boundary, such that the proposed development will be largely screened from Old Keepers Cottage. The next nearest properties are Goffsland Bungalow and Goffsland Farm located approximately 250m northwest of the application site, separated by Shipley Road, woodland, trees and an agricultural field. The Pondtail Cottages are located along the northern side of A272 between 300 and 400m to the south of the application site, also separated by woodland, trees and agricultural fields.

The proposal includes additional planting which will provide further screening to the west and north, and the applicant has confirmed agreement to the units to be finished in green instead of white to better assimilate into the landscape, as requested by Shipley Parish Council. In view of the distance from residential properties, natural screening, proposed planting and site design, it is not considered that the proposal will have an adverse impact to residential amenity in terms of daylight and sunlight, loss of privacy or an overbearing impact.

Potential noise impact is to be considered, particularly noting the low background noise environment during the night-time in such rural locations. Paragraph 198 of the Framework confirms that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, inter alia, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The applicant has provided a Noise Impact Assessment in support of this application, which identifies potential noise generation from the proposed plant against existing sound levels but that the sound levels ratings are below the measured background sound level in the area, at the assessed residential receptors, thus giving rise to a low impact in accordance with BS 4142:2014+A1:2019. The Council's Environmental Health Officer has reviewed this and note that the proposed development is for a battery storage facility of significant size, located in a green field site in an area with low ambient noise levels. There are several residential receptors who may be impacted by noise from the development, particularly at night, unless this subject to adequate controls. It should be noted that the equipment and plant will run 24 hours. They therefore recommend planning conditions to secure the details and specifications within the Noise Impact Assessment, to ensure the noise levels are controlled as proposed. Therefore, with the Noise Impact Assessment measures secured, the proposed

development is unlikely to lead to permanent and adverse loss of residential amenities on the occupants of nearby properties, such that conflict with policy 33 of the HDPF would not arise.

As the area is dark at night with no significant light sources nearby, the proposed development has the potential to generate lighting impacts. The submitted materials state that only manually operated or passive infrared sensor lighting system for in the event of night-time incident requiring maintenance attendance is proposed. The Council's Environmental Health Officer advises that any lighting to the facility should be designed to minimise light spill, glare and sky glow, and where LED lighting is used the colour temperature of the lighting should not exceed 4000K. They have recommended lighting planning conditions accordingly. With these planning conditions on lighting, the proposal is unlikely to give rise to adverse lighting impacts to residential amenity and the amenities of users along Shipley Road or Public Footpath 2803 in accordance with HDPF policy 33.

It is considered that amenity concerns raised by representations have been addressed within this section.

Highways Impacts:
HDPF Policy 40 supports development which provides safe and suitable access, minimises traffic conflict with highway users, and is integrated with the wider network of routes. HDPF Policy 41 requires adequate parking and facilities to meet the needs of anticipated users.

The site is accessed from A272 West Chiltington Lane, via Shipley Road. Shipley Road is subject to a speed restriction of 60 miles per hour. Automatic Traffic Count (ATC) surveys were commissioned in June 2023 which have recorded 85th percentile speeds of 48.4mph in both directions, with approximately 13.4% HGV movements. In accordance with DMRB guidance, minimum visibility splays of 2.4 metres x 109.3 are achievable along both sides of Shipley Road, as demonstrated within drawing ref. SK01. There is an emergency access provided to the south of the existing access. Swept path tracking diagrams within the Transport Statement (TS) demonstrate the suitability of the main access for a 16.5 metre HGV which is the largest vehicle intended to access the site and a fire tender accessing the emergency access. WSCC Highways confirm that Sussex Police data shows that over a period of the past five years reveals there have been two reported incidents of 'Slight' injury near to the site access. These incidents were caused due to driver behaviour / careless driving with no evidence to suggest any pattern. WSCC Highways raise no objection to the proposed access arrangements. The proposed access arrangements are therefore in accordance with HDPF Policy 40. This is considered to address the concerns raised by representations in regard to the proposed access and accident data.

The access route is also a public right of way (PROW). The WSCC PROW team raise no objection as the proposed development is not considered to impact upon or alter the PROW in accordance with HDPF Policy 40.

The construction phase is expected to take between six to eight months. During this time, a maximum of 475 deliveries are anticipated at an average of 4 delivers (8 movements) per day (based on a six month construction period), although accounting for a 25% buffer this would equate to 584 total deliveries at an average of 5 deliveries (10 movements) per day. In addition to this, approximately 30 construction workers will be required on site per during the construction phase, resulting in a maximum of 40 additional vehicle movements to and from the site per day. Construction hours will be limited to avoid peak traffic hours and a construction vehicle route is proposed with the site accessed from the south via the A24, A272 and then Shipley Road. To minimise the impact of the construction traffic on the local highway, an outline Construction Traffic Management Plan (CTMP) has been submitted. The CTMP mitigation measures include signage along the construction vehicle route, provision of a site access banksmen, avoiding travel during peak periods, provision of a booking system to manage arrival and departures, on-site parking, wheel wash facility, noise reduction and air quality measures, and commitment to engage with local community. Details of the on-site parking will be subject to the finalised site layout to be required by planning condition. A temporary uplift in traffic is expected as part of the construction phase, but this would not be adverse particularly in view of the proposed mitigation measures.

WSCC Highways recommends that the applicant contacts the area highway office manager and local traffic engineer / steward as soon as possible to discus and agree on the expected level of mitigation

that would be required. This should also include an inspection of the route from the A272 to the site, to assess the condition of the roads. The applicant maybe required to enter into a Section 59 agreement to ensure that any damage caused to the highway (including the verges) is rectified at the expense of the developer. WSCC Highways recommends that an updated CTMP be required by planning condition, which should include a plan illustrating the hold off areas for delivery vehicles. They recommend early consultation with the area highway office on the updated CTMP as well. A planning condition requiring an updated CTMP has been included along with an informative advising the applicant to engage with the area highway office manager in advance of the updated CTMP submission.

Once operational, the proposal will have very minimal movements to and from the site with maintenance vehicles would visit the site every fortnight. Accordingly, WSCC Highways are satisfied that the proposal will not have a noticeable impact on local traffic in accordance with HDPF Policy 40.

WSCC Highways do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, WSCC Highways raise no objection and confirm the proposal accords with NPPF paragraphs 115-117.

Biodiversity, Ecology and Trees:

Biodiversity
Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The applicant has submitted a Biodiversity Metric which demonstrates a 16.2 % net gain is achievable by way of onsite biodiversity gains. This is achieved through new tree and shrub planting, meadow, tussock, neutral, marshy and lowland grassland area, wetland areas and log piles as illustrated on drawing ref: 1328/6 Landscape and Ecology Mitigation and Enhancement Strategy. The Council's Biodiversity and Ecology Officer has reviewed the submitted metric and raises no objection. They note that the Council can be assured that the vegetated areas acting as buffer zones for AW are not integral to the additional 10% net gain. They also recommend that the habitats on the habitat creation tab of the metric (modified grassland and mixed scrub) be amended to medium strategic significance at discharge of condition stage. Accordingly, the proposal achieves a biodiversity net gain of 16.2% through onsite biodiversity gains and therefore meets the mandatory national 10% requirement.

Trees
Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. Policy 33 of the HDPF also requires developments to presume in favour of the retention of existing important landscape and natural features, including trees.

To facilitate the proposed development, T7 (category C field maple) and a 7m section of G13 (category B) will need to be removed to establish the main site access and emergency fire access points. No other trees are proposed to be removed. The remaining trees are either sufficiently distanced outside of the proposed development area or their root protection areas will be protected by tree protection fencing as illustrated on drawing ref: BHA_5552_02 Tree Retention and Removal Plan. Furthermore,

underground cabling will also be located outside of any tree root protection areas and a minimum 15m buffer zone for the nearby ancient woodland and veteran trees.

The Council's Tree Officer advises that the indicative site set up demonstrates that the proposed development could be undertaken in accordance with the design standard (BS5837) without detrimental physical impact on the sites tree features, with the exception of the vehicle access point widening/creation which will require some small tree/understorey removal. They further confirm that buffers to the adjacent Ancient Woodland can be reasonably maintained to physically protect the edge trees in accordance with relevant best practice. Accordingly, the Council's Tree Officer raises no objection to the proposed development subject to planning conditions.

The Woodland Trust initially objected to this proposal on the grounds that insufficient information on the presence of veteran trees on site and therefore whether appropriate protection is being provided. In response to this, the applicant advised that their arboriculturist has visited the site and confirms there are no veteran trees on site. The Woodland Trust are not satisfied that this addresses their concerns and therefore maintain their objection. The Council's Tree Officer has also visited the site and confirm that there are no veteran trees on site. Therefore, it is considered that no additional information is required in regard to the presence of veteran trees on site and that veteran trees will be sufficiently protected as part of the proposed development.

To compensate for the small loss of trees and provide an enhancement to the site, the proposal includes new tree planting to the east, south and west of the proposed development area.

Ecology
Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

An Ecological Impact Assessment (EcIA) has been submitted in support of this application. The EcIA has identified the potential for the presence of protected species including bats, badger, and nesting birds within the site. The EIA concludes that any residual impacts are minimal and unlikely to be ecologically significant or have a negative effect on conservation status of any habitat or species identified. The EcIA therefore outlines timing restrictions and precautionary working methods to address any predicted impacts to protected species during works.

The Ecology Consultant has reviewed the submitted information and raises no objection subject to the inclusion of four planning conditions on Ecological Appraisal Recommendations, Construction Environmental Management Plan, Biodiversity Enhancement Layout, and Wildlife Sensitive Lighting Design Scheme. NatureSpace Partnership responded with advice that the proposed development would present a low risk to great crested newts and/or their habitats, however, as the development is within the red Impact Risk Zone, they recommended including an informative note on newts and provided additional recommendations to further reduce or completely avoid any risks. Natural England (Bats) has reviewed the Bats Appropriate Assessment and concur with its conclusion that the proposal will not result in adverse effects on the integrity of the The Mens SAC, Ebernoe Common SAC, Arun Valley SAC, SPA, and Ramsar.

Accordingly, the proposal is not considered to result in adverse ecological impacts and appropriate measures are proposed to ensure the protection of protected species in accordance with HDPF policy 31.

Other Matters:

Fire Safety:

This is the first application for a battery farm within Horsham district of this size, with the previous applications having been only small in comparison (10MW, 18MW and 57MW compared to the proposed 400MW).

The PPG refers local planning authorities to consider the guidance produced by the National Fire Chiefs Council (NFCC) on BESS developments. In response to the likely fire risks, the NFCC guidance sets out recommendations that such installations be provided with detection systems, and alerts triggered, fire suppression / sprinkler systems, adequate cooling, venting and risk management plans, which should be kept up to date and drafted in conjunction with the local FRS.

Furthermore, the NFCC guidance sets out a number of practical measures in relation to the BESS siting and layout which should enable safe access to the site in emergency events and avoid the spread of thermal runaway.

In terms of site access, the NFCC guidance expects:

- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.
- A perimeter road or roads with passing places suitable for fire service vehicles.
- Road networks on sites must enable unobstructed access to all areas of the facility.
- Turning circles, passing places etc. size to be advised by FRS depending on fleet.

Spacing between BESS units is advised at 6m, unless suitable design features can be introduced to reduce that spacing, providing clear evidence for any such reduction. There should be no double-stacking of units, and a minimum distance of 25m should be achieved between occupied buildings and the site boundaries. The NFCC guidance also advises that areas within 10m of the BESS installation boundary should be cleared of vegetation / combustible materials and kept in such a condition so as to not increase the risk of fire, including wildfires.

The supply of water to the site, or available at the site, for any fire-fighting and appropriate suppression systems would depend on the size of the installation and system design. To ensure there is a sufficient supply of water for firefighting and a potential duration of any fire, it is expected that there is a water supply available on site to provide a minimum of 1,900litres /minute for at least 2 hours (requiring at least 228,000 litres of water storage on site), with these tanks located at least 10m from the nearest BESS unit. Aligned with this, is a consideration of potential water run-off and subsequent environmental impact and associated mitigation measures, given the toxicity of the Li-Ion batteries. At the current time, BESS installations do not fall under 'regulated facilities' which require permits from the Environment Agency, although officers understand that this is currently subject to wider government reviews. The disposal of Li-Ion batteries is covered by relevant legislation.

In support of this application, the applicant has submitted a Battery Safety Standards Report, an Energy Rub Site Safety Report and drawing ref: DGP5.0 Rev 15 NFCC Compliance Plan, which confirms the following:

- Two access points to the site are located to the west of the BESS off Shipley Road, which is upwind of the BESS site given the prevailing wind direction from this location.
- The proposed access roads are a minimum of 3.7m in width and will support the 18 tonne axle weight of a West Sussex Fire Rescue Service fire appliance and swept paths. Passing places are also provided along the primary access route.
- Battery spacing will be confirmed as part of the detailed design site layout stage. The submitted indicative layout is based on an existing BESS which is designed and tested at 3m spacing. Any reduction below 6m spacing will be designed by a competent fire engineer and supported by full scale fire testing and/or modelling.
- Battery containers are all single level i.e. not stacked, as illustrated on drawing ref: DG6.0 Rev 05 Battery Elevation Plan.
- The Battery units are 28m from the nearest PROW and 45m from Shipley Road.

- A 10m buffer is proposed between battery units and combustible vegetation.
- A 228,000 litre water tank is proposed at the site entrance capable of delivering 1900 litres per minute for 2 hours. Furthermore, water hydrants are proposed at 45m radius coverage capable of delivering a minimum of 25 litres per second flow rate. An inlet connection is also proposed to enable refuelling of tank by bulk water carrier.
- As set out in the Drainage and Flood Risk section below, the proposal includes appropriate drainage systems to control water run-off and any contamination.
- Three First Responder panels (Annunciation Panels) are positioned at appropriate locations within the site to ensure that they are accessible by Fire Reserve services in the event of a fire incident.

The PPG: 'Low Carbon and Renewable Energy' was updated in August 2023, advising local planning authorities that, on applications for BESS over 1MW, they should consult with the relevant local fire and rescue service prior to deciding the planning application, so that '*matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made'*.

Accordingly, the WSCC Fire and Rescue Service (FRS) have reviewed and engaged with the applicant on this proposal. They raise no objection to the proposed development, subject to the proposed control measures being secured.

With this in mind, the proposal has demonstrated that the fire risks of the development proposals can be suitably mitigated in this location. The proposal would therefore accord with the provisions of policies 2(13), 24, and 31 of the HDPF (2015).

Drainage and Flood Risk:
The land immediately surrounding the watercourse is located within Flood Zones 2 and 3, with the rest of the site in Flood Zone 1. The proposed site accesses and development area is located within Flood Zone 1. There is also a low, medium and high risk surface water pathway between the northern and southern fields, which originates on site. There are some small areas of medium surface water flood risk within the development area, with surface water depths of 300-600mm, however no built development is proposed in these areas. As no medium and high surface water flood risk is located where built development or accesses are proposed, a sequential test is not required in this case in accordance with NPPF paragraph 175. Some of the proposed built development would be located within the low surface water pathway, however paragraph 27 of the NPPG is clear that a sequential test is not required where the site is in an area of low risk of any flooding, therefore a sequential test is also not required in this case.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of this application. The proposed drainage strategy comprises of a 200mm-400mm aggregate drainage blanket with check dams is proposed to prevent uncontrolled runoff. Furthermore, a number of cascading terraces are also proposed to provide attenuation and accommodate the change in ground levels across the site and optimise the extent of groundworks. The flow between the terraces will be controlled by HydroSlides flow control devices. The discharge from each area will be limited to Qbar rate via Hydro-Slides for all rainfall events up to the 100 years plus 45% rainfall event. The Hydro-Slides will discharge into 0.5m wide and 0.3 m deep swales located to the east of the proposed development which will flow into Shipley Stream.

To prevent the discharge of runoff from the site that might be contaminated as a result of water being applied to cool the units adjacent to an alight container and around the boundaries of a battery fire, penstocks and an impermeable membrane have been included in the drainage system. In the event of a fire, the penstocks would be closed until any contaminated water has been removed and appropriately disposed of as soon as possible following an incident.

The Lead Local Flood Authority (LLFA) has reviewed the submitted information and are satisfied that the details accord with the NPPF and HDPF policy 38. The LLFA has initially requested additional information and following the submission of a FRA Addendum, they raise no objection and recommend

planning conditions for detailed drainage plans. The FRA demonstrates that the proposal will not increase flood risk on or off site in accordance with HDPF policy 38. It is considered that flood risk and contamination concerns raised by representations have been addressed within this section.

Farm Diversification:
The NPPF (para 180b) recognises the economic and other benefits of best and most versatile agricultural land (BMV) and that planning decisions should contribute to and enhance BMV. The glossary in the NPPF defines BMV as land in grades 1, 2 and 3a of the Agricultural Land Classification.

According to the Natural England ALC map (Agricultural Land Classification, the grading for this site is Grades 3 (good to moderate) and 4 (poor) and the predictive BMV Land Assessment is predominately low likelihood of BMV land (<=20%). The DEFRA magic maps also categorise this area as Grade 3 and Grade 4. The Planning, Design and Access Statement confirms that an Agricultural Land Classification survey has been conducted (also included within the submission), which confirms that the land is Grade 3b and therefore not considered to be BMV land. Accordingly, the proposal will not result in the loss of BMV as per paragraph 187b of the NPPF.

Officers acknowledge that objectors refer to the potential loss of productive agricultural land. As noted above, agricultural land classified as being Grade 3b is not considered within the definition of best and most versatile (BMV) land. Unlike solar farms, the proposed BESS installation would not allow for any grazing to take place within the site, thus effectively removing the landform farming use throughout its anticipated lifespan of 40 years. However, once decommissioned, there is potential that the land could be restored to some beneficial rural land use.

Water Neutrality:
The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

In this instance, there is no clear or compelling evidence to suggest the nature of the proposed development would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The proposal does not include the provision of staff facilities within the site, with regular maintenance visits anticipated only.

Whilst there may be some water use during construction work, this has previously been agreed by Natural England to form part of the historic baseline of construction water use experienced in the district prior to the Position Statement. It is not considered that the weekly maintenance visits would create a mains water demand with the applicant confirming that the proposed development would not be connected to the mains. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The issue of climate change has grown significantly in national and international importance, reflected in a series of policies and strategies that seek to promote and support renewable and low carbon energy generation, including the 25 Year Environmental Plan; the Sixth Carbon Budget; the UK Net Zero strategy; the Energy White Paper; the Environment Act 2021; the British Energy Security Strategy; the Net Zero Strategy: Build Back Greener as well as local climate change action priorities, including Horsham's own Climate Action Strategy – Jan 2024.

The proposed battery farm would have a storage capacity of up to 400MW, which has the ability of providing a stable energy supply, supporting wind and solar power generation, which are noted to be intermittent in their nature. This is a substantial benefit that attracts significant weight in the planning balance. However, the current grid connection would not be until 2031. Overall, the proposal would contribute towards achieving the UK's Net Zero target. Given this imperative, the benefits of this proposal attract significant weight in mitigating the effects of climate change.

Although there is clear support for BESS developments within the context of national policy, it is important that such facilities are appropriately located. Furthermore, the siting of BESS installations need to take account of the advice set out by the National Fire Chiefs Council (NFCC). In this instance, with the proposed mitigation and enhancement planting the proposed development would not give rise to significant adverse landscape and visual impacts. The proposal is also NFCC complaint and would not give rise to increased risk of flooding both on and off site. The site is also sufficiently distanced from nearby residents such that the proposal would not result in adverse residential amenity impacts nor adversely impact the preservation of local heritage assets. The proposal would achieve 16.2% biodiversity net gain on site and is acceptable in regard to highway safety.

Therefore, the proposed development is not considered to give rise to any harm that could not be adequately mitigated or outweigh the significant benefits arising by way of the scheme.

The recommendation of officers is therefore to permit the application, subject to the completion of a legal agreement.

Recommendation: Application permitted

Conditions:

1. **Approved Plans List**

2. **Standard Time Condition:** The development hereby permitted shall begin before the expiration of five years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC Highways. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
   - the anticipated number, frequency and types of vehicles used during construction,
   - the method of access and routing of vehicles during construction,
   - the parking of vehicles by site operatives and visitors,
   - the loading and unloading of plant, materials, and waste,
   - the storage of plant and materials used in construction of the development,
   - the erection and maintenance of security hoarding,
   - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
   - details of public engagement both prior to and during construction works.

   All construction activities shall thereafter be carried out in accordance with the details and measures approved.

   Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** Notwithstanding the submitted plans, no development shall begin until the following details have been submitted to and approved in writing by the Local Planning Authority:

   a) Final layout of the Development Zone shown on drawing ref: DGP3.0 Rev 14 Development Zone Plan showing all internal roads and hardstanding, locations of batter containers and all associated infrastructure including transformers, inverters, switchroom, hydrants and water storage and any other ancillary buildings, containers and equipment, all enclosures and fencing and locations of CCTV cameras.
   b) Details, including elevations, materials, colour and finish, of the battery containers and associated infrastructure listed in (a) above.
   c) Types and total number of batteries and types of containers.
   d) Full details of security measures including CCTV systems.

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

   Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

5. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

   Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall refer to all trees on the site shown for retention on approved drawing number BHA_5552_02 Tree Retention and Removal Plan, as well as those off-site whose root protection areas ingress into the site, and that they will be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
   The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

   Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

   Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence until a lighting design scheme for biodiversity and in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obtrusive light has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, schedule of luminaires, Isolux drawings and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the residential amenity, ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

8. **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network including the connection to the watercourse, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment and Drainage Strategy by RMA Environmental, 2nd September 2024 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

   Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

   i. A named person for residents to contact;
   ii. Detailed Site logistics arrangements;
   iii. Details regarding parking, deliveries, and storage;
   iv. Details regarding dust mitigation measures to be deployed;
   v. Details of other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

   The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

   Reason: As this matter is fundamental in the interests of road safety and visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement Condition:** Notwithstanding the details hereby approved, no earlier than 6 months prior to the anticipated commencement of development, an updated Battery Safety Standards Report and an updated Site Safety Report / Fire Safety Report in accordance with the latest safety standards shall be submitted and approved in writing by the Local Planning Authority.

    Reason: To accord with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement (Slab Level) Condition:** No development above slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the

Ecological Impact Assessment (BSG Ecology, November 2024) shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

12. **Pre-Operation Condition:** Prior to first operation of the development hereby permitted, the water tank shall be filled with water sourced from outside the Sussex North Water Supply Zone by a bulk water carrier and ready for use in accordance with drawing ref: DGP5.0 Rev 15 NFCC Compliance Plan.

    Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015) and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

13. **Pre-Operation Condition:** The installation of all fixed mechanical equipment and building services plant hereby approved shall be undertaken in accordance with the submitted details and specifications as detailed in the Inacoustic Ltd Noise Assessment for Planning Application report dated 8th August 2024, reference Project No 23-064. Prior to first operation, a post installation letter report, including suitable measurements of noise below 250Hz, confirming compliance with the standards approved shall be submitted by a suitably qualified person and approved in writing by the local planning authority. Any additional steps required to mitigate the noise impact shall be identified and implemented within 3 months of first occupation. The approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.

    Reason: To safeguard residential amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14. **Pre-Operation Condition:** Before first operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01-21. The validation report shall be submitted to and approved by the local planning authority and the approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.

    Reason: As these matters are fundamental to safeguard the residential amenity, ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

15. **Pre-Occupation Condition:** Prior to the first operation of any part of the development hereby permitted, details of soft landscaping works to include Planting schedule specifying plant numbers, sizes and species in Latin names, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first operation of any part of the development.

    Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous

written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** The development hereby approved shall not be first operated until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    i. a timetable for its implementation;
    ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect; and
    iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

    Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

17. **Pre-Occupation Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first operation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

18. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BSG Ecology, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licensed Precautionary Method Statement for Hazel Dormouse in Appendix 6 and the Precautionary Method Statement for reptiles in Appendix 5 of the Ecological Impact Assessment (BSG Ecology, November 2024). This avoids impacts on European Protected Species and protected species. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

    Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as

amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

19. **Regulatory Condition:** All site access shall be by the proposed site access off Shipley Road as shown hatched blue on the drawing ref: DGP3.0 Rev 14 Development Zone Plan. The emergency access shown hatched red on the approved Development Zone Plan shall be used in emergencies only.

    As this matter is fundamental in the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

    Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** The development hereby permitted shall be removed and the land shall be restored to its former condition on or before on or before 40 years from the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

    Reason: The proposed development is not considered satisfactory as a permanent measure in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

NOTE TO APPLICANT

The Biodiversity Gain Plan shall be accompanied by an updated BNG metric. The updated BNG metric shall include habitats on the habitat creation tab of the metric (modified grassland and mixed scrub) amended to a medium strategic significance.

NOTE TO APPLICANT
Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

NOTE TO APPLICANT
For plant stock used in proximity to Ancient Woodland, please ensure only locally sourced planting stock is used from suppliers of accredited UK Sourced and Grown stock, in accordance with Woodland Trust guidance. Supplier information must be made available upon request.

NOTE TO APPLICANT
The applicant is advised to engage with the area highway office manager in advance of the updated CTMP submission.

NOTE TO APPLICANT
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

NOTE TO APPLICANT
A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.
B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.
C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.
I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.
J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public.

The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.
K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.
L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.
M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.
N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.
O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1289
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location Plan	Location Plan	DGP1.0 Rev 06	23.08.2024
Location Plan	Existing Site Plan	DGP2.0 Rev 06	23.08.2024
Layout Plan	Development Zone Plan	DGP3.0 Rev 14	23.08.2024
Site Plan	Proposed Indicative Site Layout	DGP4.0 Rev 20	23.08.2024
Layout Plan	NFCC Compliance Plan	DGP5.0 Rev 15	23.08.2024
Plans	Battery Elevation Plans	DGP6.0 Rev 05	23.08.2024
Plans	Container Elevations Plans	DGP7.0 Rev 04	23.08.2024
Plans	MV Skid Elevation Plans	DGP8.0 Rev 04	23.08.2024
Plans	PCSK Inverter Elevation Plans	DGP9.0 Rev 04	23.08.2024
Plans	Substation Compound Fence and Gates Elevation Plan	DGP10.0 Rev 03	23.08.2024
Plans	CCTV and Camera Column	DGP11.0 Rev 03	23.08.2024
Plans	Substation Elevation and Floor and	DGP12.0 Rev 03	23.08.2024

	Elevation Plan		
Elevation and Floor Plan	Water Tank and Pump Elevation Plans	DGP13.0 Rev 05	23.08.2024
Plans	Internal Access Road Plan	DGP14.0 Rev 03	23.08.2024
Plans	ACC/DCC Panel Elevation Plan	DGP15.0 Rev 04	23.08.2024
Elevation and Floor Plan	Switchroom Elevation and Floor Plans	DGP16.0 Rev 03	23.08.2024
Layout Plan	Water Hydrant Elevation Plan	DGP17.0 Rev 03	23.08.2024
Plans	Landscape and Ecology Mitigation and Enhancement Strategy	1328/6	23.08.2024
Plans	Sensitive Receptors Plan	DGP18.0 Rev 02	23.08.2024
Plans	Swept Path Analysis of a 2.55m Articulated HGV	SK01 Rev D	23.08.2024
Plans	Swept Path Analysis of A 2.55m Wide Fire Appliance Using Internal Access Tracks	SP03 Rev 02	23.08.2024
Plans	Swept Path Analysis of A 2.55m Wide Fire Appliance Using Emergency Access	SP02 Rev A	23.08.2024
Supporting Statement	Agricultural Land Classification	R0014	23.08.2024
Supporting Statement	Groundworks Indicative Isopachyte and Cross Sections	R0014a	23.08.2024
Supporting Statement	Groundworks Preliminary Risk Assessment	R013	23.08.2024
Supporting Statement	Groundworks Preliminary Risk Assessment Part 2	GS-FMS-W8I-JQV-CQJ	23.08.2024
Supporting Statement	Groundworks Preliminary Risk Assessment Part 3	GS-FMS-W8I-JQV-CQJ	23.08.2024
Supporting Statement	Battery Safety Standards Report	R012A	23.08.2024
Supporting Statement	Arboricultural Impact Assessment	R0011	23.08.2024
Supporting Statement	Statement of Community Involvement	R010	23.08.2024
Supporting Statement	Knepp Energy Hub – Consultation Approach Appendices 1 - 10	None	23.08.2024
Supporting Statement	Knepp Energy Hub – Consultation Approach Appendices 10 - 21	None	23.08.2024
Supporting Statement	Noise Impact Assessment	R009	23.08.2024
Supporting Statement	Heritage Desk Based Assessment	R007	23.08.2024
Supporting Statement	Landscape and Visual Impact Assessment	R005	23.08.2024
Supporting Statement	LIVA Context Plans ZTV's and Site Photos	None	23.08.2024
Supporting Statement	Transport Statement and Outline Construction Traffic Management Plan	R004	23.08.2024
Supporting Statement	Transport Statement Figures	2302-011/CTMP/01	23.08.2024
Supporting Statement	Outline Construction Traffic Management Plan	2302-011/CTMP/01	23.08.2024
Supporting Statement	Planning, Design and Access Statement	R003	23.08.2024
Supporting Statement	Flood Risk Assessment and Drainage Strategy	RMA-C2564	11.09.2024
Supporting Statement	BNG Metric (pdf)	None	11.09.2024
Supporting Statement	BNG Metric Calculation Spreadsheet	None	08.11.2024
Supporting Statement	Ecological Impact Assessment	None	08.11.2024
Supporting Statement	Habitat Management and Monitoring Plan	None	08.11.2024
Supporting Statement	Flood Risk Assessment Addendum	None	08.11.2024
Supporting Statement	Cover Letter of amendments	None	08.11.2024
Supporting Statement	Energy Hub Site Safety Report	None	08.11.2024

DELEGATED

Case Officer sign/initial Stephanie Bryant Date: 04.02.2025

Authorising Officer sign/initial	Adrian Smith	Date:	11/02/2025