



Delegated Officer Report

Application Ref:	20250730
Site Address:	Land Adjacent To Thames Way Northfleet Gravesend
Application Description:	Installation of electricity infrastructure including a battery energy storage system, sub station and ancillary electrical infrastructure and creation of a new vehicular access to the A226.
Applicant:	Mr Gareth Hawkins
Ward:	Northfleet And Springhead
Parish:	Non-Parish Area
Decision due date:	13 November 2025
Publicity expiry date:	4 December 2025
Recommendation:	Permission subject to the imposition of planning conditions.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is land to the southwest of Thames Way, to the northeast of the sewage works. The site is currently scrubland.
- 1.2. The site is located within the urban area of Northfleet, in an area of archaeological potential, together with being a biodiversity opportunity area and partly being within Flood Zones 2 and 3.

Satellite Image



1.3. The following documents and plans have been submitted with the application:

Superseded Plans:

SG-GRAVESEND-LND-PLN-120
 SG-GRAVESEND-LND-PLN-120.B
 SG-GRAVESEND-LND-PLN-110

Plans

Drawing no. SG-GRAVESEND-LND-PLN-120 rev C (site location plan)
 Drawing no. SG-GRAVESEND-CIV-PLN-100 rev I (proposed site layout)
 Drawing no. SG-GRAVESEND-LND-PLN-110 rev A (land ownership plan)
 Drawing no. SG-GRAVESEND-ARC-DRG-208 (proposed grid compound elevation)
 Drawing no. SG-GRAVESEND-ARC-DRG-207 (proposed CCTV and fence elevation)
 Drawing no. SG-GRAVESEND-ARC-DRG-206 (proposed water tank plan and elevation)
 Drawing no. SG-GRAVESEND-ARC-DRG-205 (proposed DNO cabin plan and elevations)
 Drawing no. SG-GRAVESEND-ARC-DRG-204 (proposed aux transformer plan and elevations)
 Drawing no. SG-GRAVESEND-ARC-DRG-203 (proposed LV room plan and elevations)
 Drawing no. SG-GRAVESEND-ARC-DRG-202 (proposed switchroom plan and elevations)
 Drawing no. SG-GRAVESEND-ARC-DRG-201 (proposed PCS and transformer plan and elevations)
 Drawing no. SG-GRAVESEND-ARC-DRG-200 (proposed BESS plan and elevations)

Documents

Application form
 Highways search plan
 Land registry plan
 Reptile Mitigation Strategy by Calumma Ecological Services
 Dormouse Mitigation Strategy by Calumma Ecological Services
 Principles for Firewater Management by Speed Green Local Energy
 Phase 1 Environmental Report by Contaminated Land Solutions
 Outline Battery Safety Management Plan by Speed Green Local Energy
 Planning, Design and Access Statement by Speed Green Local Energy
 Flood Risk Assessment for Planning by Unda

Preliminary Ecological Appraisal by Calumma Ecological Services
Outline Battery Safety Management Plan
BNG Metric
Construction Traffic Management Plan by Stomor
Biodiversity Net Gain Baseline Assessment by Ecology and Land Management
Noise Impact Assessment by dB Consultation Ltd

2. Relevant Planning History

Reference	Description	Decision	Decision Date
20250071	Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of an EIA Screening Opinion to determine whether a proposed Battery Energy Storage System (BESS) located on land at Thames Way, Northfleet, DA11 8HN constitutes EIA development.	Environmental Impact Assessment Not Required	16.05.2025

3. Proposal

- 3.1. The application is for the construction of a battery energy storage system, comprising battery containers, transformers, high voltage electrical substation and ancillary infrastructure including underground cabling, fencing, CCTV, internal access tracks and water storage tanks for a temporary period of 40 years.
- 3.2. The proposal includes the construction of a new access from Thames Way with access track within the site.
- 3.3. The compound would be bounded by a 2.1m high perimeter fence with a 4m high acoustic fence barrier, with 2.1m high gates on both the eastern and northern entrances.
- 3.4. Within the compound, there would be a cabin for MV (medium-voltage) room, control and spares, one auxiliary transformer, an LV (low-voltage) store, 12no. BESS (battery energy storage system) stores and 6no. PCS (power conversion system) units.
- 3.5. Outside of the compound but within the site area, there would be one DNO (distribution network operator) cabin and 1no. emergency water tanks.
- 3.6. The proposed development would comprise a range of operational structures associated with the battery energy storage facility. The tallest of the proposed compound structures would have a maximum height of 7.29 metres above ground level.
- 3.7. The proposed DNO (Distribution Network Operator) Cabin would have a maximum height of 3.5 metres.
- 3.8. The proposed LV (Low Voltage) Room would have a maximum height of 3.4 metres.
- 3.9. The proposed switchroom would also have a maximum height of 3.4 metres.
- 3.10. The proposed Power Conversion System (PCS) and transformer units would each have

a maximum height of 3.4 metres.

3.11. The proposed water tanks would have a height of 3.5 metres.

3.12. The proposed auxiliary transformer would have a maximum height of 2.9 metres.

3.13. The following plan shows the layout of the proposed development.

Proposed Site Plan



3.14. The proposed development comprises of a battery energy storage system (BESS), a high voltage substation (HVSS) and associated electrical and ancillary infrastructure.

3.15. The proposed development will connect to the UK Power Networks (UKPN) Northfleet East substation situated 1km to the southeast. The connection will be via underground cabling with the cable laid in the highway. The cable route is approximately 1.5km in length.

3.16. The site will be accessed from via the A226 and from the access road which leads to the Sewage Treatment plan.

- 3.17. The applicants supporting planning statements confirms that once operational there is no requirement for permanent staff to be located on the site, save for maintenance visits approximately once or twice a month.
- 3.18. The proposed development will cease operation after a period of 40 years, which would be subject to a Decommissioning Environmental Management Plan (DEMP).
- 3.19. The proposed development including the ground fixings is fully reversible and all structures can be removed from the site and the site fully returned to its previous use.
- 3.20. Additional land adjacent to the redline plan is included within the blue boundary to provide sufficient ecological mitigation for the development.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025.

- 4.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS06 – Ebbsfleet (Gravesham) Opportunity Area
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- TC7 - Archaeology

- 4.3. Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 4.4. The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code SPD (2024)

Emerging Local Plan as a Material Consideration

- 4.5. Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:
- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.
- 4.6. *West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd* [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.
- 4.7. The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.
- 4.8. This approach accords with the approach taken in a separate High Court case, *Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC* [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

5. Consultations and Publicity Responses

Neighbouring Properties

- 5.1. The application has been advertised by displaying a site notice, press release, and individual neighbour letters sent to 3 properties, with an initial consultation period expiring on 4th December 2025.
- 5.2. Due to the submission of an amended site location plan and proposed site layout, the application underwent re-consultation, with a new site notice displayed and a further set of letters sent to 3 properties, with an overall expiry date of 29th June 2026.
- 5.3. No comments have been received from neighbours.

External and Internal Consultees

- 5.4. See **Appendix 1** for external and internal consultee comments.

6. Planning Analysis and Head of Planning Comments

Key Issues

- 6.1. The key issues in assessing this application are;
 - Screening Opinion
 - Design, Character and Appearance
 - Transport/Traffic/Highways
 - Noise/Disturbance
 - Ecology and Biodiversity
 - Flood Risk and Drainage
 - Land Contamination
 - Health & Safety
 - Archaeology/Heritage
 - Other Issues

Screening Opinion

- 6.2. This application was preceded by a Screening Opinion submitted under reference 20250071. The LPA confirmed on 16th May 2025 the following:

Given the nature of the development, the location and non-sensitivity of the area, it is considered that the proposal would be unlikely to have a significant impact on the environment. Gravesham Borough Council therefore concludes that the development is not EIA development and that an EIA is not required.

Design, Character and Appearance

- 6.3. Policy CS19 (LPCS) requires development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. This stance is reflected in Chapter 12 (Achieving well-designed places) of the NPPF (2024).

- 6.4. The existing site has no structures present on the site; it is currently comprised of low-level grassland, shrubs and self-seeded trees. As shown in the aerial photograph below.



- 6.5. As shown in the site layout above (paragraph 3.13), the proposal introduces 12 Battery Energy Storage System (BESS) containers to be laid out in rows with a separation distance of 6 metres between them. The BESS containers will be 2.9m in height. The Proposed Development includes a High Voltage Substation Service (HVSS) which is located adjacent to the BESS. The HVSS contains various elements including transformers and electrical busbars of approximately 7m and 11.65m in height respectively.
- 6.6. The proposed development would be industrial in appearance. Whilst this would introduce a distinctly industrial form of development, it is not considered to be out of keeping with the wider character of the area. The site forms part of a townscape influenced by existing utility and industrial uses, including the sewage treatment works to the south, the established industrial estate to the east, and the former quarry workings to the north, which are flooded.
- 6.7. It should be noted that Ebbsfleet Central, a scheme consented by the Ebbsfleet Development Corporation is to the west of this proposal. The proposal is for 485,000 sqm (GIA) mixed use development, encompassing:
- Residential dwellings (comprising a minimum of 35% affordable housing);
 - Retail, offices, restaurants/cafes, nurseries and healthcare facilities;

- Learning and non-residential institutions;
- Local community uses;
- Hotel uses;
- Residential institutions;
- Co-living and student accommodation, public houses/drinking establishments and theatres/cinemas;
- Public open space (comprising a minimum 30% of total site area); and
- Associated works including hard and soft landscaping, car parking and multistorey car parks, new roads, pedestrian and cycle routes and road junction improvements.

- 6.8. The Ebbsfleet Development Corporation (EDC) has raised concerns regarding planning application. While the site sits outside the EDC's urban development area, its direct adjacency in their view poses significant cumulative impacts on the approved and strategic Ebbsfleet Central mixed-use development (reference EDC/22/0168). As a result the EDC objects to the current submission based on gaps in noise assessments, ecology mitigation, traffic management, and visual impact landscaping.
- 6.9. In terms of design the EDC argue that the proposed battery storage and substation facilities are large and utilitarian. Therefore in their view adequate screening and established planting are required along Thames Way to mitigate the visual impact, and streetscene drawings are needed to demonstrate the visual relationship with existing development.
- 6.10. Thames Way itself follows the route of the former Gravesend West railway branch line, reflecting the long-established infrastructure and industrial heritage of the locality. Consequently, whilst the development would alter the immediate appearance of the site, it would be viewed within a context that is already characterised by industrial, utility and infrastructure-related land uses and would not appear incongruous within the wider landscape.
- 6.11. Whilst the application site itself does not contain any built structures, land immediately to the southwest is occupied by the existing sewage treatment works, which comprises a principal building and a number of operational tanks. These features are largely screened from view by established boundary hedging and vegetation.
- 6.12. The proposed development would comprise a series of cabins, storage structures and a water tank with a maximum individual height of 3.5m. The tallest element within the compound would reach a maximum height of 7.29m.
- 6.13. Although the development would introduce built form closer to Thames Way than currently exists, the retained boundary vegetation, together with the proposed soft landscaping and boundary treatments, would significantly soften and screen views of the site from the public realm. The proposed soft landscaping and boundary treatments can be secured by condition.
- 6.14. The site would also be visible in part from Public Right of Way (PROW) Footpath NU14, which runs to the west of the site. However, having regard to the scale, appearance and landscape mitigation proposed, the development would not give rise to any adverse impact on the surrounding townscape. Consequently, the proposal would not result in material harm to the character or appearance of Thames Way, nor would it adversely affect the wider character of the surrounding Ebbsfleet development area to the west.

- 6.15. Overall, it is considered that the proposed development, subject to conditions, would not have a detrimental visual impact on the immediate area and would accord with Policy CS19 (LPCS), Section 12 of the NPPF (2024).

Transport/Traffic/Highways

- 6.16. Policy CS11 (LPCS) states that new development should mitigate its impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities. This stance is reflected in the NPPF, which states at paragraph 116 that development should only be prevented or refused on transport grounds where the cumulative impact of development is severe. In this instance the nature and scale of the development does not require a transport statement or transport assessment.
- 6.17. The proposed development will be accessed via the A226 to the east of the site from the existing access which serves the sewage treatment plant and a proposed new access onto the A226.
- 6.18. The applicant confirms the primary access from the A226 will be the existing access that serves the sewage treatment plans.
- 6.19. As noted within the supporting Planning, Design and Access Statement, once operational the site will largely be operated remotely, with activity limited to equipment maintenance visits approximately once or twice a month, typically using a light van or 4x4 type vehicles.
- 6.20. KCC Highways and Transportation Services were consulted on the proposals and, subject to the imposition of a suggested condition in respect of visibility, there are no objections to the proposals on highways grounds.

Construction Phase

- 6.21. The supporting Planning, Design and Access Statement states that *"It is proposed that construction traffic access the site from the A2 and then via the A2260, A2260 Ebbsfleet Gateway and the A226 Thames Way. This is considered an appropriate route for construction vehicles as this route is capable of satisfactorily accommodation all construction vehicle movement, including abnormal load vehicles which are required for the delivery of the HV substation transformer."*
- 6.22. The Local Authority is in agreement with this approach, and appropriate conditions would be included to minimise impact on the surrounding highway network during the construction phase.
- 6.23. It is noted that the EDC have stated that in their view the Construction Traffic Management Plan (CTMP) fails to acknowledge parallel construction activities from the Ebbsfleet Central strategic development. They go on to state that the CTMP must address cumulative traffic impacts on local and strategic highway networks, alongside constraints caused by the Galley Hill Road closure, which reduces the allowable window for traffic management works. These concerns were not raised by the Local Highways Authority, none the less the condition securing the Construction Environmental Management Plan (CEMP) will be suitably worded to ensure that it

takes into consideration relevant construction activities during the construction period.

- 6.24. The EDC also raised concerns in relation to the installation of the proposed 1.5km of electricity cable which would be laid via the public highway. In their view, this conflicts with the EDC's own planned program of works in the area, raising material concerns regarding combined traffic management disruptions.
- 6.25. While the physical laying of cables under the highway by a statutory undertaker is an absolute matter for the Local Highways Authority (KCC) via street works licensing, the cumulative highway network capacity impacts during the construction phase, and the physical coordination of this infrastructure with adjacent strategic allocations, remain valid material planning considerations to be secured via a robust Construction Environmental Management Plan (CEMP) which in this instance also addresses traffic matters during construction.
- 6.26. In summary, with regard to highways and parking arrangements, subject to the imposition of conditions, the development complies with Policy CS11 (LPSC), Saved Policies P3 and T1 (LPFR) and SPG 4 - KCC Parking Standards (2006).

Noise and Disturbance including lighting

- 6.27. Policy CS19 of the Local Plan Core Strategy states that new development will safeguard the amenity of neighbour properties and land and should avoid adverse environmental impacts from pollution, including noise.
- 6.28. This is supported in Paragraph 135 of the NPPF (2024) which states that developments should have a high standard of amenity and does not undermine the quality of life.
- 6.29. Given the site location and its separation distance from the site to the closest residential properties, which in this case are approximately 270m to the south, being existing properties in Springhead Parkway/Amsterdam Way/Paris Drive and approximately 245m to the northwest to the existing car park on corner of Thames Way and Ebbsfleet Gateway, which forms the approved Ebbsfleet Central East (ECE) residential-led strategic development (EDC ref EDC/22/0168). Taking these distances into account, it is not considered that the scheme will have any adverse impacts on neighbouring properties, including those who may occupy EDC/22/0168 if that is constructed.
- 6.30. The applicant has submitted a noise assessment and with particular reference to the issue of noise/disturbance being created by the scheme. The submitted noise report has been assessed by GBC Environmental Protection who confirmed that their standard criteria for noise from new plant and equipment is that it shall be -10db below the existing background at the sensitive receptor. For Receptors NSR1 and NSR4 levels are below existing background but only by -1dB. As these are commercial premises, this is acceptable, particularly if the premises are only occupied/operational during the day, as the background levels used are nighttime measurements. For receptors NSR2 and NSR3, the levels are below -10dB so well within our criteria. As such and based on the assessment, there is no objection to the application.
- 6.31. The EDC in their comments raised concern that the noise impact assessment did not take into account Ebbsfleet Central East development. Notwithstanding this the

submitted a noise assessment concludes that residential receptors, NSR2 and NSR3, it is unlikely that the BESS noise emission would disturb sleep.

- 6.32. Taking into account that High Speed 1 and international rail services pass through the centre of application site EDC/22/0168, with international services not stopping at this location (they pass through in excess of 140mph), together with the significant volumes of traffic using Ebbsfleet Gateway and Thames Way, it is considered that the proposed development would not result in any materially greater impact on the amenities of future occupiers of EDC/22/0168 than the existing site constraints.
- 6.33. As set out in Section 1.10 of the submitted Acoustic Report, further mitigation measures can be achieved through the installation of acoustic fencing. In order to minimise any potential noise impacts and to ensure that the development does not adversely affect the wider area, it is considered reasonable and necessary to impose a planning condition requiring the provision of acoustic fencing around the boundary of the site.
- 6.34. The submitted details confirm that CCTV cameras will be installed within the site. However, no external lighting forms part of the proposed development. CCTV systems are capable of operating using infrared technology and therefore do not require external illumination to function effectively.
- 6.35. Whilst no lighting is currently proposed and no lighting plan has been submitted, it is acknowledged that lighting may be required on an occasional basis to facilitate maintenance activities during periods of low daylight, particularly during the winter months. In the interests of safeguarding the character of the area and ensuring that any future lighting is appropriately designed and controlled, a planning condition will be imposed requiring full details of any external lighting to be submitted to and approved by the Local Planning Authority prior to its installation. This will ensure that any lighting remains proportionate and does not give rise to unacceptable visual or amenity impacts.
- 6.36. Therefore, on planning balance, taking account of the site location and its relationship to existing and proposed residential properties, subject to the imposition of conditions, the impact of the development would not be detrimental to neighbouring amenity and would accord with Policy CS19 (LPCS) and Paragraph 135 of the NPPF (2024) in relation to the amenity.

Ecology and Biodiversity

- 6.37. Paragraph 187d of the NPPF (2024) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) (NERC) and the Environment Act (2021).
- 6.38. Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

Ecology

- 6.39. The application proposes development on a parcel of land that is currently grassed and devoid of development.

- 6.40. The submitted ecological information which included reptile and dormouse surveys confirmed the presence of dormouse and a low population of common lizard. It has detailed that the site or surrounding area contains suitable habitat to support breeding birds, foraging/commuting bats, Great Crested Newts, badgers hedgehogs and invertebrates.
- 6.41. A reptile and dormouse mitigation strategy has been submitted as part of this application.
- 6.42. With regard to reptile mitigation, a translocation will be required and the strategy details the criteria that will be required for the offsite receptor site. No details of the receptor site have been provided and whilst these details would be preferred prior to determination, due to the size of the population, KCC are confident that a suitable receptor site can be found. Reptiles could also be present within the dormouse mitigation areas. A condition is recommended that a detailed mitigation strategy is required to be submitted.
- 6.43. A dormouse strategy has been submitted and has detailed that the proposed site layout will be reduced to retain a larger area of dormouse habitat within the site. The mitigation strategy has detailed that retained habitat in the north and south of the site of the revised layout (as detailed within the mitigation strategy) will be enhanced with scrub planting.
- 6.44. In addition to the habitat creation, the mitigation will require a phased vegetation clearance and 5 years of ongoing monitoring. In addition, as it has been indicated that it may be a number of years before any permission is implemented, it is recommended that a review and update of the dormouse mitigation be carried out prior to the commencement of works. This can be secured via a condition.
- 6.45. The site has been identified as Open Mosaic Habitats on Previously Developed Land via the BugLife All Of A Buzz Data Set. All of a Buzz in the Thames Gateway - Buglife Open Mosaic Habitats on Previously Developed Land can be a 'habitat of principal importance', or priority habitat, as listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 6.46. Paragraph 84 of the Office of the Deputy Prime Minister (ODPM) Circular 06/20051 states that "...potential effects of a development, on habitats or species listed as priorities... are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions".
- 6.47. The BNG assessment has been updated, and it is therefore accepted that the site no longer meets the requirement for Open Mosaic Habitats on Previously Developed Land, as there is no bare ground within the site.

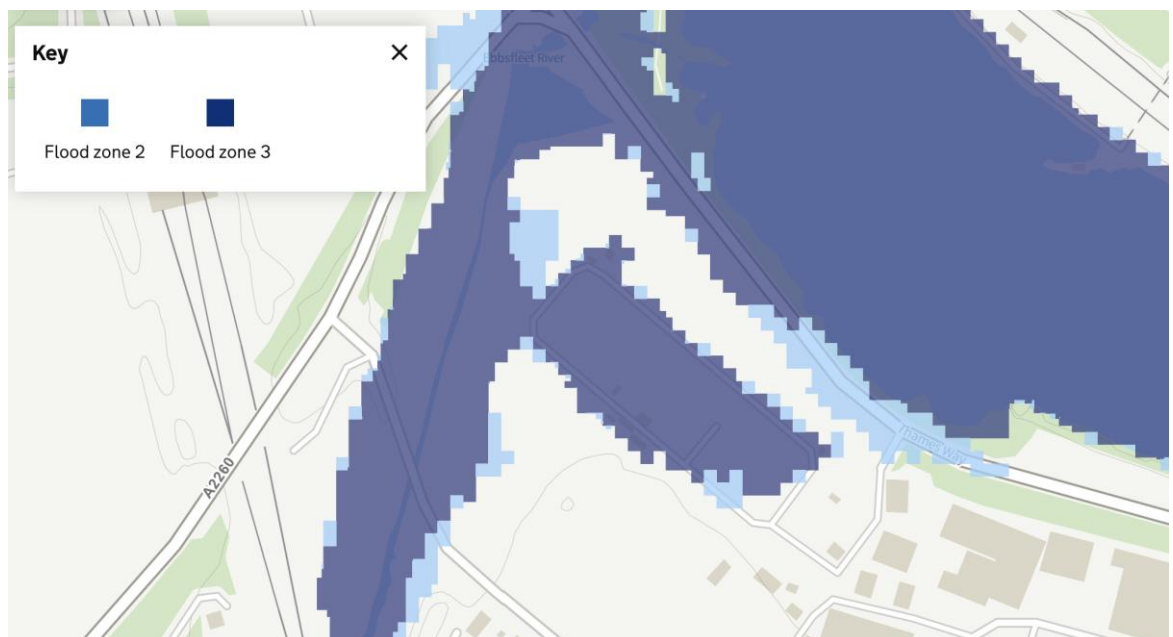
Biodiversity Net Gain

- 6.48. Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development.

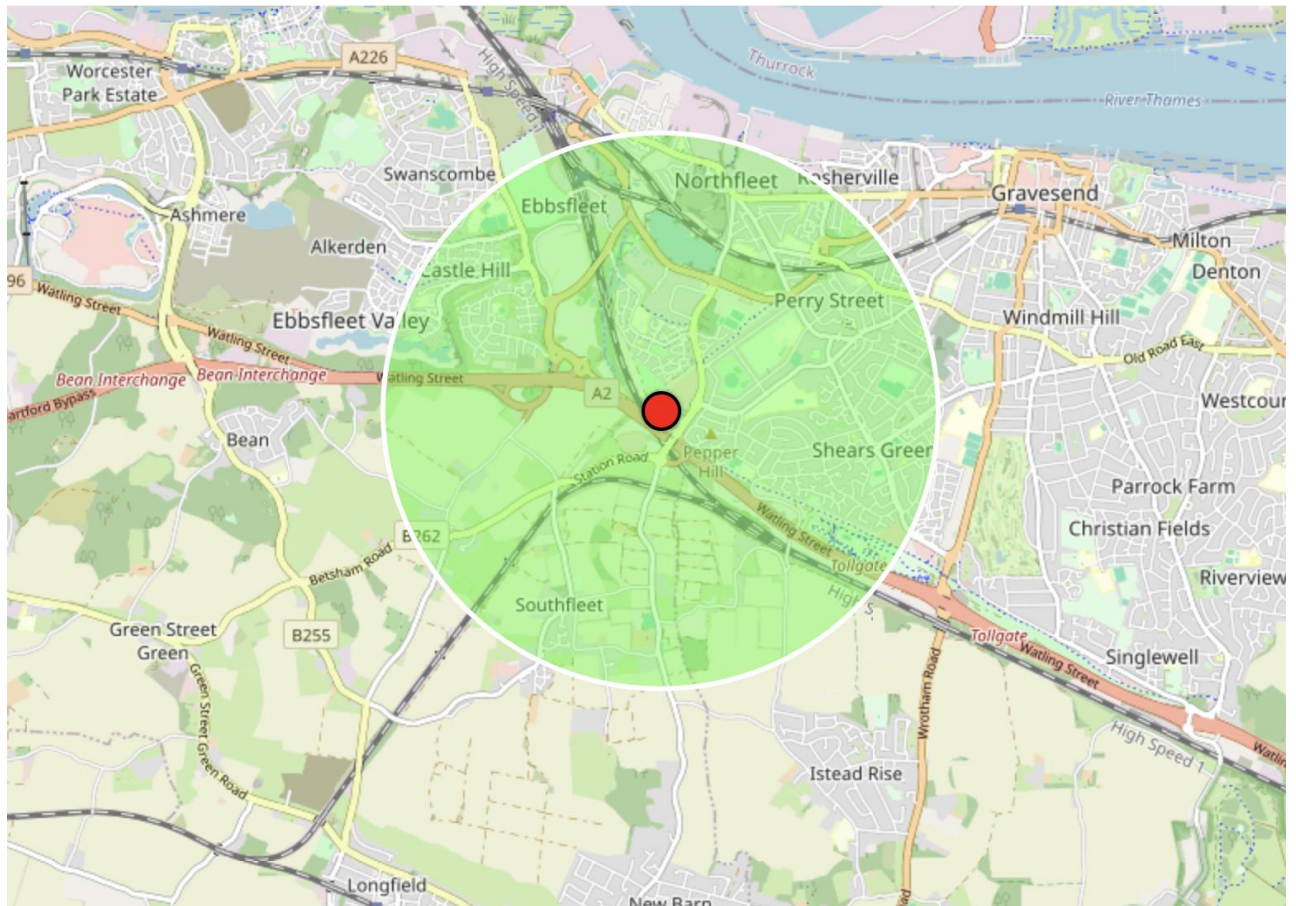
- 6.49. Sufficient information has been submitted to meet the requirements for mandatory net gain as additional information has been provided to demonstrate the site no longer meets the requirements of Open Mosaic Habitats on Previously Developed Land.
- 6.50. The submitted metric currently details that the proposal will result in a loss of 100% BNG for habitats and hedgerows.
- 6.51. As it will not be possible to achieve a BNG of over 10% for habitats within the site, off-site habitat creation will be required to achieve a BNG, either through habitat creation within the applicant's landholdings (if any) or by purchasing off-site units. Details of off-site habitat creation are not required prior to determination. No details of habitat creation have been provided, and therefore it is not possible to advise if the proposed habitat creation will meet on-site significant and if ongoing monitoring will be required.
- 6.52. A condition is recommended for a Habitat Management and Monitoring Plan in the event that habitat creation does not meet the requirements of on-site significant. A condition is also required for the submission of a Biodiversity Gain Plan in accordance with any biodiversity or ecological information submitted with the planning application.
- 6.53. Subject to the imposition of conditions relating to ecological mitigation and habitat management and monitoring, the proposed development accords with policies CS12 and CS19 of the Gravesham Core Strategy 2014 and paragraph 187 of the National Planning Policy Framework 2024.

Flood Risk and Drainage

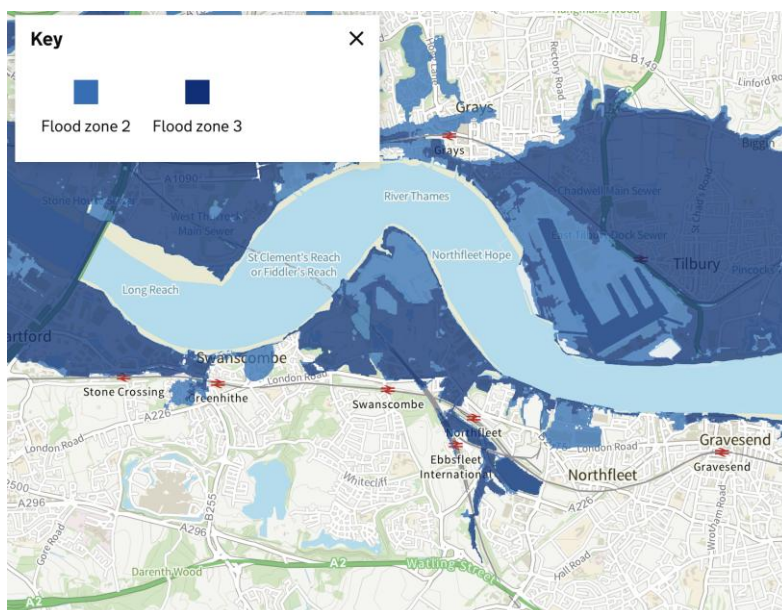
- 6.54. Policy CS18 relates to climate change and includes flood risk, water quality, sustainable and surface water run-off, water demand management and carbon reduction. The site is in flood zone 2 and 3, as shown in the Flood Map for Planning extract below. Therefore, a flood risk assessment is required.



- 6.55. The EA Risk of Flooding from Surface Water Map also identifies that the site is located within an area at “Very Low” to “Low” chance of flooding from surface water for the present day and “Very Low” to “Medium” chance between 2040 and 2060.
- 6.56. Initially, the applicant failed to submit a flood risk assessment, and the Environment Agency objected to the proposal. The applicant submitted further information including a Flood Risk Assessment and the Environment Agency have removed their objection. KCC as lead flood authority were also consulted, and provided the following comment, *the application... falls outside the definition of major development and also falls outside of KCC’s remit as statutory consultee.*
- 6.57. National planning policy is set out in the National Planning Policy Framework (2024, NPPF). Paragraph 170 in Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) states: “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 6.58. The NPPF goes on to confirm that this should be achieved by applying the sequential test and then, if necessary, the exception test.
- 6.59. Paragraph 174 outlines that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. It states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.60. Paragraph 181 sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should therefore be supported by a site-specific flood risk assessment.
- 6.61. A key operational requirement of a BESS is that the site upon which is located must be in close proximity to an existing grid connection point. BESS facilities are required to be located close to a grid point of connection with sufficient capacity to both import electricity to charge the batteries and export electricity to discharge power from these batteries when required by National Grid. If the BESS is located at a greater distance, there is an impact on voltage drops which consequently results in inefficiency and a loss of energy as the energy has to travel further through the cables. Efficient integration into the power grid minimises infrastructure costs and disruption while ensuring the project’s viability.
- 6.62. As the proposal is considered essential infrastructure for the purposes of flood risk vulnerability and flood zone ‘compatibility’, it can be located within flood zones 1 and 2. It can only be located within flood zone 3a or 3b, if the exception test is passed.
- 6.63. Given these requirements, for the sequential test, the applicant has advised that they considered a search area for sites within a 2km radius of UK Power Networks (UKPN) Northfleet East (as shown in the plan below), allowing for efficient connection while also ensuring that potential locations align with planning and environmental considerations, such as ensuring the site is accessible, relatively flat in nature and available for development.



6.64. The search area falls within both the administrative areas of Dartford Borough Council and Gravesham Borough Council and includes land within the Ebbsfleet Development Corporation's area. Land to the south of the A2 is designated as Green Belt, with the parts of Ebbsfleet and Swanscombe confirmed as Swanscombe Peninsula as a Site of Special Scientific Interest (SSSI). Furthermore, land within the search area also falls within flood zones 2 and 3, as shown on the plan below.



- 6.65. The site area for the proposed development is approximately 1ha. A review of both Dartford's and Gravesham's Strategic Land Availability Assessments for sites of this size within the identified search zone has identified the following sites for consideration:
- Gravesham
 - None identified
 - Dartford
 - Ebbsfleet Central
 - Eastern Quarry
 - Ebbsfleet Green
- 6.66. There are no sites identified in the Borough of Gravesham, and within the Borough of Dartford, three sites are identified, which all fall within the boundary of Ebbsfleet Development Corporation, are being brought forward for mixed-use development, and are an integral part of delivering the Government's stated target of 15,000 dwellings for the Garden City. Therefore, they are not considered to be available for alternative development, including BESS.
- 6.67. A review of land and properties being marketed by commercial agents within the search area has also not identified any suitable sites/land. Due to no suitable sites being available, it has to be concluded that the proposed development site robustly passes the Sequential Test.
- 6.68. As set out in Planning Practice Guidance, *the Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test. It should be demonstrated that:*
- *development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and*
 - *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 6.69. Planning Practice Guidance goes on to advise that *identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment.* The flood risk assessment accompanying the application identifies that it is possible to bring forward the development without increasing flood risk elsewhere, and that the development can be delivered in a manner that will ensure it is safe for its lifetime, subject to compliance with a number of measures set out below.
- 6.70. Policy CS18 (Climate Change) of the LPCS commits the Borough to mitigating and adapting to climate change. A BESS can directly contribute to achieving this goal by stabilising the grid, supporting decarbonisation, and facilitating the transition to a low-carbon economy. Policy CS18, however, also restricts unsafe development in flood zones.
- 6.71. As the borough transitions toward low-carbon choices such as retrofitting housing stock with heat pumps and expanding the localised EV charging network, local peak demand on the electrical grid will spike. A BESS acts as a local stabiliser, storing energy during periods of low demand and discharging it during peak times. This will assist residents, visitors and businesses in utilising a sustainable source of energy

supported by national policy, whilst preventing local grid failure. It will also assist the Borough in ensuring that local heat and transport decarbonisation goals remain viable and are delivered. In this respect, the development is considered to deliver wider sustainability benefits to the community that outweigh flood risk. It is also noted that flood zone 3 affects only a portion of the site.

- 6.72. To ensure the long-term resilience of this essential infrastructure, the applicant via the flood risk assessment accompanying the application, has committed to delivering robust physical design measures in strict accordance with the Energy Networks Association's Engineering Technical Report 138 (ETR138) guidelines. At the detailed design stage, critical components, specifically the circuit breaker and termination elements, will be engineered to raise all essential electrical infrastructure affected by tidal flooding to a minimum of 300mm above the calculated flood level. Furthermore, general plant and equipment will be elevated at least 600mm above ground level, or wrapped in a suite of alternative resilient protections such as waterproof cable enclosures, protective ducts, and reinforced concrete flood walls combined with flood gates and planks.
- 6.73. In addition to elevating vulnerable equipment, the structural configuration of the site has been optimised to maintain unobstructed water transmission during extreme weather events. The applicant will ensure that any boundary or security fencing utilised across the development features a palisade design, or a structurally equivalent open variant, to allow floodwaters to flow through the site completely unobstructed. This physical safeguard minimises localised hydraulic pressure and addresses the "Very Low" to "Medium" surface water flood risk projected for the site between the present day and the 2040–2060 epoch. Additional site-entry elements, including sealed low-level air brick vents, proprietary water-pressure-rated duct seals, and non-return valves on drainage systems, will be implemented to safeguard the internal operations from backflow and localised ingress.
- 6.74. The applicant has carefully evaluated potential off-site impacts to demonstrate compliance with the National Planning Policy Framework (NPPF) spatial requirements. Because the site falls within an area characterised predominantly by tidal rather than fluvial flood risk, and because the layout avoids significant ground raising, the proposal will not result in an unacceptable loss of floodplain storage or detrimentally alter downstream conveyance routes. To manage surface water responsibly, the development will incorporate Sustainable Drainage Systems (SuDS) aligned with the statutory planning hierarchy. By exploring optimal site arrangements or localised attenuation, any overall change in surface water runoff from the site will be negligible, ensuring no elevated flood risk is introduced to the immediate or wider area.
- 6.75. Given the site's classification as unstaffed "essential infrastructure" devoid of any residential components, the operational focus centres on safeguarding visiting personnel during maintenance or emergency procedures. To manage residual risk effectively, highly visible flood warning notices will be prominently erected around the site boundary to clearly communicate risk profiles and immediate evacuation pathways to all site users. Operational protocols will strictly stipulate that in the event of an official flood alert being issued for the Gravesend and Northfleet area, all site users and contractors are prohibited from visiting the facility until the warning has been formally lifted by the relevant authorities.
- 6.76. Finally, emergency safe escape and comprehensive monitoring procedures will be established before the infrastructure becomes fully operational. The applicant has agreed to officially subscribe to the Environment Agency's Floodline Alert/Warnings

Direct service to guarantee the instantaneous reception of real-time tidal surge and flood data. A bespoke, site-specific Flood Warning and Evacuation Plan will be produced in direct liaison with Local Authority Emergency Planners to ensure seamless integration with the existing Emergency Plans for the area. Backed by automated features such as remote monitoring and "gate open" alarms for perimeter flood barriers, these combined initiatives ensure the proposal remains safe, secure, and fully compliant with national planning directives throughout its operational lifetime.

- 6.77. Groundwater in the locality is particularly sensitive because the proposed development site is within a Source Protection Zone 1 and is located on a principal aquifer. The proposed development includes Battery Energy Storage. Should battery containers become exposed in the event of a fire, highly polluting chemicals in batteries could enter groundwater through firewater or rainfall runoff, potentially affecting groundwater quality. This would be contrary to paragraph 187(e) of the National Planning Policy Framework (NPPF), and therefore, appropriate mitigation must be in place for the containment of surface water and rainfall runoff in the event of a fire and subsequent disposal of this contained water off-site. Conditions are therefore recommended relating to pollution prevention measures, firewater, land contamination and surface water drainage.
- 6.78. Subject to the imposition of conditions, the proposed development is considered to accord with Policy CS18 of the Gravesham Core Strategy 2014 and paragraphs 182 and 187 of the NPPF (2024) in relation to the flood risk and drainage.

Land Contamination

- 6.79. Policy CS19 (LPCS) indicates that new development will be located, designed and constructed to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination.
- 6.80. Paragraph 187 of the NPPF (2024) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.81. The submitted Phase 1 Environmental Report (Ref: 3085-P1E-1) prepared by Contaminated Land Solutions and dated 10 October 2025 identifies the presence of areas of made ground (unknown fill) both within the site and the surrounding area. As a result, there is potential for ground gas generation and contamination associated with the fill material. This may present a risk to future site users, construction workers during groundworks, and underlying groundwater resources.
- 6.82. GBC Environmental Protection has reviewed the submitted information and raises no objection to the proposed development, subject to the imposition of conditions to ensure that any unsuspected contamination encountered during the construction phase is appropriately investigated and remediated.
- 6.83. Accordingly, subject to a pre-commencement condition requiring further site investigation and any necessary mitigation measures, the proposal is considered to

comply with Policy CS19 of the Gravesham Core Strategy (2014) and Paragraph 187 of the National Planning Policy Framework (2024).

Public Rights of Way (PROW)

- 6.84. To the northwest boundary of the site is an existing footpath NU14. A Public Right of Way Mitigation Strategy was submitted with the application within the Construction Traffic Management Plan which outlines that the PROW will remain open wherever possible to minimise disruption. The strategy includes the use of clear signage, advance notice and managed crossings. All arrangements will be made in consultation with PROW officers.
- 6.85. KCC PROW were consulted on the proposals and have raised no objections, subject to information relating to the stopping up of a PROW which can be included as an informative within the decision notice.
- 6.86. Once the construction is completed the PROW will not be impacted by the development and there is no conflict with local and national planning policy.

Health & Safety (including fire risk)

- 6.87. The National Fire Chiefs Council (NFCC) has produced guidance which recognises that grid-scale Battery Energy Storage Systems (BESS) are an increasingly important component of the UK's energy infrastructure, enabling the storage of renewable energy and supporting grid stability. The guidance has been produced for Fire and Rescue Services (FRS) and promotes early engagement between developers, local planning authorities and the local FRS throughout the planning, construction and operational stages of a BESS development. It notes that, whilst Fire and Rescue Services are not statutory consultees in the planning process, early consultation is considered good practice and is encouraged by Government planning guidance.
- 6.88. The guidance emphasises that the primary responsibility for the safe design, operation and management of a BESS facility rests with the developer and operator. Developers are expected to undertake a comprehensive risk assessment process, identifying site-specific hazards and implementing proportionate mitigation measures. This should be supported by a Battery Safety Management Plan and an Emergency Response Plan prepared in consultation with the local Fire and Rescue Service.
- 6.89. Key planning and safety considerations include the management of thermal runaway events, fire spread between battery units, provision of suitable firefighting access, emergency water supplies, fire detection and suppression systems, environmental protection measures, and clear arrangements for ongoing monitoring and incident response. The guidance also highlights the need to consider site layout, separation distances, vegetation management, and the protection of surrounding infrastructure and receptors.
- 6.90. The NFCC advises that BESS proposals should provide sufficient technical information to enable emergency planning and operational preparedness. Particular attention should be given to battery chemistry, system design, containment of thermal events, firefighting strategy and environmental impacts. The guidance seeks to ensure risks are reduced to as low as reasonably practicable while supporting a consistent and proportionate approach to the assessment and operation of grid-scale energy storage facilities.

- 6.91. Separately, the Department for Energy Security and Net Zero (DESNZ) has produced guidance on grid-scale electrical energy storage systems (EESS). This guidance provides an overview of the health and safety framework applicable to large-scale energy storage developments, particularly battery energy storage systems (BESS). Recognising the rapid growth of the sector, the document consolidates existing legislation, standards and industry best practice to assist developers, operators, regulators and emergency services in managing safety risks throughout the lifecycle of these facilities.
- 6.92. The guidance identifies the principal hazards associated with energy storage systems, including fire, thermal runaway, explosion, electrical hazards and the release of toxic gases. It emphasises the need for risk-based design from the earliest stages of development, including site selection, system configuration, separation distances, fire detection and suppression measures, and appropriate consideration of emergency access and response requirements.
- 6.93. The guidance is structured around the key stages of a project's lifecycle, namely design and planning, construction and commissioning, operation and maintenance, emergency preparedness and response, and decommissioning. It promotes the adoption of recognised industry standards and encourages engagement with relevant stakeholders, including Fire and Rescue Services, to ensure that risks are identified, assessed and managed appropriately throughout the development's operational life.
- 6.94. Overall, the guidance concludes that grid-scale energy storage can be developed safely where appropriate standards, management systems and mitigation measures are incorporated into project design and operation. It is intended to support consistency across the industry and improve understanding of the existing regulatory and standards landscape, rather than introduce new statutory requirements.
- 6.95. It is recognised that not all of the matters raised within the DESNZ guidance nor the NFCC guidance will fall within the planning regime, but will be associated with other regimes. However, from the outset, it is recognised that planning applications for battery energy storage systems raise concerns about fire risk and its implications for the local environment and the health of residents, workers and visitors.
- 6.96. Both guidance documents recognise that health and safety considerations extend beyond the planning stage and must be addressed throughout the full lifecycle of a BESS installation, including design, construction, commissioning, operation, maintenance and decommissioning. Ongoing monitoring, review and management of risks are identified as essential components of good practice. With a central theme in both guidance documents being the need for site-specific emergency response planning. Both identify thermal runaway, fire, explosion, toxic gas release, and related battery failure scenarios as key hazards to consider. They recommend appropriate fire detection, monitoring, suppression, firefighting access arrangements and the provision of accurate information to emergency responders
- 6.97. Many similar concerns were raised in relation to an application to discharge requirement 3 of the 'The Cleve Hill Solar Park Order 2020' (Application reference 23/503812/SUB), and subsequent appeal (Appeal Reference APP/V2255/3343902) for battery development at the Cleve Hill Solar Park in Swale. This requirement required the submission of a Battery Safety Management Plan. Kent Fire and Rescue reviewed this application and stated in their final comments that "We remain satisfied with the proposals detailed in the Cleve Hill BSMP (December 2023, revision B)." The Health and Safety Executive were consulted as part of the Cleve Hill planning application, however provided a generic response that detailed "The fundamental

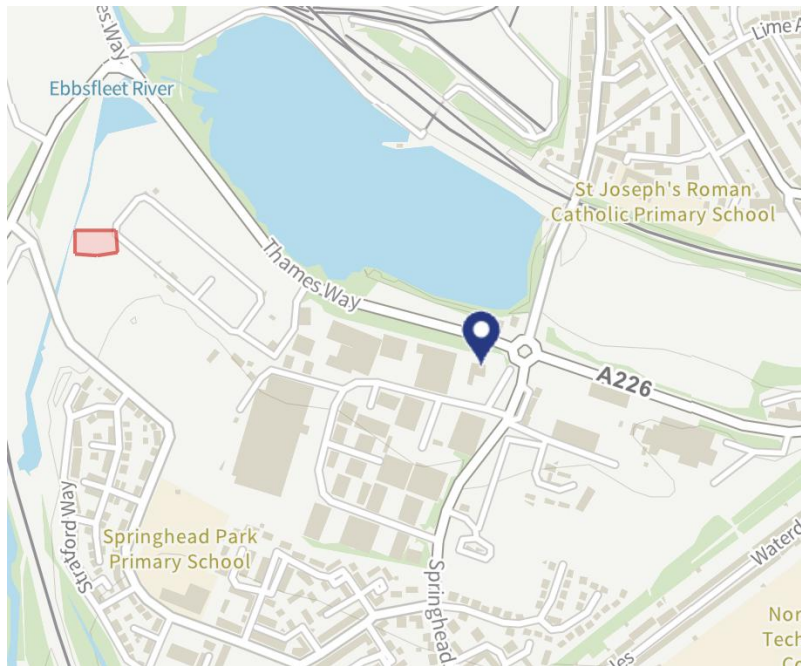
principle of health and safety law is that those who create risks are best placed to control them. Designers, installers, and operators all have a duty to ensure this is the case. HSE expects the duty holder to assess the specific situation and implement necessary control measures, to manage the risks identified."

- 6.98. When considering the appeal and granting a full award of costs against Swale Council's refusal, the Planning Inspectorate stated: "In this case, there is very little evidence as to why the advice of these various bodies and the Council's own appointed experts was disregarded, beyond there being other matters which the Committee felt required further information. For example, it is unclear as to why the consultee response from Kent Fire and Rescue Services (KFRS), who were a mandatory consultee identified by the Examining Authority in the Requirement and therefore the DCO itself, were disregarded...."
- 6.99. Nonetheless, careful consideration must be given to health and safety, particularly fire concerns, due to the use of Lithium batteries on the site. The application is accompanied by an outline Battery Safety Management Plan (BSMP) and a methodology for what would be included in an Emergency Response Plan (ERP), which would be subject to consultation with Kent Fire and Rescue Services (KFRS).
- 6.100. It is noted that at this stage of the process, insufficient information is available to give KFRS the clarity needed in respect of established guidance. However, it is common practice for such information to be provided as part of the submission of details, as per the Cleve Hill Solar Park Order 2020. In this respect, a pre-commencement condition would need to be imposed in relation to securing a BSMP in consultation with KFRS, and a separate condition would be needed to secure an ERP in consultation with KFRS.
- 6.101. The development has been designed with safety features, such as fire suppression systems, and with best practice at the forefront, to ensure industry best practice and safety are upheld. Nonetheless, in light of the need to secure the BSMP and ERP via conditions, it means that, notwithstanding the plans provided, the final fire suppression and alarm systems will be subject to conditions on consultation with KFRS.
- 6.102. To ensure access for emergency vehicles and operators, discussions with the relevant authorities has resulted in access being provided from both the north and east. Notwithstanding the incidents of fires involving Lithium batteries that have taken place elsewhere, there is no compelling evidence to demonstrate that this facility would be unduly hazardous. In the unlikely event of a fire, it is considered that the facility would be readily accessible by a fire tender and would implement industry-standard fire prevention and emergency response protocols.
- 6.103. The site is not currently adjacent to any residential properties, with a sewage treatment works to the north and commercial to the east, and therefore the risk to residential properties is considered to be minimal. It is noted that a major mixed-use development known as Ebbsfleet Central will be located to the west of this site, however, it is not considered that this proposal will increase risk to any future occupiers of that development.
- 6.104. A further concern regarding fire events is groundwater pollution; however, the Environment Agency have considered this as part of their response and have advised that, subject to the imposition of conditions, they raise no objections.

- 6.105. Subject to appropriate planning conditions addressing Battery Safety Management Plan (BSMP), Emergency Response Plan (ERP), Firewater containment scheme, fire suppression systems and alarm systems, and relevant information being included regarding Kent Fire and Rescue Service requirements, there is no conflict with Policy CS19 (LPCS).

Archaeology/Heritage

- 6.106. Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.107. KCC Heritage were consulted on the application and highlight that the site is within an area of very high multi period archaeological potential and within 86m of a scheduled monument. Whilst KCC Heritage initially requested a detailed archaeological and geoarchaeological desk-based assessment it is considered that these can be secured by a pre-commencement condition. The applicant has agreed to this pre-commencement condition.
- 6.108. The EDC raise concerns about the impact on a nearby Grade II* building (the old rectory). The Old Rectory is located at Springhead Road, and is set within the context of Springhead Park, with limited views to and from Thames Way, due to existing trees and foliage. Immediately to the west of the Old Rectory is Unit X of Springhead Park, with a minimum and maximum height of approximately 6 meters and 7.3 meters respectively. The presence of this unit effectively means that the setting of the Old Rectory is not harmed by the proposed development.
- 6.109. To the west of the site itself is a Scheduled Ancient Monument, as shown in red on the plan below (the blue point, shows the location of the Old Rectory). This Neolithic site was excavated by Burchell in 1938 and again by Sieveking in 1960. Early neolithic pottery and flints were discovered together with a possible timber trackway.



6.110. As such, there would be no impact on the setting of the Old Rectory, or remains of the Scheduled Ancient Monument; it is concluded that there is no requirement for a heritage statement to be submitted.

6.111. It is recognised that the site itself could be of archaeological importance, as such, subject to the inclusion of the relevant pre-commencement condition for archaeology, there is no conflict with local and national planning policies relating to archaeology and heritage.

Other Issues

Human Rights

6.112. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

6.113. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

6.114. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and

proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Considerations

- 6.115. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.116. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.117. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.118. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 6.119. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 6.120. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

- 6.121. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

7. Conclusion

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act provides that planning decisions should be in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Development Plan directs development to suitable locations to enable strategic growth and infrastructure delivery to meet the needs of the Borough. While the Council's adopted Local Plan Core Strategy is undergoing a review the emerging Regulation 19 Local Plan carries limited weight at this stage due to its current phase of preparation and unresolved objections, in line with established legal precedents.
- 7.3. This application seeks planning permission for the installation of a battery energy storage system (BESS), a high-voltage substation, and ancillary electrical infrastructure for a period of 40 years. The proposed development would be fully reversible, ensuring the land can be restored to its previous state upon decommissioning.
- 7.4. The industrial and utilitarian appearance of the proposed BESS containers and substation infrastructure is a material planning consideration. However, the site is situated within an urban townscape already heavily influenced by utility and industrial infrastructure, including the adjacent sewage treatment works, an established industrial estate, and former quarry workings. While objections from the Ebbsfleet Development Corporation (EDC) regarding visual impacts on the adjacent Ebbsfleet Central strategic allocation are noted, a planning condition will secure landscaping alongside the boundary of Thames Way, as well as other soft landscaping. This will appropriately screen and soften the development from Thames Way and Public Right of Way (PROW) Footpath NU14. Consequently, the visual impact is considered localised and is afforded limited weight.
- 7.5. The operational phase of the development will generate negligible traffic, limited to maintenance visits. While construction phase impacts, including the installation of 1.5km of underground grid connection cabling within the public highway raise potential cumulative disruptions alongside parallel Ebbsfleet Central works, these can be effectively managed. Subject to a robust Construction Environmental Management Plan (CEMP) integrating traffic management provisions, the proposal will not result in an adverse or severe impact on the local highway network, complying fully with Policy CS11 and saved highway policies.
- 7.6. Subject to securing an acoustic barrier around the boundary via a planning condition, the proposal will safeguard the amenities of nearby occupiers and future residential occupiers within the Ebbsfleet Central East development. Noise emissions will comply with the Council's standard criteria, and sleep disturbance is unlikely given the ambient noise baseline. No external lighting is proposed, and any occasional maintenance lighting will be controlled by condition. Amenity impacts are therefore afforded minimal weight.
- 7.7. Ecological surveys confirm the presence of a low population of common lizards and dormice. Robust mitigation, translocation protocols, and phased vegetation clearance strategies have been accepted in principle by KCC Ecological Services, subject to pre-commencement conditions updating these strategies. While the 10% mandatory

biodiversity net gain (BNG) cannot be delivered entirely on-site, it will be fully satisfied via off-site habitat creation or the purchase of off-site units secured through a mandatory Biodiversity Gain Plan and a Habitat Management and Monitoring Plan (HMMP).

- 7.8. A portion of the site lies within Flood Zones 2 and 3. Compliance with the Sequential Test has been demonstrated, as no alternative, available, and viable 1ha sites exist within a technically feasible 2km radius of the UKPN Northfleet East grid connection point. The Exception Test is also satisfied: the BESS delivers overriding local and national sustainability benefits by providing essential grid stabilisation and supporting the transition to a low-carbon economy under Policy CS18. Furthermore, the site will be made safe for its operational lifetime without increasing flood risk elsewhere through resilient engineering measures (ETR138 guidelines), elevated plant infrastructure, open palisade fencing to maintain floodplain conveyance, and an automated Flood Warning and Evacuation Plan linked to the Environment Agency's Floodline service.
- 7.9. Health and safety considerations, specifically fire risks associated with Lithium-ion battery technology and potential secondary groundwater contamination within a Source Protection Zone 1, have been carefully evaluated against national guidance and recent planning inspectorate precedents. The implementation of standard fire suppression systems, remote monitoring protocols, dual emergency access points, and dedicated firewater containment schemes will reduce operational risks to an acceptable level. Definitive Battery Safety Management (BSMP) and Emergency Response Plans (ERP) will be secured via pre-commencement conditions in direct consultation with the Kent Fire and Rescue Service (KFRS).
- 7.10. The site exhibits high multi-period archaeological potential and sits within the wider setting of a Scheduled Ancient Monument. KCC Heritage is satisfied that potential impacts can be appropriately mitigated through a pre-commencement condition securing a detailed archaeological and geoarchaeological desk-based assessment and field evaluation. Due to intervening topography and existing built forms, the development will cause no harm to the setting of the nearby Grade II* listed Old Rectory.
- 7.11. On balance, the identified environmental and visual impacts of the development can be successfully mitigated to an acceptable level through the imposition of robust planning conditions. The scheme provides critical utility infrastructure required to support localised and national climate change objectives, grid resilience, and renewable energy integration. The proposal is considered to represent sustainable development in accordance with the overarching objectives of the Gravesham Local Plan Core Strategy and the National Planning Policy Framework (2024) read as a whole.
- 7.12. Overall, the proposal complies with the Development Plan and gives rise to substantial public sustainability benefits that clearly outweigh any residual, localised harms. Therefore, the application is accordingly recommended for planning permission, subject to the imposition of the planning conditions set out in detail below.

Recommendation

Permission

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	20th July 2026	Dated:	20th July 2026