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# Appeal Decision

Site visit made on 30 April 2024

**by R Norman BA(Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> July 2024**

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**Appeal Ref: APP/V2635/W/23/3326257**

**Land West of New Farm House, High Road, Saddlebow, King's Lynn PE34 3AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Lynn Power Limited against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref is 22/01151/FM.
  - The development proposed is the installation of a Battery Energy Storage System (BESS) comprising: self contained battery modules on skids; transformers; Power Conversion System Modules; Control Building; electrical connection compound including substation; control and storage containers; underground cables and conduits; access track; security fence; acoustic fence; temporary construction compound and associated infrastructure; bund and planting scheme.
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## Decision

1. The appeal is allowed and planning permission is granted for the installation of a Battery Energy Storage System (BESS) comprising: self contained battery modules on skids; transformers; Power Conversion System Modules; Control Building; electrical connection compound including substation; control and storage containers; underground cables and conduits; access track; security fence; acoustic fence; temporary construction compound and associated infrastructure; bund and planting scheme at Land West of New Farm House, High Road, King's Lynn PE34 3AW in accordance with the terms of the application, Ref 22/01151/FM, subject to the conditions in the attached schedule.

## Preliminary Matters

2. Since the Council determined the application, the National Planning Policy Framework (the Framework) has been updated, with the latest version being published in December 2023 and I have considered the appeal against this updated version. In addition, an updated National Policy Statement EN-1 was designated on 17 January 2024.
3. The address on the appeal form differs from that given on the original application form. I have used the original address as this is more precise.

## Main Issues

4. The main issues are:
  - the effect of the development on the character and appearance of the area;

- the effect of the development on the living conditions of nearby residents;
- the effect of the development on public safety; and
- whether or not the development would result in pollution to the surrounding area.

## Reasons

### *Character and Appearance*

5. The appeal site currently comprises part of an area of open agricultural land accessed off High Road. It is located adjacent to an existing industrial area. The Great Ouse River and its relief channel runs to the west and there is an existing industrial installation adjacent. There are a few sporadic dwellings further along High Road to the east and south of the appeal site and the wider area comprises open agricultural land. Land levels within the site are lower than High Road and the riverbank.
6. The appeal proposal would introduce a Battery Energy Storage System (BESS) into the appeal site. This would include a series of battery modules set in two linear rows. A new access would be provided off High Road leading into the appeal site. The development would also involve landscaping, drainage features including a swale and bunding and associated substation. There is an existing overhead power line running across the appeal site which would be diverted underground. The BESS would be used to store excess electricity until there was demand for it, when it would then be released back into the grid.
7. The appeal site forms a transitional area between the adjacent industrial area and the more sporadic developments and open countryside. The industrial area is substantial and includes very large buildings including the Palm Paper premises and a Pressure Reducing Metering Station associated with Palm Paper, as well as the King's Lynn Power Station and other businesses within the Saddlebow Industrial Estate. The wider area comprises open, agricultural fields, allowing for long distance views of the surrounding countryside. King's Lynn is located to the north of the appeal site, beyond the A47 and Saddlebow sits to the south west. The proposed structures would be significantly smaller and more subservient than the surrounding buildings and the height and spacing would reduce the visual impact and the overall bulk of the development. The structures themselves would utilise a relatively small area of the overall site.
8. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA)<sup>1</sup> which identifies the existing baseline conditions, assesses the relevant national, regional and local character assessments, considers any statutory designations, visual impacts and any required mitigation. The LVIA was produced using established and recognised industry standards in accordance with GLVIA<sup>2</sup> and I am therefore satisfied that it forms a robust and accurate assessment of the landscape impacts in this instance.
9. The appeal site relates reasonably well to the identified characteristics within the national, regional and local landscape character types, being relatively flat and open, typical of a fen landscape. However, the appeal site and immediate

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<sup>1</sup> May 2022 (Revision A)

<sup>2</sup> Guidelines for Landscape and Visual Assessment third edition

surroundings are also heavily influenced by the prominent industrial area which sits directly adjacent, compounding its character as a strongly transitional area which relates to both landscape types. Accordingly, it has less of a rural, fen character than some of the other fields in the wider area and its development would be seen very much in the context of the existing industrial estate.

10. There are some public footpaths within the vicinity of the site, and there is a gated access leading to the Ouse Amateur Sailing Club running along the side boundary. Any users of the footpaths, travelling along High Road or occupying the nearest properties would see the appeal site in the context of the existing industrial buildings and the appeal site would appear as a natural extension of this. As such, the visual impacts on people within this area would be negligible and in visual amenity terms the wider rural landscape would still be appreciated.
11. As part of the proposal, mitigation measures would be introduced including a planted bund around the structures themselves and large areas of landscaping between the bund and High Road and adjacent to the access point. This would serve to mitigate the visual impact of the development and provide a considerable amount of screening. Whilst the flat, open character of the appeal site would be lost with the introduction of the bunding and the swale/detention basin, the site does form a transitional area between the industrial areas and the wider countryside and therefore I find the proposed mitigation measures and landscaping to be appropriate and would be effective once established. Furthermore, the proposed development would have a lifespan of around 40 years, after which it would be decommissioned, and the land restored in accordance with an agreed scheme.
12. Accordingly, I find that although the proposal would result in a degree of visual change to the site and its surrounding receptors, this would be a limited and localised change and it would not appear out of character with the surroundings. Therefore, it would not have an adverse effect on the character and appearance of the area.
13. As such, the development would comply with Policies CS06, CS08 and the King's Lynn and West Norfolk Borough Council Core Strategy (2011) (Core Strategy) and Policies DM2 and DM20 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP). These seek to maintain local character and a high-quality environment, protect the countryside for its intrinsic character and beauty, achieve high standards of sustainable design and energy efficiency and restrict development in areas outside of the development boundaries to renewable energy generation where impacts on the landscape can be satisfactorily mitigated, amongst other things.

#### *Living Conditions*

14. The nearest residential properties comprise New Farm House and Nos 1 and 2 High Road. These are located to the south of the appeal site and opposite the proposed access point respectively.
15. In terms of the visual impacts of the proposed development on local residents, as outlined above, the structures would be largely screened by the bunding and associated landscaping and, from these properties, the views of the equipment itself would be seen in the context of the existing industrial buildings.

16. These properties would be in proximity to the proposed access point, however the application was accompanied by a Construction Management Plan which sets out how the development of the site and vehicular movements to and from the appeal site would be managed to ensure there were no adverse impacts on the nearby residents during this period. A condition could be imposed in order to ensure that the Construction Management Plan is adhered to.
17. A robust and technical noise assessment<sup>3</sup> was carried out in accordance with the relevant industry standards. The main sources of noise for the development would be from the battery fans and the transformer, and the noise assessment demonstrates that resultant noise levels in relation to the nearest properties would be within an acceptable range and as such, no harmful impacts arising should arise in this regard. The proposal would also include an acoustic fence to mitigate any unacceptable levels of noise.
18. Beyond these closest properties, the appeal site is also located to the south of the main settlement of King's Lynn. It is separated from the main built edge by the existing industrial area and the A47 and there are a large number of residential properties located to the southernmost extent of King's Lynn beyond the dual carriageway. Furthermore, there is a traveller site located close to the A47, accessed off High Road.
19. Concerns have been raised in relation to potential air pollution and harmful fumes emanating from the appeal site due to the prevailing wind direction which may carry gas fumes and contaminated air towards these residential areas. The Appellant has carried out investigations which demonstrate that in the event of a fire or other incident, dispersal rates would be fast and unlikely to lead to long-lasting air quality concerns. Testing and investigations have identified that the risk of gas vapour cloud formation would be reduced by a suitable separation of the battery modules in accordance with industry standards and the proposed layout would achieve these distances. Coupled with the distance of the traveller's site and residential properties from the appeal site, I am satisfied that the proposal would not result in harm in this regard. I have little before me to suggest that there would be adverse impacts on the residents of this site arising from the proposed development.
20. Consequently, I find that the proposal would not give rise to harm to the living conditions of nearby residents or those within King's Lynn itself. It would therefore comply with Policies DM15 and DM20 of the SADMP. Collectively these seek to ensure that development does not give rise to adverse impacts on neighbouring occupiers, amongst other things.

### *Public Safety*

21. The proposal would involve the installation of electrical equipment and the BESS units would store electricity during times of lower demand. There would be associated substations and cabling. Concerns have been raised in relation to fire risks as a result of the nature of the development.
22. The Appellant has provided details of a fire strategy<sup>4</sup> which details methods to prevent and minimise fire risk and ensure protection for onsite operatives, local residents and the environment. The site would be subject to industry safety requirements and the Appellant would appoint a qualified contractor and

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<sup>3</sup> Noise Impact Assessment ref 21.058.1.R3 dated 17 May 2022

<sup>4</sup> Planning Phase Battery Safety Management Plan – Fire Safety Document No O-LO-R70-035318

designer to comply with the statutory duties during construction. The modules and related structures have been subject to thorough testing in terms of public risk. The design of the structures and layout of the site would reflect statutory fire prevention strategies and good practice, including the separation distances between the battery modules and the required hazard assessments would be undertaken prior to construction work commencing. During the operational life of the site, every battery module would be constantly monitored by automated systems to prevent issues arising as a result of temperature or voltage levels, amongst other things.

23. In the event of an emergency, an Emergency Management Plan would be developed as part of the overall design of the site. The site would ensure that firefighting requirements are factored in with space for any firefighting equipment, suitably wide access and internal roads to allow fire engines access, as well as bespoke cabinets with liquid cooling systems to enable fire suppression. Remote monitoring would allow rapid notification to the emergency services and there would be private hydrants located in accessible positions.
24. I have considered matters relating to gas dispersal in the above section. I note also that the relevant statutory consultees, including the Health and Safety Executive do not object to the proposal subject to suggested conditions or advice to the Appellant.
25. Based on the information before me, the industry standards are rigorous and thorough, and it has been demonstrated that the site would be developed in accordance with these standards. I am therefore satisfied that it has been adequately demonstrated that the proposal would not give rise to unacceptable impacts on public safety and any potential safety risks could be adequately mitigated with suitable systems in place. A condition can be applied to secure the mitigation measures as part of a Battery Safety Management Plan (BSMP).
26. As such, the proposal would comply with the requirements of Policy DM15 of the SADMPP, which requires proposals for energy infrastructure to mitigate against any adverse impacts including matters of public safety, amongst other things.

### *Pollution*

27. The Great Ouse River and its relief channel run close to the appeal site and the area comprises open agricultural land, with drainage dykes and natural landscape features. The appeal proposal has been supported by a number of technical documents addressing matters of flooding, pollution, surface and foul water drainage, fire water, contaminated land and water and gas dispersal.
28. Due to the nature of the proposed development, the potential for pollution arising from the leaking of firewater or foam needs to be considered. The Appellant has provided information which advises that any such leakages would be directed to the SUDS drainage system and the detention basin would be used to store the water to allow it to be treated to improve the water quality. Any firewater entering the drainage system would be controlled by valves to prevent contaminated water reaching the local watercourse. The Appellant has confirmed that there would be capacity for firewater the detention basin would be constructed in a suitable way to deal with this.

29. The appeal site is located within Flood Zone 3 which is classed as high-risk. However, the development is considered compatible with this flood zone as it is classed as essential infrastructure. A Flood Risk Assessment (FRA) has been provided and it has been demonstrated that there are no sequentially preferable sites available as the proposal would need to be located in proximity to the existing power station and grid connection. The FRA considers the overall risk from flooding to be low and I have little before me that would lead me to disagree with this conclusion.
30. In relation to the dispersal and disposal of surface water run off, the Appellant has provided a series of methods which involve the use of filter drains, a receiving drainage system, a swale and detention basin, areas of permeable surfacing and the use of the natural land fall for greenfield flows. The site and surroundings are situated upon the Tidal Flats Deposits – Clay and Silt which is relatively impermeable and makes infiltration of surface water drainage unfeasible therefore the proposed methods have been demonstrated to be suitable for the site conditions. The battery areas will cover a small total area of the appeal site and therefore there are ample opportunities for efficient drainage methods throughout the appeal site. The use of the swale and detention basin would ensure that the flow rates originating from the site could be suitably controlled and managed.
31. Concerns have been raised locally about the potential for any fires to be left to burn out and potentially burn for weeks. However, I have no evidence before me that this would be a likely scenario. One example has been given of gas emissions following a fire at the Victoria Big Battery site in Australia in 2021 which showed rapid dispersal of any airborne contaminants and another case in Liverpool where a fire occurred, however I note that the battery modules in the Liverpool case were a different type to those proposed here.
32. Furthermore, a robust decommissioning scheme would be secured by condition which would ensure that, at the end of its life, the appeal development would be removed, and the land safely restored.
33. Based on the evidence before me, it has been thoroughly demonstrated that the proposal would not give rise to adverse impacts in relation to any forms of pollution and would be acceptable in flood risk and drainage terms. It would also meet the requirements of the Exceptions Test in relation to flooding due to the benefits that would arise in relation to providing energy and going towards meeting the climate change aims. As such, the proposal would comply with Policies CS08 of the Core Strategy insofar as it requires development to be appropriate to the level of flood risk and mitigated through appropriate design and engineering solutions. It would also comply with the provisions of the Framework in Section 14.

### **Other Matters**

34. The appeal site is located within 2km of the River Nar SSSI which is a statutory designated site. In addition, the Saddlebow Reedbeds County Wildlife site and West Winch Common County Wildlife Site are also within 2km of the appeal site. The Appellant has provided an Ecological Assessment, shadow Habitats Regulations Assessment and biodiversity net gain details. The proposal is assessed in these documents as having a low and negligible impact on these sites and identifies mitigation measures, including carefully designed lighting, restrictions on removal of hedgerows during nesting seasons and additional



landscaping. As such, the proposal would not result in harm in terms of ecology and biodiversity in and around the appeal site.

35. I have been directed to an appeal decision<sup>5</sup> which related to the conversion of a former college buildings to residential properties. However, this appears to relate to a completely different type of development within a different district and as such is not sufficiently comparable to the scheme before me to alter my conclusions in this case.
36. Objection letters have been received from Councillors and local residents concerning, in addition to the above matters, the loss of agricultural land, potential loss of power, devaluation of properties and security measures for the appeal site.
37. The appeal site comprises Grade 2 agricultural land and the proposal would result in the loss of some best and most versatile agricultural land. However, the appeal site is set within a substantial area of Grade 1 and 2 agricultural land therefore the amount of land lost would be relatively small. Furthermore, the built structures would occupy a small proportion of the overall site. The loss of agricultural land would also be temporary as the site would be decommissioned and structures removed at the end of its life. Accordingly, the limited loss of agricultural land would not outweigh the overall benefits of the scheme.
38. In terms of the potential for disruption to the electricity supply, I have little before me to suggest that this would occur, and the operators would manage the construction and connection process so as not to result in disruption for existing residents. In terms of security, the site would be remotely monitored, and security measures could be secured as part of the overall design. The impact on house prices is not a material planning consideration and therefore it is not for me to conclude on this matter.

### **Planning Balance**

39. I have found that the proposal would comply with the above policies and therefore the development plan as a whole. I have identified that there would be some change to the landscape character and the appearance of the surroundings as well as a slight loss of agricultural land. However, these would not be to a degree that would result in undue harm or a conflict with the relevant policies.
40. Benefits have been identified by the Appellant. These comprise the contribution of the site towards supporting renewable and low carbon energy generation, landscape improvements and a significant level of biodiversity net gain.
41. National Policy Statement EN-1 sets out the government's policy for delivery of major energy infrastructure and puts a great emphasis on the need for secure and reliable supplies of electricity. Whilst it relates to the consideration of Nationally Significant Infrastructure Projects, it does highlight that a significant amount of infrastructure is needed at both local and national scale, including the critical need for capacity for energy storage. The Framework in paragraph 163 identifies that development for renewable and low carbon development should be approved if its impact can be made acceptable, amongst other things.

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<sup>5</sup> APP/V2635/W/22/3295193

42. I have been provided with a number of documents which highlight the need to reduce carbon emissions and relate to the British Energy Security Strategy which all highlight the key targets and requirements for future energy generation and climate change considerations, and which place great importance on meeting these challenges.
43. Consequently, I find that the identified benefits of the proposal carry substantial weight and therefore significantly outweigh the limited changes that would occur in landscape terms and the temporary loss of a relatively small area of best and most versatile agricultural land in this instance.

### **Conditions**

44. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have provided a list of suggested conditions, which are also replicated in the Appellant's Statement of Case. I have considered these conditions against the tests in the Framework and Planning Practice Guidance.
45. Conditions 3 and 4 are necessary to ensure that the land is brought back into agricultural use and in the interests of the character and appearance of the area. Conditions 5, 6 and 7 are imposed in order to protect the character and appearance of the area. I have imposed conditions 8, 9 and 10 to ensure satisfactory drainage arrangements are in place and to protect the development and surrounding area in the event of a flood. Condition 11 is necessary in the interests of protecting the living conditions of nearby residents and highway safety. I have also imposed conditions 12, 13 and 14 in order to ensure the development would not adversely effect highway safety. Conditions 15, 16 and 17 are required to ensure that any archaeological remains that may be found on site are dealt with correctly.
46. I have imposed conditions 18 and 20 to protect the living conditions of nearby residents and wider public safety. Condition 19 is necessary to minimise and manage any risk from land contamination. Condition 21 is necessary to protect existing infrastructure.
47. Conditions 8, 15, 16 and 21 are required to be pre-commencement as it is fundamental to have these details agreed prior to any work commencing on site. The Appellant has indicated their agreement to all conditions.

### **Conclusion**

48. For the reasons given above, and having had regard to all matters raised, the appeal should be allowed.

*R Norman*

INSPECTOR



## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: Figure 1 – Proposed Site Location; Figure 4 – Proposed Site Layout; Figure 12 – Typical Access Track Detail; and Figure 13 – Proposed Fence and Gate Details.
- 3) The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the local planning authority. By the end of the 40-year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed, and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the local planning authority. The restoration scheme shall be submitted to the local planning authority no less than 6 months prior to decommissioning. The local planning authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.
- 4) If the development hereby permitted fails for a continuous period of 12 months to supply electricity to the grid network then, unless otherwise agreed in writing with the local planning authority, the associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a scheme to be submitted to and approved in writing the local planning authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12-month period.
- 5) The landscaping shall be implemented in accordance with the Landscape Mitigation Plan dated 18 May 2022 ref: 2520-LLA-ZZ-00-DR-L-0001.
- 6) The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs/plants which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 7) Notwithstanding the plans submitted, prior to installation full details of the battery units, storerooms, control rooms, structures and equipment (including the colour scheme), shall be submitted to, and agreed in writing by the local planning authority. The units and structures shall be painted in accordance with the agreed colour prior to commencement of use and shall be maintained in that condition thereafter.

- 8) Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to dispose of foul and surface water and contain and dispose of any contaminated water resulting from firefighting has been submitted to, and agreed in writing by the local planning authority. The scheme shall be implemented as agreed.
- 9) With the exception of the measures required under condition 8 above, the development shall be carried out in accordance with the recommendations of the submitted Flood Risk Assessment and Surface Water Drainage Strategy produced by Rossi Long Consulting ref: 211272 [Rev 04] dated December 2022.

The mitigation measures shall be fully implemented prior to occupation/use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 10) Prior to the first use of the development hereby approved, details of any method of lighting and extent of illumination to the access road and compound shall be submitted to, and approved in writing by, the local planning authority. The lighting scheme shall be implemented as approved prior to the use of the development and thereafter maintained and retained as agreed.
- 11) The development hereby approved shall be undertaken in accordance with the Construction Traffic Management Plan (Doc Ref: 552/CTMP) compiled by Ethical Power Connections Limited dated 25/05/2022 and submitted as part of this application, unless otherwise agreed in writing with the local planning authority. These measures shall include the following:
- Site construction hours limited to 0800 hours – 1800 hours weekdays, 0900 hours - 1300 hours on Saturdays and not at all on Sundays and Bank and Public Holidays.
  - The first 20m of the access road from the adopted highway shall be surfaced with tarmac;
  - The access shall at all times have a 5mph speed restriction in place;
  - Wheel washing facilities shall be provided and used; and
  - Deliveries to and collections from the site shall be restricted to the hours of 0930 hours – 1500 hours weekdays only.
- 12) Prior to the first use of the development hereby permitted, the vehicular access/crossing over the verge shall be constructed in accordance with the highways industrial access specification for the first 15m as measured back from the near channel edge of the adjacent carriageway and thereafter retained at the position shown on the approved plan. Arrangement shall be made for the surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 13) The gradient of the vehicular access shall not exceed 1:12 for the first 15m into the site.

- 14) Prior to the commencement of the use hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plans ref: C-700 Rev P03 and C-701 Rev P03. The splays shall thereafter be maintained at all times from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 15) No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) the programme and methodology of site investigation and recording, 2) the programme for post investigation assessment, 3) provision to be made for analysis of the site investigation and recording, 4) provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) provision to be made for archive deposition of the analysis and records of the site investigation, 6) nomination of a competent person or persons/organisation to undertake the works set out with the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 16) No development shall take place other than in accordance with the written scheme of investigation (WSI) approved under condition 15 and any addenda to that WSI covering subsequent phases of mitigation.
- 17) The development shall not be used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological WSI approved under condition 15 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 18) Prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the local planning authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 19) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.
- 20) Prior to the first operation of the development hereby permitted, the 3.5m high acoustic protection fence shall be erected as per the approved plans and shall thereafter be maintained for the life of the development.
- 21) No development shall commence until details of any access or service crossings of the Feeder 4 gas pipeline, including plans and cross sections detailing existing and proposed levels and depths of underground utilities,

are submitted to, and approved in writing by, the local planning authority. Such details shall include an Earth Resistivity Study and any measures necessary to ensure the safe and continued operation of the gas pipeline and safe working arrangements. The scheme shall subsequently be implemented in full accordance with the approved details.