



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 11 FEBRUARY 2026  
**TIME** : 7.00 PM

### **PLEASE NOTE TIME AND VENUE**

This meeting will be live streamed on the Council's Youtube page:  
<https://www.youtube.com/user/EastHertsDistrict>

### **MEMBERS OF THE COMMITTEE**

Councillor S Watson (Chair)  
Councillors R Buckmaster, V Burt, S Copley, I Devonshire, J Dunlop,  
Y Estop, G Hill, S Marlow, T Smith, T Stowe and J Thomas (Vice-Chair)

### **Substitutes**

Conservative Group:	Councillors S Bull and T Deffley
Green Group:	Councillors M Connolly and V Smith
Labour Group:	Councillor C Redfern
Liberal Democrat Group:	Councillor M Adams
Reform UK:	Councillor G McAndrew

*(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)*

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### **Disclosable Pecuniary Interests**

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A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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vulnerable adults and those members of the public who have not consented to being filmed.

## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chair's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 13 October 2025 (Pages 6 - 15)

To confirm the Minutes of the meeting of the Committee held on Wednesday 13 October 2025.

### 5. Planning Applications for Consideration by the Committee (Pages 16 - 18)

(A) 3/24/0284/OUT - Outline planning permission for the erection of up to 36 dwellings with all matters reserved except for access at Land West of High Road, High Cross, Hertfordshire (Pages 19 - 70)

Recommended for Approval.

(B) 3/25/0917/FUL - Erection of Battery Energy Storage Facility including access works, landscaping and all associated engineering works at Dellows, Ginns Road, Stocking Pelham, Hertfordshire, SG9 0JA (Pages 71 - 118)

### 6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

7. Exclusion of the Press and Public (if required)

If Part II business is notified and the procedures set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have been complied with, the Chairman will move: - That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of item XX on the grounds that it involves the likely disclosure of exempt information as defined in paragraph XX of Part 1 of Schedule 12A of the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

# Agenda Item 4

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MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 15 OCTOBER 2025, AT 7.00  
PM

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PRESENT:

Councillor S Watson (Chair)  
Councillors R Buckmaster, M Adams, V Burt,  
S Copley, I Devonshire, J Dunlop, Y Estop,  
G Hill, T Smith, T Stowe and J Thomas

ALSO PRESENT:

Councillors B Deering, E Buckmaster and  
V Glover-Ward

OFFICERS IN ATTENDANCE:

Neil Button	- Interim Team Leader (Strategic Applications Team)
Nikki Dawney	- Principal Planning Officer
Rachel Lee	- Legal Adviser
Peter Mannings	- Committee Support Officer
Martin Plummer	- Service Manager (Development Management and Enforcement)
Joanna Russell	- Principal Planning Officer
Stephanie Tarrant	- Assistant Director for Democracy, Elections and Information Governance

196 APOLOGIES

Apologies for absence were submitted from Councillor S Marlow. It was noted that Councillor M Adams was substituting for Councillor S Marlow.

197 CHAIR'S ANNOUNCEMENTS

The Chair introduced the Officers and reminded Members to use their microphones as the meeting was being webcast.

198 DECLARATIONS OF INTEREST

Councillor Graeme Hill declared a disclosable pecuniary interest in planning application 3/24/1275/FUL, on the grounds that he was employed by the company that was submitting the application. He left the room whilst this application was being considered.

199 MINUTES - 13 AUGUST 2025

Councillor Stowe proposed and Councillor Devonshire seconded, a motion that the Minutes of the meeting held on 13 August 2025 be confirmed as a correct record and be signed by the Chair.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 13 August 2025, be confirmed as a correct record and signed by the Chair.

200 3/24/1275/FUL - CONSTRUCTION AND OPERATION OF A CIRCA 24MW (AC) SOLAR FARM DEVELOPMENT WITH A (BATTERY ENERGY STORAGE SYSTEM) BESS, AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE WEST OF WARE, WARE PARK FARM, WARE, HERTFORDSHIRE, SG12 0DU

The Head of Planning and Building Control recommended that in respect of application 3/24/1275/FUL, planning

permission be granted subject to the conditions set out at the end of the report.

The Principal Planning Officer said that a consultee response had been received from the fire safety team at Hertfordshire County Council, and their comments had been noted and condition 6 had been amended.

The Principal Planning Officer said that Officers had received some advice regarding the community facilities provision that was included in the application and paragraph 9.4 of the report had been amended.

Members were advised of the location of the site and were provided with a detailed summary of the proposed development including details of the energy generation in the context of the overall energy demands of the nearby GSK site.

The Principal Planning Officer presented a series of visuals and plans in respect of the proposed development. She said that there had been no objections from statutory consultees and Officers had received 39 representations of support and 12 objections.

The Principal Planning Officer said that in respect of biodiversity net gain there would be an 89 percent increase on area habitat across the site and a 1500 plus percent increase in hedgerow.

Members were advised that the applicant had engaged in depth with Hertfordshire County Council highways and a construction traffic management plan which was required to be submitted and approved. The Principal Planning Officer said that Hertfordshire Highways were satisfied that the development could be implemented without harm to motorists using the highway, or to cyclists and pedestrians. She said that the site would be very well screened by existing woodland and the panels were quite low in scale. Members were advised that the landscape team had examined the submitted information and were

satisfied that the most sensitive receptors of the visual impact were covered.

Sarah Lapsley and Paul Holmes-Ling addressed the committee in support of the application. They were asked questions by the Development Management Committee.

Councillor Stowe asked if there was to be a decommissioning bond for this site. The Principal Planning Officer said that there was no decommissioning bond but there were extensive conditions requiring a scheme for remediation of the land and there were measures in place to make sure that the land was made good.

Councillor Devonshire said that the Westmill Site was elevated, and he asked if there were any views to demonstrate to Members whether the development site could be seen from Westmill Site from the north.

The Principal Planning Officer said that the landscape and visual impact assessment that was submitted with the application set out the guidelines and methodology and Officers were satisfied that this was sound in terms of identifying the sensitive receptors. Members were advised that the development would be very well screened.

Councillor Burt asked for some clarity as to whether the location of the proposed solar would make the site a brownfield site and therefore more probable for housing to be approved on the site in the future.

The Principal Planning Officer said that this was a concern that had been raised and Officers had to report this as a concern. She said that the proposed development of a solar farm did not change the classification of the land at all and there was an emphasis on remediation of the land if it were not to be used for a solar farm in future.

Councillor Estop asked for some clarity in terms of the proposed appearance and visibility of the solar panels. The Principal Planning Officer said that there was a quite a bit of informal guidance about glint and glare and she said that when details were submitted under condition 3, officers would have the powers to ensure that would not be excessive glint and glare from the solar panels.

Councillor Stowe asked if there would be a bund around the site of the battery storage to ensure that the ground around the site was not contaminated by water in the event of this being used to fight a fire. The Principal Planning Officer said that there were regulations covering the fire risk and battery energy security systems and this was covered by a condition requiring the applicant to submit details for an emergency plan in the event of fire.

Councillor Stowe said that there was limited detail about how a bund could be provided around the battery energy storage in the event of a fire to contain the water. The Interim Team Leader (Strategic Applications) said that officers had recommended a condition in discussion with Hertfordshire Fire and Rescue and this condition had to be necessary and the detail that was being sought would be available when the conditions were discharged and this was a much smaller battery energy storage facility.

Members had a general discussion around the conditions and Officers responded to questions about the proposed conditions. Councillor Dunlop proposed and Councillor Devonshire seconded, a motion that application 3/24/1275/FUL be granted planning permission subject to the conditions set out at the end of the report.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that application 3/24/1275/FUL be granted planning permission subject to the conditions set out at the end of the report.

201 3/24/1707/FUL - CONSTRUCTION OF A BUILDING COMPRISING COMMERCIAL FLOORSPACE (USE CLASS E) AND HOTEL ACCOMMODATION (USE CLASS C1), IMPROVEMENTS TO THE BISHOP'S STORTFORD TRANSPORT INTERCHANGE, AND ASSOCIATED LANDSCAPING AT GOODS YARD, STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 3BL

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The Head of Planning and Building Control recommended that in respect of application 3/24/1707/FUL, planning permission be granted subject to the conditions set out at the end of the report.

The Principal Planning Officer summarised the late and additional representations that had been received. She said that two objections had been received regarding the application and potential traffic congestion, public transport provision, and a query regarding paragraph 7.4 and a reference to the Neighbourhood Plan, and also an objection regarding the design.

The Principal Planning Officer summarised the application in detail and presented a series of visuals and plans in respect of the proposed development. She detailed the full planning history of the wider Bishop's Stortford Goodsyard and Members were advised that the site was allocated in the District Plan. The Principal Planning Officer said that this allocation was supported by the Neighbourhood Plan for Bishop's Stortford and part of Thorley. She said that the proposals should be assessed against the aims of the NPPF and other relevant District Plan policies.

The Principal Planning Officer set out the wider planning context and said that the principle of redevelopment of the whole of the goodsyard site is established with strong policy support spanning several years.

Members were advised that the site was located on the northern part of the wider goodsyard development and it

was intended that the both the proposed hotel and bus interchange would be delivered concurrently. The Principal Planning Officer explained that certainty of delivery would be ensured by the planning permission being structured on a phased basis with the bus interchange being phase one and the hotel forming a separate phase.

Members were advised that this would enable planning conditions to be discharged independently for each phase thereby preventing delays to one element if issues arose with other phases of development. The Principal Planning Officer said that the phasing plan had been prepared on this basis, and this would be secured by conditions to ensure that the bus interchange could be still delivered if the hotel was delayed.

The Principal Planning Officer said that the applicant had responded to design refinements requested by conservation and urban design officers and these officers considered that the scheme was appropriate to its urban context and they felt that the development would have a neutral impact on the adjacent conservation area.

Members were advised of the proposed parking arrangements for hotel guests in Jackson Square Multi Storey Car park and Crown Terrace Car Park and also the proposed cycle parking for the employees of the hotel.

The Principal Planning Officer said that Hertfordshire Highways had not objected to the application and officers considered that, in planning terms, the principle of the development was firmly established and the proposal benefited from extant permission, policy support, an improved design, economic benefits, public transport improvements, and strong sustainability measures and the regeneration of a vacant site.

Members were advised that all of the above were public benefits that should be given significant weight, and the

recommendation was to grant planning permission subject to the conditions set out at the end of the report.

Simon Dunlop and Oliver Milne addressed the committee in support of the application. They were asked questions by the Development Management Committee.

Councillor R Buckmaster asked how the allocations of spaces in Jackson Square and Crown Terrace were to be determined by the Officers. The Principal Planning Officer said that the parking spaces would be secured via an agreement with East Herts and the applicant, and this would not be matter that would be controlled by planning.

Councillor Stowe asked how the deliveries to the hotel could be guaranteed to be made by lorries no larger than 18 tonne rigid lorries. He also asked if officers could show the location of the layby for deliveries. The Principal Planning Officer said that the application would be subject to a condition for this kind of information. She put up a plan that showed the location of the layby on Dane Street.

Councillor Stowe asked about the discharge of water into the River Stort and the wording of the agreement that was being drawn up. The Principal Planning Officer said that the Canals and Rivers Trust had advised that planning conditions were required to secure the drainage design and this was in accordance with the drainage design that would be approved by the LLFA and secured by condition.

Councillor Devonshire commented that Crown Terrace was a long way from the hotel site, and Jackson Square was also a good 10-minute walk as well. He said that hotel guests would be more likely to use the Station Car Park, which was closer but very expensive.

Councillor Estop asked about Section 106 obligations in respect of sustainable transport and in particular for walking and cycling. She said that Station Road was a very important walking and cycling and it was very poor in

its existing state and everyday people towards the Station from the main shopping area and people also walked east to west from Hockerill to South Street.

Councillor Estop asked if there had already been Section 106 provision for improving Station Road and making the walking routes continuous or whether this needed to be added to this application. The Principal Planning Officer said that these provisions had already been secured via the existing extant outline planning permission, and some more Section 106 had been secured by the most recent hybrid application and the Section 106 on that application was currently being finalised.

Councillor Hill asked for some clarity about the existing provision for cycle parking on site and the wider area. The Principal Planning Officer said that officers had considered the site wide provision as being sufficient along with the existing provision at the train station along with the cycle parking that had been implemented by the extant permission.

The Principal Planning Officer responded to questions from Members regarding retail deliveries, waste management, biological net gain, landscaping and the bus shelter design. The Interim Team Leader (Strategic Applications) said that all of the details that shaped the design of the bus interchange were considered to be acceptable in planning and highways safety terms.

Councillor Stowe proposed and Councillor Adams seconded, a motion that application 3/24/1707/FUL be granted planning permission subject to the conditions set out at the end of the report.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that application 3/24/1707/FUL be granted planning permission subject to the conditions set out at the end of the report.

202     URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.35 pm

Chairman .....

Date .....

# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 11 February 2025

**Report by:** Sara Saunders, Director for Place

**Report title:** Planning Applications for Consideration by the Committee

**Ward(s) affected:** All

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#### Summary

- This report is to enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

#### RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

**A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.**

#### 1.0 Proposal(s)

1.1 The proposals are set out in detail in the individual reports.

#### 2.0 Background

2.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

#### 3.0 Reason(s)

3.1 No.

#### 4.0 Options

4.1 As detailed separately in relation to each matter if any are

appropriate.

## **5.0 Risks**

5.1 As detailed separately in relation to each matter if any are appropriate.

## **6.0 Implications/Consultations**

6.1 As detailed separately in relation to each matter if any are appropriate.

### **Community Safety**

As detailed separately in relation to each matter if any are appropriate.

### **Data Protection**

As detailed separately in relation to each matter if any are appropriate.

### **Equalities**

As detailed separately in relation to each matter if any are appropriate.

### **Environmental Sustainability**

As detailed separately in relation to each matter if any are appropriate.

### **Financial**

As detailed separately in relation to each matter if any are appropriate.

### **Health and Safety**

As detailed separately in relation to each matter if any are appropriate.

### **Human Resources**

As detailed separately in relation to each matter if any are appropriate.

### **Human Rights**

As detailed separately in relation to each matter if any are appropriate.

### **Legal**

As detailed separately in relation to each matter if any are appropriate.

### **Specific Wards**

As detailed separately in relation to each matter if any are appropriate.

## **7.0 Background papers, appendices and other relevant material**

7.1 The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

7.2 Display of Plans

7.3 Plans for consideration at this meeting are available online. An Officer will be present from 6.30 pm to advise on any plans relating to schemes on strategic sites. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they view the full range of plans online prior to the meeting.

7.4 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:  
<https://publicaccess.eastherts.gov.uk/online-applications/>

**Contact Member** Councillor Vicky Glover-Ward, Executive Member for Planning and Growth  
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## DEVELOPMENT MANAGEMENT COMMITTEE – 11 FEBRUARY 2026

<b>Application Number</b>	3/24/0284/OUT
<b>Proposal</b>	Outline planning permission for the erection of up to 36 dwellings with all matters reserved except for access
<b>Location</b>	Land West of High Road, High Cross, Hertfordshire
<b>Parish</b>	Thundridge Parish Council
<b>Ward</b>	Ware Rural

<b>Date of Registration of Application</b>	19.02.2024
<b>Target Determination Date</b>	05.07.2024
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Joanna Russell

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 This application seeks permission for the erection of up to 36 dwellings with all matters reserved except for access.
- 1.2 The site is not allocated for development, or any other use, within the East Herts District Plan 2018. The site lies outside the designated village boundary of High Cross and is within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.
- 1.4 The proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited.
- 1.5 The site is well related to the village core. However, the services that are available in the village are limited and future residents would be reliant on private transport to a large extent notwithstanding that High Cross is relatively close to the main settlements of Ware and Hertford and the primary highway network and there is a connecting local bus service.

1.6 Consideration is given to the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

## **2.0 Site and Surroundings**

2.1 The site lies to the immediate west of High Road and comprises flat uncultivated land laid to grass and is in equestrian use.

2.2 High Road is a predominantly residential corridor which features a mix of bungalows and two-storey family homes.

2.3 The Site is part of a larger landholding comprising Marshall's Farm and includes land to the west of the proposed development which is proposed to be retained as open space as part of the planned surface water drainage regime.

2.4 To the north and west of the site are defined agricultural fields. A mature hedgerow is situated along its boundary with High Road. To the east, across High Road is the Puller Memorial Primary School and the Parish Church of Saint John's High Cross. To the south, there is the High Cross Jet service station and the village's historic core featuring residential houses.

2.5 The site is outside of but adjacent to the defined settlement boundary of High Cross and lies within the Rural Area Beyond the Green Belt. The land is not within any landscape or heritage designation but is opposite the Grade II listed St Johns Church and Grade II Puller Memorial Primary School.

## **3.0 Planning History**

3.1 Planning permission was refused for outline consent for the erection of 27 dwellings under application reference 3/17/2216/OUT on the basis that the Council could demonstrate a housing land supply of 6.2 years. The development of a site outside of a settlement and the (limited) adverse impact on the rural landscape was not significantly outweighed by any other material planning consideration.

## **4.0 Main Policy Issues**

4.1 The main planning issues of the application relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.

4.2 The relevant policies in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018, and the Thundridge Neighbourhood Plan (TNP) are referenced in the table below.

Main Issue	NPPF Chapter	East Herts District Plan	Thundridge Neighbourhood Plan
Principle of Development	2, 5, 9 and 11	INT1, DPS1, DPS2, GBR2, VILL1, TRA1, ED2	
Affordable Housing and Housing Mix	5	HOU1, HOU7, HOU3	THH1
Visual and Landscape Impact	8	HOU2 DES2, DES3, DES4, HOU2	THH4, THE4
Heritage Assets	16	HA1, HA7	THE1
Archaeology		HA3	
Neighbouring Amenity	12	DES4, EQ2	
Transport	9	TRA1, TRA2, TRA3	THFS7
Flooding and Drainage	14	WAT1, WAT3, WAT5	
Sustainability and Climate Change	14	CC1, CC2 and WAT4	THH6
Trees, Ecology and Biodiversity	15	NE2, NE3	THE7
Pollution	9, 15 and 12	EQ1, EQ2, EQ3, EQ4	
Planning Obligations and Infrastructure	4	DPS4 DEL1, DEL2 CFLR1, CFLR3 CFLR7, CFLR9, CFLR10	

4.3 A revised NPPF is currently out for consultation with the deadline for comments being 10 March 2026. This is proposed to be more directive of

decision-making in support of both appropriate housing and commercial development and is underpinned by 3 main objectives:

- To ensure national planning policy is accessible and understandable for everyone who uses it
- To establish a comprehensive suite of national policies on general planning matters which will apply across the country
- To make the policy which it contains more ‘rules-based’ and certain, and so more capable of supporting timely and consistent planning

- 4.4 While this is noted for information, very limited weight is currently given to it in light of its draft status.
- 4.5 Other relevant issues and relevant guidance are referred to in the ‘Consideration of Issues’ section below.

## **5.0 Equality Act 2010**

- 5.1 Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equality considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic, and local) and any relevant supplementary guidance. The policies and guidance referred to in this committee report have all been subject to an Equalities Impact Assessment (EqIA), and therefore the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC (Hertfordshire County Council) Highway Authority: Raise no objection subject to the imposition of conditions.
- 6.2 HCC Infrastructure: Request contributions towards infrastructure provision.
- 6.3 EHDC (East Herts District Council) Infrastructure: Request contributions towards infrastructure provision.
- 6.4 Lead Local Flood Authority (LLFA): No objection subject to the imposition of conditions.

- 6.5 HCC Archaeology: No objection subject to imposition of a condition requiring archaeological evaluation.
- 6.6 HCC Waste and Recycling: Provide advice about waste and recycling requirements.
- 6.7 HCC Housing: Provide advice about proposed property details.
- 6.8 EHDC (East Herts District Council) Conservation and Urban Design Advisor: No objection.
- 6.9 EHDC Environmental Health (Noise and light): No objection to the proposal.
- 6.10 EHDC Environmental Health (Land): No objection subject to the imposition of conditions.
- 6.11 EHDC Landscape Officer: Raises no objection. Concludes that there would be some adverse landscape impact, but this would not be significant.
- 6.12 Thames Water: No objection
- 6.13 East of England Ambulance Service: Request contribution towards impact on service.
- 6.14 NHS England: Request contributions towards healthcare provision.
- 6.15 Hertfordshire Police: Cannot comment without more detailed plans.
- 6.16 Hertfordshire Fire and Rescue: Request a condition for the provision and installation of fire hydrants.
- 6.17 All of the above representations have been considered in the drafting of this report.

## **7.0 Town Council Representations**

- 7.1 Thundridge Parish Council: Object to the proposal on the following grounds:
  - The proposal is contrary to the East Herts District Plan and the Thundridge Neighbourhood Plan.

- The proposal would fall outside of the village boundary, encroach on the countryside and have an urbanising impact on the character of the village.
- The proposal does not represent sustainable development.
- The benefits of the proposal do not outweigh the harm.
- The Council has a 5 year housing land supply and therefore the proposal should be judged in accordance with the development plan.
- There are no circumstances which justify a larger scheme in an inappropriate location than previously refused.
- The proposal does not reflect the traditional character of the Parish, would impact on the setting of the opposite church and impinge views of the school.
- There is insufficient local water supply and waste water disposal, and Surface Water Flooding needs to be sufficiently addressed.
- There is a downturn in the housing market.

7.2 The representations from the Parish Council have been considered in the drafting of this report.

## **8.0 Summary of Other Representations**

8.1 46 responses have been received including 1 from CPRE. 1 of these is in support, and 41 including from CPRE are in objection. 4 are neutral. The issues raised are summarised below:

### **Support**

- The provision of housing is supported provided there is sufficient parking

### **Objection**

- The proposal will increase the size of the village with no benefit to existing residents
- There has already been too much additional development
- The proposal will not meet the needs of the community
- The proposal breaches the village boundary
- Countryside encroachment and loss of green space
- Loss of village identity
- The proposal is not sustainable development
- The proposal will impact on views of the school contrary to the Neighbourhood Plan
- Increased traffic and parking pressure

- Access is unsafe
- Not enough services in the village to support increase
- Increase in pollution and noise
- Intensified flooding issues
- Light pollution
- House prices will be affected
- Increase in crime / anti social behaviour
- Impact on wildlife
- Damage to Rib river
- Landscape harm
- Loss of agricultural land for food production.

### **Neutral Comments**

- Would like to see further measures to control traffic speed
- There is a colony of swifts nearby and this would be a good opportunity to supplement it or create a new one
- Swift and bat boxes should be provided in sufficient numbers
- Flooding and drainage need to be appropriately managed

8.2 All of the above representations have been considered in the preparation of this officer report.

### **9.0 Consideration of Issues**

#### **Principle of Development**

##### **Development Strategy**

9.1 District Plan policy DPS2 seeks to direct residential development to sustainable locations within identified settlements, on allocated sites and on sustainable brownfield sites, with limited development also supported in villages.

9.2 The NPPF states that '*the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner*' and sets out that decisions should apply a presumption in favour of sustainable development but that this does not change the statutory status of the development plan as the starting point for decision-making.

- 9.3 The application site is undeveloped and outside although adjacent to the settlement boundary of High Cross which is identified as a Group 1 village in the Local Plan.
- 9.4 The location of the site outside the village boundary means that the land is designated as part of the Rural Area Beyond the Green Belt. Local plan policy GBR2 identifies types of development that can be acceptable in the Rural Area Beyond the Green Belt. The site does not fall within any of these exceptions.
- 9.5 On this basis, the proposed scheme does not comply with the overarching development strategy for the District or represent a form of development normally supported in the Rural Area Beyond the Green Belt, contrary to Local Plan policies DPS2 and GBR2.
- 9.6 This conflict with development plan policy is attributed negative weight in the final balancing exercise undertaken at the end of this report.

#### Housing Delivery

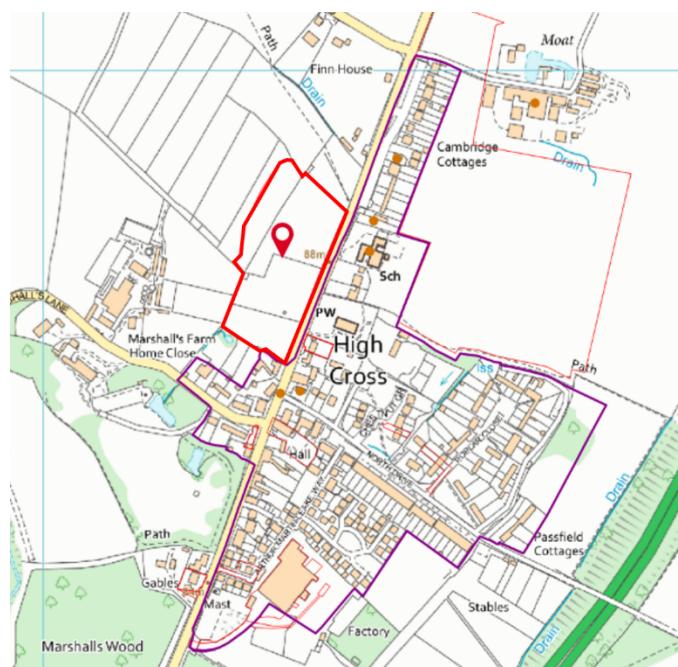
- 9.7 Local Plan policy DPS1 outlines that the Council will provide a minimum of 18,458 new homes in the District over the plan period (2011 – 2033). This figure has been increased under the revised standard new methodology set out in the NPPF. In addition, Section 5 of the NPPF sets out that the Government maintains its objective to significantly boost the supply of homes.
- 9.8 The Council are unable to provide a 5 year housing land supply (5YHLS). On this basis, the housing supply-based policies in the Local Plan are out of date.
- 9.9 This proposed scheme would deliver up to 36 dwellings and would therefore make a meaningful contribution towards the current 5YHLS deficit. This housing provision is a significant benefit of the scheme, which attracts support from Section 5 of the NPPF and should be assigned significant positive weight in the overall balance.

#### Access to Services and Facilities

- 9.10 Local Plan policy TRA1 sets out that development proposals should be located primarily in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. This policy seeks to ensure that a range of sustainable transport options are available to occupants or users of the development, which may involve the improvement of pedestrian links, cycle paths, passenger transport

network and community transport initiatives. Paragraph 110 of the NPPF outlines that significant developments should be focused on locations, which are, or can be made sustainable.

9.11 The site is located adjacent to High Cross which is categorised as a group one village in the Local Plan. Group one settlements are the most sustainable type of village in the District, as they contain some services and facilities. Within High Cross there is a primary school, church, village hall and convenience shopping in the Spar in the service station.



9.12 Approximately 850m from the application site lies the group 2 village of Wadesmill. Approximately 1.3km from the application site, past Wadesmill lies the group 1 village of Thundridge. These are accessible from the application site along the High Road / Cambridge Road which is lit with pavements on both sides. These provide for another primary school, café, public houses and local businesses.



- 9.13 The proximity of the site to Wadesmill and Thundridge means that there would be reasonable scope for occupants of the development to walk or cycle into these villages in addition to High Cross itself to access services and facilities.
- 9.14 Officers acknowledge that the facilities within Wadesmill and Thundridge are beyond the recommended distances for walkable neighbourhoods (generally accepted as being 800 metres to facilities). However, there would still be some potential for occupiers of the proposed dwellings to access services and facilities given the provision of lighting and pavements on the connecting road.
- 9.15 Whilst the access to some services and facilities is noted, officers acknowledge that there is no secondary school in the village, nor is there a large supermarket in the vicinity with the closest being in Ware. Furthermore, the employment opportunities in the locality are limited and there is no train station in the village. Given this, it is clear that occupiers of the proposed development would have to travel outside the village for essential journeys to access secondary education, shops, employment and rail travel. The nearest settlements that contain such facilities are the towns of Hertford and Ware.
- 9.16 The nearest bus stops are located approximately 48 meters from the southeastern corner of the site. An hourly bus service 331 runs along High Road, facilitating connections from High Cross to Ware and Hertford. The bus route has further stops along High Road facilitating

transport within the village. As such, there would be some scope for occupiers of the proposed dwellings to travel to larger settlements via public transport.

- 9.17 The availability of some public transport in the area is noted. However, officers do not consider the bus services running through the area to be of such frequency or convenience for this to be the main mode of transport to nearby towns utilised by occupiers of the proposed development. As such, there would be some reliance on the private vehicle to undertake essential journeys. This means that the proposals would result in the creation of some unsustainable journeys and this would conflict with part of Local Plan Policy TRA1 and Section 9 of the NPPF.
- 9.18 A £250,000 bus services 106 contribution is to be made. This would be used towards enhancing bus services and improving the bus infrastructure in the area.
- 9.19 Pedestrian highway works (as detailed later in this report) along High Road are also proposed. This will be of benefit for future public highway users accessing the new development and the school, church and public footpath network opposite the site.
- 9.20 Taking the above into account, moderate negative weight is assigned to the access to services and facilities via sustainable modes of transport. This will weigh against the proposed development in the balance.

#### Loss of Agricultural Land

- 9.21 Policy ED2 of the District Plan relates to the rural economy and outlines that where proposals result in the loss of an agricultural or employment use in a rural area, evidence will be required to demonstrate that the current agricultural or employment use is no longer needed or viable.
- 9.22 NPPF Paragraph 187(b) seeks to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *‘including the economic and other benefits of the best and most versatile agricultural land [BMV], and of trees and woodland’*.
- 9.23 Footnote 65 of NPPF states that *‘Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’*.

- 9.24 The application site is used for equestrian purposes as grazing paddocks. The application is accompanied by an agricultural land classification report to establish the agricultural value of the land. It concludes that the land has uniformly heavy soils with restricted drainage. Land quality is limited to Subgrade 3b by wetness/workability.
- 9.25 The NPPF defines best and most versatile agricultural land as that in grades 1, 2 and 3a of the Agricultural Land Classification. Therefore, the land is not classified as best and most versatile agricultural land and its use for agricultural purposes is limited.
- 9.26 Taking account of the above, it is concluded that the proposal would not have a significant impact on agricultural productivity and no objection is raised to the proposal on this basis.

## **Affordable Housing and Housing Mix**

### **Overall Housing Mix**

- 9.27 Local Plan policy HOU1 and Neighbourhood Plan THH1 outline that housing developments should deliver an appropriate mix of housing tenures, types and sizes in order to create mixed and balanced communities, taking into account the latest Strategic Housing Market Assessment (SHMA) and any up-to-date evidence. Policy HOU7 requires new homes to be readily accessible and adaptable to meet the changing needs of occupants. This policy expects residential development to meet Building Regulations Requirement M4(2) – Accessible and Adaptable Dwellings. Major developments should also provide a proportion of dwellings that meet Building Regulations Requirement M4(3) – Wheelchair User Dwellings.
- 9.28 This application proposes the delivery of up to 36 dwellings. However this scheme is in outline form, with reserved matters to follow, and therefore the final housing mix has not been set. The submission advises that '*the housing mix will be determined at the detailed stage, but it is expected to include a broad range of house types as found within the local townscape*'. This matter will be assessed at reserved matters stage when further detail is submitted.
- 9.29 In order to ensure that the future housing mix does address local housing need, it is deemed necessary to include a condition requiring future reserved matters submissions to have regard to the SHMA housing requirements. Subject to this condition, officers consider that the scheme would broadly comply with DP Policy HOU1.

9.30 No details have been provided to demonstrate that the proposed scheme would deliver dwellings that meet Building Regulations Requirement M4(2) – Accessible and Adaptable Dwellings. These details would be finalised at reserved matters stage. Nonetheless, officers do not consider there to be any particular issues on this site that would prevent the provision of M4(2) and M4(3) dwellings through the development. In light of this, it is deemed appropriate to include conditions as part of this recommendation that require 90% of the proposed units to comply with M4(2) standards and the remaining 10% of the dwellings to be provided as M4(3) dwellings. This condition would ensure that the proposed development would comply with Local Plan policy HOU7.

### Affordable Housing

9.31 Local Plan policy HOU3 seeks to secure 40% affordable housing provision on developments of 15 or more dwellings. The affordable housing provision should incorporate a mix of tenures, having regard to the Council's most up-to-date evidence on housing need. Affordable units should be integrated into the open market housing through appropriate design methods (e.g. tenure blind, pepper potting).

9.32 The applicant has confirmed that the development would deliver 40% affordable housing (14 units) which would be secured through a S106 Legal Agreement.

9.33 The outline form of this application means that the proposed dwelling types provided within the overall affordable housing mix have not yet been provided. This would be finalised at the reserved matters stage.

9.34 EHDC Housing officer has confirmed that although the council requires a tenure mix of 84% rented/ 16% other intermediate tenure, they are mindful of the previous NPPF requirements which required 10% of the housing on all developments to be for affordable home ownership. In these circumstances, a 75% rented and 25% affordable home ownership split has been considered acceptable for major housing developments in the District. Noting that the 10% affordable home ownership requirement has fallen away in the current NPPF, it is considered that the proposed 75%/25% split is acceptable. This equates to 11 dwellings for affordable rent and three dwellings for shared ownership.

9.35 A suitable spread of affordable housing units across the site and a tenure blind design for the affordable units would be required at reserved matters stage, in order to meet the requirements of policy HOU3.

9.36 This provision of 14 affordable housing units is a benefit that is assigned significant positive weight.

### **Visual and Landscape Impact**

9.37 Local Plan policy DES2 states that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. Policy DES3 requires proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.

9.38 Local Plan policy DES4 outlines that developments must be of a high standard of design and layout to reflect and promote local distinctiveness.  
Policy HOU2 requires housing developments to make efficient use of land and for proposals to demonstrate how density has been informed by the character of the local area.

9.39 The proposal is for outline consent, with all matters (except access) reserved. On this basis, scale, layout, appearance and landscaping fall to be determined at a later stage when they are submitted as part of a reserved matters application.

9.40 Subject to the submitted parameter plan being conditioned, the Councils design consultee has advised that they raise no objection to the proposal.

9.41 Turning to landscape matters, the site is located within Area 73B 'High cross plateau' Landscape Character Area (LCA) of the East Herts District Landscape Character Assessment (2007). Key characteristics of the LCA include its undulating arable upland, filtered views out from the A10, views filtered by hedgerow vegetation, isolated blocks of woodland, some large, east of the A10. Guidelines include the creation and improvement of habitat links to reverse habitat fragmentation such as hedges and small woodlands

9.42 To assist in establishing the potential landscape impact of development, the applicant has provided a landscape masterplan and parameter plan which indicatively show how the proposal can be accommodated on site. The application is also accompanied by a Landscape and Visual Impact Assessment (LVIA) and an Urban Character Assessment.

9.43 The Councils landscape consultee has considered the submitted document and advised that the assessment appropriately considers the worst-case scenario and judges the worst affected visual receptor. They do not disagree with the judgements made within the assessment of visual receptors.

9.44 The scheme aims to retain existing hedgerows on the site boundaries. Additional planting is proposed along the northern, southern and western boundaries. The landscape strategy includes native trees and understorey. Buffer planting is proposed on the western boundary and a 5 metre buffer plus 3m retained hedgerow on the northern boundary. Mitigative planting, native understorey and tree planting is also proposed on the southern boundary.

9.45 Views into the development from the main road will be broken up with semi-mature tree planting. In addition, consideration of views through to important landmarks such as the church tower are taken into account. Of benefit is the linking of new planting and woodland to existing hedgerows and tree groups which follows green infrastructure principles.

9.46 Due to the hedgerow boundaries, to some degree, the site is contained within its own setting. However contrary to the findings of the LVIA, there is a visual relationship with the wider landscape. The site is open to the landscape to the west and visible from public rights of way, Thundridge 044 to the northwest and also Thundridge 045 on to the High Road. The site is visible from Marshall's Lane descending into the village.

9.47 The Neighbourhood Plan highlights 11 important views in the Parish. The proposals fall within viewpoint 9 from Marshalls Lane which looks eastwards towards the site and edge of High Cross. Policy THE4 requires any new development to respect the sightlines to the church and school in order to retain this long-distance view of the village. This visual edge will be changed with any new development.

9.48 Maintaining important views, green corridors and local wildlife areas are a key objective of the Neighbourhood Plan and Policy THE5- Local Green Spaces is relevant to the application site with two of these designated green spaces LGS 7 Football Field and Sute's Meadow located to the north of the site.

9.49 The submitted masterplan allows for retention of some views to the church and school from the wider countryside. However, views to the existing village edge across paddocks from public rights of way to the northwest will change, although views from the locally level landscape are filtered by existing hedgerows.

9.50 The LVIA concludes the landscape impact of the proposal to be moderate adverse and that the wider visual impact of the development would not be significant.

9.51 The effects of the development were considered only to be significant from one of the assessed viewpoints, and only at year 1 of the development. These effects are not considered to be significant at year 15 with maturing of planting mitigation.

9.52 Subject to the parameter plan which shows the provision of landscape buffers to all boundaries of the site, with a maximum residential build of 2 storeys (or 9.5m ridge height) the Council landscape consultee raises no objection on landscape grounds and agrees with the conclusion of the LVIA. Subject to the proposed mitigation and maturing of tree and hedge planting, the development proposals are acceptable in terms of landscape and visual impact.

9.53 Subject to accordance with the indicative plans, and further details of landscape, layout and scale which would be managed at reserved matters submission stage, the landscape impact of the proposal would be moderately adverse. This means that the scheme would fail to conserve, enhance or strengthen the character and distinctive features of the district's landscape. This would be contrary to Local Plan policy DES2. However, given that the adverse landscape and visual impact would not be classified as significant, it is considered appropriate to assign moderate negative weight to this harm.

## **Heritage Impact**

9.54 Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in the policies in Chapter 21 of the Local Plan and Neighbourhood Plan policy THH4.

9.55 There are a number of listed buildings within the vicinity of the site. To the east of the site across High Road is the Grade II listed C19th Puller Memorial School located alongside a variety of residential dwellings on the High Road. To the south of this on the same side of High Road is the GII listed mid-C19th Church of St John, and the GII listed mid-C19th

Rectory. Immediately south of the application site (west of High Road) is the GII listed Barn and Farm house.

- 9.56 A Heritage Assessment has been submitted with the application which concludes that there would no significant impact on nearby heritage assets.
- 9.57 The Councils heritage consultee has advised that based on the information submitted, the proposal will result in a low level of harm to the setting of the listed buildings.
- 9.58 Paragraph 215 of the NNPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.59 Consideration is given to the benefits of the scheme as identified throughout this report including the provision of housing set against the Councils lack of 5 year supply, the provision of affordable housing and the surface water drainage betterment. The harm to the significance of the heritage assets would be to their setting and at the lower end of less than substantial. This would be considered alongside the indicative proposed location of development on site in relation to nearby listed buildings and the parameter plans which show that development can be sited a reasonable distance from the boundaries of the site with intervening boundary treatments. In light of this, it is concluded that the benefits would outweigh the less than substantial harm. Regardless, this will still be considered in the final planning balance.

## **Archaeology**

- 9.60 District Plan policy HA3 seeks applicants to engage with the Hertfordshire Historic Environment Unit where a proposal has the potential to impact upon the archaeological value of a site.
- 9.61 The southern half of the proposed development area is located within Area of Archaeological Significance no. 179, as identified in the Local Plan. This covers the core of the historic village of High Cross, which has medieval origins.

- 9.62 The proposed development is directly adjacent to Ermine Street, the main Roman highway from London to York (Historic Environment Record no. 9271). There is therefore potential for Roman roadside occupation or activity at this location. Furthermore, some of the proposed works, particularly any landscaping close to the road itself or creation of access roads may potentially impact on the fabric of the Roman road itself.
- 9.63 There is also potential for medieval or post-medieval activity on the site, due to its proximity to the core of the village. A medieval moat and the remains of an associated 14th century house lie circa 200m to the north east of the site (HER nos. 1993 & 2223).
- 9.64 On this basis, the proposal is regarded as likely to have an impact on heritage assets of archaeological interest. It is therefore recommended that a condition is imposed requiring a programme of archaeological work.
- 9.65 Subject to the imposition of a condition, the archaeological impact is acceptable and in accordance with Local Plan policy HA3.

### **Neighbouring Amenity**

- 9.66 Local Plan policy DES4 notes that development should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and ensure that their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy or overshadowing. Policy EQ2 outlines that proposals should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment.
- 9.67 The outline form of this application means that the layout, appearance and scale of the proposed development have not been set. As such, it is not possible at this stage to fully assess potential impacts on neighbouring properties. This matter would be revisited at reserved matters stage.
- 9.68 While the above is acknowledged, this application is accompanied by an illustrative landscape plan which sets out how the site could be developed. This demonstrates that no development would be sited in such close proximity to a neighbouring occupier such that it would have a detrimental impact in terms of loss of privacy, daylight/sunlight, or be overbearing.
- 9.69 It is concluded that the proposed development can be accommodated on the site without resulting in material adverse impacts on neighbouring

properties and local residents. As such, the proposed scheme would not be contrary to Local Plan policies DES4 or EQ2.

## Transport

- 9.70 District Plan Policy TRA2 states that '*development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment*'.
- 9.71 Neighbourhood Plan policy THFS7 requires all proposals to provide a traffic assessment, and for contributions to be made to achieve sustainable transport improvements.
- 9.72 The application is supported by a Transport Statement, road safety audit and technical details relating to the access provision.
- 9.73 High Road is a 30 mph route and there are public right of way routes in the vicinity, most notably bridleway Thundridge 048 and footpath Thundridge 045 directly opposite the site.
- 9.74 Matters of access are included as part of the submission. A new vehicle access is proposed onto High Road, at 7.5 metres wide and 6 metre kerb radii. 2 metre wide footways are shown on the submitted plans on both sides of the access, with pedestrian dropped kerbs and tactile paving over the access.
- 9.75 Vehicle movements in and out of the access have been tracked, including for a 12.2 metre long refuse vehicle. Visibility is provided by appropriately sized splays. These have been provided in accordance with a stage 1 Road Safety Audit and have been checked and agreed by Hertfordshire Highways Authority who advise that the access onto High Road as shown on the submitted plans is broadly acceptable but will be subject to detailed design checks covered by the recommended conditions.
- 9.76 The applicant has undertaken a TRICS assessment in the submitted Transport Assessment. This shows that there is expected to be 19 vehicle trips in the busiest weekday peak hour (8-9am).
- 9.77 Off site highways works are proposed as part of the application. Key features include a new footway along the western side of the High Road

carriageway and a signalised crossing point to connect the development with amenities on the Eastern Side of High Road such as the School, church and convenience store / petrol station.

- 9.78 The Highways Authority have advised that, together the works will provide a good quality pedestrian route from the site access to the local Primary School, the Church and the Convenience store / Petrol Station.
- 9.79 On the basis of the off-site highway works being in place before first occupation, the Highways Authority have advised that the impact of this increased traffic is not considered severe.
- 9.80 As detailed above, a £250 000 bus services 106 contribution is to be made. This would be used towards enhancing the services and improving the bus infrastructure in the area.
- 9.81 As this is an application for outline consent and access only, there is no definite internal layout of the site. Hertfordshire County Council as the Highway Authority recommend that the internal layout be built to standards stipulated within their Place and Movement Planning Design Guide which promotes sustainable transport modes within the site as per Policy 1 of HCC's Local Transport Plan. A condition can be imposed to ensure that this is provided and it will also be managed, along with the provision of parking within the site through the submission and consideration of reserved matters.
- 9.82 There is the potential for disruption during the construction phase of the development. While this would not represent a reason for refusing the application, the impact could be managed through the imposition of a condition requiring submission of a Construction Traffic Management Plan (CTMP).
- 9.83 Subject to the imposition of conditions, the proposals would provide for safe access and not have a severe detrimental impact on the local highway. The proposal therefore accords with National planning policy and Local Plan policy TRA2.

### **Flooding and Drainage**

- 9.84 Local Plan policy WAT1 addresses the management of flood risk. Policy WAT3 relates to the quality of water, and WAT5 requires appropriate sustainable water management and Sustainable Drainage Systems to be implemented.

9.85 The application site is located within Flood Zone 1. There is a major surface water flow path crossing it and the site is at high surface water flood risk, with notable areas having depths between 30-90cm in the 1 in 30-year flood event.

9.86 Extensive discussion has taken place between the applicant and the Local Lead Flood Authority who raised concern about the surface water flooding issues including the connections of the watercourses where runoff will be disposed. Additional information has been provided including the submission of the initial Flood Risk Assessment and Drainage Strategy, and also a drainage CCTV report and footage.

9.87 It is concluded that the proposals do not alter the natural flood catchments and do not change the area that drains to the culverted watercourse ensuring that the baseline arrangement is retained.

9.88 Discharge from the flood alleviation ditch will follow the existing hydraulic arrangement, with flows from the north following the existing ditch, which then naturally (as existing) flows overground to the low spot within the site, which is currently drained to the culverted watercourse. A proposed flood alleviation ditch will be an extension, (widening and deepening) of the existing ditch, which will allow for additional surface water volume to be retained within the site in events of intense rainfall, slowing down flow and reducing flood risk downstream. This has been demonstrated through the detailed surface water flood risk model completed by the applicants consultant. This represents an improved surface water drainage system than currently in place on site.

9.89 Regarding water discharge from the site, it has been demonstrated that there is no additional water from surface water flow paths or from the development directed to the culverted watercourse, compared to the existing arrangement. There are no cross-catchment discharges and the area currently draining to the watercourse is retained. This is demonstrated by the natural flow routes as shown on the submitted drawings. The flows from the developed site itself are restricted to predevelopment peak rates ensuring that peak flows to the receiving watercourse are no higher than existing, and that flood risk is not increased downstream.

9.90 Surveys completed in the past show the culvert arrangement in the area, starting at the low point within the site and draining to the road. The drainage plan shows this arrangement, and the CCTV confirms connectivity from the site, through the culvert to the watercourse within the road, and confirm free flow and suitable conditions. No additional catchment is added to the system, and peak flows from the development

are restricted to predevelopment greenfield runoff rates, hence the existing capacity and demand are retained.

9.91 The submitted information and detailed hydraulic study completed to support the application demonstrate that the development is suitably considered, mitigation drainage/flood risk measures are incorporated and the post development arrangement will provide a reduction in the extent and depth of flooding, both on site and the area to the south.

9.92 Hertfordshire County Council as Local Lead Flood Authority have considered the submitted information and have advised that the studies and modelling that have been completed and provided with the planning application conclusively demonstrate that surface water flood risk is mitigated and there is no residual unacceptable flood risk, with betterment demonstrated. They raise no objection to the proposal subject to the imposition of conditions to secure the drainage proposals.

9.93 Paragraph 27 of National Planning Policy Guidance has recently been updated to provide further guidance relating to flood risk. It states that

*'In applying paragraph 175 [need for the sequential test] a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*

9.94 In this case as detailed above, it has been demonstrated to the satisfaction of the Lead Local Flood Authority that the existing surface water flood risk on site is mitigated and there is no residual unacceptable flood risk, with betterment demonstrated. On this basis, officers have concluded that a sequential test is not required, which is in accordance with the guidance set out in the NPPG, and there are no grounds for objection of the scheme in relation to flood risk. It is considered that a proportionate approach can be taken in light of the merits of the application and the resulting impact on flood risk in the area.

9.95 Subject to the imposition of conditions, the proposals accord with policies WAT1, WAT3 and WAT5 regarding sustainability and water management as well as the planning guidance set out in the NPPF and NPPG. There would be a betterment of the surface water flooding currently on site and this benefit is assigned limited positive weight.

## Foul Water Drainage

- 9.96 DP Policy WAT6 outlines that development proposals must ensure that adequate wastewater infrastructure is available.
- 9.97 Thames Water have advised that with regard to foul water sewerage network infrastructure capacity, they do not have any objection to the planning application based on the information provided. Therefore, it is considered that appropriate means of dealing with foul water can be delivered on the site.

## Sustainable Design and Climate Change

- 9.98 DP Policy CC2 requires developments to minimise carbon emissions, taking into account the Energy Hierarchy.
- 9.99 DP Policy CC1 sets out that proposals should demonstrate how the design, materials, construction and operation of the development would minimise overheating and reduce the need for heating in the winter. Schemes should also minimise the use of mains water, with residential developments designed to meet the water consumption target of 110 litres per head, per day, in line with DP Policy WAT4.
- 9.100 Neighbourhood Plan policy THH6 states that in order to reduce energy use, innovative approaches to the construction of low carbon homes that demonstrate the sustainable use of resources and high energy efficiency levels will be supported
- 9.101 The outline form of this application means that the layout, appearance and method of construction of the proposed development has not yet been finalised although an energy and water statement and the sustainability checklist have been included with the submission which makes a commitment to energy and carbon reduction, climate change adaptation and water efficiency in accordance with the aims of policies CC1, CC2 and WAT4.
- 9.102 Details of sustainability measures and the proposed water efficiency measures would be secured via condition.

## Trees, Ecology and Biodiversity

- 9.103 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for BNG which came into effect on 12th February 2024, every grant of planning

permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat

- 9.104 Alongside the statutory requirement, District Plan Policy NE2 states that '*All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network*'.
- 9.105 Policy NE3 states that '*Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys*'. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted.
- 9.106 Neighbourhood Plan policy THE7 states that development should conserve and enhance biodiversity and deliver net biodiversity gains.
- 9.107 The Hertfordshire Local Nature Recovery Strategy (LNRS) comprises the County Council's formal plan to reverse nature's long-term decline. This plan sets clear targets, priorities and actions to support habitats and species. It provides a shared framework so that everyone – across sectors and communities – can help deliver bigger, better and more connected nature recovery projects. The overall vision is to create '*a resilient nature network where green spaces are connected, enhanced and created – allowing people and nature to thrive together*'.
- 9.108 The application is accompanied by a Preliminary Ecological Appraisal (PEA). This highlights that the land is dominated by modified grassland with a patch of scrub along the southern boundary. The western and eastern boundaries comprise hedgerows with a line of mature trees along the northern boundary.
- 9.109 Significant effects as a result of the development are unlikely. The survey does not identify any significant ecological impact beyond the presence of Great Crested Newts (GCN) within an off-site pond to the North. The applicant has entered into a GCN district level license agreement and have provided a copy of this.
- 9.110 The PEA identifies that some bat roosts may be present, and bats may make use of boundary trees and hedgerow but that the impact of development will be negligible. Any permission will include precautionary

conditions relating to planting and lighting to ensure that there would be no impact in this regard.

- 9.111 Conditions will also be imposed on any permission to require precautionary mitigation measures along with ecological enhancements such as the use of swift bricks on site. These can also be incorporated into the reserved matter submission.
- 9.112 With regard to BNG, a Statutory Biodiversity Metric and Assessment have been submitted which show a calculated net gain of 79.18% for area habitats (3.81 biodiversity units), a net gain for Hedgerows of 38.75% (1.21 biodiversity units) and a net gain of 59.74% for the watercourse (0.17 units) On this basis, the statutory BNG condition would be met and exceeded.
- 9.113 How BNG target habitats and their condition are achieved and maintained for 30 years will need to be demonstrated using a Habitat Management and Monitoring Plan (HMMP). This will be secured by condition along with the Biodiversity Gain Plan. Monitoring costs will be appropriately secured as a planning obligation in the 106 agreement.
- 9.114 The application is accompanied by an Arboricultural Survey. This concludes that trees within the site survey area are all found around the perimeter of the site due to the use of the field as grazed horse pasture.
- 9.115 An Arboricultural Impact Assessment and associated Tree Protection/Removal Plan would be produced at a later date, once development plans for the site have been finalised. Plans at reserved matters stage would be expected to respond to the limited number of trees of value identified in the survey.
- 9.116 On the basis of the above, the proposals accord with Local Plan policies NE2 and NE3, Neighbourhood Plan policy THE7, and the NPPF. Subject to the imposition of conditions, no objection is raised to the ecology impact of the proposal.

### **Pollution and Land Contamination**

#### **Air Quality**

- 9.117 DP Policy EQ4 outlines that developments should minimise air quality impacts at design stage and should incorporate best practice in design, construction and operation.

9.118 An Air Quality Assessment (AQA) has been submitted with this application, which considers possible air quality impacts during the construction and operational phases of the development and identifies mitigation measures to be adopted to reduce these impacts.

9.119 The Environmental Health Officer has reviewed the AQA and has raised no objection to the proposal on this basis subject to the imposition of conditions.

9.120 Subject to imposition of conditions, it is considered that the proposal would accord with Local Plan policy EQ4.

#### Noise Pollution

9.121 Local Plan policy EQ2 notes that development should be designed and operated in a way that minimises direct and cumulative impacts of noise on the environment.

9.122 The residential nature of the proposals means that the development itself would not generate excessive noise levels. Consideration is given to possible noise impact on the future occupiers of the proposed development and the Environmental Heath team consider that this can satisfactorily be managed through imposition of a condition requiring details of sound insulation in residential units. On this basis, the proposal would accord with Local plan policy EQ2.

#### Light Pollution

9.123 DP Policy EQ3 notes that external lighting schemes must not adversely impact neighbouring uses, or the wider landscape.

9.124 The outline form of this application means that there the external lighting scheme for the proposed development has not yet been finalised. In order to ensure that sensitive lighting proposals are adopted on the site, a condition is recommended securing details of the external lighting scheme, in accordance with DP Policy EQ3.

#### Contamination Risk

9.125 DP Policy EQ1 requires developments to demonstrate that unacceptable risks from contamination would be successfully addressed through remediation.

9.126 The proposed residential use is one that is sensitive to land contamination. The Council Environmental Team have therefore advised

that it would be appropriate to impose a condition requiring site investigation and appropriate measures to deal with any contamination discovered on the site prior to its use.

9.127 On this basis, the proposal would accord with the requirement so Local plan policy EQ1.

### **Infrastructure Requirements**

9.128 Local Plan policy DEL1 requires adequate infrastructure to be provided both on and off site to enable the delivery of sustainable development. Policy DEL2 sets out that the Council will seek a range of planning obligations, where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. This policy requirement reflects Paragraph 58 of the NPPF.

9.129 Various objections have been received from local residents questioning the capacity of infrastructure in the area, including schools, health services and utilities. While these comments are acknowledged, all the statutory bodies responsible for these services have been consulted on the application and none have raised concerns on capacity grounds. As such, officers do not consider there to be major constraints to the development, in terms of availability of infrastructure or utilities. While this is acknowledged, significant financial contributions would be secured through this scheme, as part of the Section 106 Legal Agreement, towards infrastructure provision. These contributions would be used to improve services and facilities in the locality, so that they are able to accommodate the new residents occupying the development. The secured contributions and obligations are listed below with further detail available in the consultee responses online. The contributions are set out as an average figure required per dwelling on the basis that the exact number of homes that will come forward at Reserved matters is unknown (although the application states this will be 'up to 36').

<b>Hertfordshire County Council (indexed linked to BCIS 1Q2024 other than noted exceptions)</b>
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<b>Hertfordshire County Council (indexed linked to BCIS 1Q2024 other than noted exceptions)</b>	
Bus Service Contribution	£250,000 total (index linked to Jan 2024)
Secondary Education Contribution	£14,562.36 per dwelling (Indexed linked to BCIS 1Q2024 and BCIS Regional Factor)
Childcare (0 – 2 Years) Contribution	£76.42 per dwelling

Childcare (5 – 11 Years) Contribution	£16.06 per dwelling
Special Educational Needs and Disabilities (SEND) Contribution	£1,948.92 per dwelling (Indexed linked to BCIS 1Q2024 and BCIS Regional Factor)
Libraries Contribution	£367.06 per dwelling
Youth Service Contribution	£273.14 per dwelling
Waste Service Recycling Centre Contribution	£223.69 per dwelling
Waste Service Transfer Station Contribution	£166.19 per dwelling
Fire and Rescue Service Contribution	£429.19 per dwelling
Monitoring fee	£420 per trigger
<b>East Herts District Council (all index linked from May 2020 other than noted exceptions)</b>	
Allotments Contribution	£177 per dwelling
Recycling and Refuse Contribution	£72 per dwelling and £76 per dwelling with communal facilities (index linked from October 2008)
Community Centres & Village Hall	£692.86 per dwellings
Fitness Gyms Contribution	£254.39 per dwelling
Studio Space Contribution	£105.08 per dwelling
Swimming Pool Contribution	£585.33 per dwelling
Sports Hall Contribution	£572.42 per dwelling

Bowls	£240.86 per dwelling
Playing pitches	£1,172.89 per dwelling
Outdoor tennis	£165 per dwelling
Monitoring Fee contribution	£300.00 per EHDC financial Contribution Obligation Plus £300 (Index linked from Date of Resolution)
<b>Other</b>	
East of England Ambulance Service	£355.45 per dwelling
Hertfordshire and West Sussex Integrated Care Board - GP Provision	£1,292.00 per dwelling (Index linked from Date of Resolution)
Affordable Housing	Provision of affordable housing, comprising 40% of the total number of units.
Affordable housing tenure split	<p>75% rented 25% affordable home ownership</p> <p>All rents, inclusive of service charges should be within Local Housing Allowance (LHA) rates for the Broad Market Rental Area in which they are situated.</p> <p>Shared ownership must be affordable to households with a maximum income of £80,000.</p> <p>Shared ownership rents should be set at a maximum of 2.75% of unsold equity.</p> <p>The shared ownership lease should be in the form of the Homes England Model Shared Ownership Lease.</p>

30 Year Monitoring fee for Biodiversity Net Gain	tbc
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9.130 Officers consider these contributions to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, these contributions pass the statutory tests for planning obligations, set out at Regulation 122 of The Community Infrastructure Levy Regulations (2010) and reflected in DP Policy DEL2 and Paragraph 58 of the NPPF.

## **10.0 Planning Balance and Conclusion**

10.1 The Council are unable to provide a 5 year supply of housing. On this basis, the NPPF determines that the Local Plan policies relating to the provision of housing should be viewed as out of date. As such, the proposed scheme has to be assessed under Paragraph 11(d) of the NPPF.

10.2 Paragraph 11 of the NPPF requires decisions to apply a presumption in favour of sustainable development. 11(d) states that where the policies which are most important for determining the application are out-of-date, permission must be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

10.3 Turning to point i, for the purposes of the NPPF, assets of particular importance that are relevant to this submission are heritage assets and areas at risk of flooding.

10.4 As detailed above, the proposal will result in less than substantial harm to the setting of nearby listed buildings. This harm is outweighed by the public benefits of the proposals (comprising the provision of housing including affordable homes and improvements to the pedestrian environment in the area along with the sustainable transport contribution

towards bus service improvement) and noting the Council's lack of 5 year housing supply, the contained nature of the development in relation to the heritage assets, and the low level of harm identified. It has been demonstrated to the satisfaction of the Lead Local Flood Authority that the existing surface water flood risk on site would be mitigated resulting in no residual unacceptable flood risk, with betterment demonstrated.

- 10.5 In light of the above, there are no strong reasons for refusing development in relation to areas or assets of particular importance.
- 10.6 Turning to Para 11 point ii. This requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 10.7 This report concludes that the proposed scheme would give rise to a number of benefits, which would attract positive weight in favour of the proposal. Some adverse impacts and conflict with development plan policies have also been identified.
- 10.8 The positive and negative impacts are set out in the table below. Planning considerations not listed in the table are of neutral value.

<b>Planning issue</b>	<b>Positive weight</b>	<b>Negative weight</b>
Provision of up to 91 dwellings, contributing towards the Council's 5YHLS	Significant positive weight	
Provision of 40% affordable housing	Significant positive weight	
Financial contributions towards community facilities, health and education facilities to meet the needs of the development	Limited positive weight	
Financial contributions towards improved bus service of benefit to the wider community	Moderate positive weight	
Improved off site highway works of benefit to the wider community	Limited positive weight	
Provision of net gain of 79.18% of area habitats 38.75% of	Moderate positive weight	

hedgerows and 59.74% of watercourse		
Economic benefits of new employment during construction, and increased local expenditure from new residents	Limited positive weight	
Betterment of drainage on site	Limited positive weight	
Conflict with the spatial development plan strategy and policies covering the Rural Area Beyond the Green Belt		Moderate negative weight given that parts of the development plan relevant to housing delivery should be considered out of date, as required by Paragraph 11(d)
Reliance on the private vehicle and increased vehicular trips		Moderate negative weight
Adverse landscape and visual impacts		Moderate negative weight (this is an overall officer judgement which has been arrived at considering the full extent of impacts on landscape character and receptors at the selected viewpoints in the LVIA).

Heritage Impact		Limited negative weight
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10.9 Given the above assessment, officers conclude that the benefits of the proposal, principally housing delivery and affordable housing provision, should attract significant positive weight. Whereas, the adverse impacts arising from the development should be assigned moderate negative weight.

10.10 The adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. On this basis, applying the NPPF presumption in favour of sustainable development, on balance and for the reasons detailed above, it is recommended that planning permission be granted for the proposal.

## **RECOMMENDATION**

That planning permission be GRANTED, subject to the imposition of conditions and the completion of a Section 106 Legal Agreement.

### **TIME LIMITS**

1. (a) Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As Amended).

### **APPROVED PLANS**

2. The development hereby approved shall be carried out in accordance with the approved plans listed below:

Location Plan PL001  
Urban design parameter plan PL006 REV B

Land use parameter plan PL003 REV C  
Proposed site access arrangements H5208-2PD-005 REV A

Proposed signalised pedestrian crossing H5208-6PD-001 REV B  
Flood Risk Assessment ref no. LE23872-HC-LINK-GEN-XX-RP-C-  
FRA01-P1-Flood Risk Assessment, rev no. P2  
Proposed drainage layout HC-LINK-GEN-XX-DR-C-0500 REV P3  
CCTV Survey, Land West of high road high cross dwg no.251148  
Response to LLFA Comments-High Cross, by Link Engineering, dated  
16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1  
Technical note-High cross, by Link engineering, dated 22 January 2025,  
Ref. HC-LINK-GEN-XX-RP-C-TN01

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

### **COMMENCEMENT OF DEVELOPMENT**

3. Details of the (i) layout, (ii) scale, (iii) appearance and (iv) landscaping, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (hereinafter called "the Reserved Matters"), shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the Reserved Matters as approved.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure (England) (Order) 2015 (as amended).

### **SCOPE OF DEVELOPMENT**

4. The development hereby approved is for up to 36 dwellings (Use Class: C3). The total quantum of residential dwellings following approval of all reserved matters submissions shall not exceed this amount.

Reason: To provide clarity on the quantum of development, in accordance with Policies DPS1, DPS2, DPS3 and DES4 of the East Herts District Plan 2018.

### **HOUSING MIX**

5. Concurrent with the submission of reserved matters, the housing mix shall be submitted to and agreed in writing with the Local Planning Authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications.

Reason: To ensure that an adequate mix of housing by unit/tenure/position is provided, in accordance with Policies HOU1 and HOU3 of the East Herts District Plan 2018.

### **SPACE STANDARDS**

6. The detailed plans submitted in connection with the approval of reserved matters shall demonstrate that all of the proposed dwellings hereby approved will be designed and constructed to meet or exceed the standards contained within the Technical Housing Standards - Nationally Described Space Standards (2015) (or any subsequent replacement).

Reason: To ensure reasonable living standards, in accordance with Policy DES4 of the East Herts District Plan 2018 and the National Planning Policy Framework 2024.

### **WHEELCHAIR USER DWELLINGS**

7. At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

Reason: To ensure that the proposed development is adequately accessible for future occupiers, in accordance with Policy HOU7 of the East Herts District Plan 2018.

### **SEPARATION OF NOISE SENSITIVE ROOMS**

8. Prior to erection of above ground superstructure of the proposed development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value DnT,w and LnT,w of at least 5dB above the Building Regulations value for the wall and floor structures separating different types of rooms / uses in adjoining dwellings e.g. between the kitchen / living areas of one dwelling and the bedroom of a separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **INTERNAL AND EXTERNAL NOISE CRITERIA**

9. Prior to commencement of the development, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority

of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope / glazing elements and of acoustically attenuated mechanical ventilation as necessary to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 '*Guidance on sound insulation and noise reduction for buildings*'. Approved details shall be implemented prior to first occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

## **MATERIALS**

10. Prior to the commencement of any above ground construction works for the development hereby approved, details and specifications of all the external materials of construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

## **PROGRAMME OF ARCHAEOLOGICAL WORKS**

11. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological evaluation (in the form of trial trenches) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

The evaluation shall include appropriate mitigation measures as necessary. These may include:

- a) the preservation of any archaeological remains *in situ*, if warranted;
- b) the appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results;
- c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

- d) the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of these results, as appropriate;
- e) such other provisions as may be necessary to protect the archaeological interests of the site.

This condition will only be considered to be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

### **FLOOD RISK ASSESSMENT ACCORDANCE**

12. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment by Link engineering, February 2024, ref no. LE23872-HC-LINK-GEN-XX-RP-C-FRA01-P1-Flood Risk Assessment, rev no. P2, Report Titled "Technical note-High cross", by Link engineering, dated 22 January 2025, Ref. HC-LINK-GEN-XX-RP-C-TN01 and Report Titled "Response to LLFA Comments-High Cross", by Link Engineering, dated 16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1, Drawing Titled "Proposed Drainage Layout, by Link Engineering, dated 7 May 2025,Rev P3,Titled "CCTV Survey, Land West of High Road High Cross, by Link Engineering, dated 10 November 2025,dwg no.251148), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy WAT1 of the East Herts District Plan 2018.

### **CULVERT MAINTAINANCE**

13. Prior to any development maintenance of the culvert which the drainage scheme will discharge to, shall be carried out., in accordance with the submitted FRA and or Drainage Strategy Flood Risk Assessment by Link engineering, February 2024, ref no. LE23872-HC-LINK-GEN-XX-RP-C-FRA01-P1-Flood Risk Assessment, rev no. P2, Report Titled "Technical note-High cross", by Link engineering, dated 22 January 2025, Ref. HC-LINK-GEN-XX-RP-C-TN01 and Report Titled "Response to LLFA Comments-High Cross", by Link Engineering, dated 16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1, Drawing Titled

"Proposed Drainage Layout, by Link Engineering, dated 7 May 2025, Rev P3, Titled "CCTV Survey, Land West of High Road High Cross, by Link Engineering, dated 10 November 2025, dwg no.251148, This will include any clearance of blockages / silt and any repairs undertaken to allow free flow of water from the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187, and policies WAT1 and WAT5 of the East Herts District Plan 2018.

### **TEMPORARY DRAINAGE MEASURES**

14. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF and policy WAT1 and WAT5 of the East Herts District Plan 2018.

### **CONSTRUCTION PHASE SURFACE WATER MANAGEMENT**

15. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

### **SUDS SCHEME**

16. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the

sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

A timetable for its implementation.

Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and policies WAT1 and WAT5 of the East Herts District Plan 2018.

### **VERIFICATION REPORT**

17. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy EQ1 of the East Herts District Plan 2018.

### **LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

18. No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;

- Proposals for ecological enhancements for habitats and species;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for the implementation of the plan;
- Ongoing monitoring and adaptive management measures; and
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Development shall be implemented in accordance with the approved details and the management prescriptions shall be implemented across the site for a period to be agreed in the LEMP.

Reason: to ensure appropriate management of the landscaping in the interests of ecological value in accordance with East Herts District Plan policy NE3.

## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

19. No development shall take place (including demolition, vegetation clearance or ground works – but excluding any investigatory works required in connection with discharge of a planning condition) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- A review of any ecological impacts.
- Risk assessment of potentially damaging construction activities.
- Identification of 'biodiversity protection zones'
- A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timings of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with East Herts District Plan policy NE3.

### **FARMLAND BIRDS**

20. Prior to commencement of development, a farmland bird management and monitoring plan shall be submitted to and approved in writing by the local planning Authority.

This must define target species and appropriate enhancement measures with boundary vegetation forming a critical part of these.

Management and monitoring of the buffer zones and hedgerows should be managed against specific criteria relating to nesting birds.

The development shall be carried out in accordance with the approved Farmland Bird Management and Monitoring Plan for the lifetime of the development.

Reason: To protect farmland birds in accordance with East Herts District Plan policy NE3.

### **LIGHTING DESIGN STRATEGY (BATS)**

21. Prior to the commencement of any development above ground level, a Lighting Design Strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. This Lighting Design Strategy shall:

- accurately identify features/areas of interest;
- describe levels of illumination (during construction/post completion) and -illustrate illumination levels on contour plans/charts; and
- include a statement from an ecologist explaining how goals would be achieved.

Thereafter, the development shall be carried out and operated in full accordance with the approved Lighting Design Strategy.

Reason: To ensure that adverse impacts on protected species are avoided, in accordance with Policy NE3 of the East Herts District Plan 2018.

### **TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT**

22. Prior to the commencement of any development hereby approved, an updated Tree Protection Plan (TPP) and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This TPP and Arboricultural Method Statement shall demonstrate how retained trees and hedgerows would be protected during the construction phase. Thereafter, the development shall only be carried out in full accordance with the approved details.

Reason: To ensure the protection of trees and hedgerows during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

### **LANDSCAPING**

23. Prior to the first occupation of the development hereby approved, full landscaping details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Hard surfacing materials;
- Soft landscaping proposals;
- Retained landscape features;
- Planting plans detailing schedule of plants, species, planting sizes and density of planting;
- Areas for community gardens for food growing / edible landscaping; and
- An implementation timetable.

Thereafter, the site shall be landscaped in full accordance with the approved details and implementation timetable.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policy DES3 of the East Herts District Plan 2018.

### **LANDSCAPE MAINTENANCE**

24. Prior to the first occupation of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years,

following completion of the approved development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

Reason: To ensure the maintenance of landscaping, in accordance with policy DES3 of the East Herts district plan 2018.

### **MEANS OF ENCLOSURE/BOUNDARY TREATMENTS**

25. Prior to first occupation of the development hereby approved, details of all means of enclosure and boundary treatments within the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include boundary treatments to delineate public space and private defensible space, any low rising fencing or enclosures to attenuation/retention basins, as well as the boundaries of the site. Thereafter, the development shall be constructed in full accordance with the approved details. No dwelling shall be occupied until all the means of enclosure for the relevant dwelling have been installed.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

### **ECOLOGICAL ENHANCEMENT PLAN**

26. Alongside the reserved matters submission, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the location, number and type of enhancements and shall include swift bricks and other features integral to the built form of the development. Thereafter, no dwelling shall be occupied until the features/enhancements have been installed in accordance with the approved details. The approved features/enhancements shall be retained for the lifetime of the development.

Reason: To create ecological enhancement in accordance with Policy NE3 of the East Herts District Plan 2018.

### **HMMP**

27. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMM.

- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 40 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed

The use shall not commence until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in accordance with East Herts District Plan policy NE3.

## **SUSTAINABLE DESIGN**

28. Prior to the commencement of any above ground construction works for the development hereby approved, details of the sustainability measures to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall include details of:

Energy efficient construction techniques;  
Energy efficient lighting and fittings;  
Services and controls;  
Efficient energy supply (including details of air source heat pumps); and  
Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day.

The measures shall be fully implemented and completed prior to first occupation of each dwellinghouse or block of residential flats and the development and shall be maintained, in accordance with the approved details for the lifetime of the development.

Reason: In the interests of minimising carbon emissions and promoting sustainable design, in accordance with Policies CC1, CC2 and WAT4 of the East Herts District Plan (2018).

### **NO NOX OR LOW NOX BOILERS CONDITION**

29. The domestic heating systems shall not result in NOx emissions, unless gas-fired boilers are to be utilised in which situation they must meet a minimum standard of <40 mgNOx/kWh

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with policy EQ4 Air Quality of the adopted East Herts District Plan 2018 and in line with the East Herts Sustainability SPD and IAQM Guidance 2017

### **BROADBAND CONNECTIVITY**

30. Prior to the first occupation of the development hereby approved, details of the measures required to facilitate the provision of high-speed broadband connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential unit. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details, including the timetable and method of delivery.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development, in accordance with Policies ED3 and DES4 of the East Herts District Plan 2018.

### **ELECTRIC VEHICLE CHARGING POINTS**

31. Prior to the first occupation of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, shall be submitted to and

approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained thereafter. No dwelling shall be occupied until the EVCP serving that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in accordance with Policies DES4 and TRA1 of the East Herts District Plan 2018.

### **EXTERNAL LIGHTING**

32. Prior to the first occupation of the development hereby approved, details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

### **FIRE HYDRANTS**

33. Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrants have been installed as approved. Thereafter, the fire hydrants shall be retained in their approved form.

Reason: To ensure fire safety, in line with Building Regulations and Policy DES5 of the East Herts District Plan 2018.

### **VEHICLE ACCESS**

34. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access onto High Road and associated highway works, as shown indicatively on drawing number H208-2PD-005 A. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with policy TRA2 of the East Herts District Plan 2018.

### **VISIBILITY SPLAYS**

35. Concurrent with the construction of the vehicle access, permanent visibility splays as shown on drawing number H208-2PD-005 A shall be provided. The northern splay of 2.4m X 61.7 metres and the southern

splay of 2.4m X 66 metres shall have no obstruction to visibility between 600mm and 2 metres above the carriageway level.

Reason: To ensure suitable visibility from the vehicle access, in the interest of highway safety in accordance with policy TRA2 of the East Herts District Plan 2018.

## **WIDER HIGHWAY WORKS**

36. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of all improvement works to High Road as shown on drawing numbers H 5208-6PD-001 rev B. This includes but is not limited to:

Provision of a new footway on the western side of High Road, northbound to the point of the proposed signalised crossing, and a suitable signalised pedestrian crossing.

Widening of existing footway to the south of the Site entrance to 2 metres as shown in drawing number 5208-6PD-001 rev B

Supporting road markings (including relocation of school warning lights), signage and other associated highway features.

These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to High Cross centre and other key destinations in accordance with policy TRA1 of the East Herts District Plan 2018.

## **CROSSING DETAILS**

37. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of a signalised crossing across High Road as shown in drawing number H5208-6PD-001 Rev B. This work shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to the High Cross centre and other key destinations in accordance with policy TRA1 of the East Herts District Plan 2018.

## **INTERNAL / LAYOUT**

38. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with policy TRA2 of the East Herts District Plan 2018.

### **CYCLE STORAGE**

39. Prior to first occupation, the provision of facilities for cycle storage shall be made to the satisfaction of the Local Planning Authority in accordance with details submitted at reserved matters stage.

Reason: To promote sustainable/active travel, in line with paragraphs 115-117 of the NPPF.

### **HARD SURFACED AREAS**

40. The detailed plans submitted in connection with approval of reserved matters shall show (to the satisfaction of the Local Planning Authority):

- The details of all hard-surfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
- The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
- That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
- The provision of sufficient facilities for cycle storage.

Reason: To ensure users of the development can travel safely, freely, and sustainably to the High Cross centre and other key destinations in accordance with policy TRA1 and TRA2 of the East Herts District Plan 2018.

### **CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

41. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out

in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with policy TRA2 of the East Herts District Plan 2018.

## **INFORMATIVES**

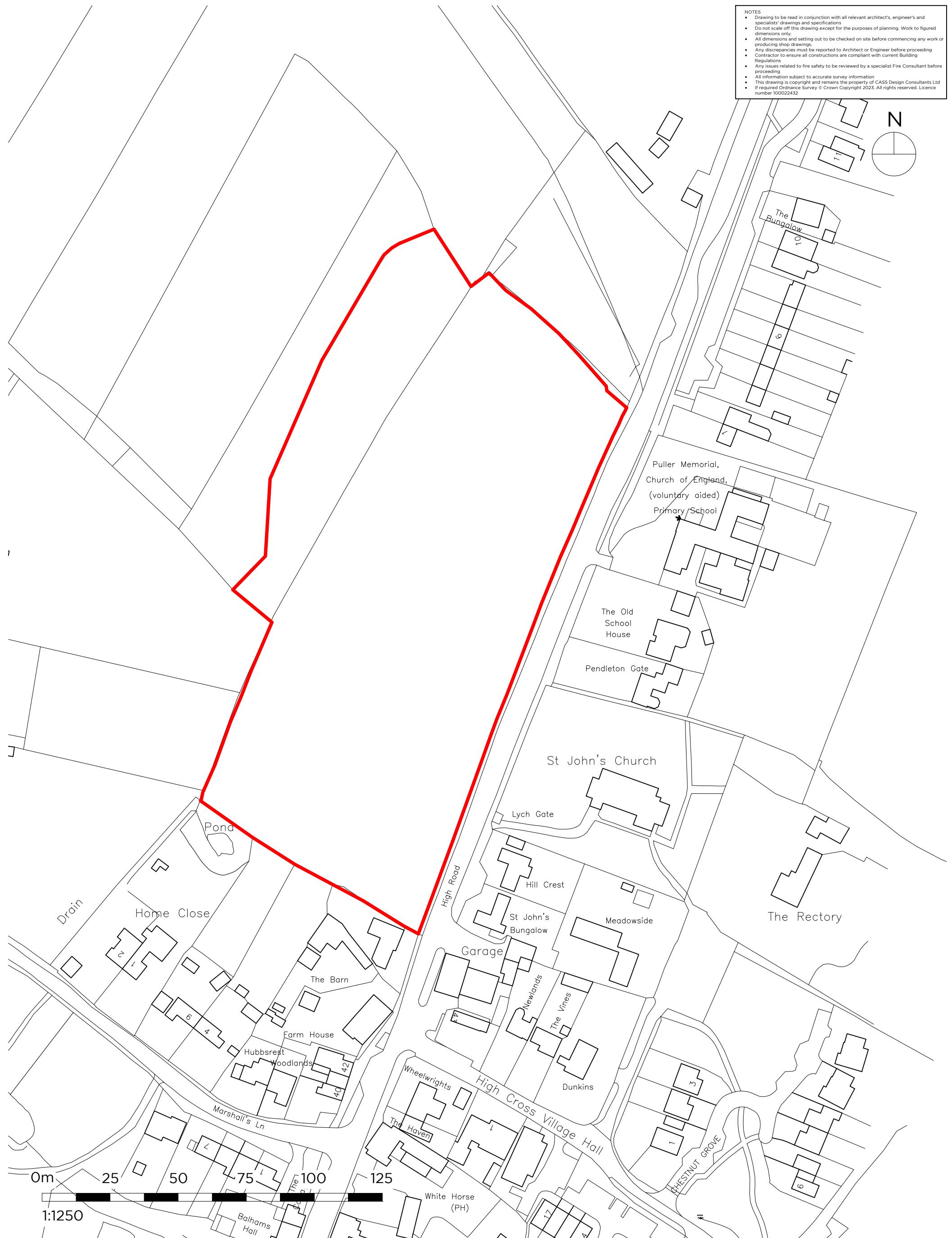
1. Other legislation
2. Archaeological interest
3. Planning obligation
4. Street naming and numbering
5. BNG
6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use

of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website 0300 1234047.
8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. However, all internal roads should be built to adoptable standards. For any sections of highway that will not be adopted, the

developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

11. A 'Bus Service and Accessibility Contribution' of £250,000, shall be made payable before commencement, index linked by CPT from January 2024 towards:
  - i) An improved 331 bus service through High Cross which will be pooled with other contributions from other nearby approved sites.
  - ii) To improve Bus infrastructure along the 331 bus route from Buntingford to Hertford.



CLIENT Caddick Land	Date 10-11-2023	OS Ref. -	Drawn by PC	<b>cass</b> architecture masterplanning landscape conservation sustainability
	Scale 1:1250 @ A3	Drawing no. PL001	Checked DK	
	Job no. H5208(1)C	Rev. -		
	DRAWING TITLE Site Location Plan			
PROJECT Land at High Cross, Hertfordshire Page 70				5 Abbey Court Fraser Road Bedford MK44 3WH t: 01234 261 266 e: mail@cass-design.co.uk

## DEVELOPMENT MANAGEMENT COMMITTEE – 11 FEBRUARY 2026

<b>Application Number</b>	3/25/0917/FUL
<b>Proposal</b>	Erection of Battery Energy Storage Facility including access works, landscaping and all associated engineering works
<b>Location</b>	Dellows, Ginns Road, Stocking Pelham, Hertfordshire, SG9 0JA
<b>Parish</b>	Stocking Pelham Parish Council
<b>Ward</b>	Little Hadham and the Pelhams

<b>Date of Registration of Application</b>	24/06/2025
<b>Target Determination Date</b>	
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Steve Fraser-Lim

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report and completion of a Section 106 legal agreement.

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The development is located within an arable field, in open countryside, to the north of the village of Stocking Pelham, and around 200m to the north of Dellows (a dwellinghouse) and other houses fronting the north side of Ginns Road. The site is also located to the north of Stocking Pelham substation. The village of Stocking Pelham is located further to the west of the site.
- 1.2 The application proposals seek erection of a Battery Energy Storage System (BESS) and associated infrastructure including access, drainage, landscaping and other incidental works. Planning permission is sought for the proposed development for a temporary period, time-limited to 35 years. After this time, all development and infrastructure related to the BESS will be removed from the site. The development will provide battery energy storage and comprises of the following: Containerised BESS units (approx. 4.1m in height); Inverter units (approx. 2.6m in height); Switchgear building (approx. 4.5m in height); Auxiliary Transformer (approx. 1.8m in height); Welfare/monitoring/warehouse building (approx. 2.4m in height); DNO building (approx. 5m in height); DNO 132 kV substation (approx. 6.8m in height); Improved vehicular access off Ginns Road and internal roads; Perimeter palisade security fencing (approx. 2.4m in height); CCTV

columns/lighting (approx. 4.3m in height); Acoustic fencing (approx. 4.5m in height); water storage tank; and Landscaping which includes an Area of Biodiversity Net Gain.

- 1.3 Additional information has been submitted during the course of the application to respond to consultee comments including: additional information with regard to Battery Safety and compliance with relevant safety guidelines; inclusion of firefighting water tank; additional information with regard to drainage strategy; additional information with regard to landscape impacts as well as revised Landscape Masterplan and BNG Metric.
- 1.4 The main issues arising from the proposals are considered in section 4 of this report.

## **2.0 Site and Surroundings**

- 2.1 The application site is approximately 4.1 ha in size. The site comprises an enclosed area of agricultural land to the rear of Dellow's (a residential dwelling located to the north-east of Stocking Pelham). The site is accessed from Ginns Road, the road between Stocking Pelham and Berden. An existing access road leads to a residential dwelling which will be modified and extended to lead to the agricultural parcel where it is proposed to locate the Battery Energy Storage Facility.
- 2.2 The site is enclosed by existing mature hedgerow to the north, east, south and west and is set back from Ginns Road. Beyond the site there is open countryside, predominantly agricultural parcels and limited residential dwellings and buildings. A public footpath runs along the west and northern boundary of the site.
- 2.3 The site is located within the countryside and falls within the rural area beyond the green belt within the East Herts District Plan 2018. The site lies within Flood Zone 1 ('low' probability of flooding). Part of the access route is identified as being at risk of surface water flooding (Low: 0.1% annual chance).
- 2.4 The surrounding area is predominantly characterised by agricultural land. Stocking Farmhouse (grade II listed) is located approximately 170m to the west of the proposed BESS compound. The nearest residential properties are located on the north side of Ginns Road, approximately 210m to the south of the BESS compound.
- 2.5 A number of plan and elevation drawings have been submitted, in conjunction with supporting documents. All these plans / elevation

drawings, and supplementary information are listed at the end of this report have been considered in the preparation of this report.

### **3.0 Planning History**

3.1 The following planning history is relevant to and relates to the application site:

Application Number	Proposal	Decision	Date
3/24/0668/SCREEN	EIA Screening opinion in relation to the application proposals	No EIA required	February 2026

### **Emerging BESS Proposals within the Area**

3.3 There are a number of current or determined planning applications for BESS or solar farms in proximity to the Stocking Pelham National Grid substation around 1km to the north of the site, within both East Herts and Uttlesford District Council Areas:

<b>East Herts</b>				
Address	Application Number	Proposal	Decision	Date
Greens Farm	3/21/0969/FUL	Construction of a 50MW battery energy storage system facility and associated access, landscaping and other infrastructure works.	Planning permission granted	July 2025
Dellows, Ginns Road, Stocking Pelham	3/25/0620/SCREEN	Screening Opinion for a solar array with associated battery storage	EIA not required	July 2025
Land Of Ginns Road, Pelhams	3/24/1953/FUL	Erection of a Battery Energy Storage System and associated infrastructure	Planning permission granted	April 2025

		including access, drainage, landscaping and other incidental works.		
Land adjacent to Crabbs Lane, Stocking Pelham	3/22/0806/FUL	Construction and operation of a Battery Energy Storage System and associated infrastructure	Planning permission refused.	June 2025
<b>Uttlesford</b>				
Land east of Pelham Substation, Maggots End	Land Near Pelham Substation Maggots End Road Manuden And Berden	Construction of a solar photovoltaic ("PV") farm with associated infrastructure	Planning permission refused	January 2026
Berden Hall Farm, Ginns Road, Berden	S62A/22/0006	Ground mounted solar farm with a generation capacity of up to 49.99MW together with associated infrastructure and landscaping.	Application granted by Secretary of State, following an earlier decision which was quashed following Judicial Review.	July 2024
Land east of Pelham Substation, Maggots End	s62A/2022/0011	Construction and operation of a solar farm comprising ground mounted solar voltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation,	Application refused by the Secretary of Statement following its submission directly to the SoS.	May 2024

		customer switchgear, access, fencing, CCTV cameras and landscaping.		
Land of Pelham Road, Berden	UTT/22/1203/FUL	Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District	Granted by Uttlesford DC	July 2024
Pelham Substation Park Green Lane Berden	UTT/16/2316/FUL	Development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The development will support Enhanced Frequency Response (EFR) which is a new service required by National Grid to help it balance the frequency fluctuations on the grid system.	Granted by Uttlesford DC	October 2016

#### 4.0 Main Policy Issues

4.1 The main issues of the application relate to the acceptability of the proposed development within the proposed location, landscape / visual impact, transport, noise and health safety considerations including the cumulative effect of energy-based infrastructure within the surrounding

area. The relevant policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018 (DP), are referenced in the table below.

Main Issue	NPPF	East Herts District Plan
Principle of Development (renewable energy infrastructure)	Chapter 14, Clean Power Plan 2030, National Policy Statement for Energy EN-1	INT1, DPS4, GBR2, CC3, ED2
Landscape Visual Impact	Chapter 12, 15	DES2, DES3, DES4, DES5,
Heritage Assets	Chapter 16	HA1, HA3, HA4, HA7
Ecology and Biodiversity	Chapter 15	NE2, NE3, NE4
Pollution	Chapter 1, 15	EQ1, EQ2, EQ3, EQ4,
Transport	Chapter 9	TRA1, TRA2, CFLR3,
Health and safety	Chapter 8	DES5
Drainage	Chapter 14	WAT1, WAT2, WAT3, WAT5

- 4.2 A revised NPPF is currently out for consultation with the deadline for comments being 10 March 2026. The proposed draft NPPF includes a new chapter “Securing clean energy and water”, as well as recasting the policy within current NPPF paragraph 168 and 169 to go beyond the existing by indicating that substantial weight should be given to benefits for energy security, economic development and net zero, the additional benefits from re-powering, and the contribution that small-scale and community-led developments can make.
- 4.3 While this is noted for information, very limited weight is currently given to it considering its draft status.
- 4.4 Other relevant issues and relevant guidance are referred to in the ‘Consideration of Relevant Issues’ section below.

## 5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority. No objections subject to planning conditions regarding: existing access improved; removal of construction access; construction traffic management plan; visibility splays;
- 5.2 The proposed construction route along Ginns Road is to be used for around 10 months. Following some minor highway widening works at

various intervals, it will largely provide regular opportunities for an HGV and a car to pass by one another, and good forward visibility to constrained width sections. Articulated lorries must be strictly limited to 2 per day, and all HGV movements are to be outside peak times. Once completed, the operational vehicle movements of this development will be very low. Some key additional information is still needed, as outlined in the conditions at the start, but the Highway Authority is now satisfied that the broad principle of using this route is acceptable subject to a number of recommended conditions: Construction Traffic Management Plan (CTMP); delivery of measures identified within CTMP prior to construction; details of operational access; no HGV movements until works to private access road implemented; delivery of onsite vehicle access areas.

- 5.3 Essex County Council Highway Authority: No objection subject to conditions requiring construction traffic management plan and condition survey of the highway prior to commencement.
- 5.4 Lead Local Flood Authority (LLFA): No objection subject to the following conditions being attached to any consent: details of drainage infrastructure; repair of drainage ditch to the east; verification report; details of maintenance and management; no raising of floor levels.
- 5.5 HCC Fire and Rescue Service: sought confirmation that the access route to the development would meet requirements of Hertfordshire Fire and rescue vehicles. With adequate widths and turning circles.
- 5.6 HCC Ecology: No comments received.
- 5.7 Uttlesford District Council: Note that the application site also incorporates land within Uttlesford District Council area, which is subject to separate application to Uttlesford DC, and make no comment in relation to the EHDC application.
- 5.8 EHDC Conservation and Urban Design Advisor The heritage consideration is the impact on the setting of the Grade II listed building, Stockings Farmhouse, which is located to the west of the application site. The significance of the listed building lies in its history as a C17th farmhouse. It has both architectural interest related to this date, for example through the timber framing and decorative plaster, but also historic interest from both its early date and its historic farm use; as the heritage statement notes, the farmstead, including the listed building, has a long association with farming given its medieval origins. Land surrounding farm buildings makes an important contribution to the significance of these types of buildings, given the functional relationship

between the two. From historic mapping and the heritage statement submitted it appears that the development site was historically part of the farmland associated with the farmhouse. Whilst today this functional relationship has changed, the site still contributes to the wider setting of the listed building through the rural, verdant and open quality of the site which harks back to the agricultural origins of the site and the listed building, as well as the rural nature of the area.

- 5.9 It is considered that the proposed development would change this to a more industrial character and therefore this would impact on the significance of the heritage asset through a change in the character of the land, resulting in less than substantial harm to the heritage asset.
- 5.10 EHDC Environmental Health (Air Quality): Recommend a planning condition with regard to Nitrogen Dioxide.
- 5.11 EHDC Environmental Health (Land): Recommend condition requiring a remediation works if unexpected contamination is discovered.
- 5.12 EHDC Noise: Following discussion with the applicant regarding concerns in relation to low frequency and possible tonal noise, the applicant has proposed a potential condition to try and protect the existing noise climate. Subject to inclusion of a planning condition ensuring that there are no audible tones from the development between 20hz and 315hz at the nearest residential properties then there are no further objections.
- 5.13 EHDC Landscape officer: Landscape effects: Overall, the proposed development gives rise to some minor to moderate adverse residual landscape and visual effects. The proposal introduces a new industrial and utilitarian development within this otherwise cohesive rural landscape; however, it is relatively small scale (contained within a single field parcel), temporary (albeit long term), reversible, and includes some permanent enhancements (planting along the field boundaries).
- 5.14 With regards to cumulative effects, there would be moderate adverse effects on landscape character due to the introduction of several schemes within a relatively small area, weakening the strength of character. However, it is understood that this would need to be balanced against the wider environmental benefits of the scheme.
- 5.15 In terms of arboricultural works, the AIA proposes removal of trees within group 4 are proposed to facilitate the site entrance and partial removal of G8 on the western boundary to facilitate the development. Some pruning works are proposed, and no dig construction techniques for the site access as well as protection during construction works. The scope of

works to trees are considered to be acceptable provided that the protection works recommended in the AIA are implemented.

- 5.16 EHDC S106 monitoring officer: a financial contribution for monitoring of on-site BNG is required.
- 5.17 Active Travel England: no comment on the application.
- 5.18 UK Power Networks: No comment received.
- 5.19 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)
- 5.20 **All of the representations received from consultees have been considered in the preparation of this report.**
- 5.21 **Town/Parish Council / Local Group Representations**
- 5.22 Stocking Pelham Parish Council: Object to the proposals. The BESS would be 600 meters or less from 30 houses and cottages, with many much closer: 100 meters from the garden at Stocking Farm, and less than 150 meters from the main house; 170 meters from Dellow's; 250 meters from the cottages on Ginns Road; 380-600 meters from 25 further houses and cottages in Stocking Pelham and Dewes Green, with only an open field intervening.
- 5.23 Councils and fire services generally regard residential buildings within a few hundred metres of a BESS as concerning because: Visual and noise impacts are more pronounced: Fire risk becomes harder to manage without affecting nearby residents and evacuation planning becomes essential; Public opposition intensifies, especially in rural or semi-rural communities.
- 5.24 The applicant's heritage statement states that Grade II listed Stocking Farm is 170m from the planned BESS and that the effect on Stocking Farm "will be of negligible magnitude." Given the unacknowledged historic title to the land around the farm including the proposed development site itself, SPCC believes the effect on Stocking Farm as a listed building will be substantial. Most of the houses within a few hundred meters from the proposed site already suffer from the buzz from the existing 49MW Statera battery. The new BESS, twice the size of the existing Statera battery, would dominate the background noise from the North. There would be no escape from the low frequency noise in the gardens. SPCC has separately submitted a report produced by noise specialists RBA Acoustics. This has shown that at night time, the noise

exceeds thresholds at Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL). If a development exceeds these thresholds, it should be deemed unacceptable unless properly mitigated (Noise Policy Statement for England). While mitigation measures are proposed on one side of the development (which RBA Acoustics regards as likely to be ineffective), there are no mitigation measures on the other side of the development towards Dewes Green. The RBA Acoustics report concludes that the risk of the scheme causing undue disturbance residents in Stocking Pelham has not been appropriately avoided, mitigated or minimised, contrary to NPPF paragraphs 180(a) and (b).

- 5.25 The diagram in the Appendix 1 illustrates the full, disastrous cumulative impact of the many net zero developments proposed in Stocking Pelham. At the north end of the village, we already suffer from the substation and Statera BESS, and will shortly have to put up with the huge solar array stretching from the north end of the village to Berden (planning approved by PINS). The village is taking on an industrial flavour, at odds with both the national planning framework and East Herts local plan. This new BESS would tip us over the edge, removing any hope that this can remain a rural community with quiet walks and views.
- 5.26 The Applicant considered only 2 other developments for the purposes of considering cumulative effects. There are, in fact, SEVEN relevant developments that should be considered. The applicant understates the landscape and visual impacts of the proposed development. For example, in places the development will be 6 meters high and will be visible for miles, especially in winter, to both passersby and residents. SPPC commissioned a landscape and visual impact report from Harper Landscape Architecture LLP which is provided under separate cover. The report concludes: The two ZTVs (this LVIA and the LVA by Axis) show that the development would be experienced across a wide area of the local landscape, an area which is perceived by the local community to be of such a good quality that it merited being put forward for potential designation as an AONB.
- 5.27 The development would result in the loss of this good quality, rural, tranquil, remote and intact landscape to experience a dominant, industrial influence as a result of the proposed incongruous development that would include adverse lighting and noise Impacts/Effects also. This would be a Significant Adverse change to the Local Landscape Character Area (LLCA) and a judgement of, on the cusp of Significant and Not Significant Adverse Effect at the district scale Landscape Character. For an approximate length of 360m of the local sensitive

PRoWs, the near distance open views experienced by the Visual Receptors using these footpaths, would result in Significant Adverse Effects in the short to long term. Similarly views from private residential plots (including Listed Buildings and their settings) would result in Adverse Harm in the short to long term. Further there are seven proposed alternative energy projects proposed within 0.75km of the Site (as noted by Stocking Pelham Parish Council) that would cause Significant Adverse Cumulative Landscape Character and Visual Effects if one or all were to be constructed.

- 5.28 One of these seven, a BESS scheme half the size of and 300m south of Dellows, in a similar agricultural context was rejected owing to the harm it would cause to Landscape Character. For these reasons the development is in conflict with the Landscape Planning Policy (NPPF Dec 24, paragraphs: 8; 10; 11; 20; 99; 139; and 187, and the East Herts District Plan Policies: GBR2; DES2; DES3; DES4; CFLR3; and HA7). As such there are strong grounds, in terms of the Significant Adverse Effects to Landscape Character and Views, as a result of the proposed development, for the Application to be refused.
- 5.29 Approving a BESS near a listed farmhouse (Stocking Farm, less than 150 meters from the proposed site), would directly contravene Paragraph 102 of the National Planning Policy Framework (NPPF), which mandates that planning decisions must promote public safety and address both natural and man-made hazards. Industrial-scale batteries are inherently hazardous, with documented risks including fire, explosion, toxic gas release, and chemical spills.
- 5.30 Albury Parish Council: There are six other BESS or solar developments within the planning system within the surrounding area and the addition of a seventh would result in mass industrialisation of a rural area. The proposal would result in loss of biodiversity, loss of agricultural land, deliver noise, pollution and congestion on rural roads, resulting in harm to the amenity of the area. Whilst Albury Parish is shielded from HGV movements, it would still experience a large number of LGV movements to the detriment of the highway network. The proposals would also increase the risk of fires and terrorist attacks.
- 5.31 CPRE Hertfordshire: The proposal does not comply with any of the exceptions permitted by Policy GBR2. It would introduce development which is deeply injurious to the rural character of the area. The PDAS notes that “The Policy does not make specific reference to renewable energy related proposals and is therefore silent on proposals for BESS development”. This is entirely disingenuous as the Policy specifically identifies exceptions, and thus there is no logical basis or requirement for

identifying proposals which are not exceptions. The proposals would also conflict with NPPF paragraph 187 as it would harm the rural character of the area.

5.32 CPRE Hertfordshire is fully supportive of the Government's objectives towards the land covered by policy affecting the Rural Area should not be used for development which is highly damaging to the landscape and rural character, effectively industrialising the landscape in the area which is already hugely impacted by large-scale energy generation installations. Comments regarding noise pollution are also supported and is an issue for rural areas.

5.33 Hertfordshire is under unrelenting pressure for development and the value of the open countryside that remains increases for local communities and visitors, notwithstanding wider environmental benefits relating to the amelioration of the effects of climate change, maintenance and enhancement of biodiversity, and physical and mental health. The proliferation of ground mounted energy generation installations in this area continues to have a severe impact on small rural communities which are effectively surrounded by infrastructure.

5.34 Berden Parish Council: The site is close to 30 dwellings within Stocking Pelham Village and dwellings within Berden Village are only circa 350m from the site. Concerns highlighted within the Crabbs Lane BESS application (ref: 3/22/0806/FUL) with regard to pollution / fumes from a potential battery fire; harm from low frequency noise; harm to the rural landscape are also the same for this application. The existing Berden BESS results in noise pollution and promised landscape and acoustic mitigation has not been delivered.

5.35 The impact from the number of developments proposed in the vicinity of Stocking Pelham substation would be excessive in terms of noise pollution and landscape impacts. The proposed landscape mitigation would also disrupt the harmonious pattern of open fields in the surrounding area.

5.36 In terms of transport, the width of the proposed access would be visually harmful. There will be cumulative impacts from HGV movements if other solar or BESS developments are under construction at the same time. There would also conflict between construction vehicles and school pickup / drop off times which include larger school buses. There has been no consideration of alternative sites. Concern over the fire strategy with a reliance on fire hydrants, and proximity to residential dwellings. There will be a loss of high quality agricultural land.

5.37 Brent Pelham and Meesdon Parish Council: Cumulative impact of multiple developments in terms of landscape, views and rural character; impact on character of local footpaths; Noise impacts on nearby residents; proposals would result in harm to heritage assets due to its industrial character fencing and lighting; large scale batteries pose inherent risks of fire, release of poisonous gases. Other BESS developments have been refused on these grounds.

5.38 All of the representations received have been considered in the preparation of this report.

### **5.39 Summary of Other Representations**

5.40 153 responses have been received with 152 objections, and 1 comment on the application. The issues raised are summarised below:

#### Objection

- Proposals will harm the rural character of the area, which is attractive and capable of designation as an AONB. This is worsened due to the number of proposed solar / BESS developments.
- Land should be retained as arable land for food production to address food insecurity.
- The roads around the area are already congested when tractors, lorries and school buses use them. Further use by HGVs during construction will cause further congestion and damage.
- Construction vehicles will cause pollution.
- Cumulative impact of construction will result in use of Ginns Road by construction vehicles for several years.
- Proposals will harm wildlife.
- Disagree with the conclusions of the application documents on transport impacts. They will be worse than envisaged.
- Construction work, in particular the number of vehicles will harm the amenity of the area.
- The proposed route for construction vehicles is unsuitable and unsafe, with insufficient passing spaces, and will result in harm to heritage buildings on route.
- Proposals should be located on a brownfield site or near to large roads or industrial areas.
- Lithium-ion batteries are a fire risk and could result in the release of toxic fumes.
- The proposed location is inappropriate as it is too near to residential properties.
- Stocking Pelham already hosts its fair share of clean energy developments, the Pelham substation, the existing Pelham BESS to the North of the village, and the planned solar array at the North end

of the parish. It's unfair to propose further clean energy development.

- The substation and pylons are an eyesore, and the proposals would further harm and industrialise the landscape.
- Landscaping and acoustic mitigation promised as part of previous BESS development at Pelham Substation has not materialised.
- The substation already emits a constant noise, harming the tranquillity of the area, which would be worsened by the proposals, particularly low frequency humming noise.
- Construction vehicles will result in conflict with schools in Berden and Manuden along the proposed route.
- Seek clarification that drainage of the site will not lead to inundation of nearby roads, drains and ditches.
- Risk of fire and explosion
- Harm to biodiversity
- Insufficient supply of water / water pressure for firefighting / lack of fire hydrants / lack of expertise in fighting battery fires
- Batteries will be sent to landfill at the end of their time limited life.
- Concern about cumulative impact of a number of battery and solar applications in the vicinity of Stocking Pelham
- Proposals will harm house prices in the area. No guarantee that mitigation measures such as acoustic barriers will be implemented
- 4.5m high barriers will be visible and harm the character of the area
- There is no acoustic mitigation to cumulative noise impacts to houses on south side of Ginns Road including from construction vehicles
- Overdevelopment/ industrialisation of the surrounding area
- Existing BESS has caused noise nuisance and this development is nearer
- Impact upon listed buildings in Stocking Pelham will be significant.
- Fire risk is not fully established and mitigation measures inadequate
- Independent appraisal by landscape consultants submitted which highlights inaccuracies in the applicants LVA, including; no published methodology; inadequate consideration of alternatives; no consideration of trenching for connection cables and easements; how loss of trees would affect views; the LVA underestimated visual effects in a number of views; cumulative assessment does not take account of all relevant developments; conclusions of the LVA are incorrect impact on landscape character area and cumulative impacts significantly adverse.
- There are several pinch points on construction vehicle route near Manuden where larger vehicles cannot pass each other
- Construction vehicles will damage buildings along the construction route some of which are historic listed buildings.

- Concentration of energy infrastructure is dangerous and creates a single point of failure
- Batteries and solar panels should be located on buildings and houses not agricultural land
- The existing substation and BESS creates a audible 'Pelham hum'. This and other BESS / Solar developments will only make this worse.

All of the above representations have been considered in the preparation of this officer report.

## **6.0 Consideration of Issues**

6.1 S38(6) of the planning and compulsory purchase Act 2004 states that *"where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".*

6.2 The planning issues identified in relation to the application are assessed further below, and areas of compliance with, as well as any potential conflicts with planning policy are identified. In addition, a full assessment of the planning balance of the application taking into account any policy conflicts weighed against any public benefits accruing from the application is provided towards the end of this report.

## **Principle of Development**

6.3 The proposals comprise energy infrastructure development on private farmland. The development would be located outside of the nearest village settlements within the Rural Area Beyond the Green Belt within the East Herts District. There are a number of District plan Policies as well as National Planning Guidance relevant to the proposals.

6.4 Policy GBR2 of the District Plan is particularly relevant regarding the principle of development in the rural area beyond the Green Belt. It states that *"In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the following types of development will be permitted, provided that they are compatible with the character and appearance of the rural area: (a) buildings for agriculture and forestry; (b) facilities for outdoor sport, outdoor recreation, including equine development; (c) new employment generating uses where they are sustainably located; (d) the replacement, extension or alteration of a building; limited infilling or the partial or complete redevelopment of previously developed sites; (f) rural exception housing; (g)*

*accommodation for Gypsies and Travellers and Travelling Showpeople; (h) development identified in an adopted Neighbourhood Plan".*

- 6.5 East Herts District Plan Policy CC3 (renewable and low carbon energy) is also relevant to the consideration of the proposed application. It states that: *"The Council will permit new development of sources of renewable energy generation, including community led projects, subject to assessment of the impacts upon: (a) environmental and historic assets; (b) visual amenity and landscape character; (c) local transport networks; (d) the amenity of neighbouring residents and sensitive uses; (e) air quality and human health; and (f) the safe operation of aerodromes. II. In considering the impact of renewable technologies, the Council will attach particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way".*
- 6.6 In December 2024 the government published the "Clean Power 2030 Action Plan". The action plan requires a transition to an electricity system with clean power sources producing at least as much power as Great Britain consumes in total, and; Clean sources produce at least 95% of Great Britain's generation. A significant increase in renewable energy generation is required, alongside an increase in battery storage from 4.5GW as existing to 23-27GW by 2030.
- 6.7 Paragraph 168 of the National Planning Policy Framework (NPPF) states that *"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future".*
- 6.8 It is important to note that the national policy guidance (NPPF) was updated in December 2024 to elevate the overall significance given to the benefits associated with developments for renewable energy or associated with the provision of renewable energy infrastructure. This is a key factor in determining this particular planning application, alongside the District Plan policies outlined in this report.
- 6.9 The National Planning Practice Guidance (NPPG) section on Renewable and Low Carbon Energy must be considered alongside the above District Plan Policies and NPPF. The NPPG includes a sub-section on Battery Energy Storage Systems (BESS). It notes that: *"Electricity storage can enable us to use energy more flexibly and de-carbonise our energy*

*system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity”.*

- 6.10 The NPPG goes on to note that “*When planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application*”.
- 6.11 The above policies and guidance must be taken into account in order to consider whether these proposals are acceptable in planning terms.
- 6.12 BESS as a form of renewable energy infrastructure: Officers have considered the relevance of several recent Planning Inspectorate appeal decisions which consider the above policy guidance in relation to the issue of whether Battery Energy Storage Systems can be considered as a form of renewable or low carbon energy. This is relevant in regard to determining appropriateness in the green belt / rural areas. The following appeals have been considered: East Devon appeal ref: APP/U1105/W/23/3319803; Walsall appeal ref: APP/V4630/W/24/3347424; Chelmsford appeal ref: APP/W1525/W/22/33067.
- 6.13 Planning Inspectors in these appeals have previously noted that although a BESS would not generate renewable energy, it would nonetheless store power which will be generated increasingly from renewable sources. The Inspectors all concluded that these developments should be considered as a form of renewable / low carbon energy infrastructure. Officers have carefully considered whether this applies to the proposed application scheme in order to conclude if the development should be considered under the renewable energy policies and guidance set out in the NPPF and District Plan policy CC3.
- 6.14 For example, the Planning Inspector in the Walsall appeal (ref: APP/V4630/W/24/3347424) noted the following: “*National Policy Statement (NPS) EN-1 indicates that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system,*

*so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and to increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various benefits, locally and nationally. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NESO) and Distribution Network Operators (DNO) to help operate the system, reduce constraints on the networks and help to defer or avoid the need for costly network upgrades as demand increases.*

- 6.15 *NESO is a publicly owned energy body responsible for energy planning in Great Britain. When NPS EN-1 was published in November 2023 it noted that there was around 4GW of operational electricity storage in Great Britain, of which some 1GW is battery storage. NESO recently published Clean Power 2030 Advice on achieving clean power by 2030. The “clean power pathway”, sees a 4-to-fivefold increase in demand flexibility with, amongst other things, an increase in grid connected battery storage from 5GW to over 22GW. NESO predicts that unprecedented volumes of clean energy infrastructure projects are needed to meet the Government’s energy ambitions. Whilst the NESO report is not government policy or has the same status as the Framework, it does provide supporting context for decision making.*
- 6.16 *Framework paragraph 161 indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure. Given the context provided by NPS EN-1 and the NESO research, it is not a huge leap to conclude that a BESS project represents much needed associated infrastructure.*
- 6.17 *One of the constraints to the early development of renewable and low carbon energy and associated infrastructure is the ability to access the local grid. Connections are not available until the mid to late 2030s. This project has a grid connection offer of 2028. Thus, given the imperative of mitigating climate change and achieving net-zero, this project has the ability to make an early and material contribution to the clean power pathway required to achieve net zero”.*
- 6.18 The approaches taken by the above Inspectors are consistent across a number of appeal decisions. The Local Planning Authority has also agreed with this approach in approving BESS developments within the District. Officers therefore consider that the application proposals can be

considered as a form of renewable energy / low carbon infrastructure and District Plan policies CC3 and NPPF paragraph 168 are relevant to the proposals. As such, it is accepted that the contribution of the proposals towards decarbonisation of electricity supply and mitigating the impacts of climate change would represent a significant public benefit of the proposals, which need to be balanced against any harms arising from the proposals.

6.19 Appropriateness of BESS in a rural location: The principle of whether development of an additional BESS facility in this rural location is appropriate has been carefully considered by officers, noting there are other consented and proposed renewable energy developments in the area around Stocking Pelham. Consultees, stakeholders and local neighbours raise concerns in relation to the rural and less accessible character of the site and that the responses indicate preference that proposals should be located in brownfield, industrial areas, adjacent to a major roads or integrated within new housing development. However, Planning Inspectors have accepted that there is a locational requirement for grid scale BESS sites is proximity to a connection point to the national grid, which includes rural locations. If sites are too far from a connection point, then they will cease to become viable. It is therefore important to acknowledge BESS development can be suitable within rural locations subject to wider policy and environmental considerations being adhered to. This is consistent with Planning Appeal decisions.

6.20 The Inspectors Report from the Chelmsford appeal (ref: APP/W1525/W/22/3306710) stated the following: *The evidence indicates that the location of the proposed development has been derived following a site selection process based primarily on distance from the RS\*. This process took account of the significant expense and viability of installing a cable connection to the grid network, thus placing a viable 'limit' of approximately 3km or so between the proposal and RS. The appeal site, at some 3.8km from RS, is close to the viable limit.*

6.21 *\*RS is a 'hub' supplying the electricity distribution network covering a large area of Southeast England and East Anglia and operated by UK Power Networks. The appellant's evidence indicates that it is locationally important due to its position on the boundary between two National Grid regions and in an area of the grid that receives a significant proportion of energy from solar and offshore wind generators, and I have no substantive basis to consider differently..."*

6.22 The application site is located outside of the village of Stocking Pelham, within private land in the open countryside. The applicants consider that this is a viable location for the proposals due to the opportunity of

connection to the Stocking Pelham substation, which is located in proximity to the south of the site. Stocking Pelham substation forms part of the National Grid North London Reinforcement Project which aims to upgrade power lines leading from Stocking Pelham in the north to Hackney substation in the south.

- 6.23 Renewable or electricity infrastructure is not explicitly referenced in policy GBR2 as being an appropriate form of development within the rural area beyond the greenbelt. However, the types of development in GBR2 are not exhaustive and are not a closed list. District Plan Policy CC3 is relevant as this policy permits new development of sources of renewable energy generation (in locations including within the Rural Area beyond the Green Belt), subject to assessment of the impacts set out in criteria (a) to (f). As such, subject to a consideration against the criteria set out in policy CC3, the principle of development is capable of according with the intent of Policy GBR2, which attaches particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.
- 6.24 It is also noted that electricity infrastructure such as the Stocking Pelham substation and adjacent existing battery storage facility (to the Pelham Substation) are features within the rural area. The development would therefore form part of this landscape context. The development would not be out of character with the area in this regard.
- 6.25 Given the above considerations officers consider that the application site in the rural area beyond the green belt could be an appropriate location in principle for the proposed development, in accordance with policy GBR2 and CC3, subject to further assessment impact of the proposals upon rural landscape character which are considered further in the following chapter. Officers have also given due consideration to the potential cumulative effects of the development, noting that there are other renewable energy developments in the surrounding area. This report considers the cumulative impact on noise, highways movements from construction, landscape character and visual interest. This is also a consistent approach which Planning Inspectors have acknowledged when considering other planning appeals for BESS developments in rural locations around substations in the UK, where there are other renewable energy developments in proximity to one another.
- 6.26 Loss of agricultural land: The site is currently in use for agricultural purposes and an application is accompanied by an agricultural land classification report, which categorises the 2.1ha of land as falling within category 3b ('moderate', not Best Most Versatile (BMV) agricultural

land). This differs from the Councils GIS categorisation as category 2 BMV agricultural land.

- 6.27 Nonetheless The use of the site as a BESS will result in a loss of around 2.1ha of agricultural land for food production. Although the loss of agricultural land would be considered to conflict with the aims of the broader planning policy objectives to safeguard agricultural land for food production and the rural economy, officers consider this needs to be weighed appropriately against the benefits to arise from the development.
- 6.28 Officers have also given due regard to the consideration of previous appeal decisions in relation to BESS applications in determining the level of adverse weight afforded in the balance. In particular, from a comprehensive review of planning appeals on the subject matter (for BESS development), it has been noted that loss of agricultural land is not considered to be 'significant' within the planning process if less than 20ha in size. In addition, in the case of some renewable energy development and associated development, loss of agricultural land will be for a temporary period of 35 years only, after which the site can return to agricultural use.
- 6.29 As such, officers consider that the loss of 2.1ha of Grade 3(b) agricultural land is an adverse material consideration, and this will weigh against the proposals within the overall planning balance. However, this harm is limited as it would be tempered by the size of the site, that it will be for a limited period only and that the land does not fall within a higher categorisation such that it cannot be considered to comprise BMV agricultural land.

### **Landscape Considerations**

- 6.30 Policy DES2 states that "*I. Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. For major applications, or applications where there is a potential adverse impact on landscape character, a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed; II. Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping; III. Where relevant, development proposals will have regard to the District Council's currently adopted Landscape Character Assessment Supplementary Planning Document*".

6.31 The application is accompanied by a Landscape Visual Appraisal (LVIA), which assesses the landscape impacts of the proposals. The appraisal has concluded that the level of longer-term residual landscape effects of the proposed development would be limited, particularly on the host character area: Anstey & Pelhams Plateau; and the directly adjacent Berden and Farnham Oak. A Minor Adverse level of effect has been identified on the host character area, Plateau Pastures at Year 0, as the proposed development would have some localised influence. However, the proposed development would be relatively small in scale (in respect of the whole character area) and the proposals would introduce landscape features such as tree planting, including some larger heavy standard Scots Pine and Holly trees which will support the integration of the proposed development into the surrounding landscape, such that at Year 10 the level of effect would reduce to Negligible. The range of landscape measures are considered to limit the visual impact of the development to a local level and minimise longer range impact, which in turn minimises the overall effect on landscape character.

6.32 A revised landscape Masterplan has been submitted which proposes alternative landscape improvements to the initial proposals which included a new east to west hedgerow running across the field. The revised proposals are more sympathetic in landscape design terms and recognise the existing landscape character of the area by emphasising the historic field pattern.

6.33 Officers have reviewed the submitted information and consider that the proposed development would result in the following landscape effects:

- Landscape Character Area = moderate-minor adverse;
- Site + Immediate Surroundings = moderate adverse;
- Individual Elements (i.e. existing trees and hedgerows) = minor adverse.

6.34 With regards to the site and its immediate surroundings previous concerns were raised by the landscape officer in relation to the negative impact upon the field pattern (due to the previously proposed enclosure of the BNG area with a new field boundary, creating a long and narrow strip enclosure. It was considered that this would have been at odds with the prevalent field pattern of relatively wider rectangular and square fields). This hedgerow has now been removed from the updated landscape masterplan.

6.35 The proposed development has been designed to minimise the localised significant adverse visual effects. The proposals are screened with new / reinforced landscape planting to all sides of the battery compound.

Planting typologies which have been amended to better reflect local landscape character of the field patterns and landscape boundaries.

6.36 Officers have given careful regard to the cumulative landscape impact of the proposals in conjunction with other consented and potential developments in the area. However, as the proposed development is relatively well screened and self-contained. Most views of the site will be from the adjacent footpath to the north, with limited intervisibility with the other potential nearby developments (notably the Berden Hall Farm solar farm on the south side of Ginns Road, see planning history section), the landscape impacts should only be considered moderate / minor at worst. (with an effective landscape mitigation scheme), Therefore, it is concluded in landscape terms, the cumulative impacts (to landscape character) are minor / moderate adverse, due to the relatively small size of the site relative to the landscape character area, its limited intervisibility with nearby solar farm development.

6.37 Comments are noted with regard to the absence of landscape mitigation at the constructed BESS, adjacent to the substation within Uttlesford DC. The reasons why such mitigation was not secured by Uttlesford DC are not known. However, officers consider that the proposed conditions are sufficiently robust to ensure that appropriate landscape mitigation can be secured. A further condition is proposed to secure details of the colours and finishes of the proposed units, so that an appropriate colour which minimises visual impact can be selected.

6.38 As such in overall terms, officers consider that there would be 'moderate' / 'minor' harm to landscape at year 1 reducing to 'minor' harm at year 15, as well as moderate adverse cumulative landscape impacts.

6.39 In conclusion, officers consider, there would be some conflict with policy DES2 and part (b) of policy CC3 as the built aspects of the development relating to the battery units and industrial equipment would not reflect the landscape character of the area. Notwithstanding this, the integration of landscape mitigation over time would minimise the impact on the wider area to ensure there would be no significant impact on longer range views which are a factor noting District Plan Policy GBR2, which attaches particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.

6.40 Notwithstanding this, the resulting minor/moderate harm to landscape character of the area and harmful impact on receptors at views from the adjacent PRoW amounts to a conflict with Policy DES2 and part (b) of

Policy CC3. This weighs against the proposals and is balanced against the public benefits of the proposals in later sections of this report.

## Transport

- 6.41 District Plan Policy TRA2 states that “*development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment*”.
- 6.42 The Transport Statement submitted with the application outlines the potential transport impacts of the proposals during the construction and operational phases of the development. Further information has also been submitted in response to consultation comments from Hertfordshire County Council Highway Authority. A Construction Management Plan has also been submitted to provide further detail with regard to the routing and management of construction vehicles.
- 6.43 Construction access to the site from Ginns Road is proposed adjacent to Dellows and will become the operational access following construction of the development.
- 6.44 The construction period is envisaged to last approximately 9 months. During this period, it is anticipated that the development could generate 502 2-way vehicle movements (2.5 vehicle movements per day), with up to 5 Heavy Goods Vehicle (HGV) movements per day during certain periods of the construction programme.
- 6.45 Following the completion of the construction, vehicle movements will be restricted to a small number of maintenance vehicle trips. The Site will be unmanned and will only generate occasional Light Goods Vehicles (LGV) trips for maintenance purposes.
- 6.46 In terms of construction vehicle routing, it is proposed that both HGVs and LGVs will access and egress the site via the east / south through Berden and Manuden to the A120.
- 6.47 This construction vehicle route has been approved for use as part of previous applications, such as the existing BESS at Pelham Substation, consented BESS at land at Ginns Road, Greens Farm, and the Berdens Hall Farm solar farm, within Uttlesford (see history section). The CTMP has been reviewed by both Hertfordshire (HCC) and Essex County

Council highways (ECC) who raise no objection to the proposals, subject to planning conditions to ensure submission of a detailed Construction Traffic Management Plan.

- 6.48 As such both HCC and ECC highway Authority considers that the proposals will not result in a severe impact to the local highway network. The operational impacts of the Site will be negligible, therefore, will not have a severe impact on the operation of the local highway network.
- 6.49 Concerns are also noted regarding the cumulative impact of several BESS and solar farm developments (see planning history section) upon the highway network. It is not possible for the LPA to prevent the different projects from having an overlap in construction timetable.
- 6.50 However, it is likely that the different projects will be allocated different connection dates by National Grid. As such this would reduce the likelihood of construction of different sites at the same time. In addition, given the number of construction vehicle movements which are forecast the application along with other BESS developments, are not likely to result in undue impacts on the highway network. As such subject to the conditions proposed by the Highway Authority, officers consider that the proposals would accord with policy TRA2.

### **Above ground heritage assets**

- 6.51 Conservation areas and listed buildings: Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that the Local Planning Authority have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated within policy HA1 which states that *“Development proposals should preserve and where appropriate enhance the historic environment of East Herts... less than substantial harm should be weighed against the public benefits of the proposal”*.
- 6.52 A Heritage Statement has been submitted with the application which identifies Stockings Farmhouse 170m to the west (listed at grade II) as the nearest heritage assets. The Statement considers that the BESS infrastructure is well screened by extensive trees and hedgerows, such that any impact on the setting of the listed building would be negligible.
- 6.53 The Council's conservation officer has stated that the significance of the listed building lies in its history as a C17th farmhouse. From historic mapping and the heritage statement submitted it appears that the development site was historically part of the farmland associated with the farmhouse. Whilst today this functional relationship has changed, the site

still contributes to the wider setting of the listed building through the rural, verdant and open quality of the site which harks back to the agricultural origins of the site and the listed building, as well as the rural nature of the area.

6.54 The change in character of the site as result of the proposals, through introduction of batteries, transformers, fencing and lighting would have an adverse impact upon the setting of the listed building, even if there is limited intervisibility between the farmhouse and nearby fields. As such the change to the setting of the listed building is considered to result in less than substantial harm to the heritage asset. The proposals are therefore considered to result in some conflict with policy HA1. This harm to heritage assets and conflict with policy HA1 will need to be considered alongside the public benefits of the proposals later on in this report.

### **Drainage / water management**

6.55 Policies WAT3 and WAT5 require efficient sustainable water management and Sustainable Drainage Systems, which aim to collect and retain water within the site, reduce runoff to green field rates, maintain water quality, in a manner which supports ecology and biodiversity.

6.56 A Flood Risk Assessment and Drainage Strategy has been submitted with the application which states that the site is at low risk of surface water flooding. The sites underlying geology includes clay and as such a drainage system based on infiltration of surface water is not considered feasible. As such surface water runoff is proposed to be directed to into a drainage system comprising stone filled filter drains, and then into a landscaped attenuation basin within the site. The drainage basin will discharge to a watercourse located to the east of the site, which flows to the river Stout. The drainage system will discharge water at what is considered to be an appropriate greenfield runoff rate (maximum of 2.2L per second).

6.57 The proposed attenuation in the form of filter drains feeding an attenuation basin are considered to provide an acceptable level of pollution mitigation for low pollution hazard which would arise from the site (car parks and driveways). In the event of a fire, the system allows for fire fighting water to be retained within the attenuation basin and tested for contaminants. If contaminants are found water can be removed by tanker, or if uncontaminated, would be allowed to discharge in the normal manner.

6.58 The FRA and Drainage Strategy has been reviewed by the LLFA who initially raised concerns with regard to confirmation that no proposed flood infrastructure is in areas at risk of flooding, details of road construction and that the receiving watercourse can accommodate runoff.

6.59 The applicants submitted further information in relation to these points and the LLFA have confirmed that, subject to conditions requiring final details of the proposed drainage scheme, as well as ensuring the improvement of the eastern watercourse the proposed drainage strategy is acceptable. As such the proposals are considered to accord with polies WAT4 and WAT5 regarding sustainability and water management.

### **Trees, Ecology and Biodiversity**

6.60 District Plan Policy NE2 states that *“All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network”*.

6.61 Policy NE3 states that *“Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys”*. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted.

6.62 The application was submitted prior after the introduction of the Environment Act 2021 and its requirement that development deliver a minimum uplift in Biodiversity Net Gain (BNG) of at least 10%.

6.63 The applicants have submitted an Ecological Appraisal and protected species survey reports which considers impacts on protected species and biodiversity. The hedgerow boundaries of the site provide the most suitable habitat for protected species, namely nesting birds. The arable fields also have the potential to support ground nesting bird species, such as skylark, although none were observed during the survey. Mature trees within the hedgerows of the site have some potential to support roosting bats with features such as cracks, split limbs, woodpecker holes and hollows noted; a nearby pond outside of the site boundary has potential to support great crested newts. However, the site was assessed as having low suitability for protected species.

6.64 The proposed development proposes to retain existing hedgerows bounding the site as well as most existing trees. However, a group of trees is required to be removed to facilitate the site access to Ginn's

Road and a group of trees to the southern boundary of the battery compound area which is required to be removed to facilitate the development. The proposals incorporate new planting to reinforce site boundaries as well as an area of wildflower meadow to the south and coppice woodland to the south of the battery compound, along with a landscaped attenuation basin, which would replace the loss of cropland. As such the proposals are anticipated to result in a Biodiversity Net Gain of 20%.

6.65 The submitted reports have been reviewed by the council's landscape officer who considers that the proposed arboricultural works are acceptable. In addition, the proposed ecology enhancement works and incorporation of new habitats on site are capable of meeting the requirements of the Environment Act 2021 to deliver a minimum of 10% BNG, subject to conditions securing a Biodiversity Net Gain plan. A financial contribution is also required to secure on going monitoring of on -site habitat necessary to achieve the required level of BNG for 30 years. Subject to these measures the proposals are considered to accord with policies NE2 and NE3. In conclusion, the proposed uplift in BNG would comprise a public benefit which should be taken into account as part of the overall planning balance.

### **Amenity / pollution / public safety**

6.66 Noise: District Plan Policy EQ2 states that *“Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health... Applications should be supported by a Noise Assessment in line with the Council’s Noise Assessment Planning Guidance Document”*.

6.67 The application is accompanied by a Noise Impact Assessment which states that a baseline noise survey has been undertaken over weekdays and weekend (13:00 Thursday 3rd April to 11:00 Tuesday 8th April 2025). Typical background noise levels were measured to be 37db during the day (07:00 to 23:00) and 21db at night time 23:00 to 07:00). Manufacturer's data for the proposed plant has been used to model the Site's noise emissions. 4.5 m high acoustic barriers are proposed on the western side of the battery units and the Noise Assessment models noise levels with and without this mitigation. Noise assessment guidelines (BS4142) recommend that noise levels at the nearest sensitive receptors should remain below background levels to ensure a low level of potential noise impact.

6.68 The assessment identified the nearest residential receptors which include Stockings Farmhouse 170m to the west, and dwellings on Ginns Road circa 210m to the south. The assessment concludes that with the proposed 4.5m fence mitigation, noise levels at the potentially affected receptors did not exceed background noise levels during the daytime (07:00-23:00). During the night time (23:00-07:00) there were some exceedances against the background levels (+4db at Stockings Farmhouse and +2db at Ginns Road houses). However, at this time gardens would be unlikely to be used, and partially open windows would provide -10db of attenuation, ensuring that the proposals would meet internal noise level criteria.

6.69 Environmental Health officers have reviewed the submitted information and requested further information to demonstrate that noise levels would not exceed background noise levels across of range of different frequencies, in order to assess potential impacts of low frequency noise, which have previously been a concern in the area.

6.70 A technical note and updated noise assessment has been submitted by the applicants which considers that noise levels from the plant at 100hz and 200hz (a low frequency noise level associated with electrical equipment) would be below the levels which would be audible in the nearest residential gardens to the site. Environmental Health Officers have confirmed that this information has addressed previous concerns, subject to a condition requiring that there are no audible tones between 20 Hz and 315 Hz in third octave bands at any existing residential dwelling.

6.71 Concerns from Parish Councils and third parties about cumulative impact from noise are also noted. Given that predicted noise levels at nearest residential properties are below daytime background noise levels they would be unlikely to increase background noise levels at daytime. And, other consented BESS developments are situated further to the south, with the application site the only BESS development situated on the north side of Stocking Pelham. As such the nearest dwellings to this site, would not be in proximity to other consented BESS developments. Given the above officers consider that the proposals accord with policy EQ2.

6.72 Ground contamination: A Ground contamination report has also been submitted which considers ground conditions at the site. The report considers that the proposed development will require minimal below ground works, with the exception of the creation of foundations for the BESS and associated infrastructure and excavation of the attenuation pond. Activities on-site and in the surrounding area are considered unlikely to have caused significant contamination that would pose risks to

the proposed development. No further investigation is recommended other than testing of trial pits for below ground pipework to confirm the absence of contamination.

6.73 As such the proposals are considered to be acceptable in terms of ground pollution, subject to a condition requiring that further investigation / remediation is required if unexpected contamination is discovered.

6.74 Public safety: A number of comments have been received highlighting concerns over the fire risk associated with BESS developments. The National Fire Chiefs Council (NFCC) Guidance on Grid Scale Battery Energy Storage Systems are relevant with regard to assessment of fire safety at the planning application stage. It should be noted that the NFCC produced updated draft guidance for consultation in August 2024, to take into account technological development of BESS, although a final version has not yet been issued. The NFCC guidance includes a number of best practice recommendations for developments to incorporate, including: Site security and CCTV; battery design to include battery management systems to monitor and prevent thermal runaway events; if an event occurs measures are incorporated to isolate and suppress fires, to prevent propagation to other battery units; Access to the site for fire fighting vehicles to accord with Building Regulations; At least 2 separate access points to account for wind conditions; hardstanding for fire vehicles; a perimeter road to allow access to all areas; a minimum of 6m spacing between units, unless suitable design features are incorporated to reduce the distance; sufficient water supply to deliver 1900litres per minute for 2 hours (228,000Litres).

6.75 In addition, the Department for Energy Security and Net Zero published guidance on Health and Safety in Grid Scale Electrical Energy Storage Systems in April 2024. This document includes many of the principles within the NFCC guidance.

6.76 The applicants have submitted an outline Risk Management Plan, which sets out the measures proposed to mitigate fire risk. This document includes an assessment against the NFCC guidance which concludes that the proposals are compliant as they include the measures identified, including: Separation distances of more than 25m to the nearest residential dwellings; battery management systems to monitor and identify malfunctions; separate access points into the battery compound either from the main entrance to the site to the south, or from north, east and west, via a perimeter access road; provision of 2x water tanks with storage for sufficient water to supply an equivalent of 1900Lper minute for 2 hours; Battery containers are spaced within clusters of two back-to-

back batteries with fire proof separation. Clusters are separated by a distance of 8m.

6.77 The Fire and Rescue Service has been consulted and initially raised queries with regard to compliance of the access road and perimeter track with building regulations for access by fire fighting vehicles. On submission of additional information to clarify these points the Fire and Rescue Service have no further comments on the application.

6.78 Given the above considerations officers consider that the proposals have made adequate provision to manage and mitigate fire risk in accordance with relevant guidance. A further planning condition is proposed to require that a final detailed Battery Safety Management Plan is submitted for approval as the proposals develop. The Fire and Rescue Service would be a consultee for any forthcoming discharge of condition submission. The above approach is consistent with the approach taken by the Planning Inspectorate to address fire safety with regard to other BESS developments.

### **Other matters**

6.79 Several comments are noted highlighting the close relationship between solar panels and battery storage and objecting to the principle of solar panel development on agricultural land. It should be noted that whilst BESS developments are important in balancing the intermittent supply of renewable energy to the national grid, no solar panels are proposed as part of this application. The proposals are for battery storage and associated infrastructure / accesses only. As such objections to solar developments are not relevant to this application.

6.80 Comments are also noted with regard to the need for the proposals to consider alternative sites, and that batteries / solar panels should be incorporated upon new buildings in towns rather than on agricultural land. However as noted above the planning policy background sets out the need for developments of this type, with an emphasis on expanding provision. As such there is no policy basis either within the NPPF or district plan policies to require applications for renewable energy to provide an assessment of alternative sites.

6.81 Concerns are also noted regarding the impact of the development upon house prices. It should be noted that a loss of house or property value is not a material consideration as part of the assessment of planning applications.

### **Cumulative Impacts**

6.82 It is noted that several BESS and Solar applications at sites in proximity to Stocking Pelham substation are at varying stages within the planning system and these listed within the planning history section above. This is because sub-stations such as Stocking Pelham is one of a limited number of Grid Supply Points (GSPs) within the national electricity grid where the transmission (national) power network steps down to the distribution (local) power network. These substations are often located close to high power demand such as on the edges of major cities. Grid scale Solar and BESS projects typically need to connect to the electricity grid at GSPs, resulting in the clustering of projects around substations such as Stocking Pelham.

6.83 The cumulative impact from the number of proposed developments can be relevant across of a range of planning considerations, including rural character / landscape impacts, noise, construction traffic impacts, and has been noted in public comments on the application. Where relevant assessment of cumulative impacts has been highlighted above. In addition, cumulative impacts have been taken into account as part of the overall planning balance below, particularly in relation to landscape impacts.

## **7.0 Planning Balance and Conclusion**

7.1 The proposals will support the supply and balancing of low carbon and renewable energy to the national grid. This is strongly supported by governments clean power 2030 plan to decarbonise the national grid. As such the proposals would result in significant public benefits in terms of climate change mitigation. The proposals would also result in new tree and landscape planting, delivering a BNG of 20%. This BNG has been attributed limited positive weight as part of application decision making. The proposals would also result in limited positive economic benefits in terms of construction job generation.

7.2 Some harms have been identified as arising from the proposals which need to be balanced against the public benefits identified above. The proposals would result in moderate (at year 0) / minor (at year 15) harm to landscape character, noting the cumulative impact of other likely BESS / solar developments in the area. This level of harm is tempered due to the temporary nature of the installations and mitigation from proposed landscaping / planting, and that a restoration scheme to return the field to agricultural use would follow once the BESS has reached the end of its use. Notwithstanding this, the landscape impact results in a conflict with District Plan Policy DES2 which weighs against the

proposals. There would be limited harm from the temporary loss of agricultural land.

- 7.3 In addition, the proposals would result in less than substantial harm to the setting of grade II listed Stockings Farmhouse which amounts to a conflict with District Plan Policies HA1 and HA7. Considering the need to pay special regard to the special historic and architectural interest of listed buildings, this harm is attributed minor adverse weight within the overall planning balance. The proposals would also result in increased construction vehicle traffic, which notwithstanding compliance with policy TRA2 is attributed some limited harm in terms of the balance. There would also be some loss of agricultural land.
- 7.4 All other matters relating to flood risk, public safety and amenity are neutral or able to be mitigated through planning conditions.
- 7.5 Officers consider that the significant public benefits from the proposals outlined above would outweigh the identified harms which are generally of a more limited or minor extent. As such the grant of planning permission is recommended subject to the following planning conditions.
- 7.6 Overall, it is considered the proposed development would comply with the Development Plan as a whole, noting the proposed form of development is permitted under District Plan Policy CC3 (Renewable Energy Development), and, with appropriate mitigations in place, broad compliance with Policy GBR2 which covers development within the Rural Area Beyond the Green Belt would be achieved.
- 7.7 Officers consider that there would be moderate / minor harm in terms of landscape impact, particularly considering the cumulative impact of other developments. Therefore, there would be some conflict with policy DES2 and part (b) of policy CC3. In addition, the proposals would result in less than substantial harm to the setting of a listed building, resulting in some conflict with policy HA1 and HA7. However, this harm (along with the other harms identified in the report) is outweighed by the significant benefits of the proposals as set out in this report. Therefore, it is considered the proposed development would accord with the District Plan (as a whole).

## **RECOMMENDATION**

Grant planning permission subject to completion of a S106 agreement with the following heads of terms, and the following planning conditions:

## Section 106 agreement heads of terms

- BNG monitoring contribution (committee to be updated once amount is agreed)

## Conditions

### Time limit

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

### In accordance with approved plans

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

### Temporary period only

3. Planning permission is granted for a temporary period only and shall cease to have effect 35 years following the date of first energisation. The date of first energisation shall be confirmed to the local planning authority within 14 working days of energisation.

Reason: To allow the site to return to its agricultural use, and to safeguard the rural area beyond the greenbelt in accordance with Policies GBR2 and DES2 of the District Plan (2018).

### Removal if energy export ceases

4. In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 12 months of written approval being given, unless otherwise agreed in writing by the local planning authority.

Reason: To allow the site to return to its agricultural use, and to safeguard the rural area beyond the greenbelt in accordance with Policies GBR2 and DES2 of the District Plan (2018). .

### Pre commencement

#### Construction Traffic Management Plan

5. prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with both Highway Authorities, Hertfordshire County Council and Essex County Council. The detail within the CTMP shall include:
  - a) details of any other scheduled development and associated construction traffic in the area during the construction programme
  - b) details of the expected traffic levels during the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction phase of the development
  - c) detailed final proposed construction traffic routing plan for construction vehicles which where necessary. shall coordinate traffic with cumulative development identified.
  - d) full details of temporary traffic management/banksmen control/mitigation/delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development.
  - e) wheel and underbody cleaning facilities for vehicles Thereafter, the approved Construction Traffic Management Plan shall be fully adhered to.

Reason: in order to prevent undue impacts upon the highway network, in accordance with policy TRA2 of the East Herts District Plan 2018.

#### Condition survey

6. prior to the commencement of the development, an inspection of the route to be used by construction vehicles in connection with the development shall be carried out by the applicant, the scope and methodology of which shall be agreed in advance with the Highway Authorities – Hertfordshire County Council and Essex County Council – and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a

remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authorities.

Reason: To ensure that the public highway is not damaged during construction in accordance with East Herts District plan policy TRA1.

Details of surface water drainage network

7. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment and Surface Water Drainage Strategy (373-006-RP01, April 2025), Hertfordshire Lead Local Flood Authority Objection Response (373-006-TN1, Revision 1), remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies WAT1 and WAT5 of East Herts District Council.

Repair of drainage pipe to the East

8. Prior to commencement of development, repairs (or replacement) of the existing drainage pipe to the east of the site should be carried out.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of East Herts District Council. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF and policies WAT1 and WAT5 of the East Herts District Plan 2018.

Prior to commencement of use

Existing access improved

9. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing number 2407084-04 REV B, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). first use of the development, full details (to include detailed drawings) of the operational access off East End / the C107 shall be submitted to and approved in writing by the Local Planning Authority. The operational access as approved shall be in place before first use of the development.

Construction Access closed

10. Prior to the first operation of the development hereby permitted the construction vehicular access shall be reduced to the operation access as shown in drawing number 2407084-05 REV B

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

Details of colour / finish of equipment

11. Before the installation of the battery storage units and associated equipment, details of the RAL colour of the exterior finish proposed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In order to safeguard the character and appearance of the surrounding area, in accordance with Policies DES2 and DES4 of the East Herts District Plan 2018

Details of security measures

12. Before the first use of the hereby approved development, details of security measures, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other

in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In order to ensure that security measures do not harm the character and appearance of the area, in accordance with Policies DES2, DES4 and DES5 of the East Herts District Plan 2018.

#### Battery Safety Management Plan

13. No use of the development shall take place until a final Battery Safety Management Plan has been submitted to and agreed in writing by the local planning authority. Before the date of first energisation set by condition 3, the measures contained within the Management Plan shall be implemented and thereafter retained for the lifetime of the development.

Reason: In order to safeguard the safety and amenity of the surrounding area, in accordance with policies DES4, DES5, EQ2, EQ3, and EQ4 of the East Herts District Plan 2018.

#### Maintenance and Management of SuDS

14. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include I. a timetable for its implementation. II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located. III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and policies WAT1 and WAT5 of the East Herts District Plan 2018.

#### Landscape Environmental Management Plan

15. The use shall not commence until a LEMP has been submitted to and approved in writing by the local planning authority to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of features to be managed
- b) Aims and objectives of the management
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric
- d) Prescriptions for management actions, noting only definitive measures are acceptable
- e) Details of the body or organisation responsible for implementation of the plan
- f) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
- g) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
- h) Location of bat and bird boxes/structures
- i) Compliance with the mitigation measures set out in the Ecological Assessment
- j) Contingency measures should the monitoring reveal that habitat condition targets are not being met

The plan shall be implemented as approved for the life of the development.

Reason: This Management Plan is required to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

#### SUDS verification report

16. Upon completion of the surface water drainage system, including any SuDS features; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details within the approved pursuant to above conditions. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and the development will remain safe for the lifetime of the development in accordance with NPPF and policies WAT1 and WAT5 of the East Herts District Plan 2018.

#### Acoustic Boundary Treatments

17. First use of the development shall not take place until a detailed specification of acoustic boundary treatment in general conformity with the Noise Impact Assessment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first use of the development and retained for the lifetime of the development.

Reason: In order to safeguard the amenity of the surrounding area, including residential occupiers in accordance with East Herts District Plan policy EQ2.

#### Internal site treatments

18. First use of the development shall not take place until details of all internal site treatments and site boundary treatments, including heights, positions and extent, materials and finishes of all walls, fences, gates or other means of enclosure have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details prior to first use of the development and the site boundary treatments shall thereafter be retained. All gates shall be designed and installed so they cannot open outwards onto a highway.

Reason: In order to safeguard the appearance and amenity of the surrounding area, in accordance with East Herts District Plan Policy DES3 and DES4.

#### Decommissioning Bond

19. Within 10 years of the date of first energisation of the development a bond shall be placed to fund decommissioning on the project as required by condition.

Reason: in order to safeguard the rural character of the site in accordance with Policies GBR2 and DES2 of the District Plan (2018).

#### Compliance conditions

##### Trees and Hedgerows retained.

20. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and

immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

Permitted hours for building work.

21. In connection with all site preparation, demolition, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

Notification to neighbours of building works

22. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints shall be properly addressed as quickly as possible.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

Dust Condition

23. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

Development in accordance with Acoustic Report

24. During operation, the Site must operate ensuring that there are no audible tones between 20 Hz and 315 Hz in third octave bands at any existing residential dwelling. Tones may be determined objectively through measurement at the residential dwelling, following guidance given in BS 4142 and relevant Standards. Where tones are found to be present, remedial action will be required to mitigate the particular tone. During all periods, the Site must operate within the operational noise levels as noted in the E3P Noise Impact Assessment Reference: 51-401-R1-3 with rating levels of no more than 37 dB LAeq,1hr during the day and 25 dB LAeq,15mins during the night, in accordance with BS 4142.

Reason: in order to safeguard the amenity of nearby residents and the surrounding area, in accordance with East Hertfordshire District Plan policy EQ2.

No ground raising

25. No ground raising shall occur within the Surface water Flow path as shown within the submitted Flood Risk Assessment and Surface Water Drainage Strategy {373-006-RP01, April 2025, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flooding offsite in accordance with the NPPF.

Visibility splays

26. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 2407084-05mREV B. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway along with the removal of any vegetation in the visibility splay.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Decommissioning

### Scheme of restoration

27. Eighteen months before the end of the 35-year period taken from the first energisation date submitted under condition 3, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:

1. details of the retention of any approved boundary treatment(s) and planting, a restoration scheme to be used at the end of the operational lifespan of the development.
2. a written scheme of restoration for returning the site to a pasture field on cessation of energy storage at the site. The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 3.

Reason: In order to safeguard the long-term appearance of the site and the surrounding area, in accordance with policies DES2 and DES4 of the East Herts District Plan.

### **Informatics**

1. Other legislation
2. Public Rights of Way
3. Bats
4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

6. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
7. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
8. AN 5) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

[pavements/business-and-developer-information/development-management/highways-development-management.aspx](http://www.essexhighways.gov.uk/pavements/business-and-developer-information/development-management/highways-development-management.aspx)

9. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is East Hertfordshire County Council and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals. In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Both FEH 2013 and 2022 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.
10. To avoid killing or injuring of hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.

**Approved Plans:**

Drawing Number	Title	Date
D1-01 REV1	Location Plan	23.06.25
D1-02 REV	Site layout	19.11.25
D1-08 REV1	Monitoring room, office, warehouse	23.06.25
1 REV1	Access track section	23.04.25
D1-03 REV2	Fire Strategy Plan	11.08.25
D1-04 REV1	132KV substation side view	23.04.25
D1-05 REV1	Elevation	23.06.25
D1-06 REV1	Auxiliary Transformer elevation	23.06.25
D1-07 REV1	DNO building 132KV	23.04.25
D1-09	Switchgear building	23.04.25
D1-10 REV1	BESS power station building	23.06.25
D1-11 REV1	Palisade Fence	24.06.25
D1-12	Acoustic Fence	24.06.25
D1-13 REV1	Storage container	23.06.25

D1-14 REV1	Lighting elevations	23.06.25
D1-15	3 D elevations	23.0525
Fig 4, REVD	Landscape Masterplan	
	Water tank elevation drawing	11.08.25
2407084-04 REV B	Construction Access Arrangement	October 2025
2407084-05 REV B	Operational Access Arrangement	October 2025
J250257-GCL-ZZ-ZZ-D-ARB-0101 REVP04	Tree Removal and Protection Plan	October 2025

### Supporting / Background Documents

Supporting / Background Information	Date
Greenergy Technical Note regarding grid connections and substation overcrowding, including referenced appeal decisions	23.12.25
Landscape Technical Note by Axis	December 2025
Noise Technical Note by e3p	01.09.25
Highways Technical Note by Motion	01.10.25
Cultural Heritage Note by CFA Archaeology	September 2025
Noise Impact Assessment by e3p	December 2025
Agricultural land classification report by Oracle	November 2024
Air Quality Impact Assessment by Greenergy	May 2025
Arboricultural Impact Assessment by Ground Control Professional Services	2 <sup>nd</sup> April 2025
Updated AIA by Ground Control Professional Services	17.09.25
Biodiversity Net Gain Enhancement Scheme by Ellendale Environmental	16 <sup>th</sup> May 2025
BNG Metric	December 2025
Construction Traffic Management Plan by Motion	8 <sup>th</sup> May 2025
Transport Assessment by Motion	May 2025

Consultation Statement by EQ Communications	May 2025
Flood Risk and Drainage Strategy by Haydn Evans	April 2025
Heritage Statement by CFA Archaeology	April 2025
Land Contamination Assessment by Oracle	September 2024
Planning Design and Access Statement by Alder King	May 2025
Landscape Visual Appraisal by Axis	May 2025
Noise Impact Assessment by e3p	April 2025
Preliminary Ecological Appraisal by Ellendale Environmental	March 2025
Sustainability Checklist	
NFCC Checklist by Greenergy	15.08.25
Various Planning Inspectorate Appeal decisions if not referenced in above report: Inspectorate refs: 3368845; 3345744; 3367069; 3357286; 3364999	

