DEVELOPMENT MANAGEMENT COMMITTEE – 16 APRIL 2025

Application Number	3/24/1953/FUL
Proposal	Erection of a Battery Energy Storage System and associated infrastructure including access, drainage, landscaping and other incidental works.
Location	Land off Ginns Road, Stocking Pelham, Hertfordshire, SG9 0LR
Parish	Furneux Pelham Parish Council
Ward	Little Hadham and the Pelhams

Date of Registration of Application	22nd October 2024
Target Determination Date	24th April 2025 (EOT Date)
Reason for Committee Report	Major Application
Case Officer	Steve Fraser-Lim

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 The development is located within private farmland in the countryside, on agricultural fields to the north east of Hixham Hall, to the south of the village of East End. The site is accessed via the existing farm road with access onto Ginns Lane 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. The BESS comprises four areas of battery containers each containing 40 batteries (6m long, 2.4m wide and 2.89m high, positioned on 300mm high platforms) and 20 transformers located on the central and western parts of the compound and separated by the internal access road. Also proposed on the western part of the facility are a site office container, storage cabin, 5 car parking spaces and water storage tanks (228m3).

1.3 The eastern part of the facility comprises a proposed 400kV substation (including transmission masts up to 13m high) and a 132kV substation

(including transmission masts up to 5.8m high), each in separate compounds enclosed by 2.4m high palisade security fencing. Outside of the fencing directly west of the customer substation would be another set of water storage tanks (228m3). South of these, adjacent to the substation is a proposed substation cabin and three additional parking spaces. The two substation areas are encircled, (and separated by) the proposed access track (as are the four battery container areas).

1.4 A drainage basin is proposed on the western side of the site. A 3.5m high acoustic fence bounds the northern and western edges of the battery storage and substation enclosures and landscaping is proposed around the site and wider field boundary.

1.5 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 12.5 hectares and comprises a broadly triangular parcel of private farmland which is currently in agricultural use and a private access track from Ginns Road. The footprint of the proposed BESS is approximately 3.6.ha. An electricity pylon is located in the southeast corner of the Site, with overhead lines crossing this area in a linear north to south direction.

2.2 The site is located within the countryside and falls within the rural area beyond the green belt within the East Herts District Plan 2018.

2.3 The site is bounded along its northern, western and southern boundary by mature vegetation which includes a mix of trees, hedges and scrub plants. To the east, the site is bound by a hedgerow and interspersed tree planting, forming the boundary with the adjacent field. Beyond the existing access track site boundary to the south is arable farmland. To the west beyond the mature boundary vegetation is a stream and pond surrounded by further mature vegetation. There are no ecological designations within or in proximity to the boundary of the Site. 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. Approximately 285m southwest of the proposed BESS compound is Fox Feeds Ltd, an agricultural feed business. Adjacent to this is the Hixham Hall (Grade II Listed) complex.

2.5 Approximately 300m north-west of the proposed development area is a large detached residential property ('The White House'). The primary vehicular access to the Site is from Ginns Road via a private farm track into the southwest corner of the Site which also serves Hixham Hall.

2.6 Stocking Pelham Substation is located approximately 900m north of the Site.

2.7 The surrounding area is defined by the contrast between the agricultural/rural character with the presence of high-level power lines, large scale pylons and the Sub-station.

2.8 The site itself is remote and well contained by the boundary vegetation, rows of trees with only occasional gaps in the hedgerows (to the northeast) giving visibility from the public rights of way routes that are distant from the edges of the site.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/24/1249/SCREEN	Screening Opinion for a temporary erection of a 400MW battery energy storage system with associated infrastructure.	EIA not required	21.08.24

3.2 The Hixham Hall farm complex adjoins the application site access road and there is some planning history in relation to change of use of existing buildings to residential and holiday accommodation.

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:

East Herts				
Address	Application Number	Proposal	Decision	Date
Land at Greens Farm, Stocking Pelham	3/21/0969/FUL	Construction of a 50MW battery energy storage system facility and associated access, landscaping and other infrastructure works.	Application still under consideration	
Land adjacent to Crabbs Lane, Stocking Pelham	3/22/0806/FUL	Construction and operation of a Battery Energy Storage System and associated infrastructure	Application still under consideration	
Uttlesford				
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	July 2024

			Judicial Review.	
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, customer switchgear, access, fencing, CCTV cameras and landscaping.	Application refused by the Secretary of Statement following its submission directly to the SoS.	May 2024
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. 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

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 Operational traffic associated with the development would be very low, estimated to be one van twice a month. However, construction traffic would be significant, involving HGV movements along rural lanes for a period of 18 months, as well as construction worker cars and vans. As such, whilst a Construction Traffic Management Plan (CTMP) can usually be considered later on as part of a planning condition, the Highway Authority view is that this needs to be addressed at the application stage, as it is a fundamental consideration when determining the acceptability of the development.

5.2 Therefore, a number of CTMPs have been submitted, and Revision D (12/3/2025) is the latest version which has now been assessed. The Highway Authority acknowledges the concerns raised by some local

residents, and indeed shared some of these concerns when the application was first submitted. However, the Construction Traffic route information as part of the latest revision has been carefully considered.

5.3 The proposed construction route along Ginns Road is to be used for 18 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 will 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 the conditions and the above limitations.

5.4 Lead Local Flood Authority (LLFA): Since our previous response, the applicant has provided an updated Flood Risk Assessment and Drainage Strategy. Following a review of the new information, we note that the applicant has adjusted the drainage strategy to discharge at QBAR (this removes the requirement for long term storage). As a result, this addresses the issues from our previous response and so we are able to remove our objection to this application. We would recommend the following conditions: construction drawings of the surface water drainage network; details of maintenance and management; verification report; details of interim / temporary drainage measures.

5.5 HCC Archaeology: The proposed development lies between numerous Areas of Archaeological Significance (AAS) as identified in the Local Plan, although itself does not. These include East End settlement and farmsteads to the northwest, an area of Roman and Saxon occupation to the west, the site of King's farmstead to the southwest and the moated site at Hixham Hall to the southwest. These areas contain multi-period features and finds that indicate prolonged human activity in the area immediately surrounding the proposed development. Recommend conditions requiring: Metal detector survey; trial trenching prior to commencement; mitigation measures as appropriate and archaeological analysis of findings.

5.6 HCC Fire and Rescue Service: Access routes for Hertfordshire Fire and Rescue Service vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1/Vol 2 section B5, with consideration given for ALP access due to buildings of over 11m in

height. It should be noted that the increased minimum carrying capacity figures of 19 tonnes for a pump and 26 tonnes for an ALP should be used.

5.7 Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammerhead or a turning circle designed on the basis of diagram 13.1/15.3 in section B5. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point.

5.8 There should be vehicle access for a pump appliance to either: a) 15% of the perimeter, or b) within 45 m of every point on the projected plan area (or "footprint" (See diagram 3) of the building, whichever is the less onerous). Fire hydrants will be required in order to ensure new developments are adequately served in the event of fire.

5.9 HCC Ecology advisor: Application can be determined with conditions and informatives listed: Habitat to be retained; Great Crested Newt method statement; BNG condition; Habitat Management and Maintenance Plan; lighting condition; Construction Management Plan.

5.10 EHDC Conservation and Urban Design Advisor: concurs with the findings in the heritage report that there would be no harm to the setting of the designated heritage assets in the vicinity of the site.

5.11 EHDC Environmental Health (Air Quality): the Noise report gives a detailed assessment of the current and expected noise climate including the impact of low frequency noise associated with this use, and if the levels set out in the report are not exceeded, there are no objections to this application on noise grounds, subject to conditions limiting the noise levels, and regarding: hours of work; notification of neighbours during construction; best practical means to minimise dust pollution; External lighting not to exceed Lux guidance.

5.12 EHDC Environmental Health (Land): Recommend condition requiring a scheme to deal with ground contamination.

5.13 EHDC Landscape officer: In summary, it was requested that further consideration to the : cumulative effects of existing Stocking Pelham Substation at Crabbs Green; enhancement of hedgerow and tree planting alongside access track; introduction of hedgerow with hedgerow trees, woodland planting; robust planting to eastern side of built

development; planting to the western site boundary; and naturalistic design approach to drainage basin.

5.14 Following submission of revisions to the Landscape proposals and a LVIA addendum, the landscape officer supports the level of proposed landscape mitigation and accepts the overall conclusions of the LVIA with regard to the assessed minor / moderate level of landscape impact / harm from the proposals.

5.15 UK Power Networks Note there are overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department. In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) is relevant and a safety visit is required by UK Power Networks.

5.16 Health and Safety Executive (HSE) HSE is not a statutory consultee in relation to the proposals.

5.17 The following external/internal consultees were also notified of the proposed development and have not provided any response:

- Countryside Access Officer;
- East Herts Footpath Society;
- Ramblers Association;
- Uttlesford District Council;
- Essex County Council;
- Hertfordshire Property Services:
- Cadent Gas Ltd;
- HCC Growth and Infrastructure Unit (GIU);

5.18 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

6.1 Stocking Pelham Parish Council: Stocking Pelham already hosts or abuts more than its fair share of clean energy developments, hosting the Pelham substation, the existing Pelham BESS to the North of the village, and the planned solar array also at the North end of the parish (recently passed for planning). Each of these existing developments impact our

rural environment in multiple adverse ways. The primary detriments for most residents are:

6.2 The substation and current BESS provide a very annoying background hum that can be heard as far as East End. The Hixham Hall BESS to the South of Stocking Pelham would inevitably add to this hum, and would then affect our parishioners from both ends of the parish.

6.3 Most parishioners have moved to our parish to enjoy the quiet of our rural setting. Initially, the Pelham substation had a positive impact in this regard with a nature reserve providing good walks, waterways with hides and an education centre for children. Sadly, these positive facilities have fallen into disrepair. The cumulative impact of this development, on top of existing industrial developments and potential additional BESS developments, would destroy the remaining rural aspects of the parish.

6.4 The parish cannot sustain the additional HGV traffic of this proposed development. The developer has not stated the number of HGV journeys. However, this could result in 4,758 extra trucks and lorries coming through the parish, and there would be significant conflict with parked cars outside Stocking Pelham school during school pickup dropoff times, as well as during the school day when teachers and pupils walk to the village playing fields.

6.5 East Herts would have limited influence over the applicant. Frv Powertek Limited has no employees and net debts. The Spanish owner Frv Devco Energy SL (in Spain) is unlikely to be responsive to East Herts requests or admonishments if permission for the development is granted and requests or admonishments are warranted.

6.6 BESS fires are becoming better understood, as are the safety requirements for them. This proposed development has surprisingly light proposals for managing the fire risks. For example, there is no road around the site for emergency vehicles or ability for such vehicles to manoeuvre within the site. The water tank capacity is tiny for such a huge development, and there is no detail on the water pressure that would be available to emergency services. If a fire occurred, noxious gases would be released. What is the emergency plan for residents both nearby and within a kilometre radius?

6.7 Berden Parish Council: The Council should closely review the lessons learned from the nearby constructed to the north of the substation (within Uttlesford District Council area). Despite being given assurances

by the developer about landscape planting, noise barrier attenuation and visual screening, such mitigation measures were subsequently varied by non-material amendment or discharge of planning condition and has resulted in unmitigated noise and visual impact.

6.8 The transport assessment needs to consider other proposed and consented developments in the area. In total 4,758 extra trucks and lorries are proposed. We consider this to be "severe" in its own right. When coupled or slightly overlapping with the other schemes this will cause chaos on restricted width roads (4 metres in several places) and risk safety to local schools and villages. There need to be restrictions of delivery days and times so construction lorries will not be passing through the villages at peak school travel times.

6.9 There is no detail on any fire detection systems, fire suppression systems and water drenching system, as fires involving Lithium-ion batteries have the potential for thermal runaway. On site fire-fighting water storage is inadequate, given the scale of the proposals which are larger than others in the vicinity and there is no secondary access for fire fighting vehicles. In addition, the LVIA does not consider other consented developments such as the Berden solar farm as part of its cumulative assessment.

6.10 Farnham Parish Council: objects due to impact on wildlife; loss of agricultural land; loss of public access to green space; inappropriate development within the greenbelt; noise and visual impact.

6.11 Furneux Pelham Parish Council: objects to the application as it stands because of the potentially adverse impact the movement of HGVs will have on the proposed access route on the section of Ginns Road that falls within the Parish Boundary and beyond. During the period of construction, the number of HGV movements will apparently be more than double current levels. Existing HGV movements along the section of road in question regularly cause disruption and inconvenience to residents of Furneux Pelham travelling by car. They often have to undertake risky manoeuvres to ensure their personal safety and avoid damage to their vehicles. Pedestrians also have to take measures to ensure their personal safety when HGVs are passing by. To have this risk doubled for the sake of a commercial development is not appropriate.

6.12 Albury Parish Council: Albury Parish will be used as part of the construction traffic route. Whilst stated as temporary on the proposal, this is an irrelevant statement in our view. Whether temporary or permanent, the risk to life for road users is real and underestimated.

Whilst we understand a traffic survey and consultation with Hertfordshire Highways will take place, we can confirm from live experience that the road network is not able to accommodate the proposed industrial traffic.

6.13 Albury, Berden, Clavering; Farnham; Furneux Pelham; Little Hadham; Manuden; Newport; Stocking Pelham Parish Councils: Object to the proposed development. The proposed BESS is larger than other proposals in the area, and will result in danger to Uttlesford and East Herts children and parents attending school and pre-school. In addition, there are many heritage buildings that are endangered by large numbers of HGV vehicles using roads that were never designed for the proposed loads and have never suffered intrusion on this scale before.

6.14 The CTMP only considers a short stretch of road from Stocking Pelham to the proposed site. Various measures are proposed to "alleviate" the two years of traffic misery and danger that Stocking Pelham residents would endure. However, no measures are proposed to alleviate the issues along the rest of the route, and there are a number of identified pinch points in neighbouring villages, such as Berden, Manuden, Clavering and Newport.

6.15 A site near a motorway exit would provide safer construction, and easier access for emergency vehicles in the event of a serious fire. The applicant appears to believe that no alternative sites exist. However, we see no evidence that the applicant has researched or considered alternatives.

7.0 Summary of Other Representations

7.1 45 responses have been received with 0 of these in support, 44 in objection, and 1 comments. The issues raised are summarised below:

Objection

- Land should be retained as arable land for food production to address food insecurity
- The roads around the area are already congested when tractors or lorries use them. Further use by HGVs during construction will cause further congestion and damage.
- Construction vehicles will cause pollution
- Proposals will harm wildlife
- 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.
- There are no separate footways on the construction vehicle route, and pedestrians will be harmed.
- 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 put in a 4th clean energy development
- The substation and pylons are an eyesore and the proposals would further harm the landscape
- The substation already emits a constant noise, harming the tranquillity of the area, which would be worsened by the proposals.
- Construction vehicles will be routed at the front of Stocking Pelham pre-school. it is not possible for an HGV to make its way past the school at these busy times, and certainly not safe to do so, with pedestrian traffic and small children walking in the actual road. The arrival and departure of teachers before and after school can also lead to very narrow passages on the road, when again it would be dangerous for trucks and HGVs to pass.
- Some of the proposed passing places are private drive entrances
- Construction vehicles should be routed to the south towards the A120 as this is a shorter route.
- The size of the development should be expressed in Megawatt Hours (MWh) to give a full understanding of fire water requirements

8.0 Consideration of Issues

Principle of Development

8.1 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.

8.2 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"*.

8.3 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".

8.4 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".* 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.

8.5 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"*.

8.6 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"*.

8.7 The above policies and guidance must be taken into account in order to consider whether these proposals are acceptable in planning terms.

8.8 <u>BESS as a form of renewable energy infrastructure:</u>
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 regards 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/22/3306710).

8.9 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.

8.10 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.*

8.11 *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.*

8.12 *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.

8.13 *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".*

8.14 The approaches taken by the above Inspectors is consistent across a number of appeal decisions. 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.

8.15 <u>Appropriateness of BESS in rural locations:</u>
It is important to determine the principle of whether development of a BESS in this rural location is appropriate in this instance. Consultees, stakeholders and local neighbours raise concerns in relation to the rural and less accessible character of the site and that the proposals should be located in brownfield, industrial areas or adjacent to a major road are noted. However, the main locational requirement for BESS sites is proximity to a connection point to the national grid. 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 considerations being adhered to.

8.16 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.*

8.17 **RS is a 'hub' supplying the electricity distribution network covering a large area of South East 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…".*

8.18 The applicants consider the application site located outside of the village of East End, within private land in the open countryside to be a viable location for the proposals due to the opportunity of connection to the Stocking Pelham substation, which is located around 900m to the north 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.

8.19 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 being in accord 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.

8.20 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.

8.21 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 following chapter.

8.22 Loss of agricultural land: The site is currently in use for agricultural purposes and falls within category 3 (moderate/good) Best Most Versatile agricultural land. The use of the site as a BESS will result in a loss of around 10ha 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.

8.23 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 to be 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 40 years only, after which the site can return to agricultural use.

8.24 As such, officers consider that the loss of 10ha of Grade 3 BMV 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, and that it will be a for a limited period only.

Landscape Considerations

8.25 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".

8.26 The application is accompanied by a Landscape Visual Appraisal (LVA), which assesses the landscape impacts of the proposals. The appraisal notes that there are no landscape designations which cover the Site or its immediate setting. The Site is located in an upland plateau area associated with the Pelham group of villages and topography within the Site is relatively flat and gently undulating within the wider study area.

8.27 Open and partial views are available through the intervening hedgerows and vegetation from Ginns Road, and footpaths near the private access road to the west of the BESS compound, and the Hixham Hall complex in close proximity to the Site. Views from these locations in the direction of the Site are primarily of the existing private access route or to the existing electricity pylon within the Site. Views of the eastern field containing the proposed BESS compound are limited to parts of the private farm track to the south of the Site, an unnamed road to the north east of the Site, and bridleways to the east of the site where the existing pylon and mature vegetation lining the Site's eastern boundary are prominent.

8.28 The proposed development has been laid out to retain the existing landscape features including the mature vegetation to Site boundaries, addressing the current local policy. Areas to the eastern field parcel boundaries will be enhanced with additional native tree planting, native shrubs, hedgerows and wildflower meadow and planted drainage basin.

8.29 The LVA reports that Moderate Beneficial effects are anticipated in relation to vegetation within the Site and Minor Adverse to Negligible Adverse effects are anticipated to landscape character.

8.30 The LVA reports that visual effects are anticipated to range from Neutral to Moderate and Minor Adverse for a limited number of receptors and are limited to those in close proximity to the Site, where the Appraisal Site will either form a small portion of the wider view that is already influenced by detracting elements of energy infrastructure. Views to the compound containing the built elements of the BESS are anticipated to be limited. The landscape and visual effects are also anticipated to reduce over time as the extensive proposed native planting within the site matures.

8.31 The LVA has been subject to review by the Councils landscape officer. Some further amendments to the landscaping scheme, as well as further analysis within the visual appraisal has been provided. This included:

- Assessment of cumulative effects of existing Stocking Pelham Substation at Crabbs Green;
- Enhancement of hedgerow and tree planting alongside access track;
- Introduction of hedgerow with hedgerow trees, woodland planting;
- Robust planting to eastern side of built development;
- Planting to the western site boundary, and;
- Naturalistic design approach to drainage basin.

8.32 A Landscape addendum has been submitted which includes the revisions to landscaping which includes reinforcement of planting along the southern and eastern boundaries of the site. The Landscape Officer considers that this additional information has addressed the initial comments and supports the conclusions of the Landscape Visual Appraisal that there would be a minor adverse impact upon landscape character and a minor adverse impact upon visual receptors.

8.33 As such the officers consider that there would be minor/limited harm in terms of landscape impact and therefore some conflict with policy DES2 and part (b) of policy CC3. This minor/limited harm weighs against the proposals and is balanced against the public benefits of the proposals in later sections of this report.

Transport

8.34 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"*.

8.35 The Transport Statement submitted with the application outlines the potential transport impacts of the proposals.

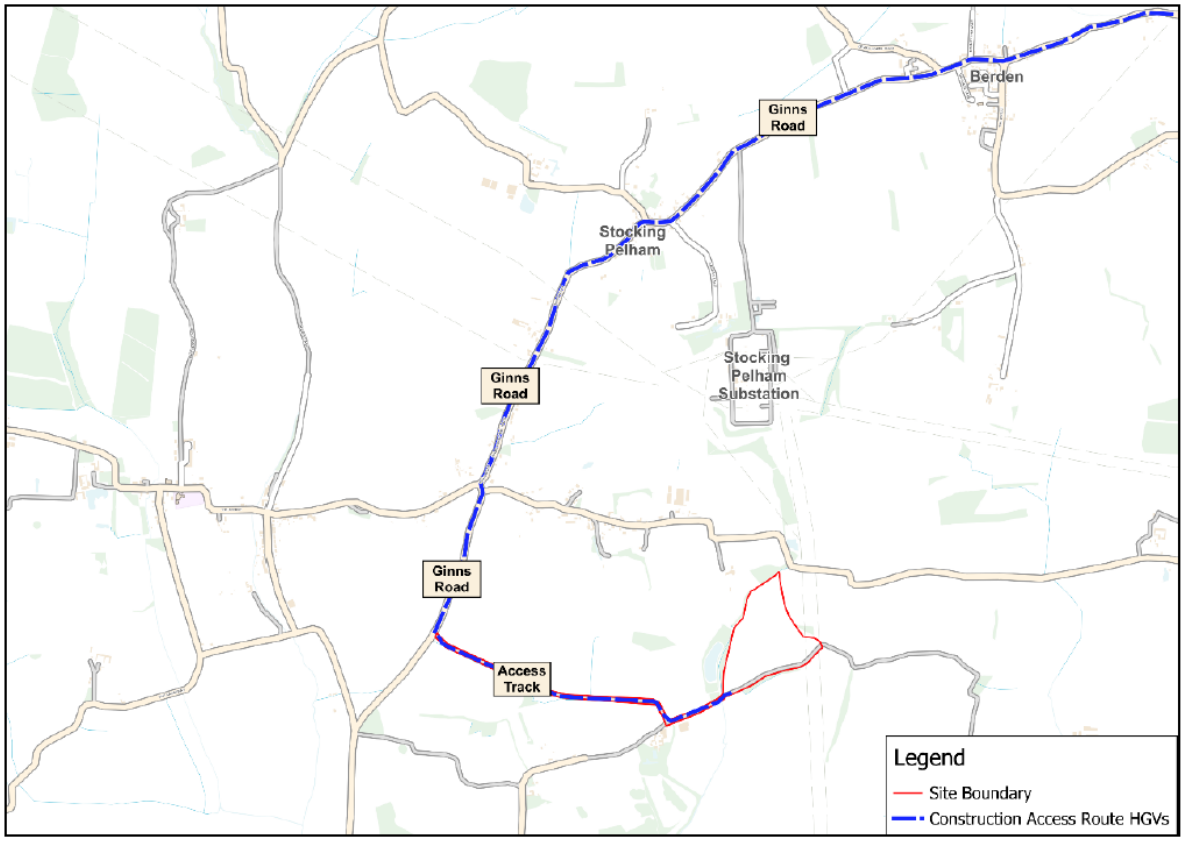
8.36 Access to the site is proposed from Ginns Road via an existing access track, which is already used by large vehicles in connection with an existing agricultural business.

8.37 During the 18-month construction period, it is anticipated that the development could generate a peak of up to 25 Light Goods Vehicle (LGV) two-way movements and 21 Heavy Goods Vehicles (HGV) two-way movements per day. This is equivalent to a worst-case of just up to three vehicles per hour during the hours of operation.

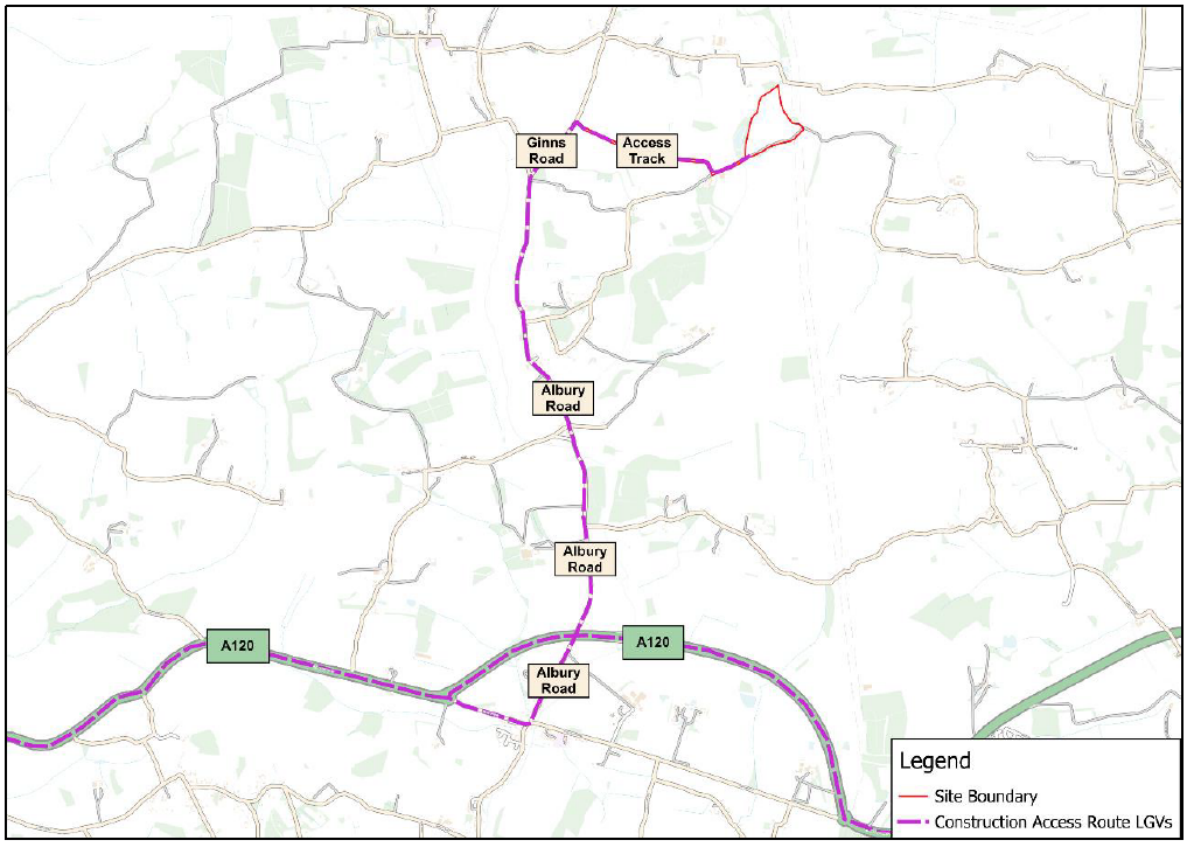
8.38 Following the completion of the construction, vehicle movements will be restricted to a small number of maintenance vehicle trips. The Site will be unmanned and will only generate occasional LGV trips for maintenance purposes.

Construction Traffic Management Plan (CTMP)

8.39 In terms of construction vehicle routing, it is proposed that HGVs will access and egress the site via a northern route through Stocking Pelham, Berden and Manuden, see below:



8.40 LGVs will travel via a southern route which travels south to the A120. Whilst shorter than the northern route, the southern route is considered less suitable for larger vehicles due to a tight turn from Albury Road onto the A120.



8.41 Most of the northern route has been approved for use as part of previous applications, such as the existing BESS at Pelham Substation Park, and Berdens Hall solar farm, both within Uttlesford (see history section). The part of the route, which has previously not been assessed from the site access at Ginns Road to Stocking Pelham, has been reviewed in detail as part of the submitted CTMP.

8.42 The submitted CTMP considers that parts of the route along Ginns Road would require widening of the carriageway into the highway verge to allow for two-way vehicle movements. Subject to these mitigation measures, the CTMP considers that suitable access during construction can be achieved.

8.43 However following discussions with the applicants and the Highway Authority, an updated Construction Traffic Management Plan (CTMP) has been submitted which confirms that a maximum of 2 HGVs (articulated lorries) will visit the site per day, with no visits during peak times such as the school drop off and pick up times at the Stocking Pelham pre-school. The latest version of the CTMP also identified a series of measures to allow for sufficient space for larger vehicles to pass each other. This includes enlargement of a passing bay on Ginns Road to the north of the site access, including reprofiling of a bank and retaining wall, as well as reprofiling banks in other locations.

8.44 The Highway Authority now considers that the revised detailed CTMP has addressed earlier concerns. The relatively low HGV movements during construction, along with mitigation to enhance Ginns Road to accommodate the additional construction traffic 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. As such subject to the conditions proposed by the Highway Authority, with regard to delivery of measures to enhance Ginns Road, officers consider that the proposals would accord with policy TRA2.

Above ground heritage assets

8.45 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".*

8.46 A Heritage Statement has been submitted with the application which identifies 12 grade II listed buildings within 1000m of the site, within the village of East End to the north west and Hixham Hall to the west. These listed buildings comprise houses or agricultural buildings dating from the 17-19th century with a variety of materials and construction techniques, including some timber framed or thatched roof construction. Due to intervening woodland, distance, or other more modern intervening buildings, none of these listed buildings are considered to have relationship with the site. As such the report concludes that the proposed development will have no direct or indirect effect on any designated assets. The Council's conservation officer has confirmed that they agree with the Heritage Reports conclusions and as such the proposals would are considered to accord with policy HA1.

8.47 District Plan policy HA3 states that *"Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should consult with the Hertfordshire Historic Environment Unit to submit an appropriate desk based assessment and, where necessary, the results of a field evaluation, prior to the submission of an application. II. Where development is permitted*

on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material"

8.48 The applicants submitted Heritage Statement considers that the site has a Low-Moderate potential for early prehistoric and Late Iron Age/Roman period archaeology of no more than regional importance in the northern part of the site due to possible features of archaeological origin identified in the geophysical survey. Geophysical anomalies in the southern half of the Site where development is proposed are limited to a field boundary and a possible ditch/service trench. As such the report considers that no further recording is required.

8.49 The However HCC archaeology service notes that the proposed development lies between numerous Areas of Archaeological Significance (AAS) as identified in the Local Plan, although itself does not. These AAS include East End settlement and farmsteads to the northwest, an area of Roman and Saxon occupation to the west, the site of King's farmstead to the southwest and the moated site at Hixham Hall to the southwest. As such conditions are recommended requiring: Metal detector survey; trial trenching prior to commencement; mitigation measures as appropriate and archaeological analysis of findings. Officers consider that these conditions are justified and subject to their inclusion the proposals would accord with district plan policy HA3.

Drainage / water management

4.1 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.

4.2 A Flood Risk Assessment and Drainage Strategy has been submitted with the application and revised in response to comments from the Lead Local Flood Authority. The updated FRA and Drainage Strategy proposes that the BESS site will be underlain with an impermeable membrane. Surface water will be collected in landscaped drainage basins adjacent to the site, and released to a nearby watercourse at greenfield runoff rates.

4.3 In addition, the drainage strategy also considers the impact of any fire emergency at the site, which involves use of water for firefighting. A firewater strategy has also been designed to retain water that has been used for firefighting (fire water). This includes a 230m3 firewater impoundment basin within the BESS site, isolated from the SuDS attenuation basins. This firewater can then be tested for contamination after the fire is extinguished before being allowed to drain away if found to be free of contaminants.

4.4 The revised FRA and Drainage Strategy has been reviewed by the LLFA and subject to conditions, are found to demonstrate a sufficiently robust and appropriate response to water management at the site. As such the proposals are considered to accord with polies WAT4 and WAT5 regarding sustainability and water management.

Trees, Ecology and Biodiversity

4.5 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"*.

4.6 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.

4.7 The applicants have submitted an Ecological Appraisal and protected species survey reports which considers impacts on protected species and biodiversity. The site is predominantly an arable field used for crops, with largely unmanaged field margins varying in width. The site was deemed to be of moderate ecological value, largely owing to the connectivity to the wider environment of adjacent woodland. It was deemed that the site has potential for the presence of reptiles and bats.

4.8 The proposed development incorporates a range of planting within the proposed layout, including hedgerow planting, rain garden SuDS planting in the southwest of the site, grassland meadow in the north of the site, and screen planting along the eastern boundary. All existing trees and hedgerows are proposed to be retained, together with the majority of arable field margins. The baseline assessment of the existing habitats

deemed the site to have 30.96 habitat units and 5.31 hedgerow units, with the proposed development having 55.68 habitat units and 7.83 hedgerow units, resulting in a net gain of 79.83% and 47.49% respectively. This BNG uplift would be secured by condition.

4.9 In terms of protected species such as bats and reptiles, the field margins present on site were deemed to be of moderate potential for reptiles, owing to proximity to water source and woodland area which surrounds the boundary of the site. Reptile surveys have been undertaken at site, with no reptiles observed. Bat activity was also detected surrounding the site. In order to mitigate impacts on protected species a lighting strategy has also been included which seeks to limit light levels at further distance from the site. Proposed landscaping will also mitigate impacts.

4.10 The submitted reports have been reviewed by the HCC ecology officer who considers that subject to conditions with regard to: construction environmental management plan; landscape environmental management plan; lighting in accordance with lighting strategy, the proposals would result in a significant uplift in biodiversity, with no adverse impact on protected species. As such officers consider that the proposals 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

4.11 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"*.

4.12 The application is accompanied by a Noise Impact Assessment which states that a baseline noise survey has been undertaken. Manufacturer's data for the proposed plant has been used to model the Site's noise emissions. 3.5 m high acoustic barriers have been included in the assessments, with a specification provided.

4.13 The assessment of overall noise impacts found that there would be a low adverse impact from the proposed development, when considering a worst-case scenario. A maximum difference of 1 dB above the existing

background noise level is predicted, at one location at night. All other predictions are below the background noise levels at the receptor locations.

4.14 The assessment of impacts on the PRoW receptors found that there would be negligible impact expected on the amenity of users, when considering desirable external noise levels recommended by BS 8233 and WHO Guidance.

4.15 Residential receptors include the White House (circa 300m from the compound), Hixham Hall (circa 350m from the compound) and properties in East End at approx. 500m from the compound. The assessment of low-frequency hum from the transformers at these residential receptors found that there would be a low adverse impact, with a maximum level of 8 dB below the background noise levels at specific frequencies associated with the transformer noise hum. This is defined as a low adverse impact and would not cause undue harm to the living conditions of occupiers within the dwellings.

4.16 Environmental Health officers have reviewed the submitted information and consider that provided the noise levels predicted in the report are not exceeded then noise impacts would be acceptable. A condition is proposed to ensure that noise levels do not exceed those stated in the noise impact assessment. As such officers consider that the proposals accord with policy EQ2.

4.17 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 and fire water ponds. Activities on-site and in the surrounding area are considered unlikely to have caused significant contamination that would pose risks to the proposed development. While standard agricultural practices pose a limited risk (e.g., use of pesticides), overall, the current and former use of the site indicates that there is a low potential for significant or widespread soil and groundwater contamination to be present. A ground investigation report is recommended to be undertaken.

4.18 The Councils environmental health officers have reviewed the report and accept these recommendations, with the further ground investigation secured by condition.

4.19 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).

4.20 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.

4.21 The applicants have submitted an outline Battery Safety 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: large separation distances to the nearest residential dwellings; battery management systems to monitor and identify malfunctions; 3 separate access points into the battery compound with a perimeter road allowing approach of a fire from a number of directions; and provision of 2 water tanks with storage for 456,000litres of firefighting water. Battery containers are spaced 1.5m apart at the closest point, although the Battery Safety Management Plan sets out

why this distance (less than 6m) is appropriate, due to the type of battery system proposed.

4.22 The Fire and Rescue Service has been consulted on the application and raise no objections, with further commentary on compliance with Building Regulations for access for fire fighting vehicles. Officers consider that the proposals are likely to be capable of complying with Building Regulations, subject to provision of appropriate measures such as fire hydrants.

4.23 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.

5.0 Planning Balance and Conclusion

5.1 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 79.83% overall and 47.49% for hedgerows. 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.

5.2 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 limited / moderate harm to landscape character. There would be limited harm from the temporary loss of agricultural land. In addition, the proposals would result in increased construction vehicle traffic which notwithstanding compliance with policy TRA2 is attributed some limited harm in terms of the balance.

5.3 Officers consider that the significant public benefits from the proposals would outweigh these identified harms which are generally of a more limited or minor scale. As such the grant of planning permission is recommended subject to the following planning conditions.

5.4 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. Officers consider that there would be only limited harm in terms of landscape impact and therefore some conflict with policy DES2 and part (b) of policy CC3. However, this minor harm is considered to be outweighed by the public benefits of the proposals as set out in this report.

5.5 In coming to a view on the landscape impact of the proposals and importance of safeguarding the rural character of the area (as required by the above key policies), officers have noted the significance of the presence and proximity of the nearby energy related developments within the area. It is considered that parts of the proposed development would be seen, in selected viewpoints, alongside these established structures and supporting built form such as overhead lines, pylons, sub-stations, transformers and other plant. This development introduces significant features within the rural landscape, resulting in change to the character of the field. However, the development is well contained within the site and wider views from the surrounding area are limited. The hedgerows, rows of boundary trees and intervening vegetation around the field edges provide screening with the effect of providing containment of the development within the site. The development will therefore not result in any unacceptable cumulative effect and would preserve the existing character of the rural location, noting it has changed following the introduction of the energy related developments. The effect of the development on the landscape is therefore more limited and would be clearly outweighed by the significant benefits.

5.6 Therefore, it is considered the proposed development would accord with the District Plan (as a whole).

RECOMMENDATION

Grant planning permission subject to following conditions:

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 40 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.

   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.

   Pre commencement

   Construction Traffic Management Plan

5. 1) The development shall not commence until a revised Construction Traffic Management Plan to CLOCS standard 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 shall confirm and identify details of:

- The full phasing of construction and proposed construction programme.
- The methods for accessing the site, including wider construction vehicle routing and a commitment to not using the right to way network at any time.
- The numbers of daily construction vehicles including details of their sizes, at each phase of the development, with a commitment to a maximum of 2 articulated lorry visits per day (i.e. 4 two-way trips) restricted to the hours of 10:00-14:30.
- The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ginns Road) 09:30 – 14:30.
- Details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- Details of any hoardings.
- Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- The provision for addressing any abnormal wear and tear to the highway, to include a Highways Before and After survey
- The details of consultation with local businesses or neighbours.
- The details of any other Construction Sites in the local area.
- Waste management proposals.
- Signage
- Ongoing monitoring of the construction route throughout the development construction
- Details of banksmen provision
- Details of all tree replacement, clearly showing the number and type of trees removed as a result of the highway works, and demonstrating the location and species of trees/vegetation to be planted on the public highway network in the vicinity of the site, and timescale for this. The replacement trees shall be in line with Hertfordshire County Council's Tree Strategy 2024, and shall represent at least a like-for-like biodiversity replacement.
- Further assessment of the two bends in Ginns Road (one where Stocking Pelham Footpath 01 joins, and the other where Stocking Pelham Footpath 07 joins), and suitable mitigation measures if

identified as needed.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

Highway works within CTMP implemented

6. HGV movements associated with development construction shall not commence until all highway works as identified in the revised Construction Traffic Management Plan are in place to satisfaction of the Local Planning Authority. This includes, but is not limited to:

   i) All improvements to the existing passing areas as identified in the revised Construction Traffic Management Plan;
   ii) New passing places as identified in the revised Construction Traffic Management Plan.
   Within three months of development construction completing, a report shall be submitted to and approved in writing by the Local Planning Authority detailing which highway works will remain in perpetuity and which will be removed. Any works identified to be removed shall be undertaken and completed within 6 months of development construction finishing, and completed to the satisfaction of the Local Planning Authority.

Reason: To ensure the public highway can safely and suitably accommodate the level and type of vehicles associated with development construction, whilst retaining a safe and suitable environment for all other highway users.

Works to private access road

7. HGV movements associated with development construction shall not commence until all highway works on the private road leading to the site, as identified in the revised Construction Traffic Management Plan, are in place to satisfaction of the Local Planning Authority.
Reason: To ensure the safety of public right of way users (Furneux Pelham Footpath 14) is not compromised.

Construction Environmental Management Plan

8. No development shall take place (including demolition, ground works, vegetation clearance) 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 should incorporate in one place all the required measures without the need for the end user to reference other documents include the following and

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.

THE CEMP should be informed by the submitted Ecological Appraisal (25 October 2024) and Protected Species Report (12 December 2024) by Hilson Moran. 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.

Archaeology WSI

8. 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 work and in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the 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: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

Temporary Construction Drainage

9. Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase 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 the 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.

   Surface Water Drainage Details

10. 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 and FRA and Drainage Strategy (35238-HML-XX-XXRP-U-590001, 17 January 2025), 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 Policies of East Herts District Council.

    Ground contamination

11. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

    1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.

The report shall include a detailed quantitative human health and environmental risk assessment.

2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Prior to commencement of use
Site vehicular areas

12. The use of the development authorised by this permission shall not begin until all on site vehicular areas have been made 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.

Details of colour / finish of equipment

13. 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

14. 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

15. 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

16. The use of the development hereby approved shall not commence 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 NPPF and Policies of East Herts District Council.

Landscape Environmental Management Plan

17. 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 Section 5 of the Ecological Appraisal
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

18. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 10. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of East Herts District Council.

Acoustic Boundary Treatments

19. 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 (35238-HML-XX-XX-RP-O-500001 issue P04) 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

20. 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 including hedgerows in general conformity with the details shown on Site Layout plan and Landscape and Visual Appraisal Addendum (February 2025) 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

21. Prior to 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.

Compliance conditions

Trees and Hedgerows retained

21. 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

22. 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

23. 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

24. 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.

External Lighting (Absolute)

25. The lighting design strategy in Appendix F and lighting recommendations of the Protected Species Report by Hilson Moran, 12 December 2024. should be followed in full. No external lighting should be allowed to exceed the limits set with in the strategy and the strategy should not be amended, unless agreed in writing by the LPA, either during) or post-development.

Reason: In order to mitigate adverse impacts upon the surrounding area in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

Development to meet acoustic criteria

26. The development shall meet the following external acoustic criteria at any occupied premises used for residential purposes, determined by measurements, calculations and/or procedures agreed in writing by the local planning authority. Between the hours 23.00 and 07.00 at a position 1 metre from any façade, excluding corrections for facade reflection effects

- LAeq,15 minutes 35dB
- Noise Rating NR 40 over any 15-minute period
  Within 4 months of the development being brought into operational use, compliance with the stated criteria shall be verified to the local planning authority in writing and compliance shall be maintained thereafter.

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

Decommissioning
Scheme of restoration

27. Eighteen months before the end of the 40-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.

Approved Plans: FRV1003/02/01 REV0; FRV1003/02/02 REV0; FRV1003/02/04 REV0; FRV1003/02/06 REV0; FRV1003/02/12 REV0; FRV1003/02/13 REV0; FRV1003/02/14 REV0; FRV1003/02/19 REV0; Landscape and Visual Appraisal Addendum (February 2025); R01-FREAST-CTMP 2025-03-12

Informatives

1. Other legislation

2. Archaeological interest

3. Public Rights of Way

4. No use of cranes or tall equipment

5. Bats

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

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

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: https://www.hertfordshire.gov.uk/services/highways-roads-and-

pavements/business-and-developer-information/development-management/highways-development-management.aspx

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 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