

East Herts Council: Development Management Committee

Date: 16 April 2025

Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.

Agenda No	Summary of representations	Officer comments
5a	<p>7 additional neighbour comments have been received, raising the following additional comments which have not already been summarised and addressed within the committee report:</p> <ul style="list-style-type: none"> a) There is no clear legislation regulating BESS. b) East Herts District Council (EHDC) will be responsible for any disasters if planning permission is granted. c) Proposed batteries will result in more solar farms nearby, with associated loss of farmland d) EHDC need to compensate homeowners for house price devaluation. 	<p>Officers have the following responses to the neighbour comments:</p> <ul style="list-style-type: none"> a) Relevant guidance in relation to the assessment of the planning application (NPPF, Planning Practice Guidance, NFCC guidance EHDC district plan) are referenced with the committee report. b) The applicant will be legally responsible for the operation of the development. c) Solar farms are not proposed as part of this current planning application. d) Loss of house price value as a result of the development is not a material planning consideration.

	<p>e) Who will pay for recycling of the batteries, decommissioning of the site at the end of its use.</p> <p>A Letter has been received from 'Save the Pelhams', a local amenity group raising the following comments (summarised):</p> <p>a) The proposals would contravene NPPF paragraph 102 as it would not promote public safety</p> <p>b) No confirmation has been received from the FRS that fire risk can be appropriately mitigated</p> <p>c) EHDC has a duty not to permit hazardous development (Kane v New Forest District Council), and will be responsible for any harm arising from the development</p> <p>d) There is no clear guidance or British Standards in relation to BESS</p>	<p>e) A planning condition is proposed requiring the applicant to provide details of arrangements including payment of a bond to fund decommissioning of the site, prior to operation.</p> <p>Officers have the following responses in relation to the 'Save the Pelhams' group letter:</p> <p>a) Officers consider the proposals accord with NPPF para 102 as the scheme has developed in consultation with the Fire Rescue Service (FRS) in line with NFCC guidance.</p> <p>b) The applicants engaged with FRS at the pre-application stage. EHDC consulted the FRS during the assessment of the application. FRS have responded that they have no objection to the application.</p> <p>c) BESS proposals are supported as part of the NPPF / Planning Practice Guidance and the Governments Clean Power 2030 plan. Fire risk can be mitigated through regard to the NFCC guidance / consultation with the FRS. The applicant will be legally responsible for the operation of the development. The quoted legal case (Kane v New Forest District Council is not considered to be relevant to the application).</p> <p>d) The applicants have provided a response to the Save the Pelhams letter (appended to the Late Reps Sheet) which lists the relevant legislation, regulation and guidance which</p>
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	<p>e) There was a recent fire at a battery recycling plant in North Ayrshire</p> <p>f) Confirmation of compliance with the NFCC guidance is not possible as the final specification of the BESS is not known.</p> <p>g) There have been a number of fires involving BESS, including the Orsted Liverpool fire and a recent fire at Moss Landing, USA.</p>	<p>the development will need to adhere to. The OBSMP submitted with the application confirms that BESS are strictly regulated and fall under the remit of the Supply of Machinery (Safety) Regulations SI 2008/1597.</p> <p>e) This incident was in relation to a battery recycling plant and is therefore not considered to be of relevance to the application.</p> <p>f) An amendment to condition 15 is proposed to require that the Final Battery Safety Management Plan is submitted and agreed in consultation with the FRS.</p> <p>g) The applicants have provided a response with some context and comparison on the difference in circumstances with these fires. There are approx. 117 operational BESS sites in the UK (as of Oct 2024) and there has been only one operational BESS fire (Orsted BESS, Liverpool, 2020). This incident involved outdated safety technology and predated current safety regulations and guidance. The following points have been deduced from The Department for Energy Security and Net Zero's (DESNZ) data:</p> <ol style="list-style-type: none"> 1. Since 2006, BESS have accumulated ~741 years of operation (~6.5 million hours). 2. There has been one operational BESS fire in the UK during their 6.5 million hours of operation. This extrapolates to ~ 0.0000003 failures (3 failures per every 10 million hours) per hour which is multiples times better than the Health and Safety Executive's R2P2 Guidance for
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	<p>h) Applicant failed to provide vital pieces of information such as details of the batteries that are to be installed</p> <p>i) There is no clear guidance on appropriate safety distances from occupied buildings</p> <p>j) There are no regulations on how to deal with BESS fires.</p>	<p>the ‘societally acceptable’ safety rate for the public of 1 failure per million hours of operation. In addition, it was noted that the Liverpool and Moss Landing projects were commissioned over five years ago and predate current safety regulations and guidance, including the National Fire Prevention Agency 855 Standard for the Installation of Stationary Energy Storage Systems (2023), as such they were not certified to UL9540A standards.</p> <p>h) LFP batteries are proposed in the Outline Battery Safety Management Plan (OBSMP) submitted with the planning application. A Detailed Battery Safety Management Plan will be developed in consultation with the Hertfordshire Fire and Rescue Service (HFRS) and submitted to and approved by the LPA prior to operation. This approach has been verified by the Secretary of State and Planning Inspectorate in appeal decisions and will ensure the Council retains control over the final safety design and further consultation with the HFRS will take place before agreeing the Final Safety Management Plan.</p> <p>i) The NFCC Guidance states there should be a minimum of 25m between BESS units and occupied buildings. There are no occupied buildings within 250m of the proposed BESS units.</p> <p>j) The Applicant has stated in the response to the Save the Pelhams letter that modus operandi in place across the UK is to boundary cool, contain and let the BESS burn-out rather than apply water directly to a battery fire. This has</p>
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		<p>been confirmed by various local fire and rescue services, including Hertfordshire. This is also reflected in the emerging NFCC Guidance. Response to any incident will be tailored to the requirements of HFRS.</p>
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Table of errata and updates to reports submitted to Committee.

Agenda No	Paragraph No	Updates
5a	8.37	<p>Paragraph amended as follows: <i>“The Transport Statement stated that 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. <u>The latest version of the Construction Traffic Management Plan updated the maximum number of LGVs to 9 per day (18 trips) and HGVs would be 5-6 (11 trips). The HGV trips include a maximum of up to 2 articulated vehicles per day”.</u></i></p>
5a	8.43	<p>Additional sentence to be added to the end of paragraph 8.43: <i>“Comments that some passing places overrun private driveways are noted. However, the CTMP includes tracking drawings which confirm that there is sufficient space for passing spaces to be accommodated within the public highway”.</i></p>
5a	4.21	<p>Paragraph amended as follows: <i>“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</i></p>

		<p><i>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 1.5 3.5m apart (1.5m between batteries and Transformer skids) 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”.</i></p>
5a	4.22	<p>Paragraph amended as follows: <i>“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. No mains water fire hydrants are proposed at the site, due to low water pressure. As such on-site fire fighting water storage is proposed in place of hydrants. This includes two water tanks, to ensure a water supply within 90m of all battery containers, in compliance with NFCC Guidance and as recommended by the FRS”.</i></p>
5a	Recommendation, Condition 15	<p>Condition 15 wording amended as follows: <i>“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, <u>in consultation with the Hertfordshire Fire Rescue Service.</u> 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”.</i></p>