DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 9th July 2025

Application Number	3/21/0969/FUL
Proposal	Construction of a 50MW battery energy storage system facility and associated access, landscaping and other infrastructure works.
Location	Land At Greens Farm East End Stocking Pelham Buntingford Hertfordshire
Parish	Furneux Pelham Parish Council
Ward	Little Hadham and the Pelhams

Date of Registration of Application	14th April 2021
Target Determination Date	July 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 of the village of East End, and around 200m to the north of Greens Farm. The site is also located to the southwest of Stocking Pelham substation. The village of Stocking Pelham is located further to the north of the site. The site has an operational access road which connects to East End Road to the south,

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 proposals comprise a main compound incorporating: the BESS facility and associated ancillary infrastructure; a Customer High Voltage Infrastructure Compound ('CHVIC'); a Distribution Network Operator Infrastructure Compound ('DNOIC'); a DNO Switchroom and Metering Cabinet; a surface water attenuation basin; Landscaping around the perimeter of the Application

Site; A crushed / compacted stone site access track through the field to the east of Green's Farm, connecting the main compound to the public highway to the south; A secondary access using an existing farm track also connecting with East End Road to the south; a construction access is proposed linking from the site to Ginns Road to the east; cable connection from the site to adjacent Stocking Pelham substation.

1.3 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 around 1.4 hectares and comprises a broadly rectangular parcel of private farmland which is currently in agricultural use (grade II Best and Most Versatile agricultural land), with vehicle accesses to the south and a construction access with Ginns Road to the west. The footprint of the proposed BESS is approximately 1.4ha. An electricity pylon is located to the east of the Site, connecting with Stocking Pelham substation.

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 western and southern boundary by agricultural land. Woodland forming part of an earlier landscape mitigation project in connection with the Stocking Pelham substation adjoins to the north and east and is a designated local wildlife 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 200m to the south of the proposed BESS compound is the Greens farm complex of buildings. The nearest residential properties are located approximately 300m to the southwest within the village of East End and on Crabbs Lane to the north.

2.5 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, and falls with the Anstey and Pelhams landscape plateau character area, within the Hertfordshire Landscape Character Study forming part of the evidence base for the East Herts District Plan.

2.6 Crabbs Lane conservation area is located to the north and a number of grade II listed buildings are located within East End to the south. The site is also located within an Area of Archaeological Significance.

2.7 A number of plan and elevation drawings have been submitted, in conjunction with a number of supporting documents. All these plans / elevation drawings, and supplementary information. All the listed documents have been considered in the preparation of this report.

3.0 Planning History

3.1 The following planning history is relevant to and relates to the application site and wider Greens Farm site: -

Application Number	Proposal	Decision	Date
3/24/0620/SCREEN	Request for Screening Opinion: construction of 50MW battery energy storage system, with associated access, landscaping and other infrastructure works under application reference: 3/21/0969/FUL	EIA not required.	June 2025
3/22/2613/FUL / APP/J1915/W/23/ 3323512	Demolition of outbuilding. Erection of annex and garden store/workshop and associated change of use of the land to residential	Planning permission refused and appeal allowed	April 2024
3/20/2539/AGPN	Construction of a freestanding storage shed for crops and machinery: Height 11.3 metres; width 32m; length 30m and will have 4.5m	Prior approval granted	January 2021

	concrete panels for grain walling and cladding above this with a dividing wall.		
3/19/0932/OUT / APP/J1915/ W/19/ 3236599	Outline planning application, with all matters reserved except for access, for the erection of 1no. dwelling and garage for a farm worker	Planning permission refused and appeal dismissed	December 2019
3/11/1714/FP	Solar PV installation to outbuilding	Planning permission granted	December 2011
3/05/1304/FP	Free standing agricultural portal for storage	Planning permission granted	August 2005

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
Dellows, Ginns Road, Stocking Pelham	3/25/0917/FUL	Erection of Battery Energy Storage Facility including access works, landscaping and all associated engineering works.	Application still under consideration	
Dellows, Ginns Road,	3/25/0668/SCREEN	Screening Opinion for a solar array with	Application still under consideration	

Stocking Pelham		associated battery storage		
Land Of Ginns Road, Pelhams	3/24/1953/FUL	Erection of a Battery Energy Storage System and associated infrastructure including access, drainage, landscaping and other incidental works.	Planning permission granted	April 2025
Land adjacent to Crabbs Lane, Stocking Pelham	3/22/0806/FUL	Construction and operation of a Battery Energy Storage System and associated infrastructure	Planning permission refused.	June 2025
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 Judicial Review.	July 2024
Land east of Pelham Substation, Maggots End	s62A/2022/0011	Construction and operation of a solar farm comprising ground mounted solar	Application refused by the Secretary of Statement following its	May 2024

		voltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.	submission directly to the SoS.	
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	Granted by Uttlesford DC	October 2016

		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.		

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. Since our last formal response in June 2022, the applicant has been in extensive discussions with the Highway Authority to try and overcome our concerns. To recap, the proposal is for a Battery Energy Storage System accessed off Ginns Road. Operational traffic associated with the development would be very low, estimated to be one van twice a month. However, construction traffic would be more significant, involving several HGV movements along these rural lanes for a period of around 10 months (44 weeks), as well as construction worker cars and vans. As such, whilst a Construction Traffic Management Plan (CTMP) can usually be considered later as part of a planning condition, our view is these needs to be addressed now, 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 3 (28/1/2025) 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, over the course of the past few months, the detailed discussions with the applicant have generally been positive and reached a point where the mitigation and restrictive measures now to be put in place throughout the duration of construction will suitably address the issues. Our Network Management team and Safety team have been involved throughout these discussions.

5.3 The proposed construction route along Ginns Road is to be used for around 10 months. Following some minor highway widening works at various intervals, it will largely provide regular opportunities for an HGV and a car to pass by one another, and good forward visibility to constrained width sections. Articulated lorries must be strictly limited to 2 per day, and all HGV movements are to be outside peak times. Once completed, the operational vehicle movements of this development will be very low. Some key additional information is still needed, as outlined in the conditions at the start, but the Highway Authority is now satisfied that the broad principle of using this route is acceptable subject to a number of recommended conditions: Construction Traffic Management Plan

(CTMP); delivery of measures identified within CTMP prior to construction; details of operational access; no HGV movements until works to private access road implemented; delivery of onsite vehicle access areas.

5.4 Lead Local Flood Authority (LLFA): The applicant has provided a Flood Risk Assessment (FRA) & Drainage Strategy to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy (WAT1 & WAT5). We have no objection subject to the following conditions being attached to any consent: development in accordance with submitted FRA; verification report; details of maintenance and management.

5.5 HCC Archaeology: The development site is in Area of Archaeological Significance No.69, as identified in the Local Plan. This notes the remains of a medieval moat [Historic Environment Record No 4535] directly adjacent to the development site. The eastern arm of the moat is still visible, filled with water, and the other arms are visible on an aerial photograph. The 1840 parish tithe map shows the complete moat, enclosing an area about 72m x 87m and with the single entrance on the south side, with a lane between the field boundaries giving access from Green's Farm [HER 17771] and the road to the south. This is now part of a byway and footpath from East End to Crabb's Green. A walkover survey in 1987 found tile, pot, and flint scattered over the area, and these scattered finds suggest the site of a post-medieval building, within a medieval moat which was largely infilled in the mid-19th century.

5.6 The proposed development is likely to be entirely outside the moat, and the archaeological potential of the site is therefore related more to ancillary activity. This part of the county nonetheless has known potential for previously unknown archaeological remains of other periods, particularly the late Iron Age and Romano-British periods, to be present.

5.7 The proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following conditions are required: Archaeological field investigation, including trial trenching, mitigation measures as appropriate and archaeological analysis of findings.

5.8 Environment Agency: In the event of a fire there is the potential risk that the escape of firewater / foam and any metal leachate that it may contain could impact both the groundwater and receiving watercourses. The proposed development will therefore only be acceptable if the condition

outlined in this response is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its adverse impact on the environment.

5.9 In light of the above, we do not believe that the use of infiltration Sustainable Urban Drainage Systems (SuDS) is appropriate in this location. We therefore request that the following planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

5.10 HCC Fire and Rescue Service: The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the HFRS.

5.11 The developer must ensure the risk of fire is minimised, this may be by way of any or all of the following measures:

• Procuring components and using construction techniques which comply with all relevant legislation.

• Including automatic fire detection systems in the development design.

• Including automatic fire suppression systems in the development design. Various types of suppression systems are available, but the HFRS's preferred system would be a water drenching system, as fires involving Lithium-ion batteries have the potential for thermal runaway. Other systems would be less effective in preventing reignition.

• Including redundancy in the design to provide multiple layers of protection.

• Designing the development to contain and restrict the spread of fire through the use of fire-resistant materials, and adequate separation between elements of the BESS.

• Developing an emergency response plan with HFRS to minimise the impact of an incident during construction, operation and decommissioning of the facility.

•Ensuring the BESS is located away from residential areas. Prevailing wind directions should be factored into the location of the BESS to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.

5.12 The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling, and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises.

The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to HFRS. Environmental impact should include the prevention of ground contamination, water course pollution, and the release of toxic gases.

5.13 The BESS facilities should be designed to provide adequate separation between containers; provide adequate thermal barriers between switch gear and batteries; Install adequate ventilation or an air conditioning system to control the temperature; Install a very early warning fire detection system, such as aspirating smoke detection; Install carbon monoxide (CO) detection within the BESS containers; Install sprinkler protection within BESS containers.

5.14 Ensure that sufficient water is available for manual firefighting. An external fire hydrant should be located in close proximity of the BESS containers. – The water supply should be able to provide a minimum of 1,900 l/min for at least 2 hours. Further hydrants should be strategically located across the development. These should be tested and regularly serviced by the operator.

5.15 HCC Mineral and Waste: Recommend Site Waste Management Plan

5.16 HCC Ecology advisor: An Ecological Assessment by Hopkins Ecology (report date 19 March 2021) has been submitted as part of the application. This is informed by appropriate data searched and a phase 1 survey conducted at a suitable time of year (July). The assessment identified the hedgerows as priority habitats. The arable field habitats were considered to be of limited ecological interest.

5.17 The site was also assessed for its potential for nesting birds, foraging bats, hedgehogs and moths. No further surveys were considered necessary, but sensible precautionary measures regarding nesting birds are suggested and the recommendations in the report should be followed in full should consent be granted. In addition, I would advise an informative regarding hedgehogs.

5.18 The proposed development will result in the removal of the farmland arable habitat and a short section of hedgerow. However, a Biodiversity Metric shows how the creation of areas of wildflower meadow, mown grass, and the planting of scrub and hedgerows will result in a biodiversity net gain of 16.67%. The application is also accompanied by a Landscape Management Plan demonstrating how the short these features will be managed to maintain their biodiversity value. Consequently, the development, providing these plans are fully enacted is likely to result in a biodiversity uplift to the site.

5.19 Uttlesford District Council: Note that the application site also incorporates land within Uttlesford District Council area, which is subject to separate application to Uttlesford DC, and make no comment in relation to the EHDC application.

5.20 Natural England: Recommend consideration of NE standing advice with regard to impacts on protected species.

5.21 Herts and Middlesex Wildlife Trust: Proposals have the potential to deliver 10% BNG, although submission of a full metric is required to verify this. A Landscape Environmental Management Plan is required to secure an appropriate management regime to achieve proposed BNG.

5.22 Cadent: Site in proximity to assets. Plant Protection team should be notified prior to commencement of works and note developer responsibilities and obligations.

5.23 EHDC Conservation and Urban Design Advisor: Views could be possible from the Conservation Area, although these contain pylons as existing. There are no other notable impacts on heritage assets, and as such there is no objection to the application subject to acceptable mitigatory landscaping including tree planting.

5.24 EHDC Environmental Health (Air Quality): Recommend a planning condition with regard to Nitrogen Dioxide.

5.25 EHDC Environmental Health (Land): Recommend condition requiring a remediation works if unexpected contamination is discovered.

5.26 EHDC Noise: In light of the potential noise impact of the development on nearby dwellings highlighted in the accompanying noise impact assessment produced by 'Professional Consult' dated 27th February 2024.

I can confirm mitigation measures are required as detailed in the report in order to meet the councils noise conditions applied to the application and should be secured by planning condition.

5.27 EHDC Landscape officer: With regards to the LVIA it is felt that landscape and visual effects have been judged too low in relation to visual effects (major / moderate adverse on completion reducing to moderate / minor by year 15), and landscape character (moderate / minor on completion reducing to minor / slight by year 15). However, on balance, providing that the details with regard landscape mitigation identified below are addressed satisfactorily, then it is felt that the proposed mitigation measures should serve to mitigate adverse effects to an acceptable level.

5.28 There remains concern for the cumulative effects of the proposal in combination with similar existing and proposed development in the area (moderate / minor adverse). However, due to the site's immediate context of the existing large-scale sub-station (as opposed to it being an isolated site), then these are on balance considered acceptable.

5.29 In summary, the landscape strategy requires the following:

- Arboricultural Impact Assessment to address cabling route and temporary access track/construction compound.
- Details of temporary surfacing and any remedial works to prepare ground for planting in area of temporary access track/construction compound. Details of any soils excavation/management – creation of bunds
- Details of any advanced planting including implementation and protection measures during the construction period.
- Design details of operational site access track (to the east of Greens Farm) – sensitive to rural setting.
- Extent of wildflower meadow

5.30 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.

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

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

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

6.0 Town/Parish Council / Local Group Representations

6.1 Joint submission by Stocking Pelham Parish Council, Manuden Parish Council, Furneux Pelham and Berden Parish Council (in relation to original application proposals): Object to the proposals. The Berden BESS development constructed next to Pelham Substation proposed new landscape planting and acoustic barrier mitigation, but this has not been provided, leading to unmitigated visual blight and noise impact.

6.2 There is a lack of detail regarding construction access and the proposed route is too narrow and unsuitable.

6.3 The timing and scope of the noise survey and report is questioned, and any planning permission must include robust conditions to secure delivery of noise mitigation to all boundaries of the site. It is noted that the Berden BESS site can be heard within the centre of Berden in certain conditions.

6.4 The materials and colour of the proposed units and fencing is important in mitigating visual impacts. The white units installed in the Berden BESS are visually prominent and dark green colouring would less intrusive. 4 years after completion the Berden BESS remains a visual blight.

6.5 Important information with regard to Biodiversity is missing, and the proposals will also result in loss of agricultural land.

6.6 Furneux Pelham Parish Council: (comment in relation original application) Access along the narrow road between Furneaux Pelham and Manuden is unsuitable for large construction vehicles. The proposed and the access from the public highway into the site is unsafe.

6.7 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. The traffic survey does not reflect the risks involved with the proposals as it was carried out in winter when there are less cyclists, pedestrians and equestrian users. The proposed route is unsuitable for larger construction vehicles, and

there are insufficient passing places or footpaths. There will be ecological damage and potential harm to listed buildings along the construction vehicle route.

6.8 Farnham Parish Council: Clustering of development around substations can have a harmful impact on landscape and local amenity. Solar farm developments will have a harmful impact on biodiversity, result in a loss of agricultural land, traffic disturbance, loss of greenbelt / open space, and noise disturbance. Solar farms are less efficient than offshore wind turbines.

6.9 CPRE Hertfordshire: The application is not supported by sufficient technical information justifying the need for the development in the proposed site. The proposals are not supported by Planning Practice Guidance and have been promoted as supporting associated solar farm developments. The proposals result in loss of high-quality agricultural land and are contrary to District Plan policy GBR2 regarding development in the rural area beyond the greenbelt. There is no consideration of the environmental and resource implications for manufacturing and decommissioning of the battery units after use. Safety issues relating the manufacture and operation of the site need to be addressed.

6.10 Protect the Pelhams: Proposals will result in loss of agricultural land, including the construction access which is located across fields. Battery Storage is not a source of renewable energy, it is a form of industrial development, and proximity to the existing substation is not a material consideration. The Construction Traffic Management Plan is confused and does not consider areas of potential conflict, for instance Franklin Joyce Secondary School, as well as the cumulative impact of other proposals. Water storage for firefighting is insufficient and the safety management plan is insufficient. Bunding should be proposed to prevent pollution from firewater. The height of the proposed acoustic fencing is insufficient. In addition, battery Storage often require backup diesel generators. The proposals should be located on an alternative site.

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

7.0 Summary of Other Representations

7.1 357 responses have been received with 2 of these in support, 351 in objection, and 4 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.
- The revised CTMP should be supplemented by surveys with local people.
- Benefits of the proposals are outweighed by harms.
- Construction vehicles will cause pollution.
- Cumulative impact of construction will result in use of Ginns Road by construction vehicles for several years.
- Proposals will harm wildlife.
- Disagree with the conclusions of the application documents on transport impacts. They will be worse than envisaged.
- Construction work, in particular the number of vehicles will harm the amenity of the area.
- The proposed route for construction vehicles is unsuitable and unsafe, with insufficient passing spaces, and will result in harm to heritage buildings on route.
- It is not clear how the secondary access will be constructed, with vehicles according with the CTMP.
- 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 and industrialise the landscape.
- Landscaping and acoustic mitigation promised as part of previous BESS development at Pelham Substation has not materialised.
- The substation already emits a constant noise, harming the tranquillity of the area, which would be worsened by the proposals, particularly low frequency humming noise.
- Construction vehicles will 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.
- Construction vehicles should be routed to the south towards the A120 as this is a shorter route.
- Seek clarification that drainage of the site will not lead to inundation of nearby roads, drains and ditches.
- Risk of fire and explosion
- Harm to biodiversity
- Insufficient supply of water / water pressure for firefighting / lack of fire hydrants / lack of expertise in fighting battery fires
- Batteries will be sent to landfill at the end of their time limited life.
- Concern about cumulative impact of a number of battery and solar applications in the vicinity of Stocking Pelham
- Proposals will harm house prices in the area.
- Solar panels are inefficient and result in loss of agricultural land.
- Solar panels should be mounted on buildings instead.
- Battery storage connected to solar farm developments and their associated harms.

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

8.0 Consideration of Issues

Set out here the legal test for determining apps – S38(6) of P&CP Act 2004

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 regard to determining appropriateness in the green belt / rural areas. The following appeals have been considered:

- East Devon appeal ref: APP/U1105/W/23/3319803;
- Walsall appeal ref: APP/V4630/W/24/3347424;
- Chelmsford appeal ref: APP/W1525/W/22/3306710).

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

8.18 The applicants consider the application site located outside of the village of Stocking Pelham, 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 adjacent to the site to the east. 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 according with the intent of Policy GBR2, which attaches particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.

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 the following chapter.

8.22 Loss of agricultural land: The site is currently in use for agricultural purposes and falls within category 2 (very good) Best Most Versatile agricultural land. The use of the site as a BESS will result in a loss of around 2.91ha of agricultural land for food production, as well as for a temporary period, further agricultural land upon which the construction access is located. 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 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 2.91ha 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 (LVIA), 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 within the Anstey Pelhams plateau, an area of agricultural land, interspersed with woodland blocks and hedgerows. National Grid infrastructure including the substation and pylons are also dominant features within the landscape.

8.27 The zone of visual influence of the development is anticipated to be limited to the local area, with views possible from Ginns Road to the west, the unnamed road running through East End to the south, the public footpath adjacent to the site, as well as from public footpaths which are further afield to the south west and north. Views are also likely to be possible from Stocking Pelham Cricket Club and properties on Ginns Road.

8.28 The proposed development has been laid out to make use of existing hedgerow landscape features along the northern boundary reinforced by new hedgerow and tree planting zones to the western, eastern and southern boundaries of the site, wildflower buffer zone along the western boundary adjacent to the farm track public footpath as well as a planted drainage basin.

8.29 The site is considered less sensitive to landscape change due to its location adjacent to the substation / pylons, and existing landscape features. As such the LVIA considers that 'slight adverse' effects are anticipated to landscape character at year 1, reducing to 'slight adverse' / 'negligible' at year 15, once landscaping matures.

8.30 The LVIA reports that visual effects are anticipated to range from 'Negligible' to 'Moderate' / 'slight adverse' in year 1 and are limited to those in close proximity to the Site, in particular form Greens Farm track to the south. The visual effects are anticipated to reduce to 'negligible' over time as the extensive proposed native planting within the site matures.

8.31 The LVIA has been subject to review by the Councils landscape officer who considers that due to the level of change of the site from agricultural field to battery storage site, impacts upon landscape effects would be greater: 'major' / 'moderate adverse' at year 1, reducing 'moderate' / 'minor' adverse at year 15. With regard to visual effects, the conclusion of the LVIA that *"Visual effects are limited and localised, largely to an arc extending from the northwest, west and to the southwest within a relatively short distance from the Site…"* is supported by the landscape officer although it was considered that effects from some close range views would be greater than stated.

8.32 With regard to cumulative landscape effects the landscape officer considers that cumulative landscape effects are likely to be 'moderate' – 'minor' adverse or above. This is due to the concentration of a number of developments within a relatively localised geographical area eroding and weakening the cohesion and strength of landscape character.

8.33 The proposed mitigatory landscape planting including tree and hedgerow planting to all site boundaries and wildflower planted areas is considered appropriate in terms of mitigating landscape impacts, subject to submission of details of planting and management.

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

8.35 As such in overall terms officers consider that there would be 'moderate' / 'minor' harm to landscape at year 1 reducing to 'minor' harm at year 15. Therefore, there would be 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

8.36 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"*.

8.37 The Transport Statement submitted with the application outlines the potential transport impacts of the proposals during the construction and operational phases of the development. The access arrangements to the site for both construction and operational phases has been updated during the course of the application, in response to consultation comments from Hertfordshire County Council Highway Authority. An outline Construction Management Plan has also been submitted to provide further detail with regard to the routing and management of construction vehicles.

8.38 Construction access to the site is now proposed to an existing field access gate on Ginns Road to the northwest of the site, and a temporary

construction road is proposed across agricultural land to link this access to the site.

8.39 The construction period is envisaged to last approximately 44 weeks. During this period, it is anticipated that the development could generate between 1 to 4 daily deliveries by Heavy Goods Vehicles (HGVs).

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

8.41 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. 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.

8.42 Most of the northern route has been approved for use as part of previous applications, such as the existing BESS at Pelham Substation, recently consented BESS at land at Ginns Road, and Berdens Hall solar farm, within Uttlesford (see history section). The CTMP has reviewed in detail the part of the route along Ginns Road, before it reaches the more frequently used part of the route within Essex. Essex County Council highways (ECC) have been consulted but have not formally commented on the application. However the proposed construction traffic routing through Berden through to the M11 has been accepted by ECC as part of these previous applications.

8.43 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.

8.44 In addition following discussions with the applicants and the Highway Authority, agreement has been reached that a maximum of 2 HGVs (articulated lorries) will visit the site per day between 9am and 3pm, 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 the road

adjacent to the parking bay opposite Stocking Pelham Village Hall, as well as reprofiling banks and cutting back / removal of vegetation in other locations.

8.45 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.

8.46 Concerns are also noted regarding the cumulative impact of a number of BESS and solar farm developments (see planning history section) upon the highway network. However, it is noted that the different projects have been allocated different connection dates by National Grid. As such they will be unlikely to be under construction at the same time, which will reduce cumulative impact on the highway network.

8.47 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

8.48 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".*

8.49 A Heritage Statement has been submitted with the application which identifies Greens Farmhouse and Tye Cottage 270-370m to the south (both listed at grade II) as the nearest heritage assets. Further grade II listed buildings and Crabbs Green Conservation Area are located 3-400m to the north. All these heritage assets are well screened by vegetation with intervisibility between the site and these heritage assets. As such the report considers that there would be no adverse heritage impacts.

8.50 The Council's conservation officer has confirmed that they agree with most of the Heritage Reports conclusions, although note that some views from the conservation area may be possible. However, these views currently would include existing pylons and as such the proposals are considered to have a neutral impact upon the conservation area as they would not result in any greater impact on the setting of the Conservation Area, than existing. As such the proposals would are considered to accord with policy HA1.

8.51 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".*

8.52 The applicants submitted Heritage Statement notes that the site is adjacent to a medieval moated site, which is illustrated on historic maps. Although the whole site is likely to be outside of the moated area, there is still potential for artefacts of interest. As such archaeological investigation is noted to be required.

8.53 HCC archaeology service notes that the proximity of the site to the moated area and considers that the site is of archaeological interest. As such a condition is recommended to secure an archaeological field investigation, including trial trenching, 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 which states that the site is at low risk of surface water

flooding. A drainage system based on infiltration of surface water, is not considered feasible due to below ground geological conditions. As such surface water runoff is proposed to be directed to into a drainage system comprising stone filled, French drains, and then into a landscaped attenuation basin within the site. The drainage basin will discharge to the adjacent ditch system at what is considered to be an appropriate greenfield runoff rate (maximum of 3.6L per second).

4.3 The 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.

4.4 Comments from the Environment Agency (EA) are also noted which highlight that in the event of a fire emergency, firefighting water or foam could comprise a form of contamination, which should not be permitted to infiltrate below ground. As such the EA have requested a planning condition to prevent infiltration-based drainage, and this has been included within the officer recommendation.

4.5 The proposed drainage strategy would allow for retention of any water used for firefighting on site, which could then be tested for contamination before being permitted to discharge into nearby drainage ditches. As such the proposals are considered to accord with polies WAT4 and WAT5 regarding sustainability and water management.

Trees, Ecology and Biodiversity

4.6 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"*.

4.7 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.

4.8 The application was submitted prior to the introduction of the Environment Act 2021 and its requirement that development deliver a minimum uplift in Biodiversity Net Gain (BNG) of at least 10%. As such the requirement of policy NE2 for an uplift in BNG is most relevant to the proposals.

4.9 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 which will be replaced by the battery storage (for 40 years) and new landscaping. Overall, the proposals were considered likely to have a very low / negligible impact upon protected species such as bats, reptiles and birds.

4.10 The proposed development incorporates a range of planting within the proposed layout, including tree and hedgerow planting, wildflower strips, and landscaped attenuation basin, which would replace the loss of cropland. A short section of hedgerow is proposed for removal but new hedgerow planting, resulting in net increase. As such the proposals are anticipated to result in a Biodiversity Net Gain of 44%.

4.11 The submitted reports have been reviewed by the HCC ecology officer who considers that subject to conditions with regard to submission of a Construction Environmental Management Plan and Landscape Environmental Management Plan, the proposals would result in a significant uplift in biodiversity, with no adverse impact on protected species.

4.12 Landscape officer comments with regard to potential impacts of the temporary construction road and cabling routes upon trees are also noted. A subsequent Arboricultural Report has subsequently been submitted in relation to this issue. The report notes that no trees are proposed for removal in connection with the construction road and cable routing although some crown lifting and pruning may need to be undertaken.

4.13 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

4.14 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"*.

4.15 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 are proposed on all sides of the battery units and the Noise Assessment models noise levels with and without this mitigation.

4.16 The assessment identified the nearest residential receptors which include five houses to the south / southwest of the site ranging in distance from 250-400m from the site. A further 3 dwellings are located 420-480m to the north of the site.

4.17 The assessment concludes that with the proposed 3.5m fence mitigation, noise levels at the potentially affected receptors did not exceed background noise levels during the daytime (07:00-23:00). During the nighttime (23:00-07:00) there were some exceedances against the background levels, although at this time gardens would be unlikely to be used, and partially open windows provided sufficient attenuation to meet internal noise level criteria. The assessment of low-frequency noise also found that low frequency noise would not exceed target criteria, with the exception of 1 receptor which was 1.7db above.

4.18 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.

4.19 Ground contamination: A Ground contamination report has also been submitted which considers ground conditions at the site. The report considers that the proposed development will require minimal below ground works, with the exception of the creation of foundations for the BESS and associated infrastructure and excavation of the attenuation pond. Activities on-site and in the surrounding area are considered unlikely to have caused significant contamination that would pose risks to the proposed development. No further investigation is recommended.

4.20 The Councils environmental health officers have reviewed the report and accept these recommendations, subject to a condition requiring that further investigation / remediation is required if unexpected contamination is discovered.

4.21 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).

4.22 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.

4.23 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: Separation distances of more than 25m to the nearest residential dwellings; battery management systems to monitor and identify malfunctions; 2 approach accesses from the public highway and 2 separate access points into the battery compound either from the main entrance to the site or a pedestrian entrance at the north west corner of the site; provision of water tanks with storage for 228,000litres 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.

4.24 The Fire and Rescue Service has been consulted on the application and raise no objections but highlighted that a Risk Reduction Strategy and Emergency Response Plan should be developed, as well incorporation of principles within the NFCC guidance.

4.25 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.

Other matters

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

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

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 44.4% overall and 40.00% 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 minor harm to landscape character, noting the temporary nature of the installations and mitigation from proposed landscaping / planting. 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 All other matters relating to flood risk, heritage impact, etc are neutral or able to mitigated through planning condition.

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

5.5 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 minor harm in terms of landscape impact and therefore some conflict with policy DES2 and part (b) of policy CC3. However, this minor harm is outweighed by the public benefits of the proposals as set out in this report.

5.6 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. This includes the existing substation, pylons, BESS, as well as the BESS recently granted planning permission (see history section). It is considered that parts of the proposed development would be seen adjacent to these established structures and supporting built form such as overhead lines, pylons, sub-stations, transformers and other plant. 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. The development shall not commence until a revised Construction Traffic Management Plan to CLOCS standard is 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.
• 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 to between 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 public highway and right of way network, to include a Highways Before & After survey.
• Ongoing monitoring of the public highway and right of way network construction route to include the submission of quarterly monitoring reports throughout the construction period (outlining the condition of the public highway and right of way HGV route and proposals to address any abnormal wear and tear).
• The details of consultation with local businesses, organisations and neighbours.
• The details of any other Construction Sites in the local area.
• Waste management proposals.
• Signage along the public highway and right of way network.
• Details of the design of the internal haul road where it crosses public right of way routes, to includes visibility splays and signage information.
• 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 sections of public highway on approach to Pelham Pre-School (at least 100 metres either side of the Pre-School) to include more detailed consideration of the highway environment at this location and parent/guardian drop-off and pickup arrangements, with

enhanced mitigation measures proposed (e.g. enhanced warning signage).
Reason: To ensure the impact of construction vehicles on the local road network is minimised.

Highway works within CTMP implemented.

6. Construction vehicle movements 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) The proposed construction access, to include visibility splays of 2.4m x 120m in both directions and maintained throughout the development construction.
ii) All improvements to the existing passing areas as identified in the revised Construction Traffic Management Plan;
iii) new passing places as identified in the revised Construction Traffic Management Plan. At least three months before development construction is completed, a report shall be submitted to and approved in writing by the Local Planning Authority detailing which of highway works will remain in perpetuity and which will be removed. This includes details of the treatment to the construction access once construction is complete. Any works identified to be removed or changed 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 Assessment 2024 Including Biodiversity Net Gain (1 March 2024) by Hopkins Ecology. 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

9. 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.

10. Site Waste Management Plan
Prior to the commencement of development, a Site Waste Management Plan, shall be submitted to and approved in writing by the local planning authority. The Plan shall provide details of the measures to be taken in the design, construction, decommissioning and demolition of the

development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. Once agreed, the measures shall be implemented in accordance with the approved Plan.
Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

Prior to commencement of use

Operational access

11. Before first use of the development, full details (to include detailed engineering drawings) of the operational access off East End / the C107 shall be submitted to and approved in writing by the Local Planning Authority. The operational access as approved shall be in place before first use of the development.
Reason: To ensure the ongoing access arrangement is and suitable.

Site vehicular access 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 development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include I. a timetable for its implementation. II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located. III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.
Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Hertfordshire County 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
f) Details of the body or organisation responsible for implementation of the plan
g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
h) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
i) Location of bat and bird boxes/structures
j) Compliance with the mitigation measures set out in Section 9 of the Ecological Assessment
k) 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.

<u>SUDS verification report</u>

18. Upon completion of the surface water drainage system, including any SuDS features; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details within the approved FRA (see condition 28?). Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and the development will remain safe for the lifetime of the development in accordance with NPPF and Policy 35 of the City Plan.

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 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 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.

22. 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.

23. 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

24. 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

25. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities.
Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

Development in accordance with Acoustic Report

26. The hereby approved development shall be carried out in full accordance with the mitigation measures laid out in the Noise Impact Assessment produced by 'Professional Consult' dated 27th February 2024
Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

No SUDS infiltration

27 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of risks to controlled waters.
Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants.

Development in accordance with approved FRA

28 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment / Surface Water Drainage Strategy prepared by Rossi Long Consulting, Reference 201279 (Rev 05, March 2024).
Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of East Hertfordshire County Council.

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.

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.

10. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is East Hertfordshire County Council and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals. In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Both FEH 2013 and 2022 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

11. To avoid killing or injuring of hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.

12. SWMP

Approved Plans:

Plan Ref	**Version**	**Received**
BESS-STP-TP-XX-XX-PL-06-DR-030	REV P03	09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-031	REV P09	23/05/2024

BESS-STP-TP-XX-XX-PL-06-DR-032	REV P11	23/05/2024
BESS-STP-TP-XX-XX-PL-06-DR-033	REV P11	23/05/2024
BESS-STP-TP-XX-XX-PL-06-DR-034	REV P07	23/05/2024
BESS-STP-TP-XX-XX-PL-06-DR-035	REV P02	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-036	REV P02	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-037	REV P02	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-038		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-039		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-040	REV P02	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-041	REV P02	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-042	REV P03	05/05/2021
BESS-STP-TP-XX-XX-PL-06-DR-043	REV P03	05/05/2021
BESS-STP-TP-XX-XX-PL-06-DR-044	REV P01	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-045	REV P01	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-046	REV P00	14/04/2021
BESS-STP-TP-XX-XX-PL-06-DR-047	REV P03	09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-048		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-049		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-050		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-051		09/06/2022
BESS-STP-TP-XX-XX-PL-06-DR-053	REV P04	

2409 001	Rev F	16/04/2024
2409 002	Rev C	16/04/2024
2409 003	Rev E	16/04/2024
2409 004	Rev F	16/04/2024
2409 005	Rev F	16/04/2024
70100313-SK-011	REV P03	16/04/2024
70100313-SK-012	REV P03	16/04/2024
70100313-SK-014	REV P03	16/04/2024
9423-D-AIA		09/06/2022
9423-AIA		09/06/2022
8282-D-AIA REV A		14/04/2021
SK-01	REV P4	05/05/2021

Supporting Documents

Document Name	**Reference**	**Dated**
Landscape Visual Impact Assessment by Liz Lake Associates	2409 LVIA	01/03/2024
Landscape Visual Impact Assessment Addendum by Liz Lake Associates		May 2022
Landscape Management Plan by Liz Lake Associates	Rev A	May 2022
Noise Impact Assessment by Professional Consult	21.004.1.R8	27/02/2024
Phase 1 Risk Assessment and Preliminary Survey by GEO	5346/DS/DESK/ AT,GF/14-03-24/V1	14/03/24
Tree Survey and Arboricultural Impact Assessment by Haydens	8282 A	09/04/2021
Tree Survey and Arboricultural Impact Assessment by Haydens (access)	10851	24/05/2024
Flood Risk Assessment / Surface Water Drainage Strategy by Rossi Long Consulting	201279 Rev05	March 2024
Flood Risk Assessment / Surface Water Drainage Strategy Addendum by Rossi Long Consulting	EJK/SJB/201279 Rev 00	12/08/2021

Outline Construction Traffic Management Plan by Ethical Power Connections Ltd	293/CTMP Rev 1.2	27/02/2022
Transport Statement by Rossi Long Consulting	201279	September 2021
Battery Safety Note by Cambridge Power		
Heritage Statement by Pre-Construct Archaeology	14428 Rev7	March 2024
Ecological Assessment of Works Access Route by Hopkins Ecology		18/04/2022
Outline Battery Safety Management Plan by ARC	ARC-1212-001-R1 Issue 2	March 2024
Revised Access Technical Note	70100313	23/02/2024
Ecological Assessment by Hopkins Ecology		01/03/2024
BNG Metric Calculation		29/02/2024