

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 9 JULY 2025, AT 7.00 PM

PRESENT: Councillor S Watson (Chair)
Councillors R Buckmaster, V Burt,
M Connolly, S Copley, I Devonshire,
J Dunlop, Y Estop, S Marlow, Smith, T Stowe
and J Thomas

ALSO PRESENT:

Councillors E Buckmaster, V Glover-Ward
and G Williamson

OFFICERS IN ATTENDANCE:

Steve Fraser-Lim	- Principal Planning Officer
Rachel Lee	- Legal Adviser
Peter Mannings	- Committee Support Officer
Martin Plummer	- Service Manager (Development Management and Enforcement)

103 APOLOGIES

An apology for absence was submitted from Councillor Hill. It was noted that Councillor Connolly was substituting for Cllr Hill.

104 CHAIR'S ANNOUNCEMENTS

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

105 DECLARATIONS OF INTEREST

There were no declarations of interest.

106 MINUTES - 21 MAY 2025

Councillor Stowe proposed and Councillor Devonshire seconded, a motion that the Minutes of the meeting held on 21 May 2025 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Councillor Estop said that she was recorded under apologies for absence, and did not take part in the meeting to avoid any ambiguity about predetermination. She said that she had watched the meeting at home via the webcast and would like this to be recorded in the minutes.

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

RESOLVED – that the Minutes of the meeting held on 21 May 2025, be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Councillor Estop said that she was recorded under apologies for absence, and did not take part in the meeting to avoid any ambiguity about predetermination. She said that she had watched the meeting at home via the webcast and would like this to be recorded in the minutes.

107 3/21/0969/FUL - CONSTRUCTION OF A 50MW BATTERY ENERGY STORAGE SYSTEM FACILITY AND ASSOCIATED ACCESS, LANDSCAPING AND OTHER INFRASTRUCTURE WORKS AT LAND AT GREENS FARM, EAST END, STOCKING PELHAM, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/21/0969/FUL, planning

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

The Principal Planning Officer set out the location of the site in the context of the Stocking Pelham Sub-Station. He summarised in detail the relevant planning history of the site and other sites in the immediate vicinity of the Stocking Pelham Sub-Station.

Members were shown a plan submitted by the Protect the Pelhams group which showed the district boundary between Uttlesford and East Herts and other BESS / solar application sites.

The Principal Planning Officer presented a series of visuals and photos from various compass points around the site. He summarised in detail the proposed construction access and advised that the proposals also included a construction access to the west, which would connect to an existing farm access on Ginns Road. Members were advised that to the north there was a proposed cable route to the Stocking Pelham Sub-Station, and to the south were two further proposed site accesses, one of which was for emergency access.

The Principal Planning Officer detailed the public rights way and public footpaths from which the site would be visible from longer distances. He set out in detail the proposed layout of the site and the specific details of the application.

The Principal Planning Officer summarised the proposed hedgerow and tree planting and the proposed wildflower meadow area in between the landscape boundary and the site itself. He said that there would be wildflower strips on the external edge of the landscaping adjacent to the public footpaths.

Members were shown visual representations of the proposed landscaping at 5 years and when fully established. The Principal Planning Officer explained that

Officers had attributed moderate to minor harm in respect of the impact on landscape character in respect of the planning judgement on the planning balance.

Members were advised that that the routing for HGV construction vehicles was to the north via Stocking Pelham to the M11. Lighter goods vehicles would travel to the south down Ginns Road to connect with the A120.

The Principal Planning Officer said that the site was subject to considerable review by Hertfordshire Highways in respect of potential pinch points and how larger vehicles could get past. A detailed construction management plan had been submitted which assessed the pinch points and included details of mitigation measures, such as road widening, cutting back vegetation to visibility splays, the relocation of manhole covers and new signage along Ginns Road.

Members were advised that there was a proposed condition requiring that the final version of a construction traffic management plan be submitted. This plan would also require that no more than two construction vehicles used the proposed route each day, and there would be restrictions on timing so that there would be no HGV movements at the drop off and pick up times for the nursery in Stocking Pelham.

The Principal Planning Officer showed Members a series of visuals in respect of noise and noise sensitive receptors which were primarily houses on East End Road to the south. He said that houses to the south were often screened by the large buildings within a farmyard.

Members were shown a series of plans and modelling diagrams in respect of noise. The Principal Planning Officer said that the report did identify that there would be instances where noise levels were predicted to be above background level at nighttime. He said that outdoor spaces would be unlikely to be used at nighttime and the noise levels in bedrooms and internal spaces in house

would be below background level. Members were advised that open windows attenuated noise by about 10 decibels.

The Principal Planning Officer spoke about low frequency noise. He said that with mitigation in the form of acoustic fencing noise from the development would be below background noise levels. He drew Members' attention to the final assessment in the report in respect of the planning balance judgement.

Members were advised that there were harms identified in terms of the landscape impact. The Principal Planning Officer said that the NPPF legislation set out that Officers had to give significant weight to the public benefits of renewable energy infrastructure. He mentioned other smaller benefits in respect of biodiversity net gain and that the planning benefits significantly outweighed the harms, justifying the recommendation for approval.

The Principal Planning Officer referred Members to the late representations. He referred to the other applications and said that Officers had taken those applications into account regarding the cumulative impacts of the development and the landscape impact.

The Principal Planning Officer said that there was a small change to condition 5, to avoid other nearby BESS applications being built out at the same time. He said that the phasing construction programme that needed to be submitted as part of that condition should demonstrate how conflict with other sites would be avoided.

Sara Yarrow addressed the committee in objection to the application. There were no questions from Members.

Neil Waterson and Gary Mattingley spoke for the application. The Committee asked questions of both speakers. Councillor Colin Berthoud addressed the committee on behalf of Stocking Pelham Parish Council. He was asked questions by the Committee.

Councillor Williamson addressed the committee in respect of his concerns as the local ward Member. There were no questions from Members.

Councillor Devonshire referred to the application at Crabbs Lane as being refused quite recently and asked how this application was different to that application. The Principal Planning Officer said that every site was considered on its own merits, and that no two sites were the same. Members were reminded that planning policies were applied against each set of proposals.

The Principal Planning Officer said that the Crabbs Lane site was nearer to the village and there was always a balance to be struck between the different considerations and that there was always likely to be policy conflicts in some areas. He said that the harms at Crabbs Lane in relation to noise impact carried more weight as there were more properties in closer proximity and that modelling had shown that background noise levels were going to be exceeded even with the proposed noise mitigation.

Councillor Stowe said that he was pleased to see that a decommissioning bond had been secured on this site. He asked about the contamination of water should the attenuation pond be full and overflow, thereby contaminating water as well as rendering the farmland unusable from pollution. He asked if the farmland could be used for more battery storage if contaminated.

The Principal Planning Officer said that any further use of the farmland outside of this site would require planning permission. He said that fire-fighting techniques had moved on since the incident in Liverpool, which was the first instance of fire involving a BESS. Members were referred to the National Fire Chiefs Council guidance regarding the amount of water required to be stored on site.

The Principal Planning Officer said that the drainage basins were designed to accommodate amount of water.

He said that the amount of water recommended by the guidance could be accommodated and there would be sufficient capacity. Members were advised that water on site would be retained, and this would then be released if it was found not to be contaminated.

Councillor Estop made several points in respect of the bigger picture regarding sustainable energy. She said that the public benefit from this type of development would be experienced on a wider more strategic level. As such there should be a more strategic policy-based approach to the locations for this type of development.

Councillor Estop expressed a concern over the impact of this type of development on the countryside. The Chair referred to a breakdown of the main policy issues as detailed on page 26 of the report. He said that there was also a lot of detail elsewhere in the report regarding planning policy.

The Principal Planning Officer confirmed that the policy background was set within the report. He said that the National Planning Policy Framework (NPPF) set out the higher-level policy regarding Renewable energy infrastructure development. In addition, District Plan policies CC3 regarding renewable energy and policy GBR2 regarding the rural area beyond the green belt were also relevant.

Members were advised that there was no district plan policy identifying specific locations for renewable energy. However, policy CC3 set out general criteria for renewable energy development, which had to be applied on a site-by-site basis.

Councillor Smith asked about the batteries and the decommissioning of the batteries at the end of their life.

The Principal Planning Officer said that there were separate regulations that dealt with the manufacture of the battery units. He said that Officers could not duplicate

other regulatory regimes, and they had to address the application only in terms of material planning considerations.

The Principal Planning Officer said that there was a condition regarding the decommissioning of the site. He said that government and other regulatory bodies would have regulations for the recycling and disposal of the batteries.

Councillor Copley asked whether Members could consider the schemes already in place, and whether Members should take account of the cumulative effects. She also asked about what the character of noise emitted from the proposals.

The Principal Planning Officer said that the low frequency noise had a humming character which was intermittent, subject to the timing of operation of the batteries. The existing BESS development was already influencing the background noise levels, and it would be difficult to know what background noise levels would be like without the existing BESS and Sub-Station.

Members were advised of the various standards in respect of noise assessment criteria. The Principal Planning Officer said that Officers had considered the noise assessment criteria whilst taking advice from colleagues in Environmental Health.

The Principal Planning Officer said that keeping noise from the proposals below background level was challenging, but this had been achievable due to the proposed 3.5 m acoustic fencing. Councillor Dunlop referred to paragraph 8.24 of the report and the harm arising from the loss of agricultural land. He asked if the word temporary could be removed regarding that harm.

The Principal Planning Officer said that Officers had reviewed the view of the planning inspectors in respect of appeals decisions and agricultural land. Members were advised that the loss of land for up to 40 years was

different to agricultural land being lost to a permanent use such as residential. Consequently, planning Inspectors had accorded less weight to this matter.

The Principal Planning Officer explained that a loss of more than 20 hectares of agricultural land required Officers to consult Natural England under the terms of the Development Management Procedure Order. Members were advised that Officers could do no more than assign more than limited weight based upon the approach being taken by the Planning Inspectorate.

Councillor Copley referred to the moderate to minor landscape impact emphasised by the Officer in the report. The Principal Planning Officer said that Officers had identified that the highest level of the harm was at the site itself in respect of the loss of a field to a BESS. Members were advised that in the wider landscape context and visual effects from several different views.

The site was less visible. He referred to the existing hedgerows that marked the site and shielded the view, and how the visual impact would be further mitigated by the proposed new landscape planting. Members were advised that the totality of the landscape impact the cumulative impact had to be considered.

Councillor Estop said that in terms of protecting existing character and amenity, all that could be secured was acoustic barriers and landscaping, and condition wording should be as good as possible to ensure these are provided.

Councillor Watson said that there would not be new road surfacing as such for the HGV access. The Principal Planning Officer confirmed that the new roads would be a gravel type construction and would not be a hard surface.

Councillor Watson proposed and Councillor Thomas seconded, a motion that application 3/21/0969/FUL be granted planning permission subject to an informative

regarding school timings in respect of the construction traffic management plan and subject to the conditions set out at the end of the report with the following amendments to conditions:

Acoustic Boundary Treatments

19. First use of the development shall not take place (First use to include any testing / commissioning / as well as connection of transformers and batteries to an electricity supply) 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 (including testing / commissioning / connection to electricity supply) and retained for the lifetime of the development.

Internal site treatments

20. First use of the development shall not take place (First use to include any testing / commissioning / as well as connection of transformers and batteries to an electricity supply) 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 (including testing / commissioning / connection to electricity supply) and the site boundary treatments shall thereafter be retained. All gates shall be designed and installed so they cannot open outwards onto a highway.

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

RESOLVED – that application 3/21/0969/FUL be granted planning permission subject to an informative regarding school timings in respect of the construction traffic management plan and subject to the conditions set out at the end of the report with the following amendments to conditions:

Acoustic Boundary Treatments

19. First use of the development shall not take place (First use to include any testing / commissioning / as well as connection of transformers and batteries to an electricity supply) 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 (including testing / commissioning / connection to electricity supply) 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 (First use to include any testing / commissioning / as well as connection of transformers and batteries to an electricity supply) 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 (including testing / commissioning / connection to electricity supply) 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.

108 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.17 pm

Chairman
Date