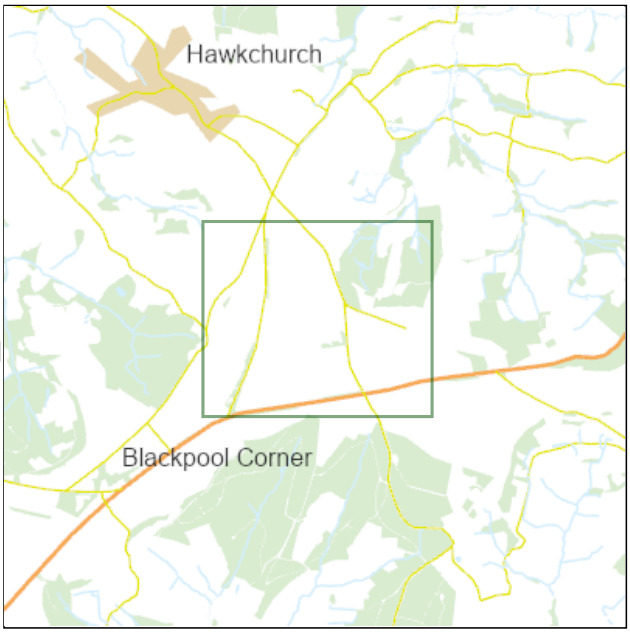
Ward Yarty

Reference 23/1124/MFUL

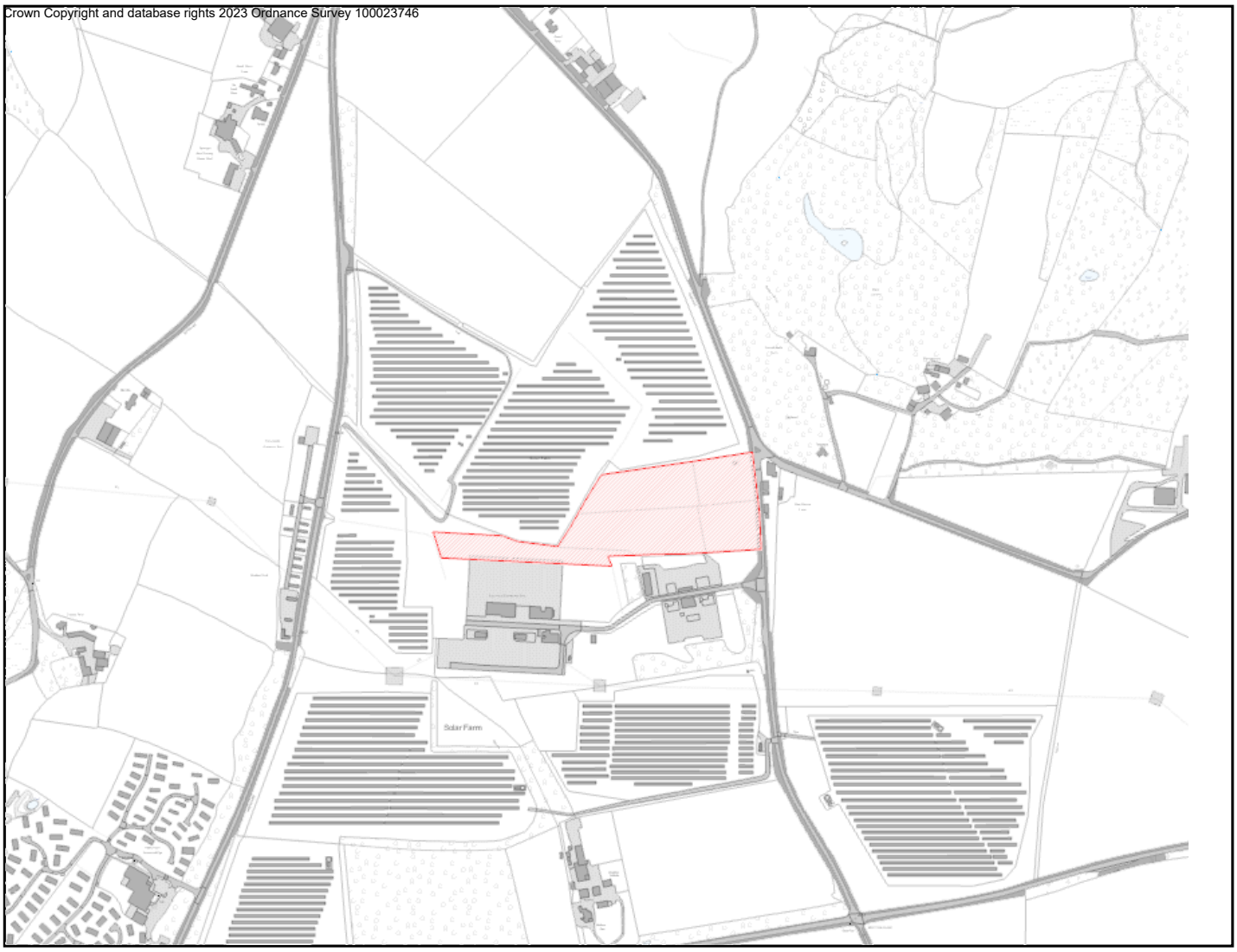
Applicant C/o Agent

Location Pound Road Bess Land North East Of Axminster National Grid Substation Pound Road Hawkchurch

Proposal The installation of a battery energy storage system with associated infrastructure and works.



RECOMMENDATION: Approval with conditions



		Committee Date: 22.08.2023	
Yarty (Hawkchurch)	**23/1124/MFUL**		**Target Date: 24.08.2023**
Applicant:	**C/o Agent**		
Location:	**Pound Road Bess Land North East Of Axminster National Grid Substation**		
Proposal:	**The installation of a battery energy storage system with associated infrastructure and works.**		

RECOMMENDATION: **Approval with conditions**

The above planning application was considered at Planning Committee on 18 July 2023. The application was deferred to allow further consultation with Devon and Somerset Fire and Rescue Service (DSFRS), in particular to ask how they would deal with a fire at the application site.

The response from DSFRS , received on 27/7/2023 is as follows:

This letter offers comment on the Safety Management Plan that the applicant has included under the above consultation which is a 'Second Go' application of 22/2216/MFUL.

Furthermore, this letter addresses specific issues that have been raised, including those made in a Rule 6 Party's Statement of Case under application 22/2216/MFUL. East Devon District Council Planning Authority (EDDC) have requested that Devon and Somerset Fire and Rescue Service (DSFRS) provide comments in relation to Issue 2 and Issue 3 of the Rule 6 Party's Statement of Case.

Safety Management Plan

Planning Application 23/1124/MFUL introduces a Safety Management Plan (SMP) that has been prepared for the applicant by Abbott Risk Consulting Limited.

The aim of the SMP is to 'define the safety strategy, requirements, and processes necessary to meet agreed safety objectives and to set a level of safety performance that the system is to be measured against.'

To meet these aims, the document specifies that a strategy to reduce risk to as low as reasonably possible (ALARP) will be employed and that a primary objective of the project will be to comply with all applicable legal requirements and relevant emerging good practice.

In terms of strategy implementation, the SMP goes onto state that a 'layered protection approach' will be provided and lists some of the mitigation requirements that can be employed to reduce fire risk, such as remote monitoring, container segregation and suppression systems.

Unfortunately, the level of detail provided in the document is limited and as such DSFRS is not able to provide much in the way of constructive commentary. The explanation provided in the SMP, in that detail cannot be provided until suppliers, contractors and specific equipment is selected, partially justifies the limited detail but there are also issues on which the document could have provided more detail. For example, there is limited or no commentary on deflagration prevention and venting, space separation between units, emergency access and firefighting water supplies. The SMP refers to a System Requirement Document (SRD), where it is presumed these matters will be discussed in more detail. However, it is not specified when or whether consultation on the SRD will be offered to stakeholders, or indeed what stakeholders may contribute. Similarly, the SMP mentions a BESS Safety Working Group (SWG) that will be responsible for the oversight of BESS safety management. However, once again there is no detail regarding who will form the SWG and by what mechanisms they will review and oversea the safety management of the project.

Therefore, it is DSFRS' opinion that the aims initially set out by the SMP have not been fully met. Nevertheless, DSFRS does view the applicant's commitment, as stated in the SMP, to comply with applicable legal requirements and good practice positively.

It should also be highlighted that the applicant did approach DSFRS for advice regarding the SMP in May 2023. In this matter, unfortunately circumstances beyond the control of the applicant prevented DSFRS from being able to respond to this request in a timely manner. Nonetheless, such requests for advice are also viewed positively and it is hoped that future liaison on this matter will be possible in the near term.

Rule 6 Party's Statement of Case

Issue 2 - Environment Harm/Risk and Impact on Hydrology
The appeal proposal does not appear to contain information addressing the prevention and mitigation of fire or of a thermal runaway event.
This has been partially addressed under application 23/1124/MFUL, with the inclusion of a Safety Management Plan. Commentary on this document has been provided above and does not require repeating. DSFRS views the introduction of the document as a positive step, opening the potential for further clarification of what risk reduction and mitigation strategies will be employed to prevent any fire related incidents.

Regarding the potential for contamination of the local hydrological environment due to firefighting water runoff, DSFRS have a limited ability to prevent contamination resulting from operational activities with the use of spill kits and deployable bunds.

In terms of more general prevention strategies to prevent contamination, DSFRS

have, as with similar previous applications, recommended that consultation occur with the Environment Agency.

Issue 3 - Hazardous Substance Consent

DSFRS is not the Competent Authority (CA) and therefore has no responsibilities in terms of the enforcement of COMAH Regulations. Having no influence or involvement in the issuing of Hazardous Substance Consent (HSC), DSFRS has no comments to make under this Issue and suggests that requests for comments should be directed to the appropriate CA, namely the Health and Safety Executive (HSE) and the Environment Agency (EA).

Water Supplies for Firefighting

It is understood that the Planning Committee has requested details as to how DSFRS would deal with a fire incident at the site in the absence of no fire hydrant or water storage facilities being provided.

It is important to stress that firefighting tactics are very much dependent on the incident at hand and subject to dynamic assessment of conditions and risks throughout the incident. Therefore, it is impossible to put a figure on how many appliances would be required for a specific incident, or how much water would be required.

As it currently stands, the nearest DSFRS station to the proposed site is Axminster which has a Medium Rescue Pump (MRP). Attendance would likely be supported by neighbouring stations such as Chard, Honiton, Colyton and Seaton.

A water carrier could also be mobilised as part of the pre-determined attendance. DSFRS has six water carriers (carrying up to 9000 litres each), with the nearest being deployed at Danes Castle (Exeter), Bridgwater and Yeovil. Mobilisation of all appliances will depend on availability and crewing resources.

Such a deployment, as described above, would enable DSFRS to instigate 'defensive' firefighting tactics for a limited duration in order to prevent fire spread from the unit of origin to neighbouring units until crews can connect into any available local fire hydrants.

In the absence of fire hydrants being available, DSFRS has two High Volume Pump appliances positioned at Clyst St George (Exeter) and Wellington. These appliances have the capability to pump water at high volume with enough hose to reach a water source (hydrant or open source) 3km away from incident. It should be noted that these two appliances are provided for National Resilience and therefore cannot form part of a first response. It should also be borne in mind that they can take some time to be deployed and then to set up.

Firefighter and Fire Service Vehicular Access, along with the provision of water for firefighting, is covered by the Building Regulations 2010. Practical guidance on how to meet the Building Regulations, in terms of fire safety, is provided in Approved Document B (ADB).

ADB advises that most buildings require a fire hydrant to be within 90m. If piped water is not available, alternative sources of water supply are acceptable. This is usually provided with a static water tank with a minimum capacity of 45,000 litres.

DSFRS recognises that the Building Regulations do not apply to BESS infrastructure due to the limited occupancy of such structures, and that there are no mandatory requirements to provide access and facilities. However, the practical advice offered in ADB, and the functional requirements of the Building Regulations should be seen as an acknowledgement that without the provision of such access and facilities, including water supply, the ability of the Fire Service to carry out its duties is made much more challenging.

Although the Building Regulations are not applicable, the National Fire Chiefs Council (NFCC) has released guidance produced with the aim of facilitating a safe and effective response, by the Fire Service, to a fire or vapour cloud release involving a BESS installation in excess of 1MW in size.
Under that guidance, the following has been advised in relation to site access and water supplies.

Site Access

Suitable facilities for safely accessing and egressing the site should be provided. Designs should be developed in close liaison with the local FRS as specific requirements may apply due to variations in vehicles and equipment.

This should include:

o At least 2 separate access points to the site to account for opposite wind conditions/direction to allow approach towards a vapour cloud.
o Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.
o A perimeter road or roads with passing places suitable for fire service vehicles.
o Road networks on sites must enable unobstructed access to all areas of the facility.
o Turning circles, passing places etc size to be advised by FRS depending on fleet.

Access between BESS units and unit spacing

A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances, a clear evidence based, case for the reduction should be shown.

Water Supplies

Water supplies will depend on the size of the installation. In the majority of cases, initial firefighting intervention will focus on defensive firefighting measures to prevent fire spread to adjacent containers. As a result, proposals for water supplies on site should be developed following liaison with the local fire and rescue service taking into account the likely flow rates required to achieve tactical priorities. This should

also take account of the ability of/anticipated time for the fire and rescue service to bring larger volumes of water to site (for example through the provision of High Volume Pumps).

As a minimum, it is recommended that hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours. Fire and rescue services may wish to increase this requirement dependant on location and their ability to bring supplementary supplies to site in a timely fashion.

Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc).

Officers then asked DSFRS if the above comments amounted to an objection to the application.

On 4/7/2023 DSFRS responded as follows:

Despite the lack of detail on several issues, we are not objecting at this stage.

This decision has been made after considering the requirements under Condition 4 - particularly the requirement to develop and agree a detailed Battery Safety Management Plan with Local Authority and DSFRS.

Analysis

Notwithstanding the confirmation of 'no objection' from DSFRS Officers have given consideration to matters raised which could influence the site layout, which is a planning consideration. The key issues being the number of sites accesses, provision of a perimeter road, turning within the site for a fire engine and access to water. It is noted that the Guidance Note referenced in the DSFRS has no statutory status and the guidance needs to be considered in the context of each site and the particulars of the development.

The applicant has provided a response note to address the matters raised in the DSFRS comments and this is attached as an Appendix to the addendum.

The key matters addressed are as follows:

Site access

One of the main reasons for having a secondary access is to mitigate for unfavourable wind directions which could make an access unusable if fire or smoke plumes were blown across it, discussions with an officer from DSFRS have indicated

that the need for a second access can depend on prevailing wind directions and the scale of the development.

In this case the applicant has now demonstrated that the prevailing wind directions in the area are favourable, blowing away from the access, indicating it is unlikely that use of the proposed site access would be compromised.

Having regard to the scale of development and the evidence of prevailing winds directions provision of a single access point is considered to be acceptable.

It is also demonstrated that the access roads are wide enough – the minimum width required is 3.7m, the proposed roads are 4.5m.

Turning of service/emergency vehicles within the site

The response note includes plans which show the tracking of a fire engine within the internal roads and also show how a turning head could be accommodated at the site entrance to ensure vehicles and enter and exit in forward gear if needed.

Separation distance of the battery units

The 6m distance referenced in the guidance document is based on older technology and where there are no other measures in place to supress fire. Full details of fire suppression technology to be included within each battery unit will be included as part of the Battery Safety Management Plan required under proposed condition 4 and this will need to demonstrate adequate fire suppression measures for the proposed spacing of the battery units. On this bases the proposed spacing of the battery units is considered to be acceptable.

Water storage

The plans now show how an above surface water tank could be situated within the site with capacity to hold sufficient water to exceed the specified requirement of water. The need for and actual size of any tank would be agreed as part of the Battery Safety Management Plan however the amended plan shows that a large tank can easily be accommodated within the site without affecting the landscape impacts of the development

Conclusion

Having reviewed the comments from the DSFRS and the additional information provided by the applicant officers remain satisfied that the health and safety matters of the development in so far as they relate to land use planning matters are satisfactory.

The recommendation remains that planning permission be granted subject to the conditions set out in the main report.

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PLANNING APPLICATION REF. 23/1124/MFUL
POUND ROAD BESS
DSFRS RESPONSE

The following note is prepared to address points raised by Devon and Somerset Fire and Rescue Service (DSFRS) in relation to a proposed Battery Energy Storage System (BESS) on Land North East Of Axminster National Grid Substation, Pound Road, Hawkchurch (East Devon District Council (EDDC) Planning Ref. 23/1124/MFUL).

We wish for the below to be read in conjunction with the BESS Safety Note issued to EDDC on the 24th July 2023.

Safety Management Plan

It is acknowledged by the fire service that a layered protection approach will be provided as part of a detailed battery safety management plan (BSMP), this will detail in full the mitigation requirements that can be employed to reduce fire risk, such as remote monitoring, container segregation along with detailed detection and suppression systems.

The fire service on the 27th July have also confirmed that although specific mitigation detail is not provided at this time, the detail being secured through a planning condition for a BSMP is acceptable and raise no objections on this basis.

Planning Requirements

The National Planning Policy Framework (NPPF) (2021) paragraph 188 is clear that the focus of planning decisions should be whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It further states that planning decisions should assume that these regimes will operate effectively.

Legislative compliance, specifically safety, for BESS is demonstrated by compliance with the UK Health and Safety at Work Act (HSAWA) 1974 and the appropriate underlying legislation that is enacted through the HSAWA. The BESS will therefore be designed to meet relevant industry standards and legal requirements.

The battery safety measures identified by the fire service will be presented to EDDC as part of the detailed BSMP as proposed in the officer's report (Condition 4), this is to ensure that the safety measure requirements reflect the chosen battery chemistry in line with the Safety Integrity Level requirements.

The Local Planning Authority will consult with the Health and Safety Executive and the Devon and Somerset Fire and Rescue Service before approving the BSMP. This approach has been previously accepted by the Council in the following recent planning decisions for BESS developments in East Devon:

- 22/2546/MFUL - Land At Blackhill Quarry Woodbury EX5 1HD (Approved 13 July 2023). Condition 4.
- 22/0693/FUL - Axe View Solar Farm Wadbrook EX13 7AS (Approved 23 March 2023). Condition 4.

National Fire Chiefs Council Guidance (November 2022)

Reference has been made by the fire service to the latest guidance from the National Fire Chiefs Council (NFCC). Within the guidance it is clear that the NFCC do not seek to provide full specification or opinion on the entirety of a BESS system design, it is also explicit that every BESS installation will be different and fire and rescue services should not limit themselves to the content of this guidance (our emphasis).

We therefore wish to address the points raised in relation to site access and water supplies on a site-specific basis. It should however be noted that the final details will be subject to the detailed BSMP secured through Condition 4 and in liaison with the fire service.

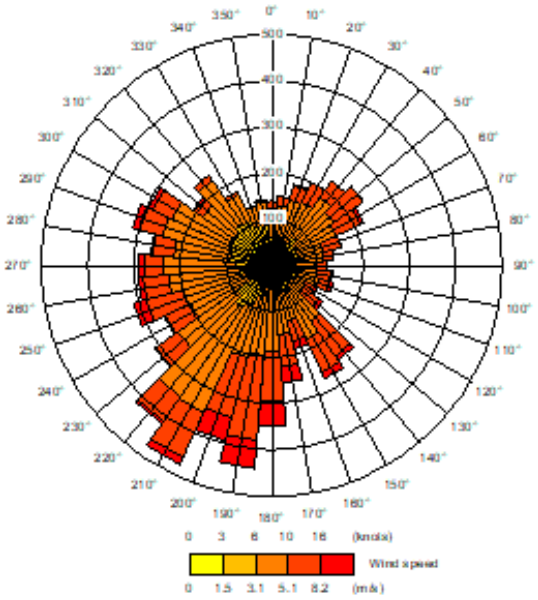
Site Access

A number of points have been raised by the fire service in relation to site access, we wish to address these points in turn.

> *Point 1: At least 2 separate access points to the site to account for opposite wind conditions/direction to allow approach towards a vapour cloud.*

Access to the site is taken from the east from Pound Road. Permanent access is not possible from other parts of the site given its location to other existing infrastructure. Given the scale of the site (under 2ha of developed area) a secondary access is unnecessary. In the alternative, a maintenance corridor has been provided between the BESS and the existing field boundary which can be accessed by a fire service vehicle if required.

From a review of the Met Office opensource data, the nearest wind data for the site is Dunkeswell Airfield north of Honiton, this data indicates that the most frequent winds in this area are from south/southwest, so do not predominately come from the west and are therefore unlikely to conflict with the access arrangements to the east.



Source: Met Office opensource data

Point 2: Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.

The proposed road network within the site is a tarmac track which is approximately 4.5m wide. Tracking of a fire service vehicle within the site has been undertaken in Appendix 1 (Drawing Ref. SP03), which shows that vehicles are able to be accommodated within the internal access road network.

Point 3: A perimeter road or roads with passing places suitable for fire service vehicles.

The network of roads within the BESS and the proposed turning place between the access from Pound Road and BESS compound provides adequate passing passes suitable for fire service vehicles.

Point 4: Road networks on sites must enable unobstructed access to all areas of the facility.

The road networks within the BESS have been designed to ensure ease of access to the BESS containers and associated infrastructure for operational maintenance purposes, so are not obstructed.

Point 5: Turning circles, passing places etc size to be advised by FRS depending on fleet.

Appendix 1 includes a plan (Drawing Ref. SP02) which identifies where a turning area is able to be positioned within the site, if necessary.

Water Supplies

The use of water to fight a Li-ion fire is not necessarily the best option. Li-ion by its nature will self-ignite once the water is removed. BESS systems on the market are therefore fitted with automated detection and bespoke suppression systems. Such details are chosen following battery chemistry selection and will be outlined within the detailed Battery Safety Management Plan (BSMP).

Such fire provisions could be accommodated within the design if required, the location for a water tank with a capacity of 450,000 litres have been shown on the plans in Appendix 1. It should be noted that the capacity of this tank is 222,000 litres more than that specified by the NFCC guidance (1,900 litres a minute for at least 2 hours, which equates to 228,000 litres).

Conclusion

National policy is clear that the focus of planning decisions should be whether proposed development is an acceptable use of land, and that a robust health and safety regime is already in place with appropriate provisions to ensure that BESS at all scales can be operated safely in a range of environments.

Planning decisions made both at national and local level are clear that such provisions around BESS safety can be secured by planning condition. EDDC have already proposed a planning condition for a detailed BSMP in line with previous decisions made both at national and local level.

The applicant and EDDC will consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP to ensure they provide the required detail and safety provisions.

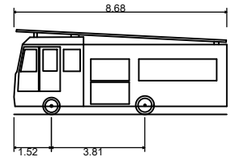
APPENDIX 1 – FIRE SERVICE VEHICLE TRACKING PLANS

A3
ORIGINAL PLOT SIZE

NOTES:

Water tank
Capacity: 450,000 Liters
Diameter: 13.82m
Height: 3.02m

Lay-by area



DB32 Fire Appliance	
Overall Length	8.680m
Overall Width	2.180m
Overall Body Height	3.452m
Min Body Ground Clearance	0.337m
Max Track Width	2.121m
Lock to lock time	6.00s
Kerb to Kerb Turning Radius	7.910m

Rev	Date	Details	Drawn by	Checked by	Approved by
-	-	-	-	-	-

Bristol
Cambridge
London
Oxford
Welwyn Garden City

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CLIENT:
ENSO GREEN HOLDINGS B LIMITED

PROJECT:
POUND ROAD BESS

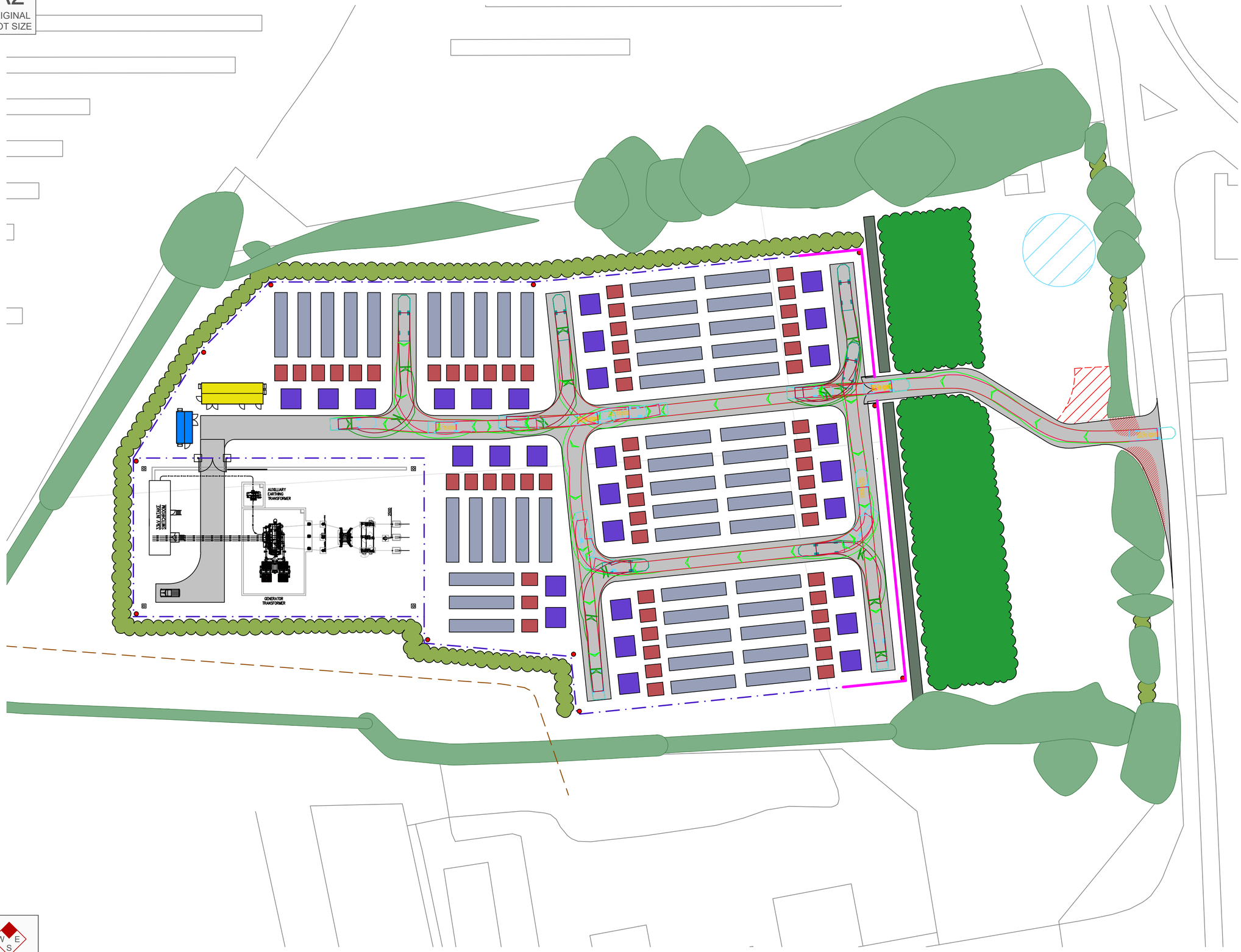
TITLE:
Swept Path Analysis Of A Fire Appliance Using Site Access

STATUS:
INFORMATION

SCALE:	DATE:	DRAWN:	CHECKED:	APPROVED:
1:250	09.08.23	KVT	RR	JD

JOB NO:	DRAWING NO:	REVISION:
2203-080	SP02	-

A2
ORIGINAL
PLOT SIZE

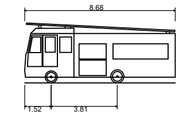


INDICATIVE

NOTES:

Water tank
Capacity: 450,000 Liters
Diameter: 13.82m
Height: 3.02m

Lay-by area



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CLIENT:
ENSO GREEN HOLDINGS B LIMITED

PROJECT:
POUND ROAD BESS

TITLE:
Swept Path Analysis Of A Fire Appliance Within BESS

STATUS:
INFORMATION

SCALE:	DATE:	DRAWN:	CHECKED:	APPROVED:
1:500	09.08.23	KVT	RR	JD

JOB NO:	DRAWING NO:	REVISION:
2203-080	SP03	-

		Committee Date: 18.07.2023
Yarty (Hawkchurch)	**23/1124/MFUL**	**Target Date: 24.08.2023**
Applicant:	**C/o Agent**	
Location:	**Pound Road Bess Land North East Of Axminster National Grid Substation**	
Proposal:	**The installation of a battery energy storage system with associated infrastructure and works.**	

RECOMMENDATION: **Approval with conditions**

EXECUTIVE SUMMARY

This application is being considered by the Planning Committee because the recommendation is contrary to the views of the Ward Member.

This application is a re-submission of the proposal refused permission under application 22/2216/MFUL, which is now subject of a planning appeal by way of a Public Inquiry. The application includes additional supporting information that attempts to address the lack of evidence cited in the previous reasons for refusal.

The application seeks permission for a Battery Energy Storage System (BESS) and associated equipment (substations, inverters etc.) in a field adjacent to a solar farm and electricity distribution site. The site is located in the open countryside but is considered to meet the definition of 'low carbon technology' as defined in the Local Plan. As such it is acceptable in principle under Strategy 39 (Renewable and Low Carbon Energy Projects) subject to other considerations.

The development would include a number of different plant and equipment being installed in a rural area. However, this would be sited in and near an existing solar farm, has good existing landscaping/screening and therefore the effect on the character and appearance of the area (which has no landscape designations) would be limited.

The site would use grade 3a (Best Most Versatile) agricultural land although the usefulness of the land for meaningful agricultural production is considered to be limited due to its size, shape and lack of association with other fields in agricultural production. The loss of BMV land is considered to be outweighed by the benefits of the proposal which are the contribution the installation would

make to towards reduction in greenhouse gas emissions, grid balancing capabilities and the associated projected savings in energy production costs for consumers.

There are a number of objections to the scheme including matters regarding safe operations of the site but it is considered that the proposal is acceptable and that many of these concerns are either regulated by other regimes or can be addressed through appropriate planning conditions.

CONSULTATIONS

Local Consultations

Yarty - Cllr Duncan Mackinder
I am unable to support this application for many reasons, primarily:

1 significant risks to the local environment, local population and first responders in the event that a malfunction caused thermal runaway leading to fire or explosion.

2 the industrial nature of such sites is not in keeping with the adjacent rural and unspoilt landscape

3 the impact of noise from necessary cooling systems on local residents, visitors and wildlife in the surrounding area

4 BESS increase the carbon emissions associated with the electricity supply so are not truly green.

5 BESS generally store energy for a matter of hours not the longer periods required to enable our power infrastructure to accept renewably generated power at times it can be most efficiently generated and supply power at times when it is most in demand.

I do not think that BESS make much sense as part of a low-carbon power infrastructure in general, and in particular make even less sense In remote, rural locations with high environmental, ecological and amenity value.

I therefore recommend this application be REJECTED.

Hawkchurch Parish/Town Council

June 2023

It is the decision of Hawkchurch Parish Council to OBJECT to this application and respectfully request that it is refused at determination for the reasons set out below:

Environmental pollution and community health and safety

We believe there is a risk of major accident, with resulting significant risks to the local population, impact on water supplies, and risk of pollution of rivers and farmland.

The risks to the population in the event of a fire, possible explosion, and release of toxic fumes, cannot be overstated. Multiple properties in the vicinity are not on mains supply and take their water from bore holes or springs. In addition, this area drains via the Blackwater River into the River Axe. We are seriously concerned about the environmental contamination risk in the event of a fire and alarmed by the risk to local residents who are dependent on natural water sources.

The most common deployment of energy storage installations is industrial lithium batteries. These make up more than 90% of the UKs storage capacity. On 7th September 2022, a Private Members Bill was introduced by Dame Maria Miller (Con) to the House which highlights the safety issues surrounding large scale Lithium-ion battery installations and calls for them to be categorized as hazardous.

This would bring the HSE controls of hazardous substances into play for all such installations. Some argue that developers are responsible for doing the proper assessments as part of the planning application and demonstrate whether the proposal should be classified under COMAH or not.

There are several well documented safety risks with large-scale lithium-ion battery storage:

- If charging or temperature controls fail, or if they get damaged, lithium-ion batteries are susceptible to a process call thermal runaway – essentially a fire that generates its own oxygen supply so cannot be put out by suppressants, water etc as it can re-ignite itself. The accepted way to deal with a lithium-ion battery fire is to cool it with water and allow it to burn out completely. With large-scale installations cooling is essential to prevent spread to other battery containers.
- When water is mixed with either the electrolyte or gases emitted because of the chemical reaction taking place as thermal runaway progresses, toxic compounds are generated, including hydrofluoric acid – one of the most corrosive acids. Very large volumes of water are needed as the thermal runaway reaction can take several days to exhaust the chemical supply
- Toxic gases are released because of the fire and can lead to explosion –there have been instances where firefighters have been killed or seriously injured.

In the context of Hawkchurch, these issues are exacerbated due to the location and geology:

The site is located on an aquifer which supplies bore holes, springs and drinking wells to many properties in the Parish. Unless there is a requirement for a vast storage tank for wastewater from firefighting, toxic water would penetrate contaminate water supplies, potentially spreading some distance via the greensand. **This would be catastrophic for residents in the Parish.**

The sheer volume of water needed to cool batteries while they burn out is a key issue, both from the perspective of containment of contaminated firewater runoff and in relation to the availability of supply.

The volume of water required to adequately cool BESS in the event of thermal runaway is vast. The Liverpool BESS fire was cooled for 59 hours predominantly by two fire engines and with the use of a high-volume pump). The recently published guidance from the UK Fire Chiefs indicates that a flow rate of at least 1900 litres per minute is required. They deem that at least 2 hours supply should be immediately available as a minimum and that minimum is dependent on how quickly the fire service could deploy high-volume pumps. Note that it took more than six hours to extinguish the Liverpool fire and that cooling has to continue once the fire is extinguished as lithium-ion battery fires are known to re-ignite. In Australia, the report of the Victoria fire showed that **900,000 litres of contaminated firewater runoff** were removed and disposed of after the event.

The water supply network in Hawkchurch is fragile and we have regular mains failures. There is no point of access to water supplies specified in the proposals and no storage facilities indicated in the plans.

Another factor is the time it would take to deploy the fire service to Hawkchurch. The nearest fire service is 20 minutes away and the nearest one is a co-responder station with volunteer firefighters. Fire could well have spread beyond a single container before firefighters arrive, making the situation more dangerous. Multiple fire engines and a high-volume pump were deployed to the Liverpool fire and arrived five minutes after they were called. That level of immediate support is hard to imagine here.

As a result, we are seriously concerned about any proposed installation of industrial-scale battery storage solutions that includes lithium-ion batteries or any other chemical battery that represents a hazard to human health or extensive environmental contamination in the event of a major accident.

We understand there may be a temptation to expect technical aspects of such developments to be resolved at a later stage, but we note that experts advise that fire services should be engaged much earlier with such hazardous proposals.

The volumes of firewater involved are vast and the consequences of these should be considered as part of the planning process because of the impact that including suitable containment or separation would have on:

- the scale of the development and groundworks.
- the impact of the development locally.
- the likelihood of being able to return the site to agricultural use in the future.

Furthermore, the Fire Chief's guidance contains recommendations for spacing and clearance from surrounding vegetation around the storage containers that are in no way adequate in any version of the proposals. In addition, they recommend more than one access point, a perimeter road and space for fire fighting vehicles, none of which is evident and may prove difficult to achieve on this site.

Environment Agency Guidance requires places where residents access natural water supplies through boreholes or springs should be treated as Source Protection Zones. There is no mention of any SPZs in any of the documentation.

Environment Agency Guidance requires contaminated firewater to be contained or separated and subsequently safely disposed of. Again, there is no provision for such contingency in any of the plans and as explained above the volumes would be vast. Note that the contaminated land officer's indication of containment volume would not be adequate for containment of contaminated run-off from a thermal runaway event.

Risks from BESS fires are real and need to be dealt with accordingly.
A letter from HSE NI, submitted to the planning inspectorate examination of the Sunnica Energy Farm application, shows that they consider the risks of fire and explosion to be real:

'An explosion from a single BESS container can cause an overpressure resulting in the partial demolition of a house up to 45 meters away. A hydrogen fluoride plume generated by a fire can cause serious injury up to 45 meters away.'

'A BESS with the capability of 21.3 MWH, using the work by Larsson et al. (2017), a fire involving all batteries would produce 4.26 tonnes of hydrofluoric acid and 469 tonnes of POF3. If a fire generates other hazardous substances, the threshold for COMAH and HSC could be exceeded using the aggregation rule.'

Bear in mind that the likely fire service response will be very slow compared with the Liverpool incident. Hawkchurch is remote and even the most local volunteer fire service would take 20 minutes to arrive. The fire service was on site in Liverpool within 5 minutes. Given the potential explosion hazard, we question the proposed siting of this installation so close to the distribution substation. There are no thermal barriers or other protective measures included in the proposal.

Residents views

As part of our Neighbourhood Planning work, we have consulted with the Parish regarding the position of the Parish Council in relation to battery energy storage schemes. We had a response rate of more than 50% from households in the parish, of which **85% regard Lithium-ion battery storage on this scale as unsafe.** Furthermore **85% of households also felt that such installations were industrial in nature and should only be permitted with strong controls on safety and impact**. We ask you to take note of this and the fact that we have been bombarded with planning applications for industrial 'renewable' energy applications over the last few years, including multiple revisions and requests for supplementary comments. Not surprisingly residents are becoming fed up with having to repeatedly make an objection and it is causing planning blight for some residents.
Please take account of the overwhelming and strong feeling there is that wasdemonstrated by the survey results and attendance at Parish meetings.

We urge you to take seriously the possibility of a foreseeable event which is likely to be harmful to both people and the environment. **This is not a suitable site for such**

a development, especially if the battery type is lithium-ion, in which case it would be grossly negligent to permit it. It is worth noting a comment made by Deputy Fire Safety Commissioner of the London Fire Brigade, Charlie Pugsley, in discussions about BESS fire safety that:

'If we know some things could fail catastrophically or it could have those effects," he said, "it's going to be a difficult day if one of us is standing there in court saying we knew about it, but we didn't do anything.'

We also note that Defra have published legally binding principles which include:

- The prevention principle means that government policy should aim to prevent environmental harm.
- The rectification at source principle means that any environmental damage should, as a priority, be addressed at its origin to avoid the need to remedy its effects later.
- The precautionary principle states that where there are threats of serious or irreversible environmental damage, a lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

All these point to the need not to take the issue of large-scale battery storage lightly. Given Grenfell as an example of how it is incumbent on authorities to assess risk themselves and take appropriate action, rather than go with the flow, it would be negligent of all of us not to ensure that any battery storage schemes are developed without the appropriate level of containment in the event of a major accident. In this case we believe the River Axe catchment area and the health of residents who draw water from the natural supplies in Hawkchurch would be at risk in the event of a battery fire at this site.

Siting of the proposal and alternatives

The guidance that goes alongside the National Planning Policy Framework states:

"There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, **critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to."**

"….protecting local amenity is an important consideration which should be given proper weight in planning decisions."

"Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same types of renewable energy development will be visible from the same point or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts."

The Planning Committee recently refused permission for a similar development inthe immediate vicinity and agreed that there would be a cumulative impact.
The developer should be asked to consider other sites – there is no evidence that they have done so adequately.

Renewal energy and low carbon developments

We recognise the need for energy storage to support the national strategy. We believe EDDC should be considering what the district can do to encourage good development. By encouraging storage, and where possible generation, to be co-located with heavy consumers (be it industry, residential, hospital etc) it would make certain that the benefit is within the district and is much more likely to be supporting renewable energy (which energy arbitrage does not!).

We do not believe this proposal constitutes a renewable energy or low carbon development. It is not directly connected to the adjacent PV solar farms. It is likely that it will store more energy from fossil fuel sources than either wind or solar sources. The source of stored energy may be from plants in the UK or, via interconnectors, from other countries. The batteries would draw power at times of low demand (usually at night) and sell it back to the grid at times of peak demand through price arbitrage or balancing contracts. Only 2/3 of the power stored is likely to be returned to the grid due to degradation, AC and DC loss. Power can only be stored for a matter of hours, not days or months. The batteries are likely to have tobe replaced within 10 years leading to issues with recycling. At present there are nclear routes for recycling lithium-ion batteries from grid scale storage, making them unsustainable. Battery storage units have been shown to have a high carbon footprint.

Scotland's centre of expertise connecting climate change research and policy (climatexchange.org.uk) states:

"To provide some context, it is important to note that battery storage is not of itself 'green' in any way: it uses substantial quantities of materials, and around 15% of the energy imported is wasted as heat."

The EDDC Planning Committee determined that a previous proposal for this site (planning application 22/2216/MFUL) was not considered to be a renewable or low carbon energy project as there was no evidence that it would be used to store energy from low carbon sources and therefore represented inappropriate development in the countryside. There is similarly no evidence to support this application as a renewable or low carbon project.

Visual, landscape and amenity impact

We agree with the EDDC landscape officer in his assessment of the proposals: 'The site will have a major adverse impact on the site itself introducing incongruous industrial infrastructure into an undeveloped field in open countryside'.

We feel that there will be a significant and unacceptable impact on the character of the landscape as screening will take many years to establish and we know from the visibility of extensive local solar farms that in winter the screening is wholly inadequate. Solar farms are one thing, industrial containers are totally unacceptable and out of place - there are 48 very large shipping containers in addition to the cooling and electrical systems for each container. Please stop and think about what that really looks like.

The application is contrary to Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and EN14 (Control of Pollution) of the East Devon Local Plan. It is also contrary to the guidance on the interpretation of renewable energy developments with respect to cumulative impact. We also believe that the applicant should have consulted both with HSE and EA in relation to the risks associated with the possible loss of control of operations (COMAH/ SEVESO legislation).

It is the decision of Hawkchurch Parish Council that we continue to object to this application and respectfully request that it is refused at determination.

Hawkchurch Parish Council
June 202

Technical Consultations

EDDC Landscape Architect
1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED DETAILS

Landscape and Visual Appraisal

The assessment is the same as submitted with the previous application (22/2216/MFUL) and does not reflect subsequent changes to the site layout including the omission of the previously proposed 4m high earth bund. The description of the proposed works and associated effects should be amended to reflect the current site layout.

Preliminary Site Layout (dwg. no. AR-01-L16 rev. 4)

The revised layout is generally acceptable but a minimum 2m width access corridor should be provided between the face of the proposed hedgebank on the eastern edge of the battery compound and the adjacent acoustic fence, to allow light to the western face of the hedgebank and provide an adequate maintenance corridor between it and the acoustic fence.

The extent of woodland planting to the frontage of the site is limited by requirements for underground attenuation in the northeast corner of the site. However to the south of the site access road the proposed width of woodland planting should be extended to within 3m of the existing roadside hedgebank.

The proposed woodland mix should be amended to include a mix of tree species such as birch, holly, crab apple, oak supplied as both transplants and featherds.

Soft landscape proposal (dwg.no. BLA 146-01 revision D)

The layout should be amended to reflect comments above regarding the width between the proposed acoustic fence and hedgebank and increased area of woodland.

Reference is made on the drawing to Devon Hedge Group hedgebank detail 'Hedge Creation 1. For the avoidance of doubt the actual detail proposed should be submitted as part of the application.

The planting notes should be expanded to cover, soil depths and quality, weed clearance, mulching, tree pits and staking and means of protection during establishment period.

A method statement for the construction of the hedgebank should be provided by condition should the application be approved.

Drainage strategy (dwg. no. D100 revision P2)

The layout shown on the drainage strategy is based on the previous site layout and should be amended to reflect the change in the site access road alignment shown on the preliminary site layout plan as this may affect the layout of the attenuation crates.

Consideration should be given to changing the internal access roads from tarmac to bound gravel surface which would be more in keeping and increase site permeability.

A further increase in site permeability could be achieved by raising the container units slightly above finished ground level, with shallow attenuation pits beneath and providing an open ditch between the proposed acoustic fence and Devon hedgebank.

The above measures could help to reduce the volume of attenuation crates required as well as providing additional bio-diversity benefit.
Battery Fence and Gate Details dwg. no. AR—P10

The gates are shown as up to 6m wide. As the access road is only 4m wide the gate width should be amended to match.

Acoustic fence

A detail for the acoustic fence including colour finishes is required. This could be provided by condition.

CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

The application will have an adverse impact on the site itself introducing incongruous industrial infrastructure into an undeveloped field in open countryside and altering the topography, notwithstanding the existing electricity and renewable infrastructure to the south, west and north. The visual impact will be greatest during construction and at completion of installation works. However, views into the site are limited and development would not be visible in long views across the landscape.
Whilst there would be some harm initially to local landscape character and the appearance of the area in close views from Pound Road, these are capable of mitigation in the medium term with appropriate site design and planting.

There are some issues with the submitted details as noted at section 2 above which should be resolved prior to determination or, where noted, by condition should the application be approved.

3.2 Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) Soft landscape specification covering soil quality and depth; soil preparation; planting and sowing; mulching; means of plant support and protection during establishment period and 5 year maintenance schedule.

b) Tree pit and tree staking/ guying details.

c) Method statement for creation and maintenance of species rich grassland and wetland habitats.

d) Details of proposed colour finishes to fencing and housings for inverters, storage units and batteries, including relevant BS/ RAL reference.

e) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

f) Construction details for proposed hardstandings, trackways and associated kerbing and edgings.

g) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

h) A phasing plan for construction. This should identify the early construction and planting of Devon hedgebanks to ensure that turves from site excavations are available for construction of the banks themselves and to enable associated planting to establish as soon as possible.

i) Method statement for construction of Devon hedgebanks including construction detail, details of proposed specialist sub-contractor demonstrating relevant experience experienced in traditional hedgebank construction, method of turf cutting and placement, supply and compaction of soil fill.

2) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures.
The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an as-existing condition survey for each length of hedge, identifying its position on the Hedgelink hedge management cycle, any initial works required to bring to good
condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range, cutting height and frequency.

The Plan shall cover a period of not less than 30 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.
Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan for the duration of the operational phase of the development.

3) No site works shall begin until a detailed decommissioning plan has been submitted for reinstatement of the site at the termination of the consent period or in the event that the proposed development ceases to operate prior to that. The plan should cover the removal of all site infrastructure and identify any areas of new habitat creation/ planting to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

4) The works shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

<u>EDDC Trees</u>
It is noted that it appears that arboricultural impact assessment accompanying the new proposal, which includes a tree survey, tree constraint plan and tree protection plan is the same as for the previous application though for a slightly amended scheme. The new scheme is considered an improvement on the previous from a tree perspective and no concerns are raised. I therefore have no objection. However if consent is granted, an up to date tree protection plan will be required.

The following condition should be put in place to ensure the retained trees are afforded protection during construction.

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), an up to date scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the

subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Contaminated Land Officer
I recommend approval with the following condition:

A containment mitigation scheme must be in place in order to minimise the risks in the event of a battery leak or thermal runaway event taking place on the site. The

secondary containment must be impermeable to the specific chemicals contained within the batteries. The minimum volume of the secondary contaminant should be at least equivalent to the capacity of the batteries plus 10% and have no opening used to drain the system. The containment mitigation scheme should submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

DCC Flood Risk SuDS Consultation

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant have previously submitted the same application under Planning Permission 22/2216/MFUL.

The applicant have submitted Pound Road Battery Energy Storage System Land North East of Axminster National Grid Substation, Pound Road, Hawkchurch (Report Ref. 22-0428, Rev. 02, dated August 2022)
together with a covering letter dated 27th February 2023 to address the comments that we made under Planning Permission 22/2216/MFUL.

Infiltration testing have been carried out and an infiltration rate of 1.9 x 10-5 m/s (0.070m/hr) was used in sizing the soakaway for an impermeable area of 0.680ha (0.533ha for the substation and battery storage facilities and 30% of 0.488ha of graveled areas). It was mentioned in Section 2.9 of the report that a deeper trial pit of 2.7m was excavated and no groundwater was encountered.

We are pleased to see that infiltration testing has been undertaken on site and that an infiltration based solution is proposed. However in the absence of groundwater monitoring, we would require an alternative attenuation based strategy to be put forward in case the results of the monitoring indicate that there is water within the required 1m of unsaturated zone between the base of the soakaway and the maximum winter groundwater level. The alternative strategy should have a feasible discharge receptor.

The covering letter mentioned that there is a drainage ditch located along the site eastern boundary which provide an alternative suitable point for surface water to be discharged. The applicant shall therefore provide a plan showing the connection to the ditch together with the calculation to identify the attenuation storage required to enable us to approve this planning application.

Yours faithfully
Hock Lee
Flood and Coastal Risk SuDS Engineer

DCC Highway Authority
Comment Date: Fri 30 Jun 2023
Observations:
I have visited the site in question and reviewed the planning documents.

Solar farms and battery energy storage systems tend to produce limited trip generation once in use due to the nature of the works and minimal maintenance required.

Therefore to assist in the time-limited construction period, I recommend the provision of a Construction and Environment Management Plan, (CEMP), to help mitigate the effects upon the local highway network.

Recommendation:
THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION
1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
(a) the timetable of the works;
(b) daily hours of construction;
(c) any road closure;
(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
(h) hours during which no construction traffic will be present at the site;
(i) the means of enclosure of the site during construction works; and
(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
(k) details of wheel washing facilities and obligations
(l) The proposed route of all construction traffic exceeding 7.5 tonnes.
(m) Details of the amount and location of construction worker parking.
(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Officer authorised to sign on behalf of the County Council
30 June 2023

Natural England
3 July 2023

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying *Good Practice Guide for Handling Soils in Mineral Workings*.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.
https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Annex A – Additional advice

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120,174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be

incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's Biodiversity Metric 4.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 4.0 and is designed for use where certain criteria are met.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 4.0 and is available as a beta test version.

Green Infrastructure

Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI) . GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 Green Infrastructure Principles. The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available here and here. These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be

considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Annex A – Additional advice

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Other Representations

57 letters of objection –

- EDDC Planning Committee determined that 22/2216/MFUL was not renewable or low carbon as there was no evidence that it would be used to store energy from low carbon sources.
- It is an industrial development on a greenfield site.
- Should not be positioned so close to recently approve BESS at Wyld Meadow Farm nearby in Dorset which was approved recently.
- Draw EDDC attention to the 2010 Equality Act, section 149 Public Sector Equality Duty.
- No assessment of cumulative effect with solar farms.
- It would damage the extremely rural and beautiful landscape.
- It is purely for trading for profit taking advantage of variable prices for electricity.
- It will not benefit anyone locally.
- It is not a green development as energy to be stored in the BESS is not necessarily from renewable generation.
- The batteries are not green due to the materials required to make them require some of the most environmentally destructive extraction and processing methods.
- Should a fire break out there is a risk of water pollution.
- The fire service is not a statutory consultee which means no safety review of the site.
- There are springs in the area used for private water supplies.
- The site drains into the River Axe catchment, which is an SAC and SSSI.
- Other sites have caught fire, burned for 3 days and took 3 swimming pools' worth of water to extinguish.

- No details of battery type or capacity.
- Ecological report does not acknowledge the importance of the area for bats.
- There is grey long-eared bat maternity roost less than 2km north of the site. Hawkchurch is only one of eight confirmed maternity roosts nationally.
- Natural England has recognized the importance of the area as land 500m north of the site has been entered into a Higher Tier Countryside Stewardship agreement in recognition of the species rich meadows and rare species.
- NPPF requires that all development shows biodiversity net gain.
- Farmland should be used for growing food; food security. Site is majority grade 3a agricultural land.
- There is a preservation order on the hedge line screening the substation which would be removed.
- National Grid has major plans for expansion of the sub-station. A fire could also affect the substation and cut power in the south-west and destroy the village.
- Contravenes Strategy 7 of the Local Plan due to its location.
- Contravenes Strategy 39 of the Local Plan as the energy store is not necessarily from renewables.
- It is said due the risk of fire/explosion the site needs 4m high bunded walls and embankments, to act as a sound barrier, as well as a 6.5m tall substation, higher than a two-storey dwelling.
- They should pay business rates.
- Will adversely affect the views from the Monarch's Way.
- Local Plans are not properly coordinated.
- Hazardous Substances Regulations are being ignored.

Devon CPRE additional comments:

- Lack of explanation why there would be 57 inverters and 29 transformers.
- There are no details of the batteries.
- The applicant should provide the storage capacity of the proposal before a decision is made. It is estimated at 180MWh.
- It would store, not generate energy and is thus not a renewable energy scheme.
- It is not stated why the site was chosen. It is not necessary to use a greenfield site.
- Neither the PS or DAS describe the safety issue of the proposal.
- Experience from around the world show that BESS installations are a major risk to the local community and environment due to the storage of high density chemical energy.
- Thermal runaway events can be explosive and spread and are difficult to bring under control.
- There are not copious amounts of water available nearby to deal with a fire.
- The design should be made with guidance from the fire service.
- The applicant needs to apply to EDDC for Hazardous Substances Consent and until that is done EDDC should not consider the planning application.
- Cumulative impact with other BESS proposals on the landscape.
- Decommissioning details not provided.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2216/MFUL	Installation of a battery energy storage system with associated infrastructure and works.	Refusal and appeal lodged, to be heard by Public Inquiry	03.03.2023

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site lies immediately north and adjacent to the Electricity Distribution Site on Pound Road in Hawkchurch and measures 2.6 hectares in area. The western and northern boundaries abut an existing solar farm while the eastern boundary is formed by Pound Road itself. Unlike the adjacent solar farm which has a public right of way running through it there is no public access to this site.

The Pound Road boundary is comprised of mature hedge with varying depths and heights, including some mature trees in its length. The site itself is pasture land with little vegetation within it but the other boundaries also feature hedges and trees of similar character.

The site does not lie within any designated areas. The Dorset AONB is located approximately 660m to the south of the site and also 2km to the north.

There are three listed buildings within the 1km study area, with High Stonebarrow Grade II listed building located approximately 620 m east. Lambert's Castle: an Iron Age hillfort 425 m west of Nash Farm, with a bowl barrow, and the sites of a post-medieval fair and a telegraph station Scheduled Monument is located approximately 1.8 km east of the Site.

The development

The main components of the proposal comprise:

• The battery energy storage system comprises a series of linked batteries housed in shipping containers (or similar structures in appearance). The battery containers measure 12.2 m (L) x 2.4 m (W) x 2.9 m (H). Safety systems and firefighting systems, including automatic shut off and temperature monitoring of battery units, are built into the containers.

• Adjacent to the batteries are inverters (3 m (L) x 2.4 m (W) x 2.9 m (H)), transformers (4.1 m (L) x 4.1 m (W) x 2.2 m (H)), cooling systems and other electrical plant and equipment required. These will typically be housed within (or externally on) containers. The transformer will be fenced.

• Adjacent to the battery containers are a series of containers and electrical infrastructure, linking the batteries to the proposed on-site 132kV substation compound which has a maximum height of approximately 6.5 m, these include a switch room measuring 11.7 m (L) x 4 m (W) x 3.9 m (H) and control room measuring 6 m (L) x 3 m (W) x 3.9 m (H). The buildings and electrical infrastructure comprise the plant and equipment necessary to export the electricity stored onsite to the electricity network.

• A 2.4 m high metal weld mesh security-fenced encloses the battery compound and its associated plan. A 4m high acoustic fence along the eastern side of the compound but set inside (west of) the existing roadside hedge (40m away) and inside of the proposed tree planting area;

• Security and monitoring CCTV/infra-red cameras mounted on up to 3 m high posts along the internal perimeter of the Site;

• Underground cabling to connect the battery, associated containers and electrical equipment to the proposed on-site 132kV substation are included within the proposals;

• Underground cabling to link the proposed 132kV substation to the existing Axminster National Grid Substation form part of the application;

• Site access from the public highway off Pound Road running through the Site, together with the required access improvement works and visibility splays, are included within the site and proposals;

• Landscaping, planting, minor earthworks, biodiversity enhancements and surface water attenuation measures are included in the scheme having been designed as part of the proposals.

Background

The current application is a re-submission of planning application ref 22/2216/MFUL for the same development, which was refusal planning permission for the following reasons:

1. The proposal is not considered to be a renewable or low carbon energy project as there is no evidence that it would be used to store energy from low carbon sources and therefore represents inappropriate development in the countryside. Furthermore it would have a harmful impact on the landscape character and quality of the area when considered in combination with other installations in the locality and would therefore be contrary to Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031.

2. There is insufficient information on the quality of the agricultural land upon which the proposal would be located to determine whether it would lead to a loss of best and most versatile agricultural land and if so whether there is an overriding need for the development, sufficient land of a lower grade is available that could accommodate the development or the benefits of the development justify the loss of the high grade agricultural land. As a result the development is considered to be contrary to policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031.

3. There is insufficient information on the health and safety measures that would be put in place to control battery leakages and fire that could arise in the

event of a failure at the site and as a result it is considered that the development could lead to a significant health and safety risk to residents that would be contrary to policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.

The current application includes additional information with regard to the matter of whether or not the development stores low carbon energy and how in general battery storage contributes to the goals of lowering carbon emissions. Further information on agricultural land classification is provided and a Safety Management Plan has been provided.

In considering the current application it is relevant for Members to consider if information is now available that satisfies some or all of the previous reasons for refusal and should it be considered that only some of the reasons for refusal are now satisfied whether the harm arising from any remaining issues when put into the planning balance still outweighs the benefits of the development.

ANALYSIS

The principle of development

There is no made Neighbourhood Plan for Hawkchurch despite the parish being designated as a neighbourhood area in April 2015. The relevant development plan for determining the application therefore is the EDDC Local Plan.

Strategy 7 does not permit development outside of Built-Up Area Boundaries unless permitted by some other policy in the LP. One such policy is Strategy 39 and this permits such developments in the open countryside subject to criteria.

Strategy 39 of the Local Plan states that:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;
2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.

The Council has previously accepted (application 17/2318/FUL for a BESS at Hill Barton Business Park was approved at the Planning Committee of 4 January 2018) that such installations are ‘low carbon energy’ projects as this is defined in the Local

Plan as including technologies 'that can help reduce emissions (compared to conventional use of fossil fuels)'. In simple terms, such energy storage facilities can be used to store energy from the grid when renewable generation (not necessarily from the solar farm at the site) is in excess of demand. Prices during this time will be lower (supply exceeding demand) and can be used later when prices are higher, which typically is when renewable generation is low. The power fed back to the grid will reduce the amount of non-renewable generation required during such times and in this way is considered to reduce emissions that otherwise would have been generated. The comments of the objectors regarding emissions generated to make the BESS equipment is noted but are not specified as a consideration in Strategy 39. Of course, anything which is manufactured will likely generate emissions but this will be offset in due course by the savings in emissions a BESS (or for that matter solar panels or wind turbines) facilitates. As the electricity grid becomes greener (as it has over the last two decades) this payback period becomes even shorter. The same can never be said of fossil fuel derived energy.

The previous application (22/2216/MFUL) was refused by the Planning Committee for the following reason:

"The proposal is not considered to be a renewable or low carbon energy project as there is no evidence that it would be used to store energy from low carbon sources and therefore represents inappropriate development in the countryside. Furthermore it would have a harmful impact on the landscape character and quality of the area when considered in combination with other installations in the locality and would therefore be contrary to Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031."

The applicant has since provided evidence in relation to this matter. The following extracts are relevant:

"1.6 Battery storage is a form of storage that is currently available technology today. Battery storage schemes can be either co-located alongside intermittent renewable generation such as solar PV or wind on the same site and sharing the same grid connection; or located on a standalone basis on a separate site but still helping to balance both the supply and demand and power quality requirements of the power grid where renewable generators are connected to the same grid system. In co-location schemes battery storage can be used locally by storing excess generation from its adjacent solar PV farm or wind farm or both during periods of low demand and exporting this energy to the grid during peak demand periods. Or, if the batteries have capacity during a windy night when there is no solar generation but lots of wind power and relatively little demand, they can be charged from the grid to meet peak demand the following morning. In either case the peak use would be less reliant on fossil fuel generators coming online to meet short term demand, something which causes significant carbon emissions. For standalone battery storage, such as the proposed Axminster scheme this can also be used to store excess generation from solar PV farm or wind farm or both that are connected on the same grid system. This would occur, for example when power prices lower, or even become negative, as more solar PV or wind generates electricity on the power grid in response to periods

of more natural resource, a sunny or a windy day where supply starts to become higher than electricity demand."

"1.7 A standalone battery storage unit sharing the same power grid as intermittent renewables such as solar PV or wind would physically also be able to capture the excess renewables generation via these power price signals and then export it back to the grid during periods of peak demand. Therefore, standalone battery storage schemes help the UK transition to Net Zero emissions. Battery storage also ensures that the simultaneous power quality requirements of the power grid are also met. For example, even when energy supply and demand balancing is met, the grid also requires that it is balanced from a power quality perspective including such requirements as the grid being required to stay within specific frequency and voltage bands. Battery storage helps to provide energy balancing but also helps to deliver power quality services such as frequency response necessary for the power grid. This need for balancing and power quality is amplified as the UK aims to transition to net zero emissions by 2050, or earlier, and more and more solar PV and wind farms are connected to power grids and historic balancing and power quality services previously from large thermal generators, such as gas and coal retire from service as part of the energy transition."

"1.8 Currently, excess solar PV and wind in conventional power grids necessitate either curtailment of excess energy – by disconnecting renewable generators from the grid and/ or storage of this excess energy to be used later during times of peak demand. In Great Britain, qualified renewable generators are paid to be disconnected from the grid by National Grid to keep the supply and demand of electricity balanced in the grid when there is an excess of wind or solar compared to demand."

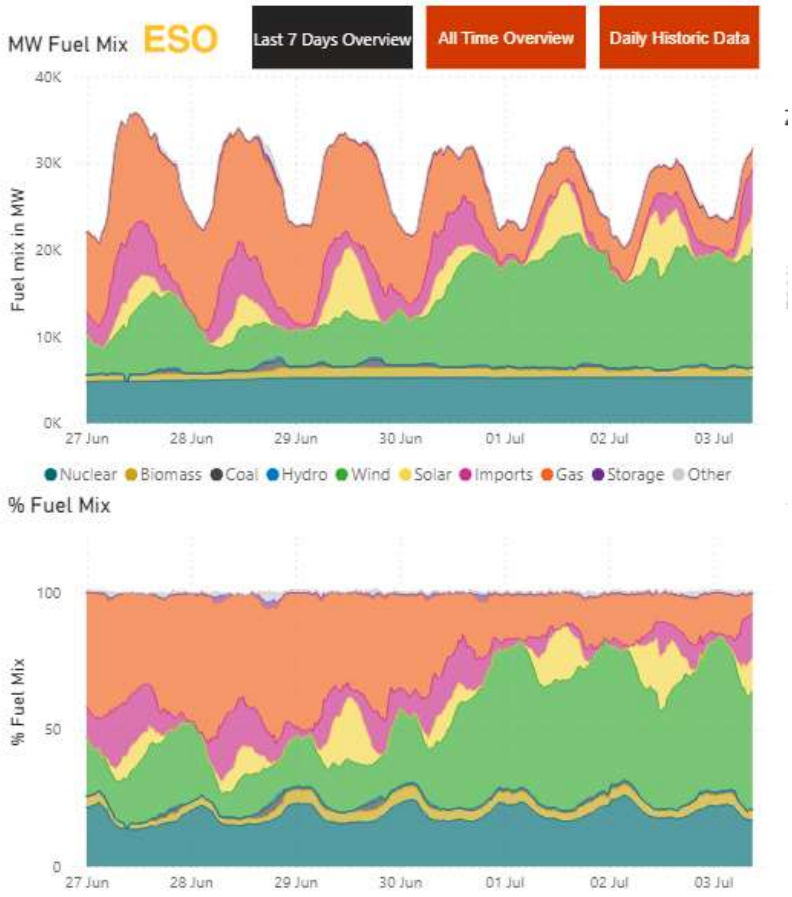
"1.9 Currently, excess solar PV and wind in conventional power grids necessitate either curtailment of excess energy – by disconnecting renewable generators from the grid and/ or storage of this excess energy to be used later during times of peak demand. In Great Britain, qualified renewable generators are paid to be disconnected from the grid by National Grid to keep the supply and demand of electricity balanced in the grid when there is an excess of wind or solar compared to demand."

"1.10 Therefore, various forms of storage and flexibility provision are required in power grid systems. Battery storage is a common and growing choice among them. The battery storage development pipeline is now around over c 24GW in the GB system awaiting construction or with planning applications submitted according to The Government's Department for Business, Energy and Industrial Strategy (BEIS) Renewable Energy Planning Database (January 2023 - Renewable Energy Planning Database: quarterly extract - GOV.UK (www.gov.uk)). Energy storage, including battery storage, helps to avoid curtailment and therefore increases the production of green energy; and the consumption of it. This is good as the UK is faced with an expected increase in electricity consumption, for example in charging EV cars in transportation and with increasing use of heat pumps in the heating sector."

"1.14 In the US, Ken-Ichi Hino, Director of Energy at National Grid Renewables, says: "Storage enables further renewable generation, both from an operational and

reliability perspective. It's also a key piece of our utility customers' ongoing evolution and transition to renewables. We see significant opportunity for pairing energy storage with our solar projects moving forward."

In addition to this evidence one can easily refer to the National Grid Electricity Supply Operator website ESO Data Portal: Historic GB Generation Mix - Dataset| National Grid Electricity System Operator (nationalgrideso.com) and obtain historic data on the generation mix in Great Britain. The following graphic shows that for the week between 27 June and 3 July 2023 there was at all times, including during the night, some form of renewable generation supplying the national grid with power. This amount obviously is variable but the graphic tells us that at most times there will be renewable power in the grid and available to charge the BESS. Clearly the deployment of a BESS installation on the grid allows excess renewable generation to be stored and so by definition a BESS system is one which can help reduce emissions and therefore falls into the forms of development permissible under Strategy 39.



The principle of development is therefore considered to be acceptable.

Landscape and visual impacts

While the site would see a significant and adverse change in its character and appearance, these effects would not be experienced beyond the site itself. Any effects that area apparent will diminish over time as landscaping becomes established to compliment the already existing mature boundary screening. Over 10

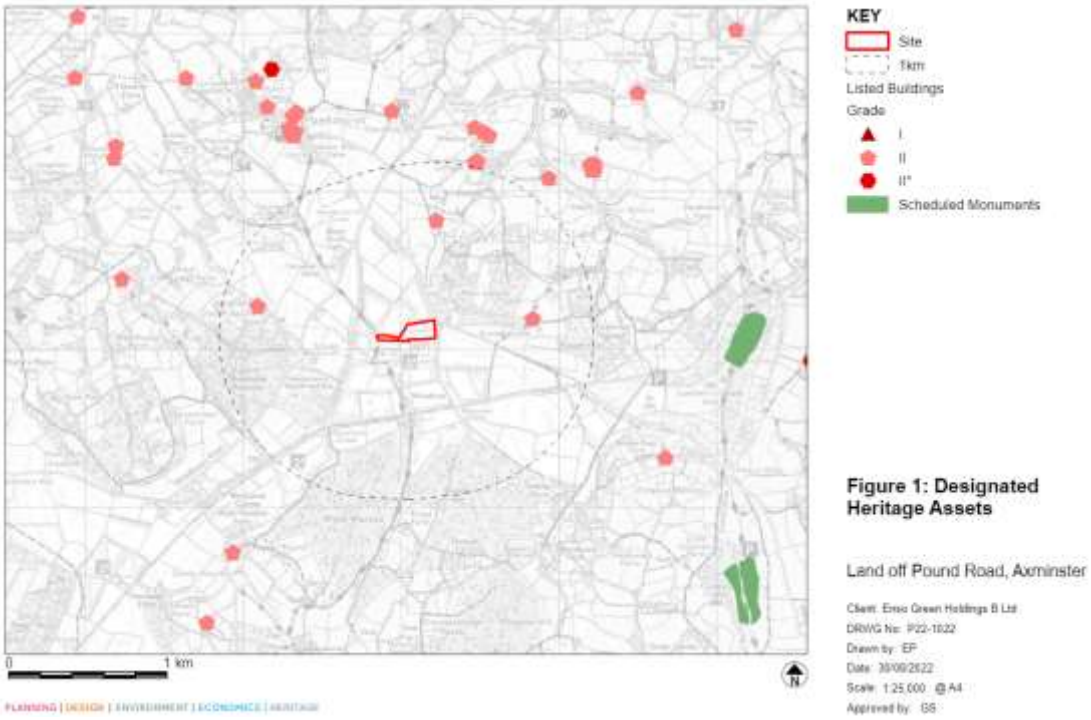
years there would be minor beneficial effect on existing trees and hedgerows. It is unlikely that there would be impacts on the Dorset AONB.

The landscape officer's comments regarding suggested changes to the proposed landscaping scheme are noted. The provision of at least 2m separation between the acoustic fence and the proposed new hedgerow to its east can easily be achieved and secured with an appropriate condition. Likewise the proposed species mix for the proposed woodland planting can be improved with a suitable condition. The extent of the proposed woodland planting can be increased on the southern side of the access road and the applicant has indicated a willingness to accede to the landscape officer's request generally via the use of appropriate conditions.

Objectors have referred to a need to assess alternative sites but cite no source for making this suggestion. There is no specific wording in S39 or its supporting text that requires assessment of alternative sites.

S39 does give a requirement to 'take appropriate steps in considering the options in relation to the location, scale and design for firstly avoiding harm'. Installations of the kind dealt with under S39 necessarily require, or at least favour, locations close to an appropriate point on the national grid where a suitable connection can be made. This is such a location (being immediately adjacent to the large electricity distribution station). Alternative locations would require an alternative willing landowner, a longer, less efficient, costly and potentially harmful means of connection (it has to be built, creating its own impacts).

The following figure show the site in proximity to heritage assets in the area. It shows that moving the site either north, east or west brings it closer to a number of heritage assets. Taking is south takes into the Dorset AONB (where incidentally a BESS was consented this summer within an existing solar farm (DCC reference P/FUL/2022/02658).



While there is no obvious consideration of the alternative sites spelled out in such terms in the planning application, the applicant's supporting information clearly illustrates a knowledge of the constraints in the area through its technical reports which has led to the selection of the proposed site. There needs to be a proximity to the grid connection in this area. To site the development further east could bring it into conflict with heritage assets identified in the heritage impact assessment (including listed buildings and the Schedule Ancient Monument at Lambert's Castle) and the Dorest AONB. Bringing it further north would place it closer to even more listed buildings and closer to the Dorset AONB and Monarch's Way PROW. Bringing it further south would bring it very close to the Dorset AONB which is only around 500m away. Moving east brings it nearer to some other listed buildings. Hawkchurch itself lies to the north-east of the site, the source of most of the objections. It is highly probable that any such exercise would lead to the selection of the application site or one in the immediate vicinity. Therefore it is considered that appropriate analysis and steps has been undertaken in considering the options in relation to location, scale and design, for avoiding harm. There co-location of BESS installations on or near to renewable energy generation is not uncommon and there are advantages to taking this approach in respect of visual impacts; locating the BESS in this area to access the grid connection but remote from the existing solar and distribution infrastructure would of course spread the visual impacts over a wider area.

Subject to suitable conditions to further improve the landscaping mitigation the development is considered acceptable in respect of landscape and visual effects.

Trees

The supporting arboricultural impact assessment demonstrates that there would be minimal impact on trees and hedgerows. Some further information is required

however to confirm how specific trees and root protection areas will be protected during development. A suitably worded condition is suggested to address this.

Fire Safety and Pollution

Most of the objectors have raised concerns about these two matters.

One of the reasons for the refusal of application 22/2216/MFUL reads:

“There is insufficient information on the health and safety measures that would be put in place to control battery leakages and fire that could arise in the event of a failure at the site and as a result it is considered that the development could lead to a significant health and safety risk to residents that would be contrary to policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.”

The applicant has provided a BESS Safety Management Plan to try an address this matter. The Plan envisages safety control measures including the following:

1. Appropriate battery chemistry selection - balancing energy density requirements against available volume and operating parameters. The preferred option under consideration being Lithium Titanate Oxide (LTO) which is in use in the public transport sector and in use on Underground and Overground Rail systems.
2. Cell level control – consideration of the use of battery technology incorporating Current Interrupt Devices (CID) and Positive Thermal Coefficient (PTC) protection, enabling the cell to disconnect from the battery in the event of cell failure.
3. Implementation in the design of an approved Battery Management System (BMS).
4. Implementation in the design of an Independent Protection System (IPS) and electronic Safety Supervisor Systems.
5. 24/7 Remote Monitoring and Control and automated shut-down.
6. Segregation of Containers.
7. Quench and suppression systems fitted to containers.
8. Site Security and Monitoring

In terms of Emergency Plan, the Plan states that “Emergency Plans will be developed in an iterative manner in parallel to technical safety requirements. This will ensure that the BESS design and Emergency Plans are properly integrated (e.g., that BESS layout ensures access for first responders) and that appropriate information can be provided to first responders (e.g., the type and meaning of external indication on containers) to include in their planning activities.”

A recent (5 December 2022) appeal decision in Mid Devon (APP/Y1138/W/22/3293104) against a refusal of planning permission for a combined solar farm and BESS facility considered the matter of safety (paragraphs 140 – 147 of the appeal decision letter). These paragraphs are copied below for reference:

The safety of the proposed BESS

140. The issue of the safety of the proposed BESS was never a matter which was of concern to the Council in its planning considerations. For that reason it was not a reason for refusal even before the authority changed its stance.

141. The safety of the BESS was raised by CPRE in its evidence as a major source of concern [83, 84]. It became clear from that the evidence and from answers in cross-examination the CPRE's concern was founded on opposition to battery storage systems in general, which they consider to be a risk to local communities and to the environment generally, and was only related to this proposal to a limited extent. CPRE acknowledged at the Inquiry that their approach is not supported by policy or guidance at any level.

142. The appellant submitted extensive evidence on this matter, including that from an expert in the field, who explained the benefits and operation of BESS systems [64]. The rationale for a BESS system is to provide flexibility for the grid, storing off-peak energy and deploying it during peaks. Co-location with the solar farm is sensible in terms of economies of scale and minimising land take. The convincing evidence, supported by numerous policy references, was that BESS is a critical element in reaching a secure low carbon energy situation. This position is wholly in line with national policy.

143. CPRE was particularly concerned with the safety of such a system, and pointed in particular to two instances of catastrophic failure of such systems [84]. However the appellant correctly pointed out that these events, one of which was in the UK, were some time ago, and gave uncontested evidence to the effect that BESS technology and safety measures had moved on since those events [65]. Perhaps most tellingly, it is clear that national policy and guidance supporting that technology was produced subsequently – no doubt in full awareness of the incidents. This was accepted by CPRE.

144. From the evidence it is clear that this is not untested technology and although the detail of the systems is doubtless still evolving, there is very little to suggest that there is a substantial risk of thermal runaway leading to explosion or fire.

145. There was criticism from CPRE that no detail of the BESS has been fixed at this stage and the chemistry of the batteries has not yet been decided [80-82]. However in the context of evolving technology, this is not an unreasonable approach, and the proposal considered at the Inquiry is for solar panels to generate up to 49.9MW and a battery storage facility. It is reasonable that the final choice of technology will be fixed later.

146. Underlying all these matters is the fact that other regimes operate in this field to regulate the safe operation of such installations. National policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively.

147. For the above reasons there is nothing in relation to the safety of the BESS which should weigh against the proposal in the planning balance.

As can be seen in paragraph 144 that the Inspector considered that there was very little to suggest that there is a substantial risk of thermal runaway leading to explosion or fire. Nor was it considered problematic that the detail of the BESS was not fixed or their chemistry decided (paragraph 145). The Inspector finally states that National Policy is clear that the planning system operates to determine acceptable uses of land only rather than control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively.

The Devon CPRE suggests that Hazardous Substances Consent is required but as it has noted itself, the type and chemistry of battery is not yet fixed (which the Inspector found acceptable above) and so this cannot be confirmed.

Noting the above considerations of the Inspector, the decision did though include a condition (24) as follows:

Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved.
Reason: To ensure that the battery storage compound is constructed and operated in a safe manner.

The Devon & Somerset Fire and Rescue Service has been consulted on the latest planning application. At the time of writing this report no response has yet been received. Members will be updated at the meeting if a fresh response is received but the response received in relation to application 22/2216/MFUL (which is substantially the same in relation to this matter) was as follows:

“Thank you for your consultation regarding the above, dated and received by Devon and Somerset Fire and Rescue Service (the Service) on 3 March 2023.”

“Whilst the Service is not a statutory consultee in relation to this project, we welcome opportunities to work and engage with developers to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.”

“The Service recognises that Battery Energy Storage Sites (BESS) pose specific hazards in the event of fire that are still not fully understood or researched. As a result, regulations, enforcement and best practice to mitigate the risk from BESS is still in development.”

“The Fire Service’s own powers of enforcement under the Regulatory Reform (Fire Safety) Order 2005 require the Responsible Person to carry out and regularly review fire risk assessments to protect relevant persons by identifying fire risks and

removing or reducing them to as low as possible. It also requires the Responsible Person to mitigate against those fire risks that remain."

"Having reviewed the documentation issued in support of this application, the Service notes that there is limited detail regarding the risk reduction and mitigation strategies to be employed for this development. Therefore, based on the information currently available, the Service is unable to make any further comment."

"It is the expectation of the Service that information detailing the risk reduction strategies and the protective measures to be employed on the site should be submitted in a Fire Safety Management Plan (FSMP) covering the construction, operation and decommissioning phases of the development."

"Once a FSMP has been prepared, the Service would be more than happy to comment on the details submitted."

While a BESS Safety Management Plan has already been submitted it is considered expedient to apply this condition again as we do not yet have the consultation response from the Devon & Somerset Fire and Rescue Service. Members will be advised at the meeting if this or an alternative condition is necessary at the Planning Committee meeting.

In relation to application 22/2216/MFUL, both the EA and NE raised no objections to the proposals. In relation to this current application NE has simply provided the Council with its standard generic advice and does not appear to want to comment in detail. Any updated response in relation to this matter on the current application from the EA before the planning committee meeting will be reported at the meeting.

EDDC's Environmental Health team has recommended a condition for details of sufficient containment (in the event of malfunction) to be agreed and installed which is considered reasonable.

It is not considered that there are any grounds to resist planning permission on these grounds and members are reminded that other regimes operate in this field to regulate the safe operation of such installations. Acting as the local planning authority the Council should only concern itself with land use in this matter and should be able to rely on other regulatory systems to manage processes taking place on it.

Highways

DCC has not objected to the development. No conditions are suggested but given the rural nature of the roads and the amount of equipment involved, conditions are suggested to proper management during construction, which would be a limited period, and provision of the access as planned.

Biodiversity

The main habitats of interest on the site are the hedgerows, the fields themselves being mostly laid to grass. The Preliminary Ecological Appraisal accompanying the application makes various recommendations for mitigation. In short these include:

- Protection of hedgerows during construction;
- Controlled lighting to minimise lighting on site and reduce effects on bats;
- Inspection of hedgerows/trees for birds prior to any works to them. Such works to be completed between September and February if possible;
- Erecting a perimeter fence to create a protection zone prior to construction for dormice

A suitable condition can be used to secure this mitigation and also the proposed works to bring about gains in biodiversity.

Noise

There is a dwelling immediately opposite the proposed entrance to the site (New House Farm) and also another a few meters further on (Tanglewood). There are a limited number of other properties further away.

A noise impact assessment is included with the application. It identifies that it would give rise to rating sound levels that are just above the measure background sound level in the area during the daytime and nigh-time, thus giving rise to a 'low impact to adverse impact'.

The assessment also identifies that no significant change in ambient sound level at the identified receptor locations will be engendered as a result of the proposed development in its proposed and assessed form and that the amenity of residential receptors and operational use of the nearest non-residential receptors will not be compromised.

Consequently, the assessment demonstrates that the Proposed Development will give rise to noise impacts that would be within the range of NOEL and NOAEL of the NPPG England guidance.

For ease of reference, the definition of No Observed Adverse Effect Level in PPG Noise is reproduced below:

"*Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life*."

This would conform to British Standard and National Planning Policy requirements, provided that the plant is constructed and operated in accordance with the acoustic assumptions of the report.

Mitigation is proposed in section 5.1.4 of the assessment. The Inverter units require that the sound levels are reduced to those presented in Table 6. This could be achieved by using low-noise plant, by an acoustic enclosure or by the manufacturer providing mitigation by insulating the units and including attenuated louvres.

Furthermore, a 4-metre high, noise barrier has been included on the east side of the site, to provide screening between the Battery Units and the nearest noise-sensitive receptors. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 20kg/m2, or provide a minimum sound reduction performance of 20-25 dB. Final details of mitigation should be agreed and secured by way of an appropriate condition as set out in the recommendation.

Agricultural Land Quality

The Best and Most Versatile Agricultural Land (BMV) is classed as grade 1 - 3a. The previous application did not provide any evidence on the exact grading and following objections the following reason for refusal therefore was formed as follows:

"There is insufficient information on the quality of the agricultural land upon which the proposal would be located to determine whether it would lead to a loss of best and most versatile agricultural land and if so whether there is an overriding need for the development, sufficient land of a lower grade is available that could accommodate the development or the benefits of the development justify the loss of the high grade agricultural land. As a result the development is considered to be contrary to policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031."

The site has since been surveyed. The conclusion of this assessment is that much of the site is Grade 3a agricultural land. Best Most Versatile agricultural land falls into categories 1, 2 and 3a. While it is BMV land it falls into the lower category of BMV land. It does note that the site is enclosed on most sides by solar or electricity infrastructure and forms a modest parcel of irregular shaped land not linked with other productive fields. Consequently the assessment suggests it is of limited use for intensive agricultural production involving ploughing, seed drilling or harvesting. Aerial photography of the site from 1999, 2010, 2014/15, 2017 and 2020 show no signs of cultivation but use as pasture.

Drainage

The site is in Flood Zone 1 and presents no risks in that respect. Drainage proposals are outlined in the Flood Risk Assessment but Devon County Council as the Lead Local Flood Authority has objected. It required further calculations to identify the attenuation storage required and also a plan showing the connection to the ditch located along the eastern boundary of the site which provides an alternative suitable point for surface water to be discharged. It is considered that this can be secured via a suitable planning condition although a request for this information from the agent in advance of the planning committee has been made. Members will be updated if we receive further information and DCC's response.

Other matters

There are no listed buildings within sight of the proposed development and no other heritage concerns with the proposal.

CONCLUSION

The proposal is for a battery storage scheme and associated infrastructure. The proposed location for the development is in the open-countryside and adjacent to an existing solar farm and electricity distribution development. The site has no landscape designations.

The development meets the definition of 'low-carbon energy projects' as defined in the Local Plan and is therefore permissible in principle in a rural location. The development will assist in maximising benefits from existing renewable energy schemes by providing a means of storing excess power that is generated from renewable sources at times when otherwise such generation would be curtailed (i.e. switching off wind turbines). It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides good screening with limited views of the proposed equipment. Further landscaping is conditioned to mitigate what limited visual impacts there are. The site represents an industrial development in its character and appearance which is at odds with its rural location, although this rural location is somewhat industrialised in its appearance already. However these changes will be mitigated to an acceptable degree with suitable landscaping and the effects will be localised to the site itself.

The development will use the best and most versatile agricultural land (grade 3a).

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

Risks of fires and resulting pollution events are regulated by other legislative regimes and the planning system must operate on the assumption that these are effective. The Planning system only regulates land use.

The site is of modest biodiversity interest but the proposal offers some modest enhancements through planting and management of existing hedgerows.

Equally there are no impacts on heritage assets associated with the development.

The site is mostly comprised of grade 3a agricultural land. However it is considered that the usefulness of the field for meaningful food production is limited by its size, configuration and lack of association with other land used for cultivation. More importantly it is considered that there is an overriding need for the development and the benefits of the development justify the loss of the BMV land. These benefits include the very necessary grid balancing services the installation would provide to the national grid, the ability to reduce the need for more carbon intensive power generation in the move towards a Net Zero economy and the associated projected reductions in costs of power to UK consumers (the UK government estimating technologies such as

and including BESS installations could save up to £10 billion a year by 2050 - British energy security strategy - GOV.UK (www.gov.uk)).

On balance, the proposal is considered to be acceptable. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the visual impact upon the landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remove the proposal when there is no longer a requirement for the installation.

Statement on Human Rights and Equalities Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the

development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason - To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013 to 2031.)

4. Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved.
(Reason - To minimise risks of accidents which could be harmful to the public and the environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2-13 - 2033).

5. Details of chemical containment must be submitted to, and approved in writing by, the Local Planning Authority, prior to the first installation of the battery plant on site. The containment must be impermeable to the specific chemicals within the batteries. Such containment as approved shall be provided for the duration of the presence of the batteries on site. Should a new type of battery be installed on site during the life of the development the same details shall be submitted for approval again the Local Planning Authority in the same manner. (Reason - To ensure the facility minimises risks of pollution from escaping chemicals in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031).

6. The development shall proceed in accordance with the detailed scheme of ecological mitigation and enhancement measures detailed in the recommendations of the submitted documentation (below):

   - Preliminary Ecological Appraisal, Pound Road BESS, August 2022 (Report reference WOR-2901.2)
   - Biodiversity Net Gain Plan, Pound Road BESS, September 2022 (Report reference WOR-2901.2)

   (Reason: In the interests of biodiversity in the area and to ensure that enhancements forming part of the proposal are approved and implemented, in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)

7. No development must commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations set out in the Noise Impact Assessment (dated 7 September 2022). The approved scheme must be implemented as approved for the life of the development.
(Reason: In the interests of the amenity of occupants of nearby dwellings in accordance with policies D1 (Design and Local Distinctiveness) and (EN14 (Control of Pollution) of the East Devon Local Plan.)

8. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.
(Reason: In the interests of the character and appearance of the area and to minimise the effect on bats in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)

9. Within 40 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).
(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 to 2031.)

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the East

Devon Local Plan 2013 - 2031 and the guidance contained with the National Planning Policy Framework.)

11. Notwithstanding the details on the plans hereby approved, no development work shall commence on site until the following information has been submitted to and approved by the LPA:

1)
a) Soft landscape specification covering soil quality and depth; soil preparation; planting and sowing; mulching; means of plant support and protection during establishment period and 5 year maintenance schedule.

b) Tree pit and tree staking/ guying details.

c) Method statement for creation and maintenance of species rich grassland and wetland habitats.

d) Details of proposed colour finishes to fencing and housings for inverters, storage units and batteries, including relevant BS/ RAL reference.

e) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

f) Construction details for proposed hardstandings, trackways and associated kerbing and edgings.

g) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

h) A phasing plan for construction. This should identify the early construction and planting of Devon hedgebanks to ensure that turves from site excavations are available for construction of the banks themselves and to enable associated planting to establish as soon as possible.

i) Method statement for construction of Devon hedgebanks including construction detail, details of proposed specialist sub-contractor demonstrating relevant experience experienced in traditional hedgebank construction, method of turf cutting and placement, supply and compaction of soil fill.

2)
Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures.
The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an as-existing condition survey for each length of hedge, identifying its position on the Hedgelink hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range, cutting height and frequency.

The Plan shall cover a period of not less than 30 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.
Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan for the duration of the operational phase of the development.

3) No site works shall begin until a detailed decommissioning plan has been submitted for reinstatement of the site at the termination of the consent period or in the event that the proposed development ceases to operate prior to that. The plan should cover the removal of all site infrastructure and identify any areas of new habitat creation/ planting to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

4) The works shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the reasonable satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and

Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2033.)

12. (a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), an up to date scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Plans relating to this application:

AR-01-L-16 REV 04	Proposed Site Plan	23.05.23
AR-01-P01	Location Plan	23.05.23
AR-01-P03	Other Plans	23.05.23
AR-01-P04 REV 01	Other Plans	23.05.23
AR-01-P05	Other Plans	23.05.23
AR-01-P06	Proposed Elevation	23.05.23
AR-01-P07	Other Plans	23.05.23
AR-01-P08	Proposed Elevation	23.05.23
AR-01-P09	Proposed Elevation	23.05.23
AR-01-P10	Proposed Elevation	23.05.23
AR-01-P11	Other Plans	23.05.23
BLA146-01 REV D	Other Plans	23.05.23

List of Background Papers
Application file, consultations and policy documents referred to in the report.