

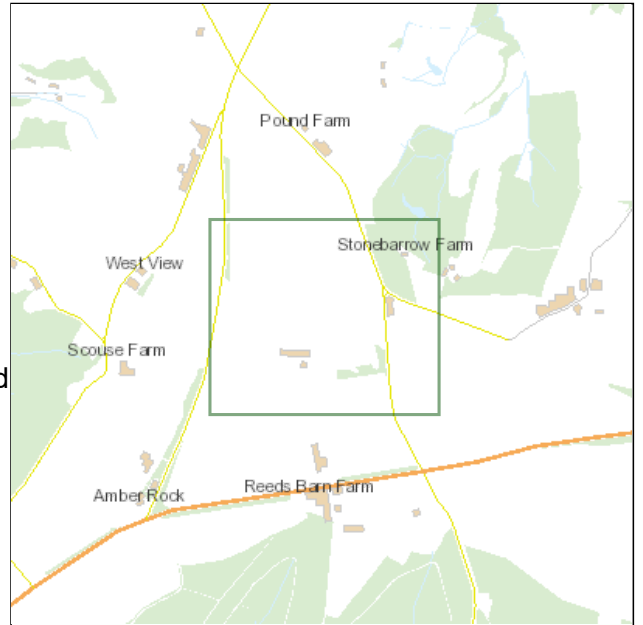
Ward Yarty

Reference 22/2216/MFUL

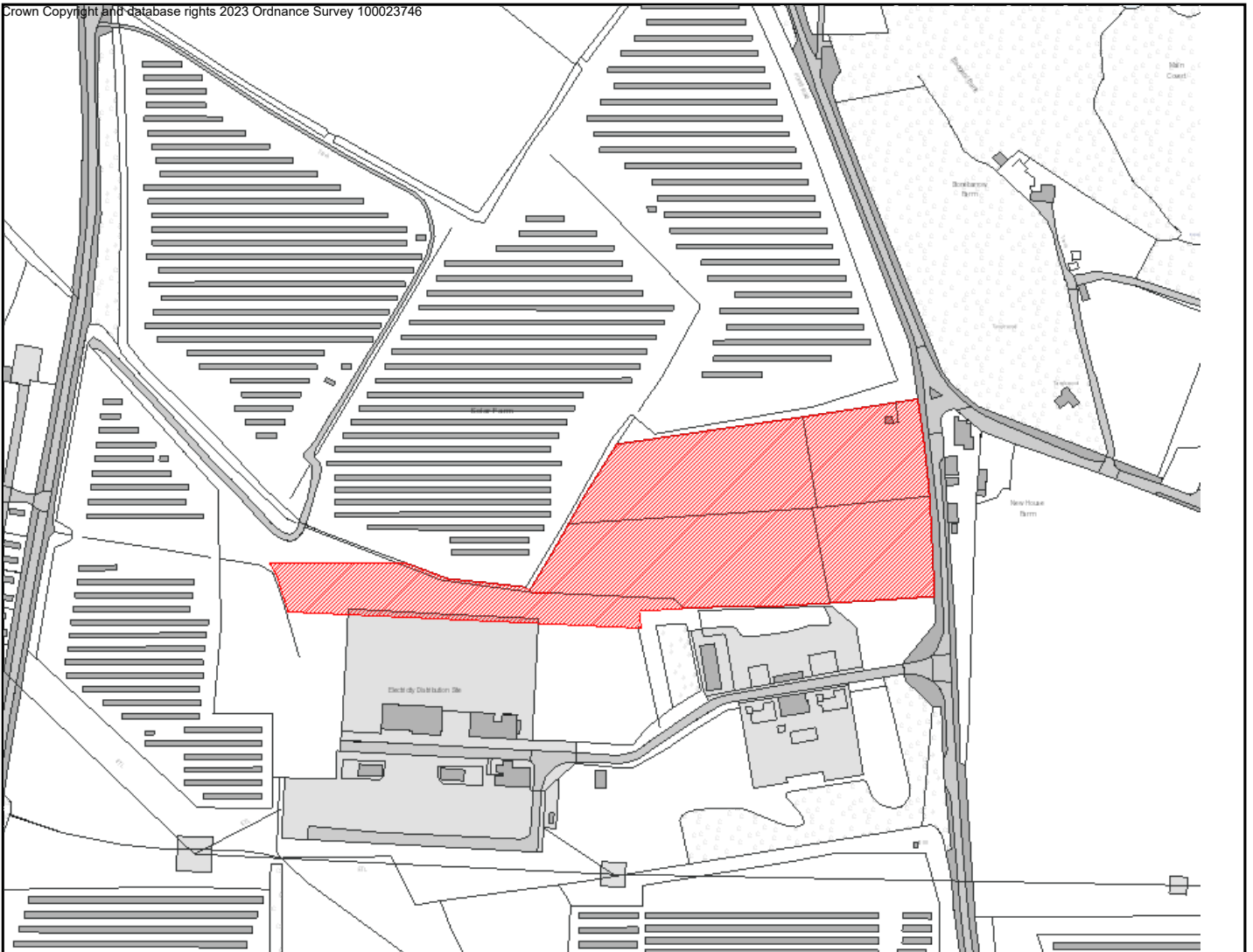
Applicant Enso Green Holdings B Limited

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

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



RECOMMENDATION: Approval with conditions



		Committee Date: 28.02.2023
Yarty (Hawkchurch)	22/2216/MFUL	Target Date: 04.01.2023
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EXECUTIVE SUMMARY

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

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.

There are a number of objections to the scheme but it is considered that the proposal is acceptable and that many of these concerns can be addressed through appropriate planning conditions.

CONSULTATIONS

Local Consultations

Yarty - Cllr Paul Hayward

As per similar applications in the vicinity, I propose REFUSAL and applaud the Parish Council, and local residents, for their continued opposition to the

industrialisation of this rural parish in the name of faux green energy development, which in reality is driven by commercial profit.

Hawkchurch Parish Council

22/2216/MFUL | Installation of a battery energy storage system with associated infrastructure and works. | Pound Road BESS Land North East Of Axminster National Grid Substation Pound Road Hawkchurch

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.

We also set out several areas where further information should be provided for clarification **prior to determination**. We would welcome being consulted again once this information has been provided.

Context

This is the seventh application for industrial scale energy related development in the parish, not counting the multiple PV solar panel farms which have been developed and cover more than 100ha in the parish. One application for a behind the meter single container BESS has been approved in principle by the Planning Committee with conditions which we understand are in the process of being amended to take into account:

- the serious hazard posed by Lithium-ion battery storage, the possibility of thermal runaway and the need to ensure that the Fire Service would be able to respond and
- the Environment Agency would be happy with containment of very large amounts of hazardous waste resulting from the interaction of water and electrolyte.

We appreciate that Councillors on the Planning Committee have taken this issue seriously and wish to see appropriate controls and safeguards in place.

There are two undetermined applications (one for nearly two years) and recently we have been apprised by the National Grid that they propose to expand the substation to accommodate 5 new connections in addition to those already present. This is frankly alarming and will only add to the planning blight that these applications are causing in the Parish. Residents have been unable to sell property due to a combination of these proposals and the proposals for very significant housing development in the village.

This situation is frankly unacceptable. There appears to be no strategy to deal with the cumulative impact of such proposed developments. The Parish would welcome engagement to look at possible ways forward that would not seriously change the nature of this beautiful rural parish, impact the lives and safety of residents, and cause continuing palpable distress.

There is a feeling that Hawkchurch is becoming a dumping ground without understanding what it has to offer, that priority is given to developers with each being

dealt with separately without an overarching strategy and that the level of expertise that is required to determine the outcome of these complex proposals, and to ensure that they are safe and appropriate, is not evident. Until a few years ago just one such application would have been referred to the National Infrastructure Planning Committee, now they are dealt with by the same process that determines whether someone puts a new balcony on their property. This cannot be right.

There must be more thorough and expert control not just at the proposal stage but right through to the decommissioning of these hazardous developments. There is a danger that the farmers who are agreeing to rent their land do not understand the risk that they may well be left in the lurch if the companies involved in the development go bankrupt (which has happened on at least one occasion). The landowner could be left with highly toxic materials as well as large scale industrial fixtures on their land with no prospect of meeting the costs to safely remove them and return the land to agricultural use (always assuming this is actually feasible). There must be safeguards in place throughout the life of these proposals to ensure that such eventualities do not occur.

Clarifications

The proposal does not specify the number or type of batteries to be deployed or the power capacity. This information is critical to assessing this proposal and the information should be supplied prior to determination. Furthermore, should the proposal be subsequently approved, further planning permission should be required if there are any changes to the specification of the batteries, scale of installation, or any of the controls put in place as safeguards.

The number of shipping containers is not specified although it appears to be 48 from the layout diagram.

The size of the substation is not specified properly – merely stating the height at 6.5m, and it is not clear whether the substation will have any form of noise abatement – given such provision has been included in other recent proposals we believe this should be clarified.

The noise assessment does not appear to cover the substation. (We KNOW that substations are noisy!)

Siting of the proposed development and impact on landscape

There has been no attempt to look at other sites, such as brownfield sites close to demand centres or co-location with renewable energy supply points. We believe this site will have been chosen based on cost of connection and so that an energy arbitrage business model can be offered to investors. This is not a renewable energy deployment.

This proposal is for a very large industrial development in a rural location. We understand the proposal is for 48 large shipping containers with 57 inverters and 29

transformers, a building to house switchgear and a new substation which will be 6.5m tall. To screen this it is proposed to build a 4m high noise barrier and earth bund. This would lead to a significant change in the nature of the landscape, which is currently open farmland.

In the consultation on a previous and, as yet undetermined (two years later), application for a similar but smaller development south of this site, we note that the EDDC landscape architect concluded that it would have a 'high adverse visual impact' and that the proposed scheme was considered to have unacceptable landscape and visual impact.

This proposed development is similarly industrial in nature and on a significantly larger scale. We believe it to would have an **unacceptable impact** on the character of the landscape. It would detract from both the amenity and environmental qualities of the area and is likely to lead to a permanent change of use of the land from farming to industrial. This proposal **does not meet the needs of the community** (indeed combined with other similar applications, they are harming the well-being of the community), **and it is contrary to the following Local Plan Policies:**

Strategy 7 – Development in the Countryside

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'

15. Smaller Towns, Villages and Countryside

15.1 '... we aim to secure a vibrant and dynamic future with emphasis on community led development to meet local needs.'

15.2c 'The character of the countryside should be conserved and enhanced, and new development should not detract from this.'

Development in the landscape

18.31 New developments should be appropriate in scale and in keeping with their setting taking full account of the local natural and cultural heritage

Strategy 46 – Landscape Conservation and Enhancement and AONBs
Development will only be permitted where it: 1. conserves and enhances the landscape character of the area; 2. does not undermine landscape quality; and 3. is appropriate to the economic, social and well-being of the area.

This site is adjacent to an expanse of solar farms that have resulted in significant run-off issues since their installation. The pressures on the drainage systems in the Parish are significant and the area drains into the River Axe via the Blackwater and increasing runoff will only exacerbate the already difficult issue of river pollution. The proposal does not adequately consider the issue of run-off and it should be

considered as a cumulative impact of other developments in the area. The proposal does not accord with the following policies:

Strategy 5 – Environment point 7 ‘protecting from development areas that are vulnerable to surface water runoff’.

EN18 - Maintenance of Water Quality and Quantity

The Council will require developers to take appropriate measures to ensure that development does not adversely affect the quality or quantity of either surface or groundwater. Development that would result in adverse impacts or potential for pollution will be restricted within Source Protection Zones.

EN22 - Surface Run-Off Implications of New Development

Planning permission for new development will require that: 1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable

There are in the region of 30 households relying on water supplies from the Stonebarrow Hill Aquifer. We deal with the safety aspects of battery installations below but note here that we believe the dependency of households on water supplies from the Aquifer and the risks of contamination of the water supply render this a totally unsuitable site for such installations and we are gravely concerned about proposed siting of such hazardous installations in this area.

Impact on community – safety of residents and security of water supply

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

The proposal does not specify the type of battery to be deployed and this is critical to the assessment of risk of such a proposed development. It is totally unacceptable that the proposal does not include this specification and should not have been validated without such detail.

We assume from the proposed set up, the commercial nature of the proposal and the contaminated land officer’s comments that include reference to the possibility of thermal runaway, that the lithium-ion batteries are intended to be used. If this is not the case, we would welcome sight of more detailed specification to consider.

The proposal acknowledges the potential for fire as it includes the reference ‘Safety systems and firefighting systems, including automatic shut off and temperature monitoring of battery units, are built into the containers.’ However, there is no detailed information, and the proposal is inadequately specified. Consequently, we are commenting on the assumption that the most probable deployment is Lithium-ion batteries.

Battery storage facilities carry a significant fire, health, and environmental contamination risk. There are now many documented cases of battery storage units

that have led to serious fires and, in some cases, explosions and/or injury to firefighters. In the last two years alone there have been 4 major incidents involving Lithium-ion BESS units. The most recent one in Beijing was a LiFP battery installation with 25mWh capacity. Two firefighters were killed and 1 seriously injured. There are now 50 cases of BESS battery fires recorded internationally (https://storage.epri.com/index.php/BESS_Failure_Event_Database).

While the probability of a Lithium-ion BESS fire is low, the hazard can be rated as critical or catastrophic leading to a medium to high-risk rating overall. This hazard increases with scale. As well as the direct hazard from fire, there are also hazards from the release of flammable and toxic gases, such as carbon monoxide, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, benzene, and toluene. These gases are generated within the cell enclosure before venting. When the gases come into contact with water (from rain or from attempts to control the fire) then corrosive chemicals such as hydrofluoric acid result.

The nature of Li-Ion cells makes them susceptible to a phenomenon called “thermal runaway”, when an electro- chemical cell increases its temperature through self-heating in an uncontrollable fashion and progresses when the cell’s heat generation is at a higher rate than it can dissipate, potentially leading to off-gassing, fire, or explosion. Once thermal runaway starts the only solution is to cool the entire unit with large volumes of water as quickly as possible. The nearest fire stations are at least 20 minutes away and the nearest one is a co-responder station with volunteer firefighters. Hazmat capability is recommended for dealing with such fires. The report into the Liverpool BESS fire (where a single container fire and explosion occurred) shows that the first emergency responders were in attendance within ten minutes of being called. They deployed five fire engines and a hazmat team, and two fire engines were continuously pumping water to cool the container for 59 hours. In the report it is noted that ‘The fire caused a significant blast event, with debris being propelled between 6 and 23m from the point of origin. This explosion occurred prior to the arrival of responding fire crews.’ This was a tiny site compared with this proposal. Fire in one container could well spread to others if there is an explosion (damage to batterie can result in thermal runaway events). The site is also adjacent to the Western Power Distribution network and the possible consequences if this were damaged as a result of an explosion should be considered.

The site is close to the village school and residential dwellings. The risks to the population in the event of a fire, possible explosion, and release of toxic fumes, cannot be overstated.

The proposal does not address the risks at all. There has been no engagement by the developer with fire services. We are not aware of a source of water suitable for this purpose (in the Liverpool case the fire service requested that the water pressure be increased – in this location there is no suitable supply point, and the local water supply network is fragile with multiple mains failures in recent years. South West Water should be consulted prior to determination and should be apprised of the possible demand should a thermal runaway event occur).

Access for fire vehicles would be constrained – the site layout would not allow multiple fire fighting vehicles to attend without significant risk to firefighters.

There are multiple households relying on water supplies from boreholes or springs in the area. The surface water will drain to the River Blackwater and subsequently to the River Axe. Potential contamination with toxic chemicals in the event of fire (where copious volumes of water would be needed to control the thermal runaway and likely result in contaminated run-off), is a cause of grave concern. While the contaminated officer's report is welcome the provision is completely inadequate – what size of containment would be needed if the Liverpool fire's single container incident required 59 hours of water at high pressure to be used to cool the incident?

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. This would also be consistent with the Planning Committee's conclusions when they recently considered deployment of a single BESS container – this site is 48 times that size.

We urge the council 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 recent 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.'

All such proposals should include early engagement with the fire service, and they should be made aware of the unusual and difficult aspects of Li-ion battery fires, including the nature of thermal runaway, the toxic gases and liquids that can be generated and the possibilities of explosion. Planning consent should only be given after all the necessary detailed plans of how such events would be controlled and the environment agency and natural England should also be consulted to ensure they understand these issues and are happy that containment of contamination would be possible and adequate. If these developments were still classed as National Infrastructure Projects, they would have to have everything planned in detail and approval would be granted in stages. This is the type of approach that is needed to safeguard residents, firefighters, and the environment.

The energy institute has a helpful guidance note, although this may need updating. <https://publishing.energyinst.org/topics/power-generation/battery-storage/battery-storage-guidance-note-2-battery-energy-storage-system-fire-planning-and-response>

Strategy 39 – Renewable and Low Carbon Projects

We do not believe this constitutes a renewable energy or low carbon development. It is not directly connected to the adjacent PV solar farms.

It will store energy from fossil fuel 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 very early morning) 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 degrade over time and will have to be replaced – probably within 10 years or less leading to issues with recycling. Battery storage units have been shown to have a high carbon footprint.

Much of this proposal constitutes regurgitation of other people's policies, such as the NFFP, the Local Plan etc. However, it does not set out clearly how the proposed development aligns with these policies, and we would argue that in most cases it does not. Central to the thrust is that it is a renewable energy deployment, but we believe it is an energy arbitrage scheme. Examination of the duck curve of renewable energy supply versus demand show that much renewable energy (and all solar) will not be available at the lowest point of demand in the early hours of the morning (when the price is low). Unless there is evidence presented that shows how this installation could be configured to take renewable energy surplus and not fossil fuel surplus, the charging of the batteries from the national grid will suck in supply that is at best a partial mix of renewable energy (considerably less than 50% renewable and primarily fossil fuel generated).

EDDC have previously determined that BESS schemes are renewable energy deployments. We believe that there is sufficient information now available to revisit this decision and clarify the different role that BESS may provide and whether they should all be classed as renewable energy installations. The National Grids Future Energy Scenarios does include significant battery provision over the years to 2050, however the primary roles detailed for battery storage are for supply side integration (i.e., directly connected to renewable energy generation plants so that it can be held and deployed when needed) and demand side cost reduction and taking pressure off the national network (i.e., directly connected to heavy use areas such as industry sites). Integration of storage into the transmission network has a role in load balancing but cannot be regarded as a renewable energy installation.

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 INFORMATION

2.1 LVIA

Methodology

The methodology is in accordance with industry standard guidance.

Baseline landscape assessment

The landscape baseline assessment is generally appropriate although consideration should have been given to Landscape Character Type 3A: Upper farmed and wooded slopes, which lies immediately to the northeast of the site. This LCT is important in providing a setting to the Dorset AONB which is visible from the site to the east and north, although due to distance and limited intervisibility it is unlikely that the proposals would impact on the AONB.

In accordance with the methodology, table 6, the susceptibility of the host landscape to the proposed development should have been considered to be **medium** (*A moderate ability of the landscape to accommodate the type of development being proposed – some susceptibility. Some opportunities for mitigation and enhancement*) rather than **low**.

Similarly at para. 3.36 the local landscape susceptibility should be **medium** rather than **low**.

Baseline Visual Receptors

Viewpoint photographs and photomontages are presented in accordance with industry recommended guidance. In respect of the photomontages for viewpoint 3 however, the proposed embankment is shown grassed. This would impede the development of proposed woodland planting and it would be expected as part of good horticultural practice that the soil would be kept clear of weeds during the first 3 years. The photomontage also fails to show safety railing along the top of the embankment that would be required to provide fall protection.

Description of Development

Given the slope of the site the description of the proposed development should have considered the extent of grading works required to accommodate the proposals.

Effect on Landscape Elements and Features

In respect of topography the LVIA assessment of magnitude of change as **high** is accepted. Given the **medium** sensitivity of the host landscape to the proposed development, as discussed above, in accordance with the methodology, table 12,

the effect of the proposed development on the site's topography should be considered **major adverse** rather than **moderate adverse** as stated at para. 6.6 of the LVIA.

For trees and hedgerow the effect of the development at year 1 should be considered **minor adverse** due to the removal of a short section of hedgebank either side of the site entrance. It is however accepted that, subject to the establishment of new planting, by year 10 the effect of the development on trees and hedgerow would be **minor beneficial** (LVIA paras. 6.12 and 6.13).

The LVIA fails to consider the effect of the proposed underground cable connection to the National Grid installation on site trees and hedgerow. Further details and assessment of this should be provided.

Effect on landscape character

In respect of tranquillity, consideration should have been given at para. 7.7 to potential noise effects arising from the operation of the site.

With regard to the local landscape the assessment of overall magnitude of change as low is accepted resulting in minor adverse effects. However the development would introduce incongruous elements that would be clearly visible from Pound Road along the site frontage until mitigation planting established. In the longer term mitigation planting would screen off views into the site and also the currently visible elements of the National Grid station beyond.

Effect on Visual Amenity

The assessment of effect on representative viewpoints is generally accepted. However, for viewpoints 2-4 along Pound Road the magnitude of change should be considered **high** rather than **medium** resulting in a **major adverse** effect at year 1 and reducing to **moderate adverse** at year 10.

2.2 Site layout, landscape proposals and associated details

The battery compound is set back 50m from the eastern site boundary. The proposals provide for 2.4m high steel mesh fencing to the north, south, and west sides of the compound. The eastern boundary enclosure comprises a 4m high retaining wall supporting an earth embankment with a 1:5 slope, planted with a native woodland edge mix.

A direct access comprising a straight, 4.5m wide tarmac road is proposed from Pound Road via the existing field access, which will be widened to accommodate vehicle turning on and off the highway with the loss of a short section of hedgerow to either side. The submitted compound entrance gate detail, dwg. AR-01-P-10, shows the gates will be a maximum of 6m wide. However, on the site layout plan they are shown 4.5m wide. As all access roads are also shown as 4.5m width the gate detail should be amended accordingly.

The need for tarmac surfacing within the site is questioned and consideration should be given to providing a permeable self-binding stone aggregate instead which would be more in keeping with rural character.

The extent of the proposed embankment retaining wall is not correctly shown on the site layout and soft landscape plans, as wing walls will be needed along the side of the embankment at its northern and southern ends and to either side of the site access road. It is also likely that railings will be required along the top of the retaining wall to protect grounds maintenance workers from falls. The railings are not shown on the submitted drawings and would add further to the visual impact of the structure.

While the proposed embankment will screen the site and proposed infrastructure from most of the frontage with Pound Road it will, itself, be a prominent, engineered feature that is uncharacteristic of the site and surrounding plateau landscape, as can be seen in the submitted photomontage for viewpoint 3 at completion of site works (year1). Furthermore the straight access road proposed through the embankment will provide a direct sightline into the site from the Pound Road entrance. A more sympathetic solution would be to provide a 1.5m high Devon hedgebank along the eastern side of the compound, planted with a mix of holly and beech, and to plant up the ground between it and the eastern site boundary as native woodland. This would tie in with existing woodland to the south and northeast. Realigning the site access road with an S-bend would prevent direct views into the site (refer fig. 1 below).

Although omitting the embankment would increase the time before effective screening of the development is achieved, the end result is likely to be more in keeping with local landscape character and provide greater bio-diversity benefit in the medium-long term.

Native woodland planting should comprise a mix of large canopy species with appropriate understorey. Planting should comprise whips/ transplants at 2.5m centres reducing to 1.5m centres around the margins, with feathered trees at 5m centres throughout.

Proposed hedgerow mixes for new hedgerow and gapping up should include at least 15% holly to improve year round screening. Hedge planting should comprise a double staggered row of plants at a density of 6 plants/ linear metre.

Proposed species rich grassland areas are unlikely to establish easily given the likely nutrient status of the soil and it would be better to retain existing sward and manage it by cutting twice per year and removing arisings, with wildflower meadow seed mix applied to areas of disturbed ground.

New Devon hedgebanks should be constructed in accordance with recommendations by Devon Hedge Group (https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf) using turves cut from site.

There is opportunity to create a permissive footpath link along the southern site boundary to connect between Hawkchurch footpath 17 (Monarchs Way) and Pound Road and further public rights of way to the east.

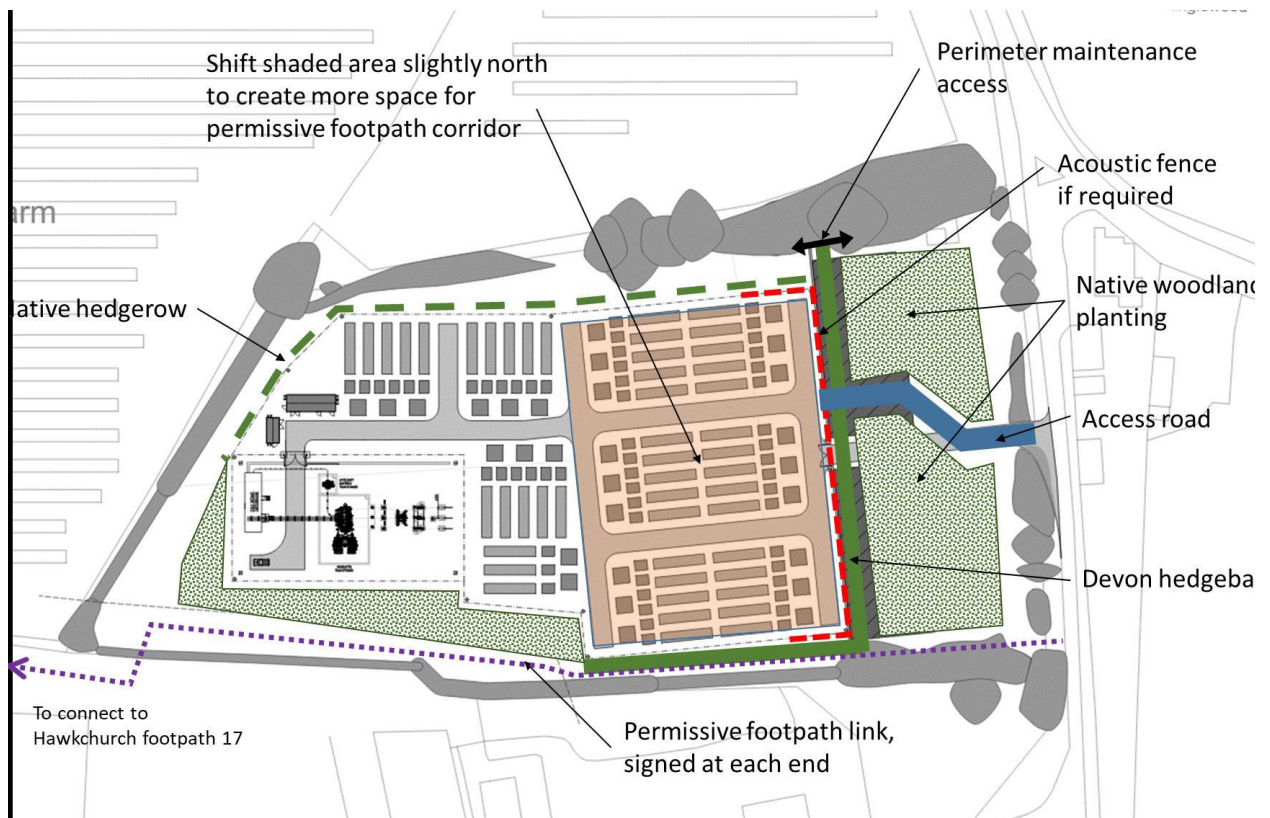


Figure 1 - Indicative amendments to proposed site layout to reduce landscape impact

Only limited information is provided on proposed site levels. A detailed site levels plan at 1:500 scale or greater showing proposed and existing contours and levels across the site and extent of grading works and any retaining walls is required prior to determination. The levels plan should be supported by north-south and east west sections across the site showing proposed plant and structures and proposed levels at 1:250 scale or greater.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

The application will have a major adverse impact on the site itself introducing incongruous industrial infrastructure into an undeveloped field in open countryside and significantly 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. 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 to local landscape character and the appearance of the area, from close views from Pound Road these are capable of mitigation in the medium term with appropriate site design and planting.

The current proposals for mitigation at the frontage of the site are considered unacceptable in terms of landscape and visual impact and if the application was to

be approved amended layout and landscape proposals should be submitted in accordance with comments at section 2.2 above.

Creation of a permissive footpath to link between Hawkchurch footpath 17 and Pound Road would be of benefit to walkers enabling a number of existing rights of way to be linked, avoiding the B3165 and this should form part of a Section 106 agreement or other appropriate legal agreement.

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) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

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

iv) Tree pit and tree staking/ guying details

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

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

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

d) Construction details for proposed hedgebanks, hardstandings, trackways.

e) 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.*

f) 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.

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 Hedgeline - 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 and cutting height and frequency and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 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 in the event that the proposed development ceases to operate. 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.

Tree Officer

The application is supported by an arboricultural impact assessment provided by Barton Hyett Associates (Sept 2022) which includes a trees survey, tree constraint plan and tree protection. Overall this information demonstrates that the proposal will have minimal impact on the trees at the site and therefore in principle I have no objection to this development. However the tree retention plan / tree protection plan

shows that the tree protective fencing has been offset and is located within the RPA of T9 and G8 on the northern side of the site and within the RPA of G4 to the south. No reason has been given for this though it appears to enable the construction of the bund and retaining wall. This means that there is a risk of damage occurring to these trees.

- Is it necessary for the wall to extent into the RPA? How is this to be constructed without damaging the roots.
- Average crown height of T9 & G8 is between 2 to 3m - risk of damage occurring to the crowns during construction.
- Ground protection will be required.
- An arboricultural method statement is required outlining how the wall and bund will be constructed without being detrimental to the health of the trees.
- Between the bund and eastern hedge line adjacent to the road, is proposed for retained grassland. This appears to be an appropriate area for individual tree planting of large trees (Oak's).

Contaminated Land Officer

To ensure the effective protection to local surface water and groundwater supplies, I recommend the use of containment mitigation scheme 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.

Reason: To protect local surface water and groundwater supplies from contamination.

DCC Highways

No objection

Environment Agency

I can confirm that we have no comments on this application.

Natural England

Natural England has no specific comments to make on this proposal or issue. Please refer to our general advice in the attached Annex.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not the proposals are consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of sites and the impacts of development proposals to assist the decision

making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend that local planning authorities use Natural England's Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals> <https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

Other Representations

42 letters of objection raising the following concerns:

- It is an industrial development on a greenfield site.
- 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 pool's 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.
- 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

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

None on this site although members will be aware of the number of solar farms approved in the area (adjacent and near to the site) and also other BESS proposals in the parish.

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 plant;
- 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 evolving proposals

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 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 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 are 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 have been discussed with the applicant's agent and some of the changes could be accommodated, subject to consideration of detailed design. The offsetting of the access road would alleviate views into the site. These changes have been submitted as a late amendment to the proposals in order to avoid a

condition to secure this change. The ward member and parish council have been advised of this amendment and given 14 days to comment. This period expires after the agenda will have been published but before the committee meeting. Members will be advised of any further comments from these consultees at the meeting but these changes would not affect the substantive objections from these parties.

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.

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 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.

Both the EA and NE have raised no objections to the proposals. 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. Devon Fire and Rescue have been consulted more recently and Members will be advised of any comments received at the committee meeting but given the above and based on the information available at the time of writing it is not considered that this issue would constitute a reason for refusing permission in this case.

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 for 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 metres 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 measured background sound level in the area during the daytime and night-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 location 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 site is Grade 3 agricultural land but it is not known if it is grade 3a or 3b (the latter not being BMV land). However, the area of land occupied by the proposed development is relatively modest in scale and the site is primarily not in use for agriculture anyway. Grade 3 land is the most common in Devon and proportionally the development would result in very modest loss. Accordingly, it is not considered that this loss would carry much weight in the planning balance.

Other matters

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

The site is in Flood Zone 1 and presents no risks in that respect. Drainage proposals are outlined in the Flood Risk Assessment and a suitable condition will secure their provision.

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

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.

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.

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. The drainage system shall be constructed in accordance with the Flood Risk Assessment ref 22-0428 dated August 2022 Rev 02. Any changes to the approved documentation must first be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary

highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

(Reason: To ensure the site is properly drained in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2033).

11. Notwithstanding the details shown 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:

a) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details
- v) Method statement for creation and maintenance of species rich grassland and wetland habitats

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

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

d) Construction details for proposed hedgebanks, hardstandings, trackways.

e) 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.

f) 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.

(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.

12. 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 Hedgeline - 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 and cutting height and frequency and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 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.

(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.

13. 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.

14. Prior to the commencement of the development hereby approved, and notwithstanding the details shown on the plans hereby approved, an arboricultural method statement, including a revised tree protection plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall ensure the tree protection fencing does not intrude on the root

protection area of T9, G8 or G4 unless demonstrated to be necessary to carry out the development.

(Reason: To ensure the effects on existing trees is minimised in accordance with policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2033.)

Plans relating to this application:

BLA146-01 REV D : Soft Landscape Proposals	Landscaping	06.01.23
AR-01-P11 : 132kv Substation	Other Plans	05.10.22
AR-01-P10 : Battery Fence and Gate	Proposed Elevation	05.10.22
AR-01-P09 : Battery Container	Proposed Combined Plans	05.10.22
AR-01-P08 : CCTV	Proposed Elevation	05.10.22
AR-01-P07 : Aux Transformer	Proposed Elevation	05.10.22
AR-01-P06 : Control Room	Proposed Combined Plans	05.10.22
AR-01-P05 : Switch Room	Proposed Combined Plans	05.10.22
AR-01-P04 REV 01 : Internal Access Road Detail	Other Plans	05.10.22
AR-01-P03 : Inverter	Proposed Combined Plans	05.10.22
AR-01-P01	Location Plan	05.10.22
AR-01-L17 : Bund	Sections	05.10.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.