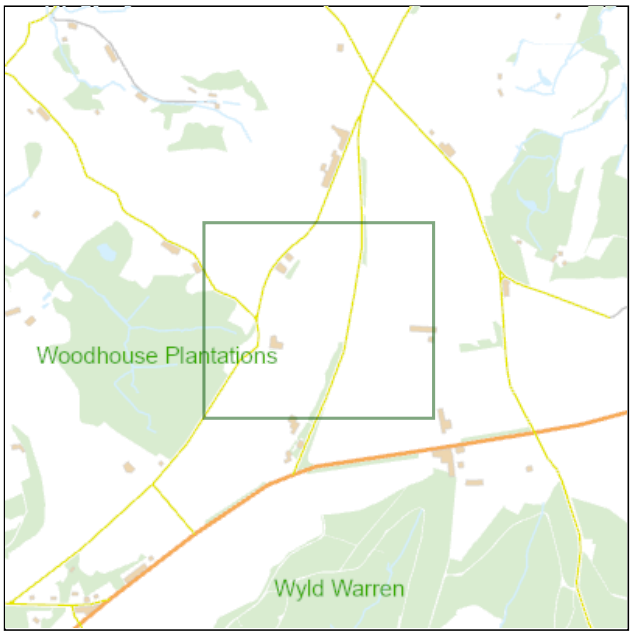
Ward Yarty

Reference 24/2067/MFUL

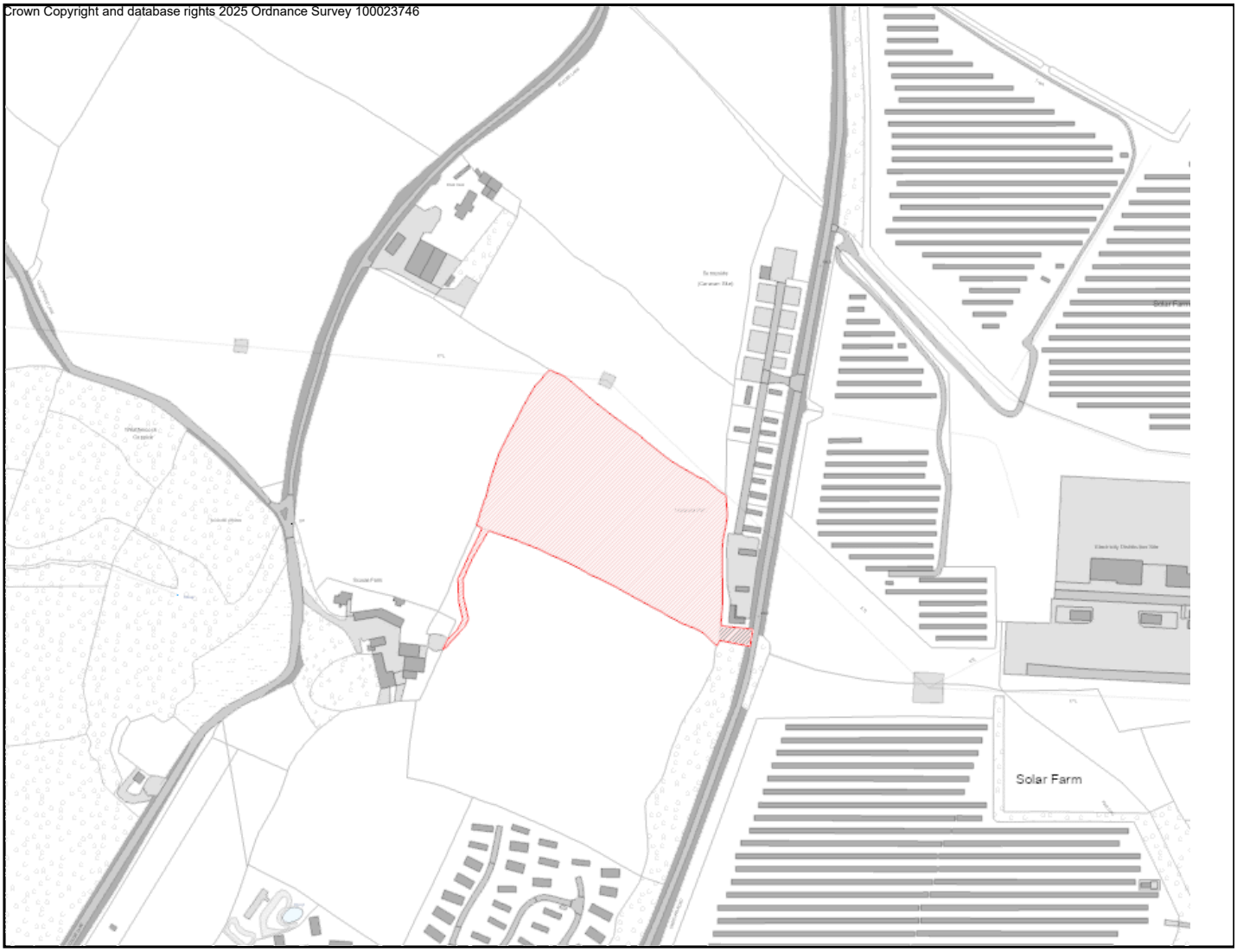
Applicant Root Power (South) Ltd

Location Land To The West Of Wareham Road Scouse Farm Blackpool Corner Axminster EX13 5UE

Proposal The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects



RECOMMENDATION: Refusal



		Committee Date: 10.06.2025	
Yarty (Hawkchurch)	**24/2067/MFUL**		**16.05.2025**
Applicant:	**Root Power (South) Ltd**		
Location:	**Land To The West Of Wareham Road Scouse Farm**		
Proposal:	**The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects**		

RECOMMENDATION: **Refusal**

EXECUTIVE SUMMARY

The application must be considered by the Planning Committee because it has been referred on from the Chair Delegation on 14 May, so the Committee can consider whether additional reasons for refusal are appropriate following its refusal of a similar scheme nearby at May's Committee meeting.

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise.

Bearing in mind the nearby energy infrastructure and the proposal is a low carbon project the proposal would accord with Strategy 39 in this particular regard.

The noise assessment identifies a need for a 4m high acoustic fence and this is now proposed (the previous scheme did not). Subject to the condition suggested by the Environmental Health Officer it is not expected that there would be harmful effects from noise and this addresses reason for refusal number 2 from the last application.

Revisions to the scheme mean that all of the NFCC guidance is followed and this addresses reason for refusal number 1 from the last application.

There is no harm to setting of the grade II listed Checkridge or Pound Farm. There are no highway objections to the scheme. Nor is the lack of evidence around potential loss of BMV agricultural land considered to be an overriding factor. There biodiversity net gain benefits could be secured with appropriate

conditions as could mitigation for protected species the development may affect.

The site is exposed to different public views such that the change in the character of the site that would result from the development would be readily apparent. Landscaping is unlikely to mitigate this effect. Unlike the scheme that was subject of the public inquiry on Pound Road, this site lies relatively 'outward' from the existing energy infrastructure already established in this area and spreads the industrial character westwards, crossing Wareham Road. The development would have harmful landscape and visual effects, notwithstanding the presence of power lines near the site. The scheme would also now have more harmful visual effects than the last proposal because of the significant length of 4m high acoustic fencing proposed and the two 4.5m tall water storage tanks. The proposal does not accord with Strategy 39 or 46, nor policies D1 and TC4 of the Local Plan. This is afforded significant weight.

The benefits of the scheme are set out in the preceding section but are in the main around reduction in carbon dioxide emissions powering the grid and therefore helping lessen climate change, reducing energy prices for consumers and reducing reliance on less secure forms of energy generation. These are all significant benefits.

However, the benefits highlighted, while acknowledging their significance and importance, would not outweigh the significant harms identified to the character and appearance of the area and the landscape and consequently it is recommended that permission is refused.

CONSULTATIONS

Local Consultations

Clerk To Hawkchurch Parish Council

Objection

Char Valley Group (Wootton Fitzpaine) Parish Council Mrs Tam

Objection

Technical Consultations

Devon & Somerset Fire And Rescue Service
22/4/25

Draft Emergency Response Plan is acceptable.

17/4/25

Comments relating to Fire Service Access – Table points 1,2, 3,4 and 5
The information contained within the OBSMP does appear to indicate alignment with recognised guidance. There are 2 points of access indicated in the OBSMP (pg. 8, fig 2-1; pg. 16, Ser 1). The proposed access around the site e.g. the hardstanding, widths and passing points referenced within the OBSMP do also broadly align with the NFCC guidance.

Comments relating to Unit Spacing – Table Point 7
The proposed spacing between units does differ significantly from the 6m spacing recommendation within the NFCC guidance. The OBSMP appears to indicate that the spacing will be less than this 6m spacing and references figures within other, alternative guidance (FM Global & Dept of Energy).

Whilst not aligning with the NFCC guidance, the proposal within the OBSMP does appear to have considered and broadly aligned to other, recognised safety guidance. Continuity in approach, i.e. additional precautions for reduced distances should continue to align to recognised guidance should planning permission be granted.

Comments relating to Safety systems – Table points 13 and 14
The proposed safety systems within the OBSMP are noted and do appear to broadly align recognised guidance at this stage of the planning and procurement process. It is recognised that confirmation of specific systems is unlikely at this stage but sharing further information once these systems are known is encouraged.

Detailed Battery Safety Management Plan
Further comments can be provided when the above DBSMP is available.

EDDC Landscape Architect

Objection

…the site is not considered to be appropriate for the proposed development as it extends the electrical power infrastructure on the plateau to the east of the site into a relatively open and undeveloped agricultural landscape on the plateau edge and would give rise to substantive landscape and visual harm that cannot be adequately mitigated for. As such the proposals are considered contrary to local plan strategies 7, 39 and 46 and policies D1 and TC4 and should be refused.

EDDC Trees

No objection subject to conditions.

Environmental Health

No objection subject to conditions.

Environment Agency

Environment Agency position:
The applicant has indicated the proposed management of foul drainage from the site in the submitted 'rebuttal letter'. This is acceptable in principle, We therefore have no objections to the proposed development as submitted. We provide the following general advice regarding Battery Energy Storage systems:

Advice - Battery Energy Storage:
Under normal operation BESS developments do not present significant risks to groundwater or surface water. However, there is potential for pollution of the water environment due to abnormal and emergency situations at BESS developments, in particular fires. The site is located upon a principle aquifer which is particularly sensitive to such risks. Whilst there is some discussion within the Flood Risk and Drainage Assessment Report, there is no specific assessment on risks to groundwater or conceptual site model. It is also important to consider the potential of mitigation measures failing and the associated risks. We therefore recommend that your authority seeks more information in relation to the protection of groundwater prior to determining this application.

Conservation

No objection.

DCC Flood Risk Management Team

No in-principle objections subject to pre-commencement planning conditions suggested.

Devon County Archaeologist

No comments.

EDDC District Ecologist

The supporting ecological documents consider that predicted adverse impacts could be mitigated for, and measures are recommended to provide ecological enhancement. It is considered unlikely that designated sites and protected and notable species would be significantly affected, assuming measures within a Construction Environmental Management Plan (CEMP) and Habitat Management and Monitoring Plan (HMMP) are secured and implemented fully.

County Highway Authority

No objection. Recommend CEMP.

Devon County Council Waste Planning

As the application is not supported by a waste audit statement, it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development.

The Health & Safety Executive

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

Other Representations

45 letters of objection raising the following concerns:

Fire Safety & Thermal Runaway
- High fire risk: Multiple recent BESS fires in the UK and globally cited, including East Tilbury and Cirencester.
- Thermal runaway: Uncontrollable and can lead to explosions; suppression systems are described as ineffective.
- Inadequate firefighting provisions: No nearby hydrants; proposed water tanks are insufficient (NFCC guidance suggests ~5 million litres needed).
- Risk to life/property: Proximity to static caravans, homes, tourist accommodations, and livestock poses a severe threat.

Environmental & Water Contamination
- Risk to aquifer: The site lies over an aquifer that supplies local drinking water.
- Firewater contamination: Concerns about inability to contain toxic runoff which could permanently damage groundwater and ecosystems.
- Poor drainage plans: Claims that proposed systems are inadequate or redirect risks to other areas (e.g., Dorset).

Landscape & Visual Impact
- Industrial intrusion: The development is deemed incongruous in an undeveloped rural landscape.
- Visual blight: 4-meter high acoustic fencing and large industrial structures will be visible from public footpaths.
- Loss of scenic value: Impacts on designated landscapes and views, affecting both residents and tourists.

Wildlife & Ecology
- Biodiversity loss: Loss of green pasture and meadowland; noise and light pollution expected to disturb wildlife.
- Carbon sink destruction: Existing farmland acts as a carbon sink, which would be lost.

Noise & Light Pollution
- 24/7 noise: Persistent hum and operation noise expected to affect human and animal life.
- Light pollution: Floodlights will disrupt the area's dark skies.

Policy & Procedural Failings
- Non-compliance with planning strategies: Objections reference contraventions of East Devon Local Plan Strategies 7, 39, and 46.
- Speculative development: Claims that developers aim to secure planning and sell the project.

- Unproven necessity: Argued that sufficient BESS capacity already exists; no case made for strategic need.

Tourism & Local Economy

- Negative impact on tourism: Nearby Hawkchurch Spa, caravan parks, and other attractions could lose business.
- Agricultural disruption: Loss of grazing land and farming impact viewed as economically damaging.

Safety Regulations

- Inadequate spacing: Container spacing doesn't follow NFCC 6m guidance.
- Lack of fire access: No proper perimeter roads or turning circles for emergency vehicles.

PLANNING HISTORY

Reference	Description	Decision	Date
23/2099/FUL	The installation of modular battery units with ancillary equipment, including power conversion units, 11kV transformer compound, switchroom, DNO substation and site office to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects.	Withdrawn	26.01.2024
24/0276/FUL	The installation of modular battery units with ancillary equipment, including power conversion units, 11kV transformer compound, switchroom, DNO substation and site office to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects.	Refusal	23.05.2024

POLICIES

East Devon Local Plan 2013-2031

Strategy 3 (Sustainable Development) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 39 (Renewable and Low Carbon Energy Projects) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

E18 (Loss of Holiday Accommodation) Adopted

EN21 (River and Coastal Flooding) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas) Adopted

TC2 (Accessibility of New Development) Adopted

TC9 (Parking Provision in New Development) Adopted

East Devon Emerging Local Plan 2020-2042

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC01 (Climate emergency) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC04 (Energy storage) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS04 (Green and blue Infrastructure) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Policy OL04 (Areas of strategic visual importance) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Policy HE04 (Archaeology and Scheduled Monuments) Draft

Strategic Policy AR01 (Flooding) Draft

Site Location and Description

The site extends to approximately 1.5ha and comprises a medium sized meadow bounded by traditional Devon hedgebanks. The site is situated towards the western edge of an open plateau and is gently undulating with an overall north-westerly aspect and level change of some seven metres between its eastern and western boundaries. To the west land drops away steeply towards the Axe Valley.

Surrounding land-use is generally agricultural grassland, but a small static caravan site is situated immediately to the east and beyond that, to the east side of Wareham Road, is an extensive area of solar farms and the National Grid Axminster sub-station. The buildings complex of Scouse Farm is situated 150m to the southwest of the site but is largely screened from it by a combination of landform and vegetation as is West View farm 100m to the northwest. Beech Farm situated further north along Scouse Lane is not visible from the site but the adjacent hotel is just visible in filtered winter views. A pylon situated just beyond the northern site boundary is prominent in views from the south and west/ northwest. Woodland strips to either side of Wareham Road provide screening and enclosure of the site from the east and well treed hedgerows beyond the site limit views out to the north. Views to

the south extend 200m across an open field to the Hawkchurch Spa and Resort, the buildings of which are visible over boundary hedgerow.

Views to the west and northwest are extensive, ranging several kilometres to high ground within the Blackdown Hills National Landscape. There is no public access within the site but there are clear views over it from Hawkchurch footpath 25 which runs across the adjacent field parallel with the southern boundary and some 200m from it. Glimpse winter views are also afforded over the site from Hawkchurch footpath 21, 200m to the north. Footpath 21 forms part of the promoted Monarch's Way long distance footpath.

There are no landscape designations covering the site or its immediate surrounds. The Dorset National Landscape boundary lies 700m to the south and the Blackdown Hills National Landscape lies 4.3km to the northwest.

Access is from an existing access point off Wareham Road which is proposed to be upgraded as part of the proposals. A secondary access has been proposed in amendments to the scheme which would run from Scouse Farm itself 150m south-west of the site (for fire fighting access).

ANALYSIS

Planning History

Application 23/2099/FUL (The installation of modular battery units with ancillary equipment, including power conversion units, 11kV transformer compound, switchroom, DNO substation and site office to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects) on the same site was withdrawn 26th January 2024.

Application 24/0276/FUL (The installation of modular battery units with ancillary equipment, including power conversion units, 11kV transformer compound, switchroom, DNO substation and site office to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects.) on the same site was refused on 24 May 2024. The reasons for refusal were:

1. The layout and separation of the battery container units falls below the national recommended standard without safety being demonstrated, with the risk compounded by the provision of only one access, a lack of information that water supply would be sufficient and containment measures for contaminated firefighting wastewater not being clear. Therefore, it has not been demonstrated that the proposal would be safe and minimise risk to local residents and the environment contrary to Strategies 7 (Development Outside Built Up Area Boundaries), 39 (Renewable and Low Carbon Energy Projects), policies EN14 (Control of Pollution) and EN18 (Maintenance of Water Quality and Quantity) of the East Devon Local Plan 2013 -2031 and to the advice contained within the National Planning Practice Guidance (Reference ID: 5-032-20230814, Paragraphs 032 - 035).

2. The development would lead to an adverse effect of noise, disturbance and loss of amenity to nearby noise sensitive receptors adjacent to the site (Hawkwell

Park) because no plans for a 4 metre high acoustic are proposed, which is recommended as necessary in the Noise Impact Assessment (Revision1, 23 January 2024) The proposal is therefore contrary to Strategy 39 (Renewable and Low Carbon Energy Projects) and policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 -2031.

3. The development will have a significant adverse landscape impact on the site and the local landscape character and quality, introducing in incongruous industrial infrastructure into an undeveloped field in the open countryside. The development would be clearly visible in near views particularly from Hawkchurch footpath 25 and in winter views from Hawkchurch footpath 21, adversely impacting on their amenity. Mitigation proposed would be insufficient to over overcome these harms and overall, the scheme would not conserve or enhanced landscape character of the area. The development is therefore contrary to Strategies 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects), Strategy 46 (Landscape Conservation and Enhancement and AONBs), policies D1 (Design and Local Distinctiveness) or TC4 (Footpaths, Bridleways and Cycleways) of the Local Plan.

This application seeks to overcome these reasons for refusal concerning fire safety, noise disturbance and amenity, and harm to the character and quality of the landscape.

<u>The development</u>

The development of the Battery Energy Storage System would be able to store 50MW of electricity to the grid. This would equate to the power required for 100,000 homes for 2 hours when fully charged.

The main components of the proposal comprise:

- Banks of battery units (24 no.) measuring 2.4m wide x 6.1m long x 2.9m high arranged in pairs in two rows. The operation of the BESS is driven by market requirements but generally the batteries would charge at off-peak times, and then supply energy to the national transmission network at times of peak energy demand and/or when renewable energy sources are generating lower levels of electricity;
- For each row there would be three Transformers measuring 5m wide x 9.8m long x 2.3m high situated close to each row;
- 1 DNO Substation compound;
- 1 BESS switch room measuring 2.3m wide x 7.5m long x 2.9m tall;
- 1 welfare and LV switch room;
- 1 site transformer measuring ;
- 2 access points;
- Two emergency water tanks each measuring 2m high and 10m in diameter across and each with a capacity of 250,000 litres each; and
- Acoustic fencing surrounding the entire compound (4m high).

<u>The principle of development</u>

There is no made Neighbourhood Plan for Hawkchurch. 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 Planning Inspector noted in the decision letter relating the appeal into refused planning application 22/2216/MFUL (also for a BESS scheme nearby) that:

42. Whilst the proposal would not generate renewable energy, it would nonetheless store power. This is significant as typically wind turbines and solar panels have variable generation and this supply needs to be managed. Demand too will vary according to season

and time of day. Given these variables, battery storage is essential to help manage the use of renewables so that they can be relied upon, which supports their continued development and a low carbon future. Whilst the proposal will manage all electricity use, including that generated by fossil fuel, it will still manage some renewables. Moreover, the proposal is for a 40 year use and the vast majority of energy stored would be from renewable sources: the Overarching National Policy Statement for Energy (NPS) foresees that by 2035 all our electricity will need to come from low carbon sources, subject to security in supply.

And also:

44. Indeed, the Renewable and low carbon energy Planning Practice Guidance, (the PPG) encompasses battery storage and acknowledges its de-carbonising role. The NPS goes further stating storage has a key role in achieving net zero. Similarly, the Glossary to the Framework defines low carbon technologies as those that can help reduce emissions. Consequently, I find these confirm that the proposal represents a low carbon project for the purpose of the development plan and the proposal would not be contrary to Strategy 39.

The principle of development is therefore considered to be acceptable insofar as it is a 'low carbon energy' project as defined in the Local Plan.

The recently revised NPPF also now lends support in principle to the proposed development. Paragraph 165 makes clear the aim to 'help increase the use and supply of renewable and low carbon energy and heat' through appropriate plans.

Paragraph 168 of the NPPF requires that –

"*When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future."

Landscape and visual impacts

Application 24/0276/FUL (The installation of modular battery units with ancillary equipment, including power conversion units, 11kV transformer compound, switchroom, DNO substation and site office to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects) on the same site was refused on 24 May 2024 for 3 reasons including adverse landscape effects.

The main differences with this new application are:

- Extension of the redline area to incorporate the whole of the host field.
- Reduced area of compound enclosure but overall increase in development footprint due to provision of two large water storage containers and extended access routes.

- Increased woodland buffer to eastern site boundary adjacent to the caravan site and along the eastern half of the southern boundary.
- Omission of communication tower.
- Addition of concrete bunds around battery containers (no details provided).
- Provision of a second access via Scouse Farm.
- Provision of a 4m high acoustic fence (while proposed in the Noise Mitigation Strategy, this was not included in the actual plans of the last application).

The site does not lie within a designated landscape. However, the Landscape officer is recommending refusal of the application.

His conclusion finds that there will be a significant adverse landscape impact on the site itself and local landscape character and quality. It would change from an undeveloped field (notwithstanding the overhead pylons) to an incongruous industrial installation. While there is existing energy infrastructure in the area it would extend it westward to the edge of the plateau on land that can be seen from long range view from the west and northwest, in which is forms part of an extensive undeveloped horizon, contrary to the management guidelines for its landscape character type (LCT 1A).

There would be clear and near views from Hawkchurch footpath 25. In winter, other views of the site would become apparent from the Monarch's Way long distance public footpath (Hawkchurch footpath 21) adversely affecting their amenity.

Mitigation proposed would be inadequate to address these harms and the proposal would be contrary to Strategies 7, 39, 46 and policies D1 and TC4 in this regard.

In terms of considering alternative sites, there is no specific wording in S39 or its supporting text that requires assessment of alternative sites.

On this matter the Planning Inspector's decision letter regarding a nearby dismissed appeal (reference APP/U1105/W/23/3319803) for a similar BESS proposal (EDDC reference 22/2216/MFUL) states:

43. The reason for refusal refers to inappropriateness of the use in the countryside, but such battery storage facilities need to be located where national grid connections are capable of dealing with the current…

There are some objector comments that the scheme would be harmful to tourism in the area, being so close to a nearby resort and spa. Why this might be is not articulated but it could be assumed from the other comments received that it is bound up in landscape and visual considerations, which are already considered above.

The applicant's landscape consultant's have provided a rebuttal of the EDDC Landscape Architect's comments and he in turn has addressed this. There is disagreement over:

- The characterisation of the site – how much the existing renewable infrastructure in this area affects the existing character of the site;

- Not including the occupants of Hawkwell Park as visual receptors;
- Whether the predominant character of the area is dominated by 'electrical power infrastructure' or 'undeveloped and attractive rural landscape';
- Whether winter views are much different to summer views;
- The magnitude of effects on the landscape; and
- Cumulative effects and the influence of existing pylons on the character of the site.

The Council's Landscape Architect maintains his objection. The addition to the plans of a 4m high acoustic fence, while necessary for noise mitigation (see next section), would add to the harmful character and appearance of the development, appearing alien and bulky in the landscape. They would also be somewhat overbearing on the residents at Hawkwell Park, the nearest caravan being only 37m from this fence, given that the length of fencing nearest to them would be around 48m. The two large water tanks are a similar distance away and would be 4.5m tall.

The proposal would have an adverse landscape and visual impact and is therefore contrary to Strategies 39 and 46 of the Local Plan. Significant weight is afforded to this objection given the dramatic and lasting visual effects.

Noise and amenity

The main sources of noise from the installation would be cooling processes taking place during charge/discharge cycles. Discharge cycles would be during times of peak demand, which typically is for limited periods daily.

The Council's Environmental Health Officer is satisfied with the latest information submitted which included information to address concerns previously raised in respect of nearby noise receptors (Hawkwell Park). However the EHO has advised that while further noise surveys and mitigation is required, this could be achieved through the imposition of an appropriate condition.

A Construction and Environmental Management Plan condition should be imposed on the development to minimise disruption during construction.

The development accords with policy EN14 (Control of Pollution) of the LP in respect of noise and amenity, subject to the imposition of an appropriate condition.

Fire Safety and Pollution

While it has been a long-standing principle that planning should be able to rely on other safety and pollution regimes to operate effectively, the issue of Fire Safety and Pollution is of particular sensitivity in the area in which the application is proposed because it lies on an aquifer important to local water supplies. In considering the application it is therefore necessary to have regard to policies concerning potential pollution (that being contaminated water created during any fire-fighting event) that may arise, even during a 'departure' from normal operation.

The NPPG includes a section on BESS schemes. This advises that for scheme of 1MW or over applicants are encouraged to engage with the local fire and rescue service before submitting a planning application.

Applicants are also 'encouraged' to consider the guidance produced by the National Fire Chiefs Council (NFCC) when preparing an application. Likewise, LPAs are 'encouraged' to consider this guidance in determining an application. It is acknowledged that the NFCC guidance is specifically based on proposals for lithium-ion batteries. It is important to note as not all BESS schemes necessarily will use such cells and the application of this guidance many not always be appropriate as a result. The NPPG notes that matters such as design, firefighting access and facilities at BESS sites are of interest to fire and rescue services. The application states that it is proposed to use Lithium Iron Phosphate (LFP) cells.

The matter of fire safety and pollution was dealt with at a recent public inquiry (APP/U1105/W/23/3319803) into the refusal of a BESS scheme in the vicinity of this site. That appeal decision took into account the NFCC guidance and updated NPPG. One of the main issues considered by the Inspector was '*Whether there is sufficient information on the health and safety measures and the extent to which there would be significant risk to local residents and the environment'*.

To that end the following matters were considered in the appeal decision:

- BESS installations are not long enough established to prove that safety risk is not significant (para 56);
- NFCC guidance recommends a minimum of 6m separation between BESS containers (para 61);
- Less than 6m separation may be feasible but predicated on modelling and engineering measures to prove safety (para 61);
- While final technological battery details not specified (in the appeal) there was also no evidence that any particular battery specification could be safe with the 2m separation that was proposed (para 64);
- NFCC guidance recommends at least 2 separate access points to account for opposite wind conditions/direction (para 65);
- Sufficient storage capacity needed at site to deal with firefighting wastewater (as the site lies on an aquifer needed for local drinking supplies). Relying on wastewater tankers to carry waste away from site unlikely to be sufficient as they could be delayed and the fire service was unlikely to want non-fire service staff in the area while dealing with the fire due to the risk to their safety (paras 69 – 72);
- No fire hydrants were shown to be in the area
- Planning conditions requiring water storage tanks cannot be assumed to be achievable as it could take up room required for access and landscaping.

The application is supported by:

- Battery Safety Management Plan ARC-1223-001-R2 January 2025 (BSMP);
- Fire Safety Plan SCOU-BESS---5.10 Rev 2;

- Flood Risk & Drainage Assessment Report GON.0573.0306 Version 2 30/1/2025; and
- Emergency Response Plan (ERP) Draft A April 2025.

The BSMP references the NFCC guidance. This table assesses the scheme against the NFCC recommendations.

	NFCC Recommendation	Site Status	Comments
1	Access- minimum of two separate access points to the site	Compliant	DSFRS confirm access, road widths, passing points and turning facilities are appropriate.
2	Roads/ hard standing capable of accommodating fire service vehicles in all weather conditions. As such, there should be no extremes of grade.	Compliant	Service road metalled 6m wide. DSFRS confirm access, road widths, passing points and turning facilities are appropriate.
3	A perimeter road or roads with passing places suitable for fire service vehicles.	Compliant	DSFRS confirm access, road widths, passing points and turning facilities are appropriate.
4	Road networks on site must enable unobstructed access to all areas of the facility.	Compliant	DSFRS confirm access, road widths, passing points and turning facilities are appropriate.
5	Turning circles, passing places etc size to be advised by FRS depending on fleet.	Compliant	DSFRS confirm access, road widths, passing points and turning facilities are appropriate.
6	Distance from BESS units to occupied buildings and site boundaries. Initial minimum distance of 25m.	Compliant	No dwellings within this distance.
7	Access between BESS unit - minimum of six metres suggested. If reducing distances, a clear, evidence based, case for the reduction should be shown.	Compliant	Less than 6m separation proposed. While not aligning with NFCC guidance DSFRS confirms spacing does align with other safety guidance (FM Global and Dept. of Energy). DSFRS confirms that the proposal in the OBSMP appears to consider and broadly aligns with other recognised safety guidance.

8	Site conditions-areas within 10m of Bess units should be cleared of combustible vegetation.	Compliant	The BESS units will sit on concrete slabs or supporting feet. Internal access tracks will comprise crushed stone and the access road for the abnormal load will be asphalt. Within fence line and between BESS containers units the surface is laid over to gravel.
9	Water supplies.	Compliant	There are x2 250,000l water storage tanks as part of the site layout, providing a total of 500,000l of water for FRS use. There is no water main or fire hydrant close to the site than can be utilised. DSFRS have not yet responded on this point but did not object to a lesser supply for a larger BESS site nearby (24/0096).
10	Signage.	Compliant	The BSMP confirms that signage as per NFCC guidelines will be provided which includes: • 24/7 Emergency Contact Information on site entrance. • Other signage to be confirmed or agreed later. DSFRS does not object.
11	Emergency plans.	Compliant	An Emergency Response Plan has been submitted and DSFRS confirms this is acceptable
12	Environmental impacts.	Compliant	The site drainage strategy is to contain any firefighting water (all the BESS units are bunded), test, treat and dispose of the water post the event. Concrete bunding under the invertor / transformers and battery units is provided as a fundamental element of the site design, which have the capacity to hold a minimum of 220,000l. In the event of a fire, automatic penstock valves will close, segregating this system from natural discharge methods.

			Water collected in these bunds, which is sprayed on equipment to stop the spread of a battery fire, will be funnelled into a separate underground storage container. In the event of a fire the water contained will be tested post the event for any contamination. If contaminants are found, the water will be tankered off site and disposed of in the appropriate manner. If contaminants are not present within the water, it will be gradually released into the natural outflows.
13	System design, construction, testing and decommissioning.	Compliant	Several of the elements under this aspect of the NFCC Guidance are contained in this plan, however details of the construction, testing and decommissioning will only be available in later stages of the programme and be contained in the DBSMP. DSFRS confirm this broadly aligns with recognised guidance at this stage. Specific system information could be agreed once known.
14	Deflagration prevention and venting.	Compliant	Elements of this requirement are contained in this plan, but the actual technique to be adopted will not be apparent up to the point the decision is made as to what BESS is being used. Deflagration venting is possibly most effective when fitted to the roof of the BESS units, as such deflecting blast upwards and away from FRS personnel. DSFRS confirm this broadly aligns with recognised guidance at this stage. Specific system information could be agreed once known.

The National Fire Chiefs Council (NFCC) 'grid scale battery energy storage system planning guidance' states:

"*Suitable environmental protection measures should be provided. This should include systems for containing and managing water runoff. System capability/capacity should be based on anticipated water application rates, including the impact of water based fixed suppression systems*".

Measures to be provided include providing penstocks on the outlets from the attenuation basin and the concrete bund to contain any fire-water within the site. In the event of a fire the penstocks would be closed until contaminated water is removed and disposed of appropriately.

In conclusion in relation to Fire Safety and Pollution therefore, the design of the proposed installation has suitable design features to minimise risk of uncontrolled fires and adequately reduces risks of contaminated fire-fighting wastewater leaching into local water supply. Consequently, the proposal complies Strategy 39, Policies EN14 and EN18 of the Local Plan and paragraph 8 of the NPPF and the guidance in the NPPG and NFCC guidance.

Best Most Versatile (BMV) agricultural land

There site lies on undifferentiated grade 3 agricultural land. The Planning Statement says it is grade 3b (not BMV) land but this is not based on any survey that has been submitted. This assumption appears to be based on reported recent history that is has not been used for any crops of the types associated with BMV land. The agricultural land survey on the site subject of appeal APP/U1105/W/23/3319803 showed that even in that field (not that far from this site) there was a mix of grade 3a (80.8%) and 3b (19.2%) so it is not out of the question that this site could be BMV land. The point is no survey has been carried out. Therefore, there is insufficient information to indicate that BMV land would not be lost as a result of the development, which is contrary to policy EN13 of the Local Plan. That being said, the Inspector in that case found that the small loss of BMV land (which was a larger site than this one) would not be limited in significance and the need for and benefits of the facility were overriding considerations.

Biodiversity

The application is supported by a preliminary ecological appraisal and BNG report.

The habitats within the Site boundary are of generally low ecological value; however, priority habitats, including native species-rich hedgerows and broadleaved woodland, exist with the anticipated zone of influence. The habitats on Site and within adjacent areas have potential to support the following protected and priority species:

- Birds – The Site provides nesting opportunities for a range of bird species.
- Bats – A tree within the eastern boundary hedgerow (TN1) has low potential for roosting bats. There are several mature trees within the woodland which

may provide roosting bat habitat. The off-site hedgerows and woodland provide opportunities for foraging and commuting bats.
- Reptiles – Reptiles may utilise the boundary hedgerows and field margins but are unlikely to be present within the centre of the grassland field.
- Dormice – Dormice may utilise the boundary hedgerows, however there is considered to be low risk of dormice being present within the anticipated zone of influence, as the hedgerows will be retained.
- Badger – Badger may forage and commute across the Site from the surrounding landscape. Setts may be present in the adjacent woodland.
- Hedgehogs – The hedgerows and field margins have potential to support hedgehogs.

No further survey work was recommended apart from Badger surveys prior to works commencing.

In terms of mitigation, the following are proposed:

- Retention and protection of existing hedgerows and woodland, in line with the RPAs.
- Timing of vegetation clearance works to be outside of bird breeding season.
- Two -stage clearance method for reptiles.
- Good construction practices to safeguard badgers and other mammals.

The following measures will be implemented to compensate for the losses to existing habitats and to provide an overall net gain/ no net loss of biodiversity:

- Enhancement of the existing species-poor modified grassland to species-rich other neutral grassland.
- New individual rural tree planting adjacent to the southern boundary hedgerow.
- A new native species-rich hedgerow along the southern and western boundaries of the proposed
- battery storage site.
- New woodland planting adjacent to the existing woodland belt to the south-east of the Site, to compensate for the loss of woodland to create the access track.

In addition, several bird and bat boxes will be installed on suitable trees across the Site to ensure nesting and roosting opportunities are restored and maintained. The locations of these features will be advised by a suitably qualified ecologist.

A late representation has been submitted from the Vincent Bat Trust, albeit in relation to another nearby BESS proposal (24/0096/MFUL), about a nearby maternity roost. This has been considered in depth as this roost is in relevant proximity to the site. The development could result in the direct loss of habitat within a Core Sustenance Zone of a lesser horseshoe bat maternity roost. Mitigation of this could be achieved however and the required amendments to the habitat creation on the site could be secured via suitable planning conditions.

Biodiversity Net Gain –

Based on the submitted plans, the development would result in a net loss of areas habitats on the site. The % value could change slightly, i.e., based on the comments above, but still in the region of -10-5%. Off-site area habitat units would be required to achieve the mandatory 10% BNG and to meet trading rules. The site design would result in a net gain for hedges.

The proposals include the creation of 'significant on-site gains' which would require securing for 30-years from the completion of the habitat enhancement measures. The application is supported by landscaping plan and implementation scheme. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP), e.g., that considers soil chemistry, habitat condition assessment criteria, monitoring, and reporting requirements. Natural England have provided template HMMPs which provide a standardised framework for such documents.

The proposal would also need to provide a BNG monitoring contribution secured via a planning obligation.

The development complies with policy EN5 of the Local Plan.

Drainage

The Lead Local Flood Authority (DCC) appears to be satisfied with the additional information it requested and has no objection to the scheme from a surface water drainage perspective, subject to the conditions it suggests for further details be agreed. The proposal complies with policy EN22 of the Local Plan.

Heritage

There is a strong presumption against works that would have such harmful impacts through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

The Planning (Listed Buildings and Conservation Areas) Act 1990 contains the following statutory duties in relation to designated heritage assets:

Section 66(1) – "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The conservation officer has identified the development would lead to no additional harm and in turn continue to preserve the setting in the Grade II listed heritage asset Higher Checkridge Farm and Pound Farmhouse. In considering the previous proposal it was advised there would less than substantial harm, but that scheme did

include a 15 high communications tower which his now absent from this scheme. The proposal is therefore considered to comply with policy EN8 of the Local Plan.

Highways

The main highways effects of the development would be during construction. No objections have been received from the highway authority. It is recommended that a Construction and Environment Management Plan (CEMP) be secured via planning condition to minimise disruption as far as possible during the development period. The development complies with policy TC2 of the Local Plan.

Benefits of the proposal

The proposal presents some benefits that must be considered.

The development would assist in the deployment and operation of renewables across the national grid as it would be able to store energy at times when renewable energy is outstripping demand. The additional benefit of this would be to lower energy prices generally as it would prevent Contract for Difference payments (subsidies) having to be paid to renewable generators if they are required to curtail generation during these times. Further, it would reduce the reliance on more costly and sometimes less secure means generation during times of peak demand such as gas and nuclear. Perhaps most importantly, in operating in this way it would reduce the Carbon Dioxide emissions in the grid helping to lessen climate change. These are all objectives of UK National planning and energy policy. Significant weight is afforded to these benefits.

There would also be some temporary benefits in terms of the economic activity generated during construction, potentially from local contractors and for those providing local accommodation and sustenance for workers. Modest weight could be afforded to these benefits.

CONCLUSION

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise.

Bearing in mind the nearby energy infrastructure and the proposal is a low carbon project the proposal would accord with Strategy 39 in this particular regard.

The noise assessment identifies a need for a 4m high acoustic fence and this is now proposed (the previous scheme did not). Subject to the condition suggested by the Environmental Health Officer it is not expected that there would be harmful effects from noise and this addresses reason for refusal number 2 from the last application.

Revisions to the scheme mean that all of the NFCC guidance is followed and this addresses reason for refusal number 1 from the last application.

There is no harm to setting of the grade II listed Checkridge or Pound Farm. There are no highway objections to the scheme. Nor is the lack of evidence around potential loss of BMV agricultural land considered to be an overriding factor. There biodiversity net gain benefits could be secured with appropriate conditions as could mitigation for protected species the development may affect.

The site is exposed to different public views such that the change in the character of the site that would result from the development would be readily apparent. Landscaping is unlikely to mitigate this effect. Unlike the scheme that was subject of the public inquiry on Pound Road, this site lies relatively 'outward' from the existing energy infrastructure already established in this area and spreads the industrial character westwards, crossing Wareham Road. The development would have harmful landscape and visual effects, notwithstanding the presence of power lines near the site. The scheme would also now have more harmful visual effects than the last proposal because of the significant length of 4m high acoustic fencing proposed and the two 4.5m tall water storage tanks. The proposal does not accord with Strategy 39 or 46, nor policies D1 and TC4 of the Local Plan. This is afforded significant weight.

The benefits of the scheme are set out in the preceding section but are in the main around reduction in carbon dioxide emissions powering the grid and therefore helping lessen climate change, reducing energy prices for consumers and reducing reliance on less secure forms of energy generation. These are all significant benefits.

However, the benefits highlighted, while acknowledging their significance and importance, would not outweigh the significant harms identified to the character and appearance of the area and the landscape and consequently it is recommended that permission is refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The development will have a significant adverse landscape impact on the site and the local landscape character and quality, introducing in incongruous industrial infrastructure into an undeveloped field in the open countryside. The development would be clearly visible in near views particularly from Hawkchurch footpath 25 and in winter views from Hawkchurch footpath 21, adversely impacting on their amenity. Mitigation proposed would be insufficient to over overcome these harms and overall, the scheme would not conserve or enhanced landscape character of the area. The development is therefore contrary to Strategies 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects), Strategy 46 (Landscape Conservation and Enhancement and AONBs), policies D1 (Design and Local

Distinctiveness) or TC4 (Footpaths, Bridleways and Cycleways) of the Local Plan.

Plans relating to this application:

App A3 : SCOU-BESS-005.6 Rev.7	Proposed Elevation	04.03.25
App A2 : SCOU-BESS-005.5 Rev.7	Layout	04.03.25
App A1 : SCOU-BESS-005.4 Rev.5	Location Plan	04.03.25
SCOU-BESS-005.10 REV 2 : fire safety	Other Plans	03.10.24
YLM-BESS-GEN-001.10 A : substation transformer	Proposed Combined Plans	03.10.24
YLM-BESS-GEN-001.11 A : water tanks	Proposed Combined Plans	03.10.24
YLM-BESS-GEN-001.3 A : site cabin/switch room	Proposed Combined Plans	03.10.24
YLM-BESS-GEN-001.4 A : site supply transformer	Proposed Combined Plans	03.10.24
YLM-BESS-GEN-001.5 A : transformer C/W inverters	Proposed Combined Plans	03.10.24

YLM-BESS-GEN-001.6 A : battery cluster	Proposed Combined Plans	03.10.24
YLM-BESS-GEN-001.8 A wooden : fence dimensions	Other Plans	03.10.24
P2822-D-1002: Proposed Access Arrangement	Other Plans	11.12.24

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

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.

Consultations in Full

Clerk To Hawkchurch Parish Council
07/04/25 -

WAWAREHAM ROAD, 24/2067/MFUL

Hawkchurch Parish Council's Response to Amendments and additional papers presented by the Applicants 11 December to 4 March.

"24/2067/MFUL | The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects | Land To The West Of Wareham Road Scouse Farm Blackpool Corner Axminster EX13 5UE"

Hawkchurch Parish Council replied in great detail on 19 November, 2024 to this Application and its Amendments submitted in October, 2024. It is to be noted that this Application has gone through multiple Iterations since 2023.
In addition, the Parish Council note that there have been and are multiple applications for Lithium-Ion battery storage systems in this small area over an aquifer that is the only supply of water for many farms, houses and wildlife ecosystems.
1. 17/1270/FUL Pound Road
2. 22/0508/MFUL Pound Farm, which is currently the subject of written representations with the Planning Inspectorate
3. 22/2216/MFUL Pound Road, dismissed in 2024 after Public Inquiry ('Pound Road')
4. 24/0276/FUL Wareham Road, refused.
5. 24/2067/MFUL Wareham Road, resubmitted.
6. 24/0096/MFUL Land Just South of Hazelhurst
7. 24/2650/MFUL Land at Newlands Farm Crewkerne Road, Axminster EX13 5SF

The Amendments and Additional paperwork for 24/2067/MFUL supplied since December have not responded to many key issues raised by the Parish Council, other Consultees and Contributors, and when they have responded to issues raised, these have been either inadequate, or at the very least deserving of further interrogation.

The Parish Council still maintains despite these amendments that the Application fails to meet the requirements of the following local policies:
• Policy EN14 precludes development which would lead to unacceptable levels of pollution to aquifers and air.
• Policy EN18 requires developers to take appropriate measures to ensure that development does not affect the quality of groundwater.

• Strategy 39 supports low carbon projects where they follow current best practice guidance.
• Strategy 7 limits development in the countryside
• Strategy 33 which supports and facilitates tourism.
• Strategy 46 which aims to conserve and enhance the landscape character and ensure that the development is appropriate to the economic, social and wellbeing of the area.
• EN13 which aims to protect BMV land.

The Parish Council therefore still respectfully requests that this Application be refused.

Key Points

1. The absence of proper guarantees to do with the safety of Lithium Ion BESSs (LiBs). These machines are extremely vulnerable to failures which can lead to catastrophic thermal runaways, etc. Some of the most eminent risk theorists state that these machines will almost certainly experience

2. The aquifer is used by multiple households as their only supply of drinking water. It was accepted by the planning inspector, when refusing a similar application situated over the same aquifer, that without appropriate controls in place, in the event of a BESS fire, risks to public health could arise from contamination of the aquifer with contaminated fire water.

3. Changes cannot be made safely further down the line once planning permission is granted. This was recently pointed out in the same planning inspectors report:
The planning inspectors report on the Pound Road BESS application stated 'The submission of a Battery Safety Management Plan (BSMP) is included in the suggested conditions and a draft has been provided. However, the separation distances, arrangement, number of containers and access are clearly shown on the submitted plan for determination in this appeal. The BSMP would be limited to providing additional details and could not overrule or change the submitted plans.'

This point must be taken with the utmost seriousness as it demonstrates categorically that any decision based on the currently submitted site plan and other submitted documents could not be legally overruled or modified at a later stage through a battery safety management plan.

4. The developer, as with other applications, are using the minimum volume water supply recommended by the fire service but this does not mean this is the realistic volume needed to fight these fires and consequently proposals for control are simply inadequate.

5. This site is immediately adjacent to caravan and holiday parks. It is incredible that the applicant continues to propose a potentially dangerous development in such close

proximity and shows the lack of understanding of risks and absence of care about residents of Hawkchurch Parish.

6. Strategy 39 of LP states that a major issue is the balance of harms against benefits.

The Parish Council notes that many Parishioners have questioned the number of similar applications and iterations of the same applications that have been submitted. One suggestion from Parishioners is that Applicants might look more closely at the history of previous Applications, and case precedent decisions, in order to save their own expense and time as well as that of Parishioners who must repeat the same objections, in this case over several years.

These questions acquire more force when Applicants now have before them the very strong Case Precedent of the Pound Road Public Inquiry Appeal Decision:
"Appeal Decision:
Inquiry held on 5, 6, 7, 8 September, 31 October and 1 November 2023 …
J P Longmuir BA(Hons) DipUD MRTPI an Inspector appointed by the Secretary of State
Decision date: 16th February 2024
Appeal Ref: APP/U1105/W/23/3319803 Pound Road BESS , Land North East Of Axminster National Grid Substation, Pound Road, Hawkchurch, EX13 5XN"

Detailed references to this Appeal Decision were made by the Parish Council in its original Objection of November 19th, and the Parish Council notes that key issues of safety and balance of harms and benefits have not been responded to at all adequately in these Amendments and additional materials. And yet the Amendments and additional materials amount to many thousands of words, most of which are irrelevant to many of the main issues involved. This may be good news for those paid by the hour to write those words, but it is a waste of valuable time for those who are not paid to, but must, read them.

1.The most egregious problems of BESSs are their size, the extreme complexity and fragility of their systems' operations and safety monitoring and fail-safe systems, the high toxicity of their components, the amount of damage they are capable of, including permanent destruction of health, life, local environment, local economy and local amenities, the lack of long term experience of their operations, and their Heavy Industrial Character. They are susceptible to what all experts agree are 'high consequence, catastrophic events', which makes them by industry standards "High Risk Operations", and they should be treated accordingly. But there is not enough empirical data yet to determine how catastrophic an accident could be (because of the 'youth' of this technology, it is susceptible to 'Black Swan' events of extraordinary magnitude and longevity). The UK government, because of this technology's 'youth', has provided no laws specifically in respect of BESSs (https://commonslibrary.parliament.uk/research-briefings/cbp-7621/#:~:text=How is the safety of,that are used in batteries). This, as many

objectors have said, sets a very high bar for safety which the Applicant has clearly not met, and would find very difficult to meet by placing a BESS in this area surrounded by areas of natural beauty, rural character, woodlands and farms, and an Aquifer that is used by multiple households as their only supply of drinking water. It was accepted by the planning inspector, when refusing a similar application situated over the same aquifer, that without appropriate controls in place, in the event of a BESS fire, risks to public health could arise from contamination of the aquifer with contaminated fire water.

It should be noted that the entire area on and around this aquifer would be affected by contamination of the Aquifer, since the springs, streams and ditches from which farm livestock and wildlife drink would be polluted.

The only way of containing a BESS fire is by cooling the surrounding area with large volumes of water – the NFCC recommends 1900 litres per minute. A BESS fire last May 2024 in Otay Mesah, San Diego, took 17 days for firefighters to extinguish. This required 30 million litres of water.

The volume of water required for this site is neither available locally nor can it be contained reliably enough to preclude contaminating the land and entering the Aquifer.

2.The Applicant demonstrates ignorance of the incidence of BESS Failures and accidents in the UK and worldwide.
In their OBMSP they erroneously but confidently state that there has been only one BESS fire in the UK.

To begin with the Applicant does not recognise that there is no official documentation of BESS fires in the UK, but there is a world wide data-base which they are seemingly ignorant of: (https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database).

There have been at least 3 BESS fires in the UK since January 2025, in addition to the Liverpool fire. This is a minimum. It is possible there may have been more in smaller BESSs not reported. Certainly there have been thousands of lithium battery fires.

The recent fires referred to above were:
a) BESS under construction East Tilbury, Essex
(https://www.solarpowerportal.co.uk/fire-at-stateras-essex-bess-project-brought-under-control-handed-back-to-site-management/);
b) BESS near Rothienorman in Aberdeenshire
(https://www.pressandjournal.co.uk/fp/news/6698557/fire-rothienorman-battery-storage/).

It is of interest that the Essex fire started during construction of the site.

c) In 2025 there was a lithium battery fire at Xerotech Battery Production facility in East Galway, which required several businesses and two schools to be evacuated, and resulted in Xerotech itself going into liquidation.

(https://www.irishtimes.com/ireland/2025/01/30/schools-and-businesses-evacuated-in-co-galway-town-after-fire/; https://www.independent.ie/regionals/galway/news/xerotech-starts-liquidation-process-following-galway-battery-fire/a1026601560.html).

d) Gloucestershire BESS fire at council-owned Cirencester Hybrid Solar Farm. The fire started on Friday 29 March and involved 2 "containers": The solar farm was completed in 2022, and is said to be 'one of the most technically-advanced solar farms globally'.

Worldwide, there have been at least 95 serious BESS incidents (https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database).

3. In 2025 as noted above at least 4 BESS sites in the British Isles experienced serious incidents. If we make the generous estimate that the number of BESSs in the Britiish Isles is 200, this ,means that the ratio of BESS Fires to BESSs in the British Isles is 2 in 100 and the year is not yet half over.

To reinforce this point of uncertainty,
"There is no reliable, publicly accessible record of the number of BESS fires that have occurred elsewhere. An online database by EPRI estimates that (as of 17 April 2024) 85 BESS fires have occurred since 2011. [95 according to an update of the site]. However, the EPRI database relies on news articles and does not verify their validity, so the list may not be accurate or exhaustive."
(https://researchbriefings.files.parliament.uk/documents/CBP-7621/CBP-7621.pdf)

What, therefore, any basic research shows quite clearly is that the scientific understanding of the risks of these machines is still at a very early stage, and any overly-optimistic trust in premature statements using this 'immature' science (which includes several very complex disciplines) should be viewed with extreme caution.

It has been stated in a paper by EPRI that the failure rate of BESS technology has dropped significantly between 2018 and 2023. But this is based on number of incidents compared to total amount of energy produced,(not individual BESSs). Thus 10 small BESS installations in 2018 might produce what one large BESS installation produced in 2023. "…the average project size in 2017 was less than 6 MW, in 2021, the average project size was 45 MW." (https://www.energy-storage.news/the-numbers-behind-the-record-breaking-rise-of-the-uk-battery-storage-market/)

Thus one very large BESS failure in 2023 might be the same as 10 small BESS failures in 2018, giving the impression that the risk of failure in a single BESS has dropped much more than it has. Like needs to be compared with like – how many BESSs failed in 2018 compared to how many BESSs failed in 2023. In addition, the same paper shows that the actual number of incidents is rising.

This paper also found that a significant percentage of BESS failure incidents had an unknown root cause.
(https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database).

In general, lithium batteries, even small ones, have demonstrated themselves to be susceptible to very serious accidents, and the number of lithium battery accidents is increasing at an alarming rate
(https://www.healthandsafetyinternational.com/article/1874366/uk-sees-46-increase-fires-related-lithium-ion-batteries).

A recent report showed how difficult it is for BESS manufacturers to eliminate failure risks (https://www.scribd.com/document/705774902/CEA-BESS-Quality-Risks-Report:
• 26% of systems inspected had quality issues with the Fire Detection and Suppression System.
• 18% of systems inspected had quality issues with the Thermal Management System

4. In San Diego, California, a Thermal Runaway in a BESS took 17 days to put out. Approximately 500 businesses were evacuated.
(https://storagewiki.epri.com/index.php/Failure_Event_-_USA,_CA,_San_Diego_-_15_May_2024#:~:text=A shelter in place order,scene nearly 17 days later.)
(https://www.firehouse.com/operations-training/news/55138200/fire-at-escondido-ca-battery-storage-facility-could-burn-for-two-days)

5. The Applicants' plans for disabling any fire at the proposed BESS site are seriously inadequate for a number of reasons. One of the most egregious is the lack of facilities to provide adequate water to cool a thermal runaway, and dispose of the contaminated water safely without leakage into the waterways and the aquifer.

The Inspector at the Pound Road Public Inquiry Appeal concluded that containment of firewater for up to at least 48 hours at 1900 L per minute is required which represents > 5 million litres. The NFCC states that until new guidance is issued (some time in 2025), their 2023 guidance remains current. Even if the volumes included in the draft consultation paper from the NFCC in mid 2024 of 25L per second is used (and that consultation paper has not yet been followed by any new guidance from the NFCC), there is not much change in total volumes requiring to be contained; still >4 million litres of water. The Parish Council notes that other BESS fires have lasted for days, and in one case at least, more than two weeks.

The Applicants proposal cannot possibly provide these amounts of water, nor provide for their 100% secure drainage away from the site, and especially from the aquifer.

A Hydrology Report commissioned by Hawkchurch Action Group in relation to an Application (24/2650/MFUL) for a BESS to be sited nearby over the same aquifer is pertinent to this application. The following is an extract from that report:

"The only method to reduce or remove this risk (to the aquifer) is to remove one of the parts of the Source-Pathway-Receptor model. Clearly, the Receptors cannot be moved, nor can the groundwater body itself, which means either the Pathway needs to be removed, or at least reduced, or the Source has to be removed. In practical terms this would mean altering the on-site drainage scheme so it could contain firewater in adequate volume without it being discharged into the ground or overland, until such time as it could be tankered off site. Storage would also have to be guaranteed to be available… The NFCC guidance estimate of 1,900 litres per minute for 2 hours (228m3) for a 1MW site indicates that the site would be overwhelmed with firewater in just over an hour at this rate, if the full storage capacity was available. As there is no certainty of what the required firewater volume would be as the Newlands Farm site is much larger than the NFCC guidance (80MW as opposed to 1MW), [Note, the BESS proposed for the Wareham Road site is 50MW] and indeed no certainty as to how many battery storage units could catch fire, especially during a thermal runaway event, then there is no way to guarantee firewater containment and the breaking/removal of the PATHWAY. Therefore the proposed development presents an unacceptable safety risk. This is in conflict with EDDC's East Devon Local Plan 2013-2031 Policy EN18 as "appropriate measures" have not have been applied "to ensure that development does not adversely affect the quality or quantity of either surface or groundwater". The only logical conclusion, given the receptors cannot be removed and the PATHWAY cannot be guaranteed to be removed, is that the SOURCE has to be removed, that is to say the development cannot be allowed to proceed."

6. Problems with safety models and technical terms used by the Applicant.
The Applicant's failure to recognise the lack of secure data re the operational safety of BESSs has been partly referred to above in terms of the lack of authoritative data re the number of BESSs in the world, the number of accidents, and the number of internal system flaws . (one report demonstrated that more than 1 in 4 of the BESSs inspected had significant quality issues, https://www.scribd.com/document/705774902/CEA-BESS-Quality-Risks-Report).

The lack of secure data goes much further, and this Applicant like so many others, fails to take into account the uncertainties and insecure data around a whole range of issues to do with their safety- models.

One crucial problem is the nature of the safety tests carried out in laboratory-like conditions which cannot replicate real life conditions with any degree of confidence in terms of context and duration. What is more, the tests used as support for this technology do not test a whole range of problems that could be tested, showing flaws in production

quality assurance. (https://www.scribd.com/document/705774902/CEA-BESS-Quality-Risks-Report)

Added to this is the problem that there are no industry/government standards specifically for BESS. An often quoted test used as justification of the safety of a BESS is UL9540A. This is not, however, a 'standard' test, in addition to its merely being a laboratory-like test. (BESShttps://www.sandia.gov/energystoragesafety/2024/05/07/ul-9540-and-ul-9540a/#:~:text=UL%209540A%20is%20not%20a,not%20propagated%20to%20adjoining%20units

What follows are a few examples from the Applicants' OBSMP of January 2025 that use vague phrases and promises (highlighted in bold italics) that are supposed to be secure statements of guaranteed certainty about safety.

a)"Exec Summary
The preliminary safety hazard identification and analysis, based on like for like energy storage systems of this type, namely Lithium-Ion Battery technology, has determined the likely causes and hazards associated with BESS technology of this type and enabled the initial identification of potential control measures that when implemented will ameliorate the level of risk posed to an acceptable level…."

NOTE: This, "likely causes", ignores a crucial point made in a recent paper, "…that a significant percentage of BESS failure incidents had an unknown root cause." (https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database).

NOTE: "…acceptable level…" As many papers and articles have shown, you cannot reduce the Risk Level of an operation that is susceptible to accidents that have the potential to be High Consequence, even if the probability of such an accident or event is of Low Probability. There is no acceptable level. These events are classified by industry standard Risk Analysis as High Impact, Low Probability or Low Probability, High Consequence (HILP or LPHC), or Low Probability, Ruinous events, and consequently the operation is categorised as High Risk, and should be treated as such. (https://www.researchgate.net/publication/254533862_Reducing_the_Risk_of_Low-Probability_High-Consequence_Events; https://www.academia.edu/15294782/The_Precautionary_Principle_with_Application_to_the_Genetic_Modification_of_Organisms_?email_work_card=thumbnail)

b)"5.2 Design Safety. It is proposed that, as far as reasonably practicable and for this planning stage of this BESS installation, that the currently foreseeable hazards associated with the technology proposed have been identified. These will form the initial safety foundation going forwards and be actively managed as the project and installation matures. At this juncture of the programme the selection of the BESS to be positioned at Scouse Farm has yet to be decided."

NOTES: No justification is convincingly made anywhere else about what criteria are used to decide what is "as far as reasonably practicable". In this case, the criteria will have to be rigorous, and this has not been shown to be the case in their documents.

The point needs to be reiterated that they have not fully realised the real nature of the "hazards that can be foreseen", particularly in relation to the aquifer beneath the site;

"be actively managed" is a promise that other developers have made regarding this type of installation, and failed to live up to with no effective sanctions being imposed to enforce this promise.

c) "As a minimum it is anticipated that the BESS supplier and operator will provide a layered protection approach from cell to container to remote monitoring."

NOTE: "it is anticipated" is not even a promise but more like a 'hope', with no cogent evidence to back it up.

d) "5.3 Once chosen, the battery system will be tested in accordance with UL9450A or its successor. UL9540A was developed to address safety concerns identified by the building codes and the fire service in the United States and is considered the global standard for evaluating the propensity of BESS to suffer from thermal propagation at cell, module, rack and enclosure level. The results of all four tests at each level will be made available on request."

NOTE: "UL 9540A" is not a standard, but a 'defined' method for testing BESS" https://www.sandia.gov/energystoragesafety/2024/05/07/ul-9540-and-ul-9540a/#:~:text=UL%209540A%20is%20not%20a,not%20propagated%20to%20adjoining%20units

NOTE: "…is considered" by whom? There is no reputable consensus on standards in this area, and UL9540A is categorically not a standard test, see above.

e) Point 7 in Table, p.17 "The BESS units on the site are not 6.0m apart but they are within a distance that will be proven to be acceptable through manufacturers UL testing / fire rating qualification. Therefore a claim of compliance is made at this juncture."

NOTE: The applicant makes an assumption about future decisions on the acceptability of a lower distance than 6 m. separation. This assumption has no evidential basis. New international guidances may ask for much longer distances according to many experts. The suggestion that using a non-standard, non-independent testing regime (e.g.

manufacturers' UL tests) which would not be comprehensive and regulatory, would be adequate as a guarantee of safety, is not reasonable.

Other guidance notes, indeed, on distance between units have been published that suggest a shorter distance (FM Global Loss and Prevention Datasheet), but these have no legal force in the UK.
The current NFCC 2023 guidance, however, remains in place for such projects, and should not be ignored in the 'hope' that this will change later to a shorter distance. It may change, but quite possibly to a longer distance, and some Objectors might have a 'hope' that it will change to a longer distance, and ask for 20 m. as the required separation. But this would be wishful thinking and dismissed as such.
What Objectors can reasonably insist on is the use at the very least of the NFCC Guidance of 6m.

f) Fire Plumes and toxic gases. The OBSMP in its FAQ section states: "In the event of a BESS fire several chemicals in gaseous form can be released …. Amongst the general gases released are Carbon Monoxide (CO), Hydrogen Fluoride (HF), Oxygen and Hydrogen. The only UK BESS fire (Carnegie Road, Liverpool – Sept 2020) was monitored and the resultant composition of the plume determined as being negligible in toxic gas concentration."

NOTE: there have been three recorded BESS fires in the UK, as well as a large fire in a BESS Production facility in Ireland at Xerotech, and the UK government has stated that there is no authoritative documentation as to the number of BESSs and BESS fires. In addition to that error, this statement implies that because in one instance, one estimate of the toxicity of the gases found them to be non-toxic, that, for all or most BESSs, the released gases from any BESS fire will be harmless, flies in the face of basic logic. Even if we ignore the assumption that one estimate of toxicity is an adequate datum to base conclusions on, the logic of this is egregiously flawed: one instance cannot be generalised to a probability.

This statement is also contradicted empirically by the scientific literature on this topic, e.g.
"Lithium-ion battery fires generate intense heat and considerable amounts of gas and smoke…the emission of toxic gases can be a larger threat than the heat… Fluoride gas emission can pose a serious toxic threat and the results are crucial findings for risk assessment and management, especially for large Li-ion battery packs."
https://www.nature.com/articles/s41598-017-09784-z.

g) In summation: There are too many problems with the safety models used by the Applicant to guarantee an adequately rigorous standard for preventing categorically an High Consequence/Catastrophic accident that would ruin the Aquifer upon which this area depends, as well as causing many other deleterious effects that contravene LP policies and strategies listed at the front of this paper. An expert hydrology report on the viability of a BESS very near to the site of this application, over the same aquifer and waterway, stated,

"The only logical conclusion, given the RECEPTORS cannot be removed and the PATHWAY cannot be guaranteed to be removed, is that the SOURCE has to be removed, that is to say the development cannot be allowed to proceed."

This means until a BESS over this aquifer can guarantee zero possibility of any accident threatening the aquifer, permission to allow the BESS must be denied. The world's most eminent expert in risk management, N Taleb, has stated that any operation susceptible to a low probability but catastrophic/ruinous accident should not be repeated until probability is reduced to zero: " For this reason a strategy of risk taking is not sustainable and we must consider any genuine risk of total ruin as if it were inevitable." (https://www.academia.edu/15294782/The_Precautionary_Principle_with_Application_to_the_Genetic_Modification_of_Organisms_?email_work_card=thumbnail).

Some cities and regions in other countries have gone further and issued a moratorium on LiBs until adequate safety regulations are in place.

Thus, the critical, well-documented uncertainties surrounding the safety of this technology are well-established, and they lead inevitably to the conclusion that installing this technology at this time over an aquifer in one of the most beautiful wildlife and agricultural areas of the world must be seen as, at the best, irresponsibly premature, and at the worst, catastrophic.

8. Cost/Benefit Analysis. Nowhere in this Application is there a proper Cost/Benefit Analysis, even though Strategy 39 requires this, "…to ensure an acceptable balance between harm and benefit."

Benefits

The only important benefit mentioned in the Application is that the BESS will contribute to achieving the government goal of net zero carbon emissions. There is no actual quantification of this contribution, though BESS manufacturers can point to maximum energy storage and return to the grid, though it needs to be emphasised that the losses of energy at charging and discharging are significant, and should be compared to other systems to be meaningful. But there is here no possibility of making an exact prediction of what the actual amount of saved energy will be, as some of it will be dependent on weather conditions, efficiency levels of operation, etc.

In fact, the contribution of this BESS cannot be more than minimal in terms of the total energy output of the grid. It has been argued, however, that over its 40 year lifetime, a single BESS's contribution will add up to a large amount of energy. But it will still be a very small percentage of the total energy the grid itself produced, and so still insignificant. And further costs will be incurred, as the machinery will have to be maintained, and much of it replaced every decade or so.

In this context it is worth noting that an issue raised frequently in discussions of energy storage is that the grid now has more than enough storage space to deal with variations of supply.

Whether, therefore, this BESS goes operational or not is, it could be cogently argued, almost irrelevant to net zero.

Costs
There are huge Direct and Indirect Costs in making the BESS and operating it. These costs are ultimately passed on to the taxpayer, and yet the Applicant makes no mention of how their machines offer better value for money than do alternatives, nor what these costs will be in terms of numbers.
A significant Indirect Cost is the carbon footprint of producing and running a BESS, and no mention of this is made in quantitative terms.

Intangible Costs to the quality of life of the local farmers, residents and visitors to the area are difficult to quantify, though measures of distortion of water routes, noise and visual impact on humans and wildlife, etc. can be made. These cannot do justice to qualitative elements, and potential impacts that are not easily predictable. Though it could be said that the impact on other stake-holders should not be a material consideration, the impact of the sourcing of raw materials and the production of these machines on those working in the mines and factories, often in hazardous conditions, should be, we feel, a consideration.

Opportunity Costs. The money and resources spent on this technology diminish the opportunity to develop and operate more efficient and safer systems of energy storage that are made from 'greener' materials, using less energy, more renewably.

Risks. Ruinous/Catastrophic accidents that destroy the Aquifer, ruin much of the farmland and ecosystems and cause Loss of Quality Adjusted Life Years. These accidents will be Black Swan events, and thus the full extent of the damage will be hard to predict. It is possible if not probable that both rescue workers and civilians may be killed directly by explosion, fire or toxic fumes. It is certain that much of the farmland and ecosystem will be ruined, and that a large number of individuals will suffer Loss of Quality Adjusted Life Years.

9. In General
Just one serious accident, and this BESS will be in very serious breach of almost all LP strategies and policies connected to it. The probability, according to some experts, is that such an accident will occur over 40 years, and even if that is not the case, that scenario should be treated as if it is probable, or even certain,
(https://www.academia.edu/15294782/The_Precautionary_Principle_with_Application_to_the_Genetic_Modification_of_Organisms_?email_work_card=thumbnail).

Clerk To Hawkchurch Parish Council
19/11/24 –

24/2067/FUL Installation of modular battery units with associated infrastructure and equipment on 'Land West Of Wareham Road, Hawkchurch.'

Planning history

This is a resubmission of the previously refused application 24/0276/FUL which in turn was a resubmission of withdrawn application 23/2099/FUL contrary to what is stated by the applicant in the Design and Access Statement.

The recent ruling by the Planning Inspectorate APP/U1105/W/23/3319803 is relevant and highly significant, as is the recent refusal of 24/2076/FUL by EDDC as we do not find evidence that these concerns have been addressed in this third submission.

General comments

There are multiple inconsistencies between the documents in this application - significant discrepancies are:

- The application form still implies there is no need for changes in vehicular access, but this is clearly incorrect as there are both changes needed to provide the main access and now a new access road is proposed via Scouse Farm and over adjacent fields. This would also require the need for new rights of way for emergency services.

National guidance

The supporting guidance to the NPPF is relevant as is the NFCC guidance which is referred to and promoted nationally.

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

We believe that the application fails to meet the requirements of the following local policies:

- Policy EN14 precludes development which would lead to unacceptable levels of pollution to aquifers and air.
- EN18 requires developers to take appropriate measures to ensure that development does not affect the quality of groundwater.
- Strategy 39 supports low carbon projects where they follow current best practice guidance.
- Strategy 7 limits development in the countryside
- Strategy 33 which supports and facilitates tourism.

- Strategy 46 which aims to conserve and enhance the landscape character and ensure that the development is appropriate to the economic, social and wellbeing of the area.
- EN13 which aims to protect BVM land.

Our rationale is again set against the Planning Inspectorate recently ruling on an appeal for a similar application in the vicinity, some relevant extracts of the decision notice are set out in the table below alongside our rationale as comparison for this application.

Planning Inspectors Decision APP/U1105/W/23/3319803	***Relevance to this planning application*** 24/2067/FUL
On spacing and site plan layout	
Para 77. 'The submission of a Battery Safety Management Plan (BSMP) is included in the suggested conditions and a draft has been provided. However, the separation distances, arrangement, number of containers and access are clearly shown on the submitted plan for determination in this appeal. **The BSMP would be limited to providing additional details and could not overrule or change the submitted plans**.'	**This is a significant point. It demonstrates that any decision based on the currently submitted site plan and other submitted documents could not be legally overruled or modified at a later stage through a battery safety management plan.** Agreement to the current plan would permit: • unsafe distances between containers • inadequate provision of water supply (the starting volume is provided for but we believe considerable volumes in excess of this could be required due to the nature of thermal runaway incidents which are not conventional fires) • inadequate containment of contaminated firewater or other contaminated runoff (we note that the EA and EDDC drainage experts have asked that this application is not determined prior to clarification of drainage and contaminated firewater containment.

Para 61. 'To prevent the spreading of a fire between the containers, known as thermal runaway, separation is needed particularly due to their narrow safe temperature range. The National Fire Chiefs Council (NFCC), November 2022, guidance for its services recommends a minimum separation of 6m between containers. This proposal includes a detailed layout showing the number, spacing and arrangement of the 48 containers, submitted for consideration as part of this appeal. The parties all agree that the separation distance proposed here would be broadly two metres apart. This would be substantially below the guidance, consequently if there was a fire in one container there is a significant risk of it spreading leading to a thermal runaway. Whilst the guidance indicates a lower gap may be feasible, this is predicated on modelling and engineering measures to prove safety.'	This would be the same for the current application. There is no evidence presented to demonstrate that a lower gap than that set out in the NFCC guidance is feasible or safe.
Para 63 'The Fire Service incident report into the Liverpool case found the fire largely involved only one container, with some damage to a neighbouring one, but the resulting debris was carried up to 23m away.	This site is, as acknowledged by the noise report, immediately adjacent to a residential caravan site. If there were to be an incident involving a fire and thermal runaway or explosion, then the following possibilities are not unreasonable: • debris could hit residential caravans. • debris could hit other battery containers – likely to lead to further escalation of thermal runaway incidents.
Para 64. 'Whilst the final technological battery details are not specified there was also no evidence before the Inquiry that any particular battery specification here could be safe with the 2m separation distance. '	The same is true for this application. The recent report from Clean Energy Associates[1] shows that: • 26% of inspected energy storage systems had quality issues related to the fire detection and suppression system.

[1] Fire safety tech manufacturing defects in more than a quarter of grid battery storage systems: study | Recharge

	• 18% of inspected systems had quality issues related to the thermal management system.
Para 65 'In addition, the NFCC recommends 'at least two separate access points to a site to account for opposite wind conditions/direction'. However, in this proposal the submitted detailed layout shows that only one is proposed which may be likely to inhibit the ability to get near to the affected container.'	The battery safety plan now shows two access points and claims there is 360° access to the site. There is not 360° access to the site as the road does not go the full way around the site. The site plan does not show the secondary access route or provide any detail on this but there are clear indications from looking at google maps that there are implications for trees and hedgerows. Also note the number of appliances likely to be called – there simply would be no room for them never mind being able to pass or turn vehicles safely.
On water supply and firefighting	
Para 74. 'There are no hydrants in the area for firefighting. One water tank is shown on the revised 2023 planning application drawing with a 450,000 litre capacity which is suggested for firefighting. The Fire Service in their response do not confirm that this would be adequate but refer to how additional water would be brought in. Due to the distances involved, I find that this potentially would be likely to add to the burden on the fire service and the time taken to put the fire out.'	Similarly, there are no fire hydrants and the issues are still extant with regard to the proposed tanked water supply was deemed to be inadequate by the Inspector requiring additional water to be brought in and placing a burden on the fire service and increasing the period of risk.
Para 75 'This is a rural location, and the Fire Service response indicates that the nearest fire station is at Axminster which has a 'medium rescue pump', but attendance would be likely to be supported by stations at Chard, Honiton, Colyton and Seaton. 'Water carriers' could also be mobilised which are based at Exeter, Bridgwater and Yeovil. However, the Fire Service action would not be immediate due to the distances involved and this would lead to a fire and heat spreading. In addition, this may divert the Fire Service away from other emergencies for a considerable time, thereby	The same would be true at this site. It is a major concern as the time taken for the fire service to respond would also increase the likelihood of spread from one container to another. In the Liverpool fire referenced by the Inspector, the response time was minutes. That is simply not feasible for Hawkchurch.

exacerbating risk to lives and property in the wider community.'	
On containment	
Para 69 'The Appellant proposes storing firewater in below ground tanks with a combined capacity of 1,153 m3 which would give approximately 11 hours23 firefighting based on 1,900 litres/minute which is the ballpark the NFCC give for battery storage. The incident report into the Liverpool fire, states defensible firefighting was required for 59 hours24 to extinguish and thereafter for cooling. That situation involved only one container on fire with the need to protect the other 2 battery containers, whereas here 48 are proposed, which could lead to an even greater amount of firewater being needed.'	The drainage and containment plans submitted are wholly inadequate. This site sits on the same aquifer referred to in the appeal. We note that both the EA and the EDDC drainage experts are unhappy with the proposals. The concept of bunding is seriously worrying with no explanation of how it would work, protect the groundwater sources or be safely contained and disposed of. It also needs to be explained how this would work for normal drainage and with such significant volumes of electrical storage – water and electricity do not mix well! We do not believe it is feasible to provide adequate containment for the very significant volumes of water, which would be contaminated with toxic compounds. Once an aquifer is contaminated it cannot be recovered. There are multiple residents who are reliant on water supplies from bore holes or wells. These should be regarded as Source Protection Zones. See the maps at Annex.
Para 73. There is also mention of potentially re-using firewater but on the basis of the evidence submitted to the Inquiry I am not persuaded that there would be potential since the water may itself be contaminated and increase risks further.	
With reference to relevant policies the Inspector concludes	
Para 92. Strategy 39 on low carbon projects seeks to firstly avoid harm by consideration of location, scale and design and secondly reduce and mitigate any unavoidable harm, the policy wording requires compliance with both of these criteria; as the proposal causes harm it would conflict.	This is directly comparable to the current application. The application does not conform with the NFCC guidance, and the inadequate water provision and inadequate containment proposals render it unsafe. For the same reasons we believe this application is contrary to Strategy 39.
Para 93. Strategy 39 includes the need to follow current best practice. The NFCC guidance seeks at least two separate accesses and separation distances for safety. The detailed layout of battery	

containers and single access point would contravene the expert national guidance and have not been demonstrated to be safe. These are matters detailed for consideration as part of this proposal. The availability of sufficient water for the efficient extinguishing and cooling of a fire has not been demonstrated. **The proposal would be in conflict, and this warrants considerable weight. When taken as a whole I find that the proposal would be contrary to Strategy 39.**	
Para 94. Policy EN14 precludes unacceptable levels of pollution to aquifers. Similarly, EN18 requires development to provide appropriate measures to prevent pollution. The proposal as submitted does not demonstrate adequate measures for the containment or removal of contaminated firewater, which could lead to its potential spreading, thereby contaminating the aquifer. Accordingly, the proposal is contrary to Policies EN14 and EN18.	The application does not provide adequate measures for containment of contaminated firewater and is contrary to Policies EN14 and EN18.
Para 95. The above considerations are reflected in the most important policies and go to the heart of this proposal. When taken as a whole I find that the proposal would be contrary to the Development Plan.	The application is contrary to multiple policies in the Local Plan.
In conclusion after weighing possible benefits	
Para 100. I find that collectively these planning benefits would be significant. However, I do not conclude that they would outweigh the potential considerable harm arising from the proposal. Consequently, a decision other than that in accordance with the Development Plan is not justified.	The benefits set out in the appeal decision would, at best, be paralleled for this application. However, there are many additional potential harms identified with this application: • Noise pollution: the noise report assumes that noise emanates omnidirectionally from the transformers at a height of 2m but the main transformer is 6.8m high and that is well above the proposed 4m high acoustic fence. The proposal is for a wooden acoustic fence, which would need maintenance to avoid holes developing which would

	undermine it's performance. The report also talks about people being inside building, the nearest residents are inside caravans which will not dampen the noise to the same extent. There is a great deal of difference between a persistent noise such as emanates from transformers or air conditioning units and the intermittent noise from road traffic or country sounds. • More significant direct harm for residents in the event of a thermal runaway, fire or explosion incident due to the proximity of the residential caravan site • The negative impact on tourism – the Hawkchurch Spa and Fairwater Head businesses are likely to be directly and significantly impacted. • Impact on landscape would be much more significant. The 4m high wooden fence would be an eyesore and planting, even if eventually maintained which we doubt, would take years to establish. • Impact on nearby footpaths – a prized feature of the area • Significant change in character of the landscape In conclusion the possible benefits are seriously outweighed by the harms and potential harms associated with this proposal.

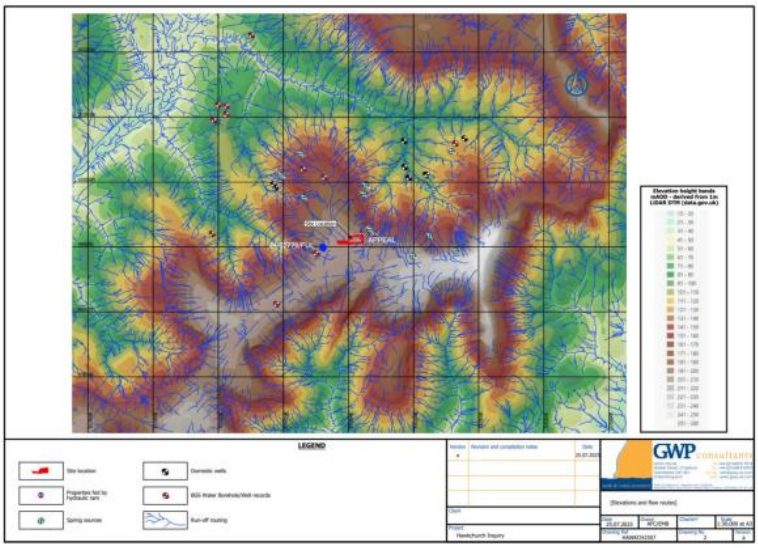
In conclusion we believe that this proposal has serious omissions, does not comply with multiple local plan policies or national guidance, and is irresponsible in proposing a site for such a development so close to a residential park. In line with the decision of the Planning Inspectorate we believe any possible benefits would be seriously outweighed by the actual and potential harms. Given this we believe there can be no argument about planning balance and the proposal should be rejected.

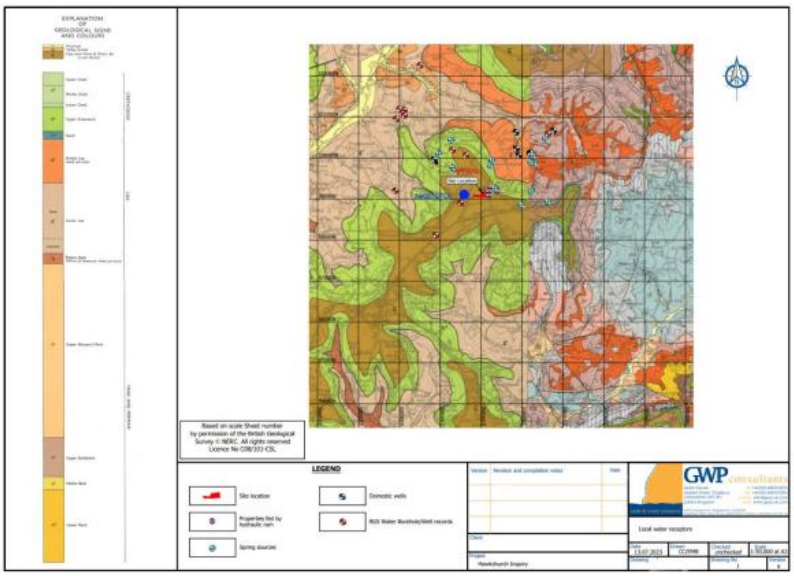
Hawkchurch Parish Council

November 2024

Annex

Maps showing water supplies and drainage routes – from the planning inquiry and annotated with the site of the current application.





Char Valley Group (Wootton Fitzpaine) Parish Council Mrs Tam
17/02/25 - Char Valley Parish Council object to the proposed planning application on the following grounds.

Our objections are:
1) The high risk of major contamination from fire. As has been shown elsewhere, if these Lithium batteries breakdown and ignite, they are un-extinguishable and will burn for hours at high temperatures. This creates two problems: first, as the UK's winds are predominately westerlies, the poisonous fumes will drift over neighbouring farms and caravan sites, not just leading to human evacuations but potentially killing livestock and poisoning the ground. Second, the water used to cool the neighbouring battery units, will accumulate and soak into the earth. If there is any leakage of this contaminated water into the underlying aquifer, the surrounding area will be unusable for maybe hundreds of years. The aquifer is also part of the local river system feeding into large coastal towns such as Charmouth.

2) The proposed siting of large battery containers immediately adjacent to an area of legally determined National Landscape is out of keeping and in direct contravention of the agreed Local Landscape Characteristic Assessment.

3) The loss of agricultural land should not be allowed when, as a nation, we produce less food than we need.

4) The loss of agricultural land is not counterbalanced by any local benefits from the trading for profit of electricity by the managing companies. This proposal is industrialising the countryside and removing a carbon-sink in an area of recognised natural beauty.

5) The planning application states that there is no land adjacent to or near the proposed development with biodiversity conservation features. This is untrue as the field directly opposite of the B3165 and therefore within the Char Valley is under the auspices of the countryside stewardship scheme.

6) There is insufficient allowance made for fire prevention and control. It is probable that the water needed to contain a fire will be far more than is currently available, especially given the periods of drought that have occurred locally in the past few years. We believe that this shows a major lack of care on the part of the applicants and have serious doubts that they would prioritise the well-being of the local residents and land over their own assets in the case of a major fire.

Technical Consultations

Devon & Somerset Fire And Rescue Service
22/4/25

Draft Emergency Response Plan is acceptable.

17/4/25

Comments relating to Fire Service Access – Table points 1,2, 3,4 and 5
The information contained within the OBSMP does appear to indicate alignment with recognised guidance. There are 2 points of access indicated in the OBSMP (pg. 8, fig 2-1; pg. 16, Ser 1). The proposed access around the site e.g. the hardstanding, widths and passing points referenced within the OBSMP do also broadly align with the NFCC guidance.

Comments relating to Unit Spacing – Table Point 7
The proposed spacing between units does differ significantly from the 6m spacing recommendation within the NFCC guidance. The OBSMP appears to indicate that the spacing will be less than this 6m spacing and references figures within other, alternative guidance (FM Global & Dept of Energy).

Whilst not aligning with the NFCC guidance, the proposal within the OBSMP does appear to have considered and broadly aligned to other, recognised safety guidance. Continuity in approach, i.e. additional precautions for reduced distances should continue to align to recognised guidance should planning permission be granted.

Comments relating to Safety systems – Table points 13 and 14
The proposed safety systems within the OBSMP are noted and do appear to broadly align recognised guidance at this stage of the planning and procurement process. It is recognised that confirmation of specific systems is unlikely at this stage but sharing further information once these systems are known is encouraged.

Detailed Battery Safety Management Plan
Further comments can be provided when the above DBSMP is available.

24/03/25 - Further Comments relating to ARC ltd OBSMP dated January 2025

Fire Service Access

The addition of the 2nd access point in figure 2.1 (pg. 8) is noted. This addition does provide the recommended 2 differing points of access for DSFRS appliances as opposed to the previous arrangement (initial, singular access from the main carriageway). DSFRS would request that access through the farm yard (to the 2nd road) is equally unobstructed.

General Fire Safety Provisions

The information relating to the proposed fire safety measures has been considered and does not appear to significantly deviate from industry guidance (excluding unit separation, please see below comments). The specifics of the safety systems are unknown so DSFRS remains willing to further comment once they are known or once the DBSMP is developed.

Separation of Units

DSFRS does recognise that the NFCC guidance is currently under review and that other recognised guidance (NFPA, FM Global) give guidance on spacing arrangements that differ from the 6m figure. DSFRS would comment that further clarification be given on the proposed separation figure once the specific units are confirmed (pp. 17 - 18).

Please do not hesitate to contact me if you have any further questions or concerns,

EDDC Landscape Architect
31/03/25 -

EDDC Landscape Officer Response to WHLandscape rebuttal points

Landscape officer comments in red below.

4. LANDSCAPE OFFICER COMMENTS (DATED 12TH DECEMBER 2024)

4.1 BASELINE

4.1.1 The Landscape Officer states that it is not clear in paragraph 4.4.5 of the LVA what is meant by "*The character of the local built form, in particular that of the solar sites across the study area*" and that "*Noticeably missing from the list of landscape receptors is consideration of the effect of the proposals on local landscape character*". It is acknowledged that a word is missing from the list, which may have caused some confusion. Emphasis has been added to demonstrate the missing word in the reproduced text below:
4.4.5 The following landscape receptors have been identified as being aspects of the landscape resource that have the potential to be affected by the proposed development:

- The setting of the Dorset National Landscape
- The setting of the Blackdowns National Landscape
- The character of the local built form, in particular that of the solar sites across the study area.

This list of landscape receptors details the elements which make up the local landscape character and demonstrate that, combined with the detailed landscape appraisal in section 5 and despite the missing word, the local landscape character has been fully considered in relation to the proposed development.

Notwithstanding the amendment of the third bullet point above, the wording is still puzzling, particularly the emphasis on solar sites, as the majority of the study area is undeveloped and distinctly rural in character.

4.1.2 The Landscape Officer states that "*At para. 4.4.6 identified visual receptors should have included residents of the adjacent caravan park.*" While "*residents of the adjacent caravan park*" (Hawkwell Park/Sunny Side) where not identified in paragraph 4.4.6 the potential effect the development may have on them has been considered in paragraph 5.2.7 of the LVA.

4.1.3 Furthermore, it should be noted that the reason no viewpoints were recorded from with the caravan park was due to a lack of public access. The Landscape Institute Technical Guidance Note 06/19 states in Appendix 4 – In the Field (para 4.1.6) that private areas with public access, for example National Trust properties or open gardens, may be relevant. Furthermore, the caravan park referred to has a notice at the entrance preventing access to the private land without an appointment with the management.

GLVIA3 para 6.17 notes that '*In some instances it may be appropriate to consider private viewpoints, mainly from residential properties. In these cases the scope of such assessment should be agreed with the competent authority as must the approach to identifying viewpoints…*'. Para. 6.33 identifies residents at home as being amongst those visual receptors most susceptible to change. Some further advice on assessment of residential receptors is provided at para. 6.36.

In this instance, given the proximity of the caravan/ static home park, with at least one permanent unit situated less than 3 metres from the boundary and its main outlook being over the application site, the residents of the caravan park should have been listed amongst the visual receptors. While access to the caravan park may be restricted, a reasonable understanding of the extent of the view that residents have over the site can be obtained from the site itself.

4.2 LANDSCAPE APPRAISAL

4.2.1 In paragraph 1 of this section (page 3), the Landscape Officer states that the site forms part of landscape which "*apart from some pylons, no electrical power infrastructure is visible*." This is a considerable underestimation of the extent of the electrical power infrastructure found across the area, specifically this part of the ridgeline which is dominated by pylons (approximately 36m in height. powerlines, and wooden electrical poles which extend across to the west of Wareham Road and towards the Blackdown Hill National Landscape, all of which forms part of the "*electrical power infrastructure*" that characterises the local landscape. Moreover, the solar sites which extend along the B3165 to the south-west and are separate from the solar farms to the east of Wareham Road, already extend the energy infrastructure into the landscape.

The quote from the EDDC landscape response is selective. The was made specifically in the context of the site and its immediate surroundings and views towards it from the west and northwest (but also relevant to views form the south).

4.2.2 It is also important to note that visibility (or a lack thereof) alone is not a valid argument when considering the potential impact of a proposed development on the landscape resource. The Guidelines for Landscape and Visual Impact Assessment. 3rd ed. (GLVIA3) adopts the European Landscape Convention (ELC) definition of landscape: "*Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.*". Paragraph 2.4 of GLVIA3 further clarifies "*The importance of the ELC definition is that it moves beyond the idea that landscape is only matter of aesthetics and visual amenity. Instead, it encourages a focus on landscape as a resource in its own right*."

Agreed

4.2.3 In the following paragraph, the Landscape Officer disagrees that the proposed battery storage site is closely associated with existing large scale solar development as the two are "*physically separated from it by Wareham Road and associated woodland boundary trees and hedges and there is no intervisibility between the two.*" Again, in landscape terms a lack of intervisibility does not equate to lack of association. Whilst it is accepted that the two sites are separated by Wareham Road and there is no intervisibility between them, as can be seen on aerial imagery, there is extensive solar development within the immediate landscape around the site, which serves to define the character of the landscape in which the proposed is to be located, irrespective of whether it can be seen or not.

In relation to the site and its local landscape, while WHL wish to emphasise the proximity of the solar farm on the plateau to the east of the site and its influence on landscape character

of the study area (together with the more distant ones to the south and southwest), the site remains part of an extensive, tranquil, agricultural landscape with a different aspect to the solar farms and a strong and distinctive rural character, albeit that pylons and overhead lines are detracting elements.

4.2.4 The Landscape Officer states that "*the LVA assess the overall magnitude of landscape effect of the proposed development as* ***moderate-slight****, with overall* ***moderate/minor adverse*** *landscape effect locally*" and that they disagree with this conclusion as the "*nearby electrical power infrastructure is confined to the east of Wareham Road and the proposal would extend electrical power infrastructure to the west*". In this statement, the Landscape Officer appears to be solely focussing on the solar farms (Beechgrove Farm and Land opposite Woodcote National Substation) and does not take into account the substantial network of pylons, high-tension powerlines, and wooden electrical poles which extend across to the west of Wareham Road and towards the Blackdown Hill National Landscape, all of which forms part of the "*electrical power infrastructure*" that characterises the local landscape. Moreover, the solar sites which extend along the B3165 to the south-west and are separate from the solar farms to the east of Wareham Road, already extend the energy infrastructure into the landscape.

In the above statement WHL appear to be focussing entirely on solar farms in the study area ignoring the fact that most of it remains an undeveloped and attractive rural landscape. Moreover, it implies that because a certain type of development already exists within an area a bit more of it won't make any difference, which effectively denies the possibility for cumulative impacts to arise.

4.2.5 The landscape appraisal in the LVA has taken account of the character of the receiving landscape and the various elements and features that define it, including existing built form and infrastructure, when reaching its conclusion as to the landscape effects of the proposals, the LVA has appraised the effects of the scheme against an accurate description of the receiving landscape, one in which electrical power infrastructure is already a distinct component. As such the landscape appraisal is correct in assertion that while the "*proposals will see change to the landuse at the site with the introduction of built form… this is a form of development that pre-exists within the study area. As such, while there will be a change to the site's baseline condition, in terms of the landscape resource as a whole, the Overall Magnitude of Landscape Effect is Moderate – Slight. The development proposals will have an Overall Level of Landscape Effect of Moderate – Moderate/Minor.*"
For reasons stated in the EDDC landscape response this is not accepted.

4.2.6 WHLandscape have acknowledged that there will be some Adverse effects as a result of this development, however, it is important to note that Adverse does not automatically mean that a development is unacceptable. In this case, the proposed battery storage facility can be undertaken with minimal Adverse landscape harm, with the development being relatively well contained within the receiving landscape and being of a type, size and scale commensurate with existing solar related development in close proximity. Furthermore, any adverse effects being appropriately mitigated through a robust scheme of planting much of which was recommended by the Landscape Officer.

See comments at 4.5.1 below

4.3 VISUAL APPRAISAL

4.3.1 The Landscape Officer notes that winter photography had not been provided, however this s something that has recently been undertaken in preparation of proving further evidence to support the application. While they acknowledge that "*for some of the viewpoints selected it is accepted that differences between summer and winter scenarios are likely to*

be negligible", they also go on to state that from certain locations, "*for viewpoint 7 in particular (Hawkchurch footpath 25 to south of site) there are likely to be large differences between summer and winter views.*"

4.3.2 While the LVA has considered the effects of winter views (seasonality) as noted in paragraph 5.2.3, a full set of winter views has been taken to confirm this. These can be found in Appendix 1: Summer and Winter Photography, attached to this response. The differences can be summarised as follows:

- Viewpoints 1, 3, 5, and 6. There will be no change to these views between summer and winter due to the current level of intervening vegetation and/or built form.
- Viewpoint 2 was taken from a slightly different location due to the identification of an area of lower level of leaf cover along the roadside vegetation. However, this view shows that from Wareham Road, the site will still be obscured due to intervening built form and the change in elevation.

Agreed

Viewpoint 4. There will be marginal differences between the summer and winter views from a short stretch (approximately 15m) of the Monarch's Way/ Hawkchurch Footpath 21 in which a part of the DNO tower (approximately 6.5m in height) may be glimpsed through the hedgerow gap and will be seen in context with the existing electrical infrastructure within the field and the adjacent one. The effect of this seasonal view on receptors will be negligible due to its fleeting nature, however, once established, proposed mitigation will screen these views. Moreover, due to the reduced leaf cover, the 36m pylon becomes more prominent and continues to dominate the view through the hedgerow.

Agreed

Viewpoint 7 taken from Hawkchurch Footpath 25. There will be very little difference between the two views with the description provided for the summer view reflecting that of the winter view, the original text of which has been reproduced below:

This is the only public view from where the development will be readily visible throughout the year. To the receptor the view is dominated by powerlines and HT pylons in an area which also supports a high level of mature deciduous woodland. Users of the footpath will also be aware of the extensive solar sites and associated paraphernalia to the east of Wareham Road. Visual change will include the battery storage and associated equipment and fencing protruding above the existing hedges. The low level of the construction and dominance of the power lines mitigates the perceived level of change to an extent and also means that the new development will be seen in the context of the existing power distribution equipment. However, enhanced boundary hedge planting with some trees will be necessary to provide a screen to the built form. Seasonality will make very little difference to views from the west, which will remain open until the hedges are grown.

4.3.2 The winter views clearly demonstrate that there will be no "*large differences between summer and winter views*" and as such the Landscape Officer's comments are unfounded.

The southern site boundary has a dip in ground level and the northwestern end of the site appears to be at a higher level than the top of the existing hedgebank on the southern boundary. It is therefore likely that the proposed site infrastructure will be visible above it, particularly in winter when trees and hedges are bare.

4.3.3 The Landscape Officer has provided a photograph that shows that there is currently intervisibility from the caravan site as a result of the boundary hedgerow being cut back. The site was revisited in January 2025, and WHLandscape acknowledges that as the hedgerow has been cut back from its previous height recorded in July 2024 (see Reference Photo C in Appendix 2), there is now a level of intervisibility between the caravan site and the proposed development. Reference Photo D (Appendix 2) is a representation of the winter views from the west facing window of one caravan over the top of the hedge, although views are more restricted due to the intervening vegetation. The Blackdown Hills form the backdrop of this view, however high-tension powerlines and wooden electrical poles are prominent features in the foreground, detracting from the overall visual amenity experienced by receptors and establishing the context in which the proposed development will be seen. It is important to note that, in respect of the previous scheme, the Landscape Officer recommended growing the boundary hedgerow to approximately 4-5m in height, as well as the planting of a copse between the development area and the caravan site. As such, while the Landscape Officer may consider these views "*attractive*", it is clear that they do not deem their retention essential. Moreover, as the hedgerow is under the applicant's ownership, its management is at their discretion, and while they have recently cut it back there is nothing to prevent them growing it to a hight that will preclude or heavily filter views of the site year-round.

In advising on landscape and visual impact of planning applications it has to be borne in mind that even where the landscape officer considers a scheme to be unacceptable in terms of landscape or visual impact this may be outweighed by decision makers in the planning balance. As such it may be necessary to ensure that opportunities for mitigation of landscape and visual effects are maximised in the event that the application is approved.

4.3.4 The Landscape Officer goes on to state that "*para. 5.2.8 it should be acknowledged that visitors in holiday units on the northern edge of the Hawkchurch Resort have some views towards the site*." Paragraph 5.2.8 of the LVA does acknowledge that "*the potential for views of the proposed development is extremely limited*" due to the density of the boundary hedgerow coupled with the layout of the caravans within the Hawkchurch Resort and Spa. Moreover, in comments on the previous scheme (24/0276/FUL) the Landscape Officer acknowledges "*that residential accommodation at Hawkchurch Resort and Spa to the south afford* ***only limited outlook over the application site and the level of effect with therefore be slight***" (emphasis added).

Agreed

4.3.5 The Landscape Officer asserts that "*The statement* [in the LVA] *that extensive renewable energy infrastructure is a prominent feature of the study area is inaccurate*" going on to justify this statement with the fact that the "*solar farms are largely well set within the existing landscape and are not a feature in views from or to the site.*" It is acknowledged that there are no views to or from the solar farms themselves with the site, however, as previously stated, the extensive network of pylons and high-tension powerlines are also part of the extensive renewable energy infrastructure in that they are directly connected to it. Whilst their construction may have predated that of the solar farms, they are essential to their operation and have allowed for the expansion of such industry within the local area. As regards the site itself, the pylons are prominent on this part of the ridge and across the landscape to the west. A fact that was previously acknowledged by the Landscape Officer in his comments relating to the previous scheme and providing photography, which was stated to be from the Blackdown Hills National Landscape to the west, demonstrating the prominence of the electrical infrastructure.

Refer response to para. 4.2.3 above

4.3.6 The Landscape Officer concludes that the "*LVA fails to assess the sensitivity of individual receptors… and no assessment is made of the visual* ***impact*** *for each of the selected viewpoints.*" However, it should be noted that GLVIA3 emphasises the need for proportional assessment. In this case, the viewpoints each provide an accurate description of the changes that will take place, which provides ample information for making an informed judgement as the effects of the scheme. If by "*assessment*" the Landscape Officer is referring to a significance test, then again there is a misunderstanding of the assessment process. The Landscape Institute Technical Guidance Note 1/20 makes it clear that "*The main difference between an LVIA and LVA is that in an LVIA the assessor is required to identify 'significant' effects in accordance with the requirements of Environmental Impact Assessment Regulations 2017*". It is also worth pointing out that in the LVA process the landscape professional refers to landscape and visual 'effects' and not 'impacts', as recommended by the guidance contained within GLVIA3. It is possible that the Landscape Officer's use of the word "*impact*" could cause some confusion when read in conjunction with the standard methodology that WHLandscape uses in its appraisals.

The EDDC response related to assessment of magnitude and overall effect for each of the viewpoints. This would then give greater transparency in understanding how the broader assessment of overall visual effect of the proposed development has been arrived at.

Agreed that 'effect' is the correct word rather than 'impact' in this instance.

4.3.7 The Landscape Officer states that it is a "*gross underestimate*" for the visual appraisal of the LVA to conclude "*with a magnitude as* ***slight*** *and overall effect as* ***moderate/minor adverse***" (his emphasis) and also states that the judgement "*is present in paras. 5.2.11 and 5.2.12*". Whilst the conclusions are made in these paragraphs, the statement appears to dismiss the discussion of visual effects detailed in paragraphs 5.2.9 to 5.2.12 which clearly set out the reasons for the judgements given. The appraisal acknowledges that there is one open view into the site (from Hawkchurch Footpath 25) and that whilst there are views to the west towards the Blackdown Hill National Landscape "*there are no sustained views from where the proposed development will be perceived as a major change to the receiving landscape*" and that *"the proposals will not be visible in long distance views on the lowlands to the west.*" The latter point being covered in paragraph 5.2.5 in which the Landscape Officer's Figure 10 (from comments relating to the previous application) is used to demonstrate that the proposals will be difficult to discern against the backdrop of mature vegetation and existing electrical infrastructure coupled with its relatively small size and scale. As such the conclusion that "*the Overall Magnitude of Visual Change is Slight, resulting in the Overall Level of Visual Effect being Moderate/Minor*" wholly accurate. Furthermore, in comments relating to the previous application, the Landscape Officer made recommendations for mitigation measures, which have been combined with additional landscape proposals as part of this application and serve to address any localised adverse effects.

CUMULATIVE EFFECTS

4.4.1 The Landscape Officer does not agree with the conclusions of the LVA that the cumulative landscape effects are "***moderate/minor adverse***" (his emphasis) and that it should be "***substantial/ moderate*** *adverse"* (his emphasis) as the proposals will extend "*existing power infrastructure westwards on to a distinctly separate, open undeveloped plateau edge.*" However, these comments to do not take into account the existing pylons which, as previously highlighted, form part of the existing electrical power infrastructure that defines the landscape, and which extend across to the west meaning that this part of the plateau does in fact have a level of development and is not an entirely "*undeveloped plateau edge*".

4.4.2 The Landscape Officer also takes issue with the "*LVA assessment of Overall sequential cumulative effect as minor/negligible*" going on to state that the "*development would have a negative impact on views along 170m stretch of the footpath* [Hawkchurch Footpath 25] *which is a significant addition to the 670m of Monarchs Way/ footpath 21… greatly increasing the perception of electrical power infrastructure for footpath users*". This statement, again, understates the level of electrical infrastructure in the local area. As previously stated, this part of the plateau is dominated by at least five 36m tall pylons with associated high-tension power lines not to mention the wooden electrical poles and overhead wires. The introduction of a new battery storage facility will be perceived as a small part of the existing electrical infrastructure in the area, much of which is well contained within the landscape. This limits visibility once receptors have passed along that stretch of PRoW and this in turn limits the nature of sequential effects. Therefore, the conclusions of the LVA are correct.

Disagree. The issue at dispute here, once again is the influence the pylons and associated cables have on landscape and scenic quality. The pylons are an established feature of the landscape and they extend westwards across the valley and across the Blackdown Hills National Landscaper where they also detract from landscape and scenic quality. However, existing land use and cover continues beneath them largely unchanged and notwithstanding their presence the overall rural character of the landscape with its traditional pattern of enclosure, woodlands and settlement remains legible and unchanged.

4.5 MITIGATION

4.5.1 In the second paragraph of this section, the Landscape Officer notes that the proposed mitigation would only "*provide partial screening of the development*" and would block "*attractive views over the site towards the Blackdown Hills"* for residents of Hawkwell/Sunny Side. The proposed landscape scheme has been designed based on the recommendations made by the Landscape Officer in paragraph 3 of section 3.1.11 Mitigation strategy and effect in his comments regarding the previous application (24/0276/FUL), which is noted in paragraph 7.3.1 of the submitted LVA. In his comments, the Landscape Officer also recommends growing the hedgerows to 4-5m in height and additional planting to "*improve screening of the adjacent caravan site*". These recommendations would block views from the caravan site but were deemed acceptable by the Landscape Officer in March 2024. These recommendations have been reproduced in full below with explanatory notes to detail which have been included:

Further mitigation measures should be considered including:
Planting up the space between the site compound and boundary with the adjacent caravan site as a copse.

This has been achieved through the planting of a copse using native species characteristic of the local area.

Planting the southern portion of the host field as a native woodland which would in the medium to long term effectively screen the site from footpath 25 as well as creating additional biodiversity value and carbon sequestration.

Just over half this area will be planted with a copse of appropriate native species, with the remainder being an attenuation basin with native tree species along the existing southern hedgerow.

Planting additional trees along the western boundary or allowing selected trees species present within the hedgebank to grow out as standards to provide screening from longer distance views form* [sic] *the west.

Seven native trees have been proposed along this hedged boundary.

Managing hedgerows to a height of 4-5m through a 2-3 year cutting cycle with occasional laying.

It has been proposed that all existing hedgerows, under the applicant's control, will be managed at a height of 4-5m.

There is opportunity for some local enhancement at the site entrance through restoration of the existing hedgebanks, removal of cherry laurel and restocking with beech and holly to improve screening of the adjacent caravan site.

It should be noted that the layout submitted with application 23/2099/FUL differs somewhat from the layout for the current scheme. In particular the introduction of additional access routes and an attenuation basin limits the opportunity for woodland creation particularly to the western end of the site.

Refer also comment at para. 4.3.3 above.

EDDC Landscape Architect
16/12/24 -

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 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Brief description of proposals, landscape context and means of access

The site extends to approximately 1.5ha and comprises a medium sized meadow bounded by traditional Devon hedgebanks. The site is situated towards the western edge of an open plateau and is gently undulating with an overall northwesterly aspect and level change of some seven metres between its eastern and western boundaries. To the west land drops away steeply towards the Axe Valley.
Surrounding land-use is generally agricultural grassland, but a small static and touring caravan site is situated immediately to the east and beyond that, to the east side of Wareham Road, is an extensive area of solar farms and the National Grid Axminster sub-station. The buildings complex of Scouse Farm is situated 150m to the southwest of the site but is largely screened from it by a combination of landform and vegetation as is West View farm 100m to the northwest. Beech Farm situated further north along Scouse Lane is not visible from the site but the adjacent hotel is just visible in filtered winter views. A pylon situated just beyond the northern site boundary is prominent in views from the south and west/ northwest.

Woodland strips to either side of Wareham Road provide screening and enclosure of the site from the east and well treed hedgerows beyond the site limit views out to the north. Views to the south extend 200m across an open field to the Hawkchurch Spa and Resort, the buildings of which are visible over boundary hedgerow. Views to the west and northwest are extensive, ranging several kilometres to high ground within the Blackdown

Hills National Landscape (AONB).

There is no public access within the site but there are clear views over it from Hawkchurch footpath 25 which runs across the adjacent field parallel with the southern boundary and some 200m from it. Glimpse winter views are also afforded over the site from Hawkchurch footpath 21, 200m to the north. Footpath 21 forms part of the promoted Monarch's Way long distance footpath.

There are no landscape designations covering the site or its immediate surrounds. The Dorset National Landscape (AONB) boundary lies 700m to the south and the Blackdown Hills National Landscape (AONB) lies 4.3km to the northwest.

Access is from an existing access point off Wareham Road which is proposed to be upgraded as part of the proposals.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Comparison with previous application ref. 24/0276/FUL

The submitted scheme is very similar to that submitted earlier this year which was refused. The main differences are:

- Extension of the redline area to incorporate the whole of the host field.
- Reduced area of compound enclosure but overall increase in development footprint due to provision of two large water storage containers and extended access routes.
- Increased woodland buffer to eastern site boundary adjacent to the caravan site and along the eastern half of the southern boundary.
- Omission of communication tower.
- Addition of concrete bunds around battery containers (no details provided).

3.2 Landscape and Visual Appraisal (LVA)

Scope and methodology

The scope of the LVA is generally considered appropriate.

Para. 2.4.4 states that determination of sensitivity and prediction of magnitude of effect have been guided by pre-defined criteria. However, no pre-defined criteria have been provided.

Policies

Policy coverage is comprehensive.

Baseline

The statement at para 4.1.3 that site boundaries are hedgerows without a bank is incorrect. The site is bounded to the northeast, east and southwest by historic Devon hedgebanks. The northwestern boundary hedgebank may have been removed and replanted as a native hedge.

At para. 4.4.3 it should have been noted that the local landscape has a largely intact historic field pattern comprising Devon hedgebanks identified on DCC Environment viewer as being of medieval origin.

The assessment at para. 4.4.4 that the host landscape has a **medium** landscape value is accepted.

Landscape receptors are identified at para. 4.4.5 and include 'The character of the local built form, in particular that of the solar sites across the study area.' It is not clear in this rural context what is meant by local built form or why the effect of the development on the character of nearby solar sites is relevant. Noticeably missing from the list of landscape receptors is consideration of the effect of the proposals on local landscape character.

At para. 4..4.6 identified visual receptors should have included residents of the adjacent caravan park.

Landscape appraisal

The statement at para. 5.1.1 that the site is relatively well contained is not accepted. Although it is bounded by woodland and tall hedgerow to the east the site is part of a plateau edge landscape with an open, northwesterly aspect which forms part of an undeveloped ridgeline in mid to long distance views from the west and northwest and in which, apart from some pylons, no electrical power infrastructure is visible. The assessment of overall landscape sensitivity as **moderate** is accepted.

The statement at the end of para. 5.1.4 that 'the site is closely associated with the existing solar development within the immediate vicinity, albeit on a smaller scale' is incorrect. While the site is within 100m of an existing large solar farm to the east, it is physically separated from it by Wareham Road and associated woodland and boundary trees and hedges and there is no intervisibility between the two.

At para. 5.1.8 reference should have been made to the intact medieval origin field patterns around the site and adjoining fields.

Para. 5.1.8 states that no trees or hedgerow will be removed to facilitate the development. However, as no vehicle tracking or visibility splay requirements it is not possible to ascertain whether trees near the junction would be affected or not. Consideration should also have been given to the loss of existing ground cover over the development footprint, identified in the baseline assessment as wildflower meadow.

It is accepted that the proposed development would have a negligible effect on the setting of the Blackdown Hills and Dorset National Landscapes.

The assessment of landscape effects does not consider effects of the proposed development on tranquillity.

At para. 5.1.9 and 5.1.10 the LVA assess the overall magnitude of landscape effect of the proposed development as **moderate-slight**, with overall **moderate/minor adverse** landscape effect locally. This is not accepted, as presently nearby electrical power infrastructure is confined to the east of Wareham Road and the proposal would extend electrical power infrastructure to the west into an undeveloped, attractive agricultural landscape with a strong sense of openness to the south, west and northwest. Additionally, although pylons and overhead electricity lines are detracting elements, the local landscape retains a strong sense of tranquillity and time-depth which would be impacted adversely by the development. Consequently, the overall landscape effect locally should be considered **substantial/ moderate** adverse prior to mitigation. It is accepted that the landscape effects of the proposals within the wider study area would be **neutral**.

Visual appraisal

Para. 5.2.3 notes that baseline photographs are taken in summer with vegetation in full leaf, citing the last sentence of GLVIA3 para. 6.281 . Notwithstanding the previous sentence in the guidance which advises early discussion with the LPA (which was not done), given the timescales of the previous applications and the preparation time for submitting the current application, there has been ample opportunity for wintertime photographs to have been taken. While for some of the viewpoints selected it is accepted that differences between summer and winter scenarios are likely to be negligible, for viewpoint 7 in particular (Hawkchurch footpath 25 to south of site), there are likely to be large differences between summer and winter views. A Zone of Theoretical Visibility (ZTV) map should have been provided to demonstrate the potential locations within the study area from which views could be obtained, particularly given the expansive area to the west and northwest which the site overlooks. Viewpoint photographs are generally representative of local views but do not reflect views for residents of the caravan park to the east. It is clear from the site photograph below looking east that some units do have direct views over the site.

At para. 5.2.7 it is stated that the caravan site to the east is surrounded by dense hedging and dominated by HT powerlines. This is not the case as can be seen in the above phot. Residents of the caravans visible have long-range views across the site to the Blackdown Hills over the top of the boundary hedgebank. At para. 5.2.8 it should be acknowledged that visitors in holiday units on the northern edge of the Hawkchurch Resort have some views towards the site.

Para. 5.2.10 refers to on-site built form. Apart form some medium tension electricity poles and overhead wires there is no existing built form on the site. The statement that extensive renewable energy infrastructure is a prominent feature of the study area is inaccurate. The existing solar farms are largely well set within the existing landscape and are not a feature in views from or to the site. This is supported by the Past and Current Forces for Change section of the landscape character type descriptions for LCT 1A which state ‘Solar farms

(although existing sites within this LCT are generally well-integrated into the landscape, and are not visually prominent).'

The LVA fails to assess the sensitivity of individual visual receptors to the proposed development and no assessment is made of the visual impact for each of the selected viewpoints. Instead, the scale and level of impact is presented in paras. 5.2.11 and 5.2.12 as an overall average, with a magnitude as **slight** and overall effect as **moderate/minor adverse**. This is a gross underestimate in particular of the visual impact for receptors on Hawkchurch footpath 25 and residents of the adjacent caravan park in particular.

Construction effects

Construction effects are cursorily considered and the LVA fails to identify likely effects or their impact. Cumulative effects GLVIA3, pp123-4 para. 7.17, sets out a range of potential cumulative effects including 'The effects of an extension to an existing development such that it extends or intensifies the landscape and or visual effects of the first development.' In this case the proposed location extends existing power infrastructure westwards on to a distinctly separate, open undeveloped plateau edge. Accounting for this the cumulative landscape effect is considered to be **substantial/ moderate** adverse rather than **moderate/minor adverse** as identified in the LVA.

In consideration of sequential effects, for footpath 25 the LVA assessment of Overall sequential cumulative effect as minor/negligible is not accepted. The proposed development would have a negative impact on views along a 170m length of footpath which is a significant addition to the 670m of Monarchs Way/ footpath 21 where it runs through the solar farm to eh east of the application site and greatly increasing the perception of electrical power infrastructure for footpath users in the local area.

Mitigation

Para. 7.3.1 states that mitigation measures will mainly focus on new hedgerow around the site as well as creation of wildflower meadow. This ignores the fact that the site is already bounded by native hedges and is managed as a wildflower meadow, as stated in sections 4 and 5 of the LVA, and proposed development of the site would result in the substantial loss of existing meadow area. Proposed new native hedge planting against the acoustic fence would help to screen it in time but would not reflect the historic field pattern or local landscape character.

Additional mitigation planting is proposed in the form of two new, small copses at the eastern and southeastern end of the site together with additional perimeter tree planting. In time these measures can be expected to provide partial screening of the development. The eastern copse, once mature, is likely to be effective in screening views of the development from residents of adjacent caravan units but would also block present, attractive views over the site towards the Blackdown Hills. For users of Hawkchurch footpath 25 of the south of the site proposed mitigation planting would provide only partial screening of the development once mature as it only extends along the eastern end of the southern boundary. Accounting for the above it is considered that at maturity mitigation planting would result in **moderate adverse visual** effects on key receptors once matured.

Photomontages

Submitted photomontages are based on summertime scenario when vegetation is in full leaf. In accordance with best practice guidance images should be prepared to show wintertime when leaves have fallen to illustrate worst case scenario.

Plant growth rates used for modelling the photomontages are stated as based on 400mm growth per year. While that is not an unreasonable assumption for overall height gain, the illustrated growths at years 1 and 15 appear excessive with much broader and denser canopies shown than would usually be expected, particularly given the exposed location. Also, the proposed acoustic fence is shown painted green in the photomontages to blend very closely with surrounding vegetation. In reality it is much more difficult to match painted green finishes with foliage and this, together with the portrayal of the proposed trees with excessive canopy density and spread, is likely to make the fence much more visible in reality than depicted in the illustrations. As a result of the above points the photomontages cannot be relied on as being a fair impression of the visual effect of mitigation planting either at year 1 or year 15.

3.3 Site details

No details have been provided to demonstrate that required junction visibility splays can be accommodated, or that vehicles accessing the site off Wareham Road can do so, without adverse impact on existing trees near the entrance and along the adjacent roadside.

No details have been provided for the height and construction of the concrete bunds indicated on the site plan around the battery stores.

There is a contradiction between the DAS which states that access roads will be formed in Type 2 compacted grey coloured aggregate and the Landscape plan and Construction traffic management plan which indicate rubber matting for access routes.

Additional details and clarifications relating to the above should be provided prior to determination of the application.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

For the reasons noted above the site is not considered to be appropriate for the proposed development as it extends the electrical power infrastructure on the plateau to the east of the site into a relatively open and undeveloped agricultural landscape on the plateau edge and would give rise to substantive landscape and visual harm that cannot be adequately mitigated for. As such the proposals are considered contrary to local plan strategies 7, 39 and 46 and policies D1 and TC4 and should be refused.

4.2 Conditions
Notwithstanding the above advice and the submitted details 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) Details of proposed colour finishes to fencing and housings for inverters, storage units and batteries, including relevant BS/ RAL reference.
d) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
e) Construction details for proposed hardstandings, trackways and associated kerbing and edgings.

f) 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.
g) 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) 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.

EDDC Trees
11/03/25 - No further arb comments.

21/01/25 - New details include an AIA and TPP provided by Brindle And Green dated Nov 2024. A proposed access arrangement plan has also been provided following my initial comments.

Together the plans show three individual trees (T4, T7 & T8), one group (G1) and partial removal of hedge (H1 & H2) are required to be felled to enable the proposal to be constructed. Overall the trees are considered to be of relatively low amenity and there removal will not have a significant impact on the local area. However as per previous comments, a number of large mature Beech have already been felled as part of power line clearance on site. It is noted that that AIA states that no mitigation planting is required. However, a Soft Landscape Plan dated Sept 2024 has been provided showing two areas of woodland belt being created on site, one along the southern boundary and one along the eastern boundary adjacent to Sunnyside Caravan Park. Individual standard trees are also to be planted predominately along the western and north western hedge boundary. Therefore, overall no arboricultural concerns are raised subject to the following conditions:

a)Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out as detailed within the Arboricultural Impact Assessment and Tree Protection Plan as submitted by Brindle and Green dated the 22/11/2024. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.
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).

I recommend the following Landscape Condition or as that recommended by the Landscape Officer:

The soft landscaping scheme including details of post planting tree maintenance shall be implemented as per the Landscape Implementation and Management Plan provided by WHLandscape dated September 2024. The planting scheme shall be carried out in accordance with the submitted scheme in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason- to compensate for the loss of trees/shrubs on the site and in the interests of amenity in accordance with Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan 2013-2031.)

25/10/24 - In principle I do not object to the proposal. However it is clear that the removal of trees either side of the existing access has already taken place. These appear to have been mainly mature large Beech located either side of the entrance to the site which are likely to have been within falling distance of nearby power lines. It is likely that these trees would have been constraints if significant grounds works were required within the rooting area to construct appropriate site access. However temporary ground protection may have been possible during construction of the site to alleviate any harm to the trees. However it is noted that Section 30 of the Design and Access Statement states that 'Western Power have recently felled a number of trees around the site entrance as part of their line clearance activities, however, this does not form part of the proposals and is unrelated to the application'.

However there are still trees adjacent to Wareham Road which are potentially going to be impacted by any Highway requirements in regards to visibility splays. Therefore a clear access site plan is required showing appropriate visibility splays including construction details of the site access, arb impact assessment clearly showing what trees in any require further removal. A tree protection plan based on BS5837 recommendations showing how retained trees will be protected during construction and a landscape plan showing appropriate replacement tree planting and how the site will be screened is also be required.

<u>Environmental Health</u>
8/4/25

The representative background sound levels for the evening period for all the NSR's have been reviewed but as NSR 1 is the closest, it is the NSR most susceptible to noise from the development. The background sound level for NSR 1 has been given as 30 dB (LA90). I am satisfied that this is a fair representation for this period and location. It's likely that amenity areas at NSR 1 will be used during the evening period at times coinciding with the peak operating demand for the development.

The noise rating level for the development during these peak times (at amenity area NSR 1) has been predicted to be up to 36 dB. This is an exceedance of +6 dB. As detailed within BS4142 a difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.

The Noise Policy Statement for England provides clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise. The aims of these effect levels include mitigating and minimising any adverse impacts on health and quality of life. In following the planning guidance, it is felt that the noise levels from this development sits above the Lowest Observed Adverse Effect Level (LOAEL). Taking into consideration the context of the noise against the surrounding acoustic environment, it is considered that the noise will be present and (at times) intrusive, meaning that the noise will likely be heard and cause small changes in behaviour and attitude. This is where the noise can start to have an adverse effect and therefore, further consideration needs to be given to mitigating and minimising those effects.
The effect from the noise needs to be reduced and minimised to a lesser effect level, in this case to 'No Observed Adverse Effect Level' (NOAEL). To achieve this, further sound mitigation will be required to reduce the adverse impact. Therefore, it is recommended that the following condition is applied to the development:

A sound mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The sound mitigation scheme shall be sufficient to ensure that the Rating Level of any sound generated on the site shall not exceed the following:
- 35dB (LAeq 60min) between the hours of 07:00 until 23:00 when measured or predicted at 1m from a window of a habitable room in any noise sensitive property.
- 35dB (LAeq 15min) between the hours of 23:00 until 07:00 when measured or predicted at 1m from a window of a habitable room in any noise sensitive property.

As the specific details of the plant/equipment haven't been confirmed for the site, during the final design phase and prior to any on-site works, a further noise impact assessment is required. The noise impact assessment will be required to determine compliance with the above noise condition. Plus, prior to the site being brought into commercial production for the storage and supply of electricity, verification monitoring shall be undertaken by a qualified acoustician to determine compliance with the above noise condition and a Verification Report shall be submitted to and approved in writing by the Local Planning Authority.
Any measurements and calculations shall be carried out in accordance with 'British Standard 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound'.

Reducing the noise emissions to the NOAEL will mean that the noise is no longer considered to be adverse and no other specific measures are required.

17/03/25 - To calculate the effects of specific sound levels at NSR amenity locations during the evening period, the background sound levels for the evening period are required in 1 hour reference time intervals (LA90 1hr). The evening period is 19:00 until 23:00. It's likely that peak electricity demands will occur during this period and during these periods, it's likely that the specific sound level of the equipment, plus any acoustic character of the specific noise may be perceptible within the amenity area of nearby NSR's.

Therefore, further information is required detailing the background sound levels during the evening period together with the predicted specific sound levels at NSR amenity locations. A greater level of consideration needs to be given to the subjective prominence of the

characters of the specific sound at the NSR's amenity area (as detailed within BS4142) using the subjective method.

11/11/24 - A Construction and Environment Management Plan (CEMP) must be submitted 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.
Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

In the event of a fire, there is a risk that the surface and ground water catchments could be contaminated with firewater runoff impacting on local private water supplies. Therefore, a specific Controlled Waters Environmental Risk Assessment must be undertaken which details a suitable and sufficient surface water drainage strategy. The surface water drainage strategy must be designed to ensure that firewater will be contained on site without infiltrating into the ground or entering in any local water catchments.

Environment Agency
10/03/25 - Thank you for re-consulting us. We note the amendments to the scheme, which involves a new access. This does not change our position as set out in our previous letter dated 19th December 2024. A copy of our previous letter is provided below:

Environment Agency position:
The applicant has indicated the proposed management of foul drainage from the site in the submitted 'rebuttal letter'. This is acceptable in principle, We therefore have no objections to the proposed development as submitted. We provide the following general advice regarding Battery Energy Storage systems:

Advice - Battery Energy Storage:
Under normal operation BESS developments do not present significant risks to groundwater or surface water. However, there is potential for pollution of the water environment due to abnormal and emergency situations at BESS developments, in particular fires. The site is located upon a principle aquifer which is particularly sensitive to such risks. Whilst there is some discussion within the Flood Risk and Drainage Assessment Report, there is no specific assessment on risks to groundwater or conceptual site model. It is also important to consider the potential of mitigation measures failing and the associated risks. We therefore recommend that your authority seeks more information in relation to the protection of groundwater prior to determining this application.

19/12/24 –

Environment Agency position:
The applicant has indicated the proposed management of foul drainage from the site in the submitted 'rebuttal letter'. This is acceptable in principle, We therefore have no objections to the proposed development as submitted. We provide the following general advice regarding Battery Energy Storage systems:

Advice - Battery Energy Storage:

Under normal operation BESS developments do not present significant risks to groundwater or surface water. However, there is potential for pollution of the water environment due to abnormal and emergency situations at BESS developments, in particular fires. The site is located upon a principle aquifer which is particularly sensitive to such risks. Whilst there is some discussion within the Flood Risk and Drainage Assessment Report, there is no specific assessment on risks to groundwater or conceptual site model. It is also important to consider the potential of mitigation measures failing and the associated risks. We therefore recommend that your authority seeks more information in relation to the protection of groundwater prior to determining this application.

07/11/24 -

Environment Agency position:
We recommend that this application is not determined until further detail is submitted in regards to the management of foul drainage. The reason for this position and advice is provided below:

Reason - Foul Drainage:
The proposal is categorised as a major and proposes to use an above ground septic tank (as stated on the application form). Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality - Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Paragraph 20 also states that 'applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment'. Any planning application for a non-mains system should therefore be accompanied by a Foul Drainage Assessment (FDA) form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following:

- Full details of the proposed flows (based on Flows and Loads 4);
- A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and
- Percolation test results to demonstrate the viability of soakaways in this location.

The FDA form is available online at https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1 . Only with this information can a fully inform decision be made on the suitability of the non-mains system.

Advice - Battery Energy Storage:
Under normal operation BESS developments do not present significant risks to groundwater or surface water. However, there is potential for pollution of the water environment due to abnormal and emergency situations at BESS developments, in particular fires. The site is located upon a principle aquifer which is particularly sensitive to such risks. Whilst there is some discussion within the Flood Risk and Drainage Assessment Report, there is no specific assessment on risks to groundwater or conceptual site model. It is also important to consider the potential of mitigation measures failing and the associated risks. We therefore

recommend that your authority seeks more information in relation to the protection of groundwater prior to determining this application.

Conservation
09/01/25 - On the basis of the information provided through this application, the works as proposed for 'The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects. Would on account of the topography and distance between the development site and the nearest Grade II heritage assets identified as Higher Checkridge Farmhouse and Pound Farmhouse, result in no additional harm and in turn continue to preserve the setting in which these assets are experienced. In this respect conservation do not wish to offer any further heritage comment. Case Officer to assess on planning merit.

DCC Flood Risk Management Team
24/03/25 - Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved
permission:

If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning condition/s is/are imposed:

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence
downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Scouse Farm BESS Flood Risk and Drainage Assessment Report (Report Ref. GON.0573.0306, Rev. 2., dated 30th January 2025) and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(g) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:
The applicant have revised Scouse Farm BESS Flood Risk and Drainage Assessment Report (Report Ref. GON.0573.0306, Rev. 2., dated 30th January 2025).

The applicant are unable to carry out any infiltration testing at this stage and hence they have provided an alternative attenuation backup option.

The proposed impermeable area for the proposed development is 0.770ha and the associated greenfield runoff rate, Qbar is 0.5l/s (0.652l/s/ha). It is proposed to attenuate the flow via an attenuation basin before connecting to the existing drainage system at Scouse Farm. The pipe is further culverted under the road before discharging into the watercourse. The condition and capacity of this section of pipe would need to be investigated should this attenuation option is carried forward for detailed design.

The applicant also confirm that they have an agreement in principle to install this drainage connection.

The current proposed Hydrobrake of 29mm is fairly small and prone to blockage. The applicant shall look into this in detail during detailed design.

The overland flow path currently shows that the surface water runoff will flow from south east to north west. It is unclear at present what measure is taken to deal with the overland flow on the western boundary of the site.

07/11/24 - 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 submitted the Flood Risk and Drainage Assessment Report (Report No. GON.0573.0306, Rev 1., dated 4th of September 2024) which details that the intended method of managing surface water onsite is though infiltration.

The total site area is 1.6ha, the total impermeable area used for calculations is 0.77ha the applicant should submit a site impermeable area plan to show clearly the breakdown of the impermeable area across the site.

The applicant proposes to create an infiltration basin in the western corner of the site. In accordance with the applicant, the client's current land option agreement does not permit intrusive works within the site
until later stages. Therefore, it is not possible to undergo BRE 365 infiltration testing to inform the proposed drainage strategy at this stage.

Due to the fact that infiltration testing is not possible until the detailed design stage, the applicant is required to submit a backup attenuation option to be used in the event that infiltration testing rules out infiltration as a method of managing surface water at a later stage.

Devon County Archaeologist
28/10/24 - My ref: ARCH/DM/ED/40097a

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

EDDC District Ecologist
31/03/25 –

1 Introduction
This report forms the EDDC Ecology response to the application for the above site. It should be read in conjunction with previous consultation response made on 06/12/2024.

2 Review of additional submitted details

Biodiversity Net Gain

Woodland planting has now been recorded as creation (rather than enhancement) in the metric which is correct and the area issue with proposed individual tree planting has also been addressed.

Modified grassland has been categorised as moderate, rather than of low strategic significance.

The metric considers that 0.622 ha of modified grassland habitat would be enhanced into good condition other neutral grassland (ONG), which includes the creation of a SUDS basin and small pockets of grassland around the storage infrastructure. Given the site is an agricultural field of modified grassland, the proposed change to good condition ONG could be unachievable, e.g., based on existing soil nutrient levels. It also includes areas around the infrastructure and a SUDS basin, which would be subject to grading/soil removal to develop the site. Therefore, recording this as habitat creation in the metric, rather than enhancement is considered more realistic.

Hedges are showing a net gain but could be improved through management of existing boundary hedges. The supporting non-licenced method statement for dormice also indicates hedges are on banks but are not recorded in the metric as such. As the hedges are proposed for retention, this has a minor/insignificant effect on the predicted BNG outcome.

Trading rules have not been achieved for low or medium distinctiveness habitats. In accordance with the BNG User Guide, trading rules must be followed or you cannot claim a biodiversity net gain.

Based on the submitted plans, the development would result in a net loss of areas habitats

on the site. The % value could change slightly, i.e., based on the comments above, but still in the region of -10-5%. Off-site area habitat units would be required to achieve the mandatory 10% BNG and to meet trading rules. The site design would result in a net gain for hedges.

The proposals include the creation of 'significant on-site gains' which would require securing for 30-years from the completion of the habitat enhancement measures. The application is supported by landscaping plan and implementation scheme. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP), e.g., that considers soil chemistry, habitat condition assessment criteria, monitoring, and reporting requirements. Natural England have provided template HMMPs which provide a standardised framework for such documents.

The proposal would also need to provide a BNG monitoring contribution secured via a planning obligation.

Prior to construction, a Biodiversity Gain Plan (BGP) would need to be submitted and approved. Any reliance on off-site biodiversity units would need to be allocated to the development on the Natural England Gain Site Register prior to submission of the BGP. Any BGP and submitted HMMP/metric would need to reflect the above comments prior to approval.

3 Conclusions and recommendations

The supporting ecological documents consider that predicted adverse impacts could be mitigated for, and measures are recommended to provide ecological enhancement. It is considered unlikely that designated sites and protected and notable species would be significantly affected, assuming measures within a Construction Environmental Management Plan (CEMP) and Habitat Management and Monitoring Plan (HMMP) are secured and implemented fully.

Should the proposal be minded for approval the following conditions are recommended:

• No works shall commence until a Construction Environmental Management Plan (CEMP) based on Section 4 and 5 of the Preliminary Ecological Appraisal (PEA) report (Johns Associates, March 2025) has been submitted and approved in writing by the local planning authority.

• The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
(a) a non-technical summary;
(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
(d) the management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

• Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Council when the habitat creation and

enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

• The created, enhanced, and maintained habitats specified in the approved HMMP shall be managed, monitored, and maintained in accordance with the approved HMMP.

Reason: To ensure that the development has no adverse effect on protected and notable species, provides ecological mitigation and enhancement measures, and to ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

10/12/24 –

1 Introduction
This report forms the EDDC's Ecology response to the full application for the above site.

The report provides a review of ecology 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
The application is supported by a Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain (BNG) Report, and Statutory Biodiversity Metric (SBM).

PEA
The PEA considers that there would be no impacts on any designated sites, protected and notable species. This is assuming mitigation and enhancement measures are detailed secured via a Construction Ecological Management Plan (CEMP) and a Habitat Management and Monitoring Plan (HMMP).

Despite no hedgerows being proposed for removal the supporting lighting impact assessment indicates horizontal illuminance levels in excess of 1 lux on the northern boundary hedgerow. The desk study information indicates the presence of several rare and light adverse bat species within the surrounding area, including grey long-eared and lesser horseshoe bats. There is also a record of a brown long-eared bat maternity roost within 250 m of the site. The site is considered of 'High' suitability to support foraging and commuting bats. Dormice, another rare nocturnal mammal are assumed to be present in the surrounding hedges. However, it is recognised that the proposed lighting is unlikely to be in constant use and will be controlled by passive infrared (PIR) sensors. It is recommended the timing for lights should be _$5 1 minute.

Biodiversity Net Gain
The BNG calculations predicted that the proposed development would achieve an onsite net gain in habitat units of 2.70% with a 49.93% hedgerow net gain.
There are a couple of fundamental errors with the submitted metric and proposed BNG delivery which has a significant effect on the predicted level of BNG delivery.
The proposals include the provision of 25 small trees. Using the tree helper with the SBM indicated the area provided by these would be 0.1018 ha. The BNG report indicates that 25 small Individual Rural Trees equated to 0.881 ha. The submitted metric appears to have a Sum calculation in cell G15 of the habitat creation tab creating this error.

The other issue is that it is proposed to enhance 0.284 ha or modified grassland in good condition into other broadleaf woodland in good condition. The creation of woodland should be recorded as habitat creation, not enhancement. The SBM user guide (page 32) states:
Habitat creation
This description applies to area and hedgerow modules only. You should choose habitat creation where there is:

a loss of baseline habitat (and it is replaced with another)

a change in broad habitat type, such as a change from grassland to woodland
When the above issues are taken into consideration, the predicted delivery on BNG would result in the loss of 3.89 habitat units and a -35.23% net loss. Trading rules are also not met.

The tree officer also notes that some mature trees have been removed from the site (possibly by Western Power), and that further tree removal may be required to provide visibility splays. Therefore, there may be some further unaccounted for tree removal which could have a bearing on the predicted BNG outcome. Some of the trees near the entrance are noted as having bat potential and would also require survey if proposed for removal.

3 Conclusions
The recommendations within the BNG report (Section 4) regarding off-site delivery of BNG makes valid points. There are no details with the application to determine if these measures will be implemented or if any off-site providers have been approached.
The submitted scheme would result in a net loss of area habitats (almost 4 biodiversity units) for biodiversity on the site and would be totally reliant on off-site habitat delivery to make up for this loss. In the absence of any submitted proposed off site BNG delivery, this could (legally) be provided anywhere in England.

It is considered unlikely that designated sites and protected and notable species would be significantly affected, assuming measures within a CEMP and HMMP are implemented. Given that the proposals would result in a net loss of onsite biodiversity, it is recommended that further consideration be given regarding delivery of onsite habitat enhancements, and how off-site delivery would be secured.
Should the proposal be minded for approval the following conditions are recommended.

No works shall commence until a Construction Environmental Management Plan (CEMP) based on Section 4 and 5 of the Preliminary Ecological Appraisal (PEA) report (Johns Associates, September 2025) has been submitted and approved in writing by the local planning authority.

The pre-commencement Biodiversity Net Gain condition (based on the Planning Advice Service template condition - on Uniform) should also be applied. Alternatively, the HMMP and management of the site regarding BNG should be secure via a planning obligation.

Reason:
To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

Conservation
02/04/25 - On the basis of the information provided through this application. Conservation do not wish to offer any further comment. Case Officer to assess on planning merit.

9/1/25 - On the basis of the information provided through this application, the works as proposed for 'The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects. Would on account of the topography and distance between the development site and the nearest Grade II heritage assets identified as Higher Checkridge Farmhouse and Pound Farmhouse, result in no additional harm and in turn continue to preserve the setting in which these assets are experienced. In this respect conservation do not wish to offer any further heritage comment. Case Officer to assess on planning merit.

County Highway Authority
10/11/24 - Observations:
I have reviewed the planning documents and visited the site.

Developments such as these, tend to produce limited trip generation once in operation due to the minimal amount of maintenance required.

I would recommend the the conditioning of a Construction and Environment Management Plan (CEMP) in order to minimise the disruption upon free-flowing safe traffic during the construction process.

Recommendation:
THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, 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
10 November 2024

Devon County Council Waste Planning
25/10/24 - This application has come to our attention as a major planning application and therefore Policy W4 of the Devon Waste Plan applies.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels as it's noted that the topography slightly slopes to the west.

As the application is not supported by a waste audit statement, it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development as stated below:

"Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

o Identify measures taken to avoid all waste occurring.
o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
o The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
o Identify the main types of waste generated when development is occupied.
o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation"

Please do not hesitate to contact us should you have any queries.

Devon County Archaeologist
20/03/25 - My ref: ARCH/DM/ED/40097b

I refer to the above application and your recent re-consultation. The Historic Environment Team has no comments to make on this planning application.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

County Highway Authority
31/03/25 - Observations:
I have reviewed the planning documents and visited the site.

Developments such as these, tend to produce limited trip generation once in operation due to the minimal amount of maintenance required.

I would recommend to the conditioning of a Construction and Environment Management Plan (CEMP) in order to minimise the disruption upon free-flowing safe traffic during the construction process.

Addendum 31/03/2025:
The County Highway Authority (CHA) has reviewed the amended plans as part of this application and has no further comments to add.

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, 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

Devon County Council Waste Planning
19/03/25 - Thank you for consulting us on this application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

It is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development as stated below:

"Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

o Identify measures taken to avoid all waste occurring.
o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation."

Please do not hesitate to contact us should you have any queries.

The Health & Safety Executive
06/03/25 - Thank you for your email seeking HSE's observations on application 24/2067/MFUL

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - https://pa.hsl.gov.uk/ - for them to use to consult HSE and obtain HSE's advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m2 of retail floor space;
- more than 500m2 of office floor space;
- more than 750m2 of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology:
www.hse.gov.uk/landuseplanning/methodology.htm

NB HSE is a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.
A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to PlanningGatewayOne@hse.gov.uk

There is further information on compliance with the Building Safety Bill at https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021