

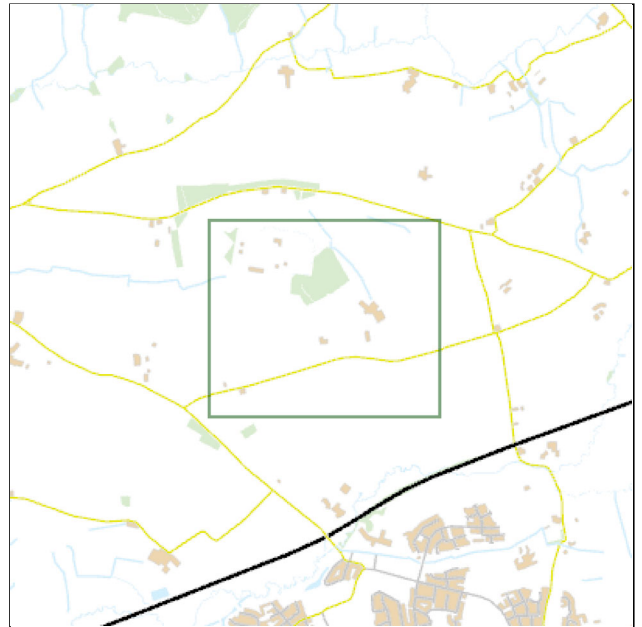
Ward Broadclyst

Reference 24/2664/MFUL

Applicant N/A

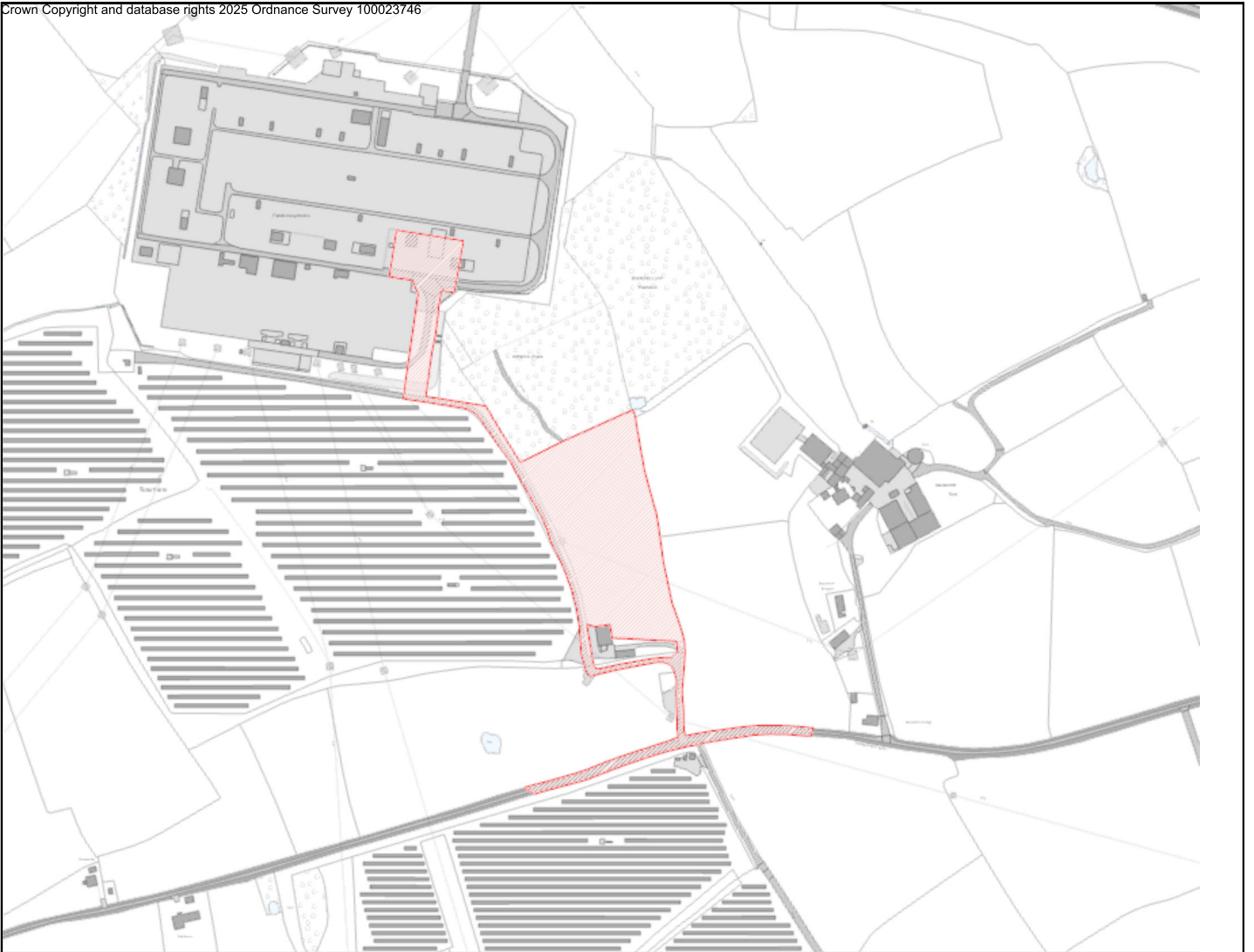
Location Land North Of Saundercroft Road Broadclyst

Proposal Construction of a Battery Energy Storage System (BESS) and associated infrastructure



RECOMMENDATION: Approval with conditions

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		Committee Date: 15.07.2025
Broadclyst (Broadclyst)	24/2664/MFUL	Target Date: 18.04.2025
Applicant:	Pivoted Power LLP	
Location:	Land North Of Saundercroft Road Broadclyst	
Proposal:	Construction of a Battery Energy Storage System (BESS) and associated infrastructure	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application must be considered by the Planning Committee because the officer recommendation is in conflict with comments received from the Parish Council.

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the NPPF.

Given the proximity to existing energy infrastructure and the proposal's focus on low-carbon energy, the scheme aligns with Strategy 39 of the Local Plan in this context.

The site is relatively well-screened from public view, being set back from the main access road. Although the development would alter the site's character, the impact would be limited to the immediate area and would not significantly affect the broader landscape. Proposed landscaping would help reduce any visual impact. In this regard, the proposal complies with Strategies 39 and 46, as well as Policy D1 of the Local Plan.

The development has been reviewed by the Devon and Somerset Fire and Rescue Service who are satisfied that the proposal has been designed to guidance produced by the National Fire Chief's Council (NFCC) and the National fire Protection Association (NFPA). As such, it is consistent with Strategy 39 and Policy EN14 of the Local Plan.

Evidence has been submitted to demonstrate that the project would not negatively affect local biodiversity, provided that suitable planning conditions are applied. It also ensures the required Biodiversity Net Gain (BNG), in line with

Policy EN5 of the Local Plan.

There are no objections from the highways authority, indicating compliance with Policy TC2. Additionally, the development does not involve the loss of best and most versatile (BMV) agricultural land, so it does not conflict with Policy EN13.

The benefits of the proposal include reducing carbon emissions, contributing to grid decarbonisation, lowering energy costs for consumers, and decreasing reliance on less secure energy sources. These are substantial advantages that weigh heavily in the planning balance. As such, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

NOT IN SUPPORT of this application in its current form due to the following concerns:

1. LGV Movements: The restrictions on LGV movement timings (no LGV traffic will pass through the village before 9.30am and after 3pm Mon-Fri, before 9am and after 1pm on a Saturday) and the presence of banksmen to minimising disruptions and potential safety hazards in Dog Village.
 2. Construction Route:
 - 2.1. Local knowledge: Councillors noted that the proposed construction traffic route is unsuitable. The designated construction route follows the length of Station Road, a rural lane for much of its length with a 7.5-tonne (except for access) weight limit. Construction traffic would pass through Broadclyst Station, in which the bridge over the London Waterloo-Exeter line has a long history of congestion caused by the resident haulage firms. This is a narrow bridge with obstructed views on the approaches and is a pinch point for all vehicles over the size of a domestic car. The bridge tailbacks already cause significant traffic misery, and it is felt unlikely that this route can support the volume of lorries required during construction without unacceptable significant impact on residents, commuters and other road users. This option is unviable.
 - 2.2. Policy compliance: Non-compliance with Broadclyst Neighbourhood Plan (BNP) Policy T4: Active Travel Infrastructure. Policy T4 seeks to "enhance and extend existing networks and create new footpaths, cycle paths, multi paths and low traffic neighbourhoods." Station Road is a vital corridor for pedestrian and cycle movement, especially in the vicinity of Clyst Vale Community College, where:
 - 2.2.1. There are no pavements, forcing students and other pedestrians to walk in the carriageway.
 - 2.2.2. The road is already heavily used by students walking and cycling to school, a fact supported by the NP's aim to increase safe, active travel infrastructure across the parish.
- The addition of heavy construction vehicles along this route directly contradicts the policy's aim of improving safety and active travel infrastructure and would result in increased conflict between vehicles and vulnerable road users.

2.3. Policy compliance: Conflict with BNP Policy T1: New Pedestrian and Cycle Routes

The Neighbourhood Plan supports new and safe connections for pedestrians and cyclists, particularly linking Broadclyst Station to Dog Village, and improving movement across the parish. Use of Station Road as a construction access route runs counter to this aspiration, introducing a high risk to safety along a corridor the community seeks to enhance for sustainable movement.

2.4. Safety Risk - Inadequate Infrastructure

Station Road:

- o Is largely a narrow rural lane with a 7.5-tonne weight limit (except for access).
- o Features a pinch point at the railway bridge near Broadclyst Station, which already suffers from significant congestion and is unsuitable for regular LGV traffic.
- o Has restricted visibility, increasing collision risk, especially with two-way LGV traffic and during school hours.

This road is structurally and operationally unsuitable for sustained construction traffic, and its use would exacerbate safety issues for existing users including schoolchildren, residents, cyclists, and public service vehicles.

2.5. Policy compliance: Potential Contravention of BNP Infrastructure Objectives

The Neighbourhood Plan highlights that the parish's rural infrastructure is already under strain due to strategic developments (p. 22). Policy T3 further calls for improvements to parking and travel infrastructure that reduce carbon impact and improve usability. Using Station Road for heavy construction traffic would not only undermine infrastructure integrity (risking damage to roads and verges), but also discourage low-carbon travel by creating an intimidating and unsafe environment for non-motorised users.

3. Construction hours

The proposed construction hours of 7:00 AM to 8:00 PM on weekdays are excessive. This schedule poses significant disruption to nearby residents, particularly during early mornings and evenings. A more appropriate timeframe would be 8:00 AM to 6:00 PM on weekdays.

4. Highway Damage: We appreciate the proactive measures proposed by the applicant in 2.6.1 and 2.6.2; however, there is no set time period for inspections or remedial repairs to be effected.

5. Environmental Concerns

5.1. Flood Risk: The proposed development could increase surface water runoff and exacerbate flooding in nearby areas.

5.2. Fire safety: Concerns were raised around emergency access in the event of an incident.

6. Community Fund. There has been a hint during pre-app about a community benefit fund but nothing more concrete. (We appreciate this sits outside Planning Policy; nonetheless, it is an important element for the community).

For the above reasons, the Committee is NOT IN SUPPORT of the application at this stage.

The Committee requests the following mitigations and actions applied before it can support the application:

1. Construction Traffic Management

1.1. That the access route avoid using routes with a 7.5-tonne weight limit or roads with structural vulnerabilities such as small bridges.

1.2. That the applicant works with the parish council and occupants of the housing along the construction route to mitigate the impact of construction traffic and damage to buildings / highways surfaces along the construction route.

1.3. That there be a condition to restrict LGV movements during these timings: (no LGV traffic will pass through the village before 9.30am and after 3pm Mon-Fri, before 9am and after 1pm on a Saturday)

1.4. Control vehicle movement with banksman to demonstrate a commitment to minimising disruptions and potential safety hazards in Dog Village and avoid LGVs meeting in the narrow country lanes.

1.5. That should more than one BESS development be under construction at the same time, that the developers liaise and work with each other and the parish council to ensure mitigation arrangements for LGV access are not compromised.

1.6. That a formal 'holding area' be identified in line with 2.4.2 and 2.4.3 in the Construction Traffic Management plan.

1.7. That the applicant enters an undertaking to survey the road surface at 3-month intervals, rectifying defects within the ensuing 2 month period, and provides a bond of appropriate value that the parish council can access to arrange repairs should the condition not be met that will ensure any damage to the road is promptly made good.

2. Construction Times

2.1. Restrict construction hours to 8:00 AM-6:00 PM on weekdays only, with no activity on weekends or public holidays.

3. Road and Verge Protection

3.1. Repair any damage caused to roads, verges, or infrastructure by construction vehicles immediately at the developer's expense.

3.2. Access off Crannaford Lane onto Saundercroft Road will be problematic, with sharp corners, unsuitable for HGV's.

3.3. Can the new access road already approved for the BESS site at Saundercroft Farm (23/0962/MFUL) be utilised?

4. Environmental mitigations

4.1. Minimise noise impacts during construction and operation by adhering to strict noise pollution controls.

4.2. Prevent excessive light pollution by limiting security lighting and ensuring it does not spill into residential areas.

4.3. That the applicant works with the Environmental Agency to mitigate the flood risk. Broadclyst Neighbourhood plan states the runoff from developments should be less and not more. (NP Policy DC3: Sustainable Drainage.)

4.4. That the applicant works with the Local Fire Service to confirm emergency plans in case of a fire at this site, including 24/7 access to the site

Technical Consultations

County Highway Authority

No Objection

EDDC District Ecologist

No objection subject to conditions

Devon County Council Waste Management

No objection subject to condition.

DCC Flood Risk Management Team

20/05/2025 – Objection withdrawn subject to condition

Devon & Somerset Fire And Rescue Service

The proposal broadly aligns with the recommended guidance produced by the NFCC and NFPA.

DCC Historic Environment Officer

No objection subject to conditions.

Environmental Health

No objection subject to submission of revised CEMP

EDDC Landscape Architect

No objection subject to conditions.

EDDC Trees

No objection subject to condition.

EDDC Recycling & Waste Contract Manager

Financial contribution of £20,000 to support tree and woodland planting within the CVRP requested.

Green Infrastructure Project Manager

No objection subject to condition.

National Highways

No objection.

The National Grid

National Grid Electricity Transmission have no objection to the proposal provided the applicant has a valid connection agreement.

Natural England

NO OBJECTION

Other Representations

One third party representation has been received, in objection to the proposal. A summary of grounds for objection is as follows:

- Two items of imminent government legislation will directly affect the planning of Dangerous BESS developments like this.
- 1. The Battery Energy Storage Systems (Fire Safety) Bill, which had its first reading in October 2024, the second will be in April 2025. This will make the inclusion of the Fire Chiefs mandatory in the planning process.
- 2. The UK government is bringing BESS under environmental permitting regulations, ensuring they meet safety and environmental standards. This means permits, inspections, and compliance will be standardised and enforced. Consultations start in June 2025.

- It would therefore be wise to delay any further decisions on BESS projects until these two pieces of legislation are in place and clarity and transparency will be there for all to see.

PLANNING HISTORY

There is no planning history that relates to the application site itself. The Local Planning Authority has engaged in pre-application discussions with the applicant 23/0087/PREAPP.

There are several planning permissions nearby that concern renewable energy development.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted
 Strategy 7 (Development in the Countryside) Adopted
 Strategy 38 (Sustainable Design and Construction) 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
 D2 (Landscape Requirements) Adopted
 D3 (Trees and Development Sites) Adopted
 EN5 (Wildlife Habitats and Features) Adopted
 EN6 (Nationally and Locally Important Archaeological Sites) Adopted
 EN13 (Development on High Quality Agricultural Land) Adopted
 EN14 (Control of Pollution) Adopted
 EN18 (Maintenance of Water Quality and Quantity) 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
 TC7 (Adequacy of Road Network and Site Access) Adopted
 TC9 (Parking Provision in New Development) Adopted

Broadclyst Neighbourhood Plan (Made)

D1 High Quality Design
 Policy DC3: Sustainable Drainage
 Policy NE1: Protecting Woodland
 Policy NE4: The Protection and Enhancement of Hedgerows
 Policy NE5: Landscape and Biodiversity

Draft East Devon Local Plan 2020-2042 Policies

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 CC03 (Promoting low carbon and renewable energy) Draft
Strategic Policy CC04 (Energy storage) Draft
Strategic Policy CC06 (Embodied carbon) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Policy DS04 (Green and blue Infrastructure) Draft
Policy TR03 (Travel plans, transport statements and transport assessments) Draft
Policy TR04 (Parking standards) 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 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 PB07 (Ecological enhancement and biodiversity in the built environment) 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 HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The application site relates to a small parcel of agricultural land 2.2km north of Cranbrook and 2.7km east of the village of Broadclyst. The land is set back from Saundercroft Road and is accessed via an existing gated entrance and track.

From within the site Exeter substation is visible to the northeast, and a solar farm abuts the site's western boundary.

The site is rectangular in form and comprises approximately 1.7 hectares of good to moderate (BMV) agricultural land. It does not form part of any landscape designations and falls entirely within Flood Zone 1.

A broadleaved woodland is located to the north of the site, the LPA's ecologist deems this area as an Unconfirmed Wildlife Site (UWS).

Broadclyst Footpath 28 runs on a north south axis approximately 750 metres west of the site.

Saundercroft Farm, Saundercroft Bungalow and Saundercroft Cottage are located approximately 180 metres to the east and are the nearest residential properties to the site.

Proposed Development

The application seeks planning permission for the construction of a 57MW Battery Energy Storage System (BESS), associated infrastructure and drainage. As shown within the red edging on the submitted Location Plan, the application site includes land for the cable routing to the substation along an existing track to the northwest.

The BESS compound largely consists of the battery storage containers and power conversion units. Each container (battery) shall measure 10m x 3.2m with an overall height of 3.9 metres while the Power Conversion units (PCUs) measure 11.4 metres by 3 metres wide and are 3.2 metres in height. These are all flat roofed structures. Each battery shall feed into a PCS which shall convert the supply from Direct Current (DC) from the battery and Alternating Current (AC) from the National Grid. Depending on the National Grid's requirement at the time, the transformer shall step up or step down the voltage of the supply for either transmission or storage. A 33kV switchgear on the site would manage the electrical flows to and from the site.

The plans detail the siting of a welfare unit for staff visiting the site inside the southern gates, alongside two car parking spaces with electric charging. Surface water attenuation is proposed via an attenuation pond in the northern part of the site and a drainage ditch inside the eastern boundary. The compound would be enclosed by a 2.75 metre high perimeter fence to the northern and western boundaries, and a 3.5 metre high acoustic fence would enclose the southern and eastern sides which are closest to the existing residential dwellings. The site would have two access points, the main one being to the south of the site off Saundercroft Road, and a secondary access for emergency vehicles to the west. Both access points would have 2.75 metre high gates. The proposal also incorporates a water tank which sits outside of the compound, approximately 36 metres south of the boundary fence, with approximate dimensions of 10.5 metres in diameter and 3.93 metres in height which equates to a capacity of 230,000 litres. Water within the tank would be used to cool adjacent containers in the event of a fire. The site would generally be unmanned but monitored by CCTV.

The southern side of the application site would be largely undeveloped apart from the siting of a water tank. The submitted Site Plan shows that this area shall also be used as a temporary compound during the construction phase.

The main issues for consideration are the following:

- Principle of development.
- Landscape and Visual Impacts.
- Fire Safety.
- Impact on neighbouring amenity.
- Loss of Best and Most Versatile (BMV) agricultural land.
- Ecological impact,
- Surface Water Attenuation.
- Highway impacts.
- Heritage Impacts.

Principle of Development

Strategy 7 (Development in the Countryside) does not permit development outside of Built-Up Area Boundaries unless explicitly permitted by some other policy in the Local Plan or an adopted Neighbourhood Plan. One such policy is Strategy 39 (Renewable and Low Carbon Energy Projects) 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 accept that battery energy storage 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 Planning Inspector noted in the decision letter relating to an appeal against the refusal of 22/2216/MFUL (also for a BESS scheme) 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 Visual Impacts

The site lies on gently undulating low-lying land which slopes down towards the north and adjacent woodland. The area is predominantly rural with the wider landscape characterised by farmland, agricultural buildings, power infrastructure, PV arrays and the built-up areas of nearby settlements.

The site is located within National Character Area (NCA) 148 Devon Redlands and classed within the Devon Landscape Character (LCT) as 3E Lowland Plains. The pattern of the rural landscape largely consists of small sized fields bounded by hedgerows and trees with intermittent areas of woodland. This type of vegetation, alongside the built form of buildings at Saundercroft Farm, largely obscure the site from any view within publicly accessible areas.

There has been slow, incremental change to the agricultural character of the immediate area as a result of renewable energy developments. The site is adjacent to Saundercroft Solar Farm to the west (23/0612/VAR) and within 1 kilometre of Burrowton Farm Solar Farm (19/2356/VAR) to the northwest and another to the north of Crannford House (15/1409/VAR). The Local Planning Authority has granted planning permission for a BESS to the south of Saundercroft Road (23/0962/MFUL) and is, at the time of drafting this report, considering two further applications for

BESS development to the west of the site (25/1150/MFUL) and to the north east of the site (25/0063/MFUL).

The solar array developments highlighted have all largely been implemented and whilst these developments have had an impact on the local rural landscape, the visual impact of this has been limited due to the topography of the area, which is relatively flat and has been undertaken in close proximity to the existing substation. These characteristics are particularly relevant to the current proposals due to their siting and position in relation to existing development. Furthermore, the site is set back from Saundercroft Road with Addlehole Copse forming a backdrop which shall further soften the visual impact of the acoustic fencing and water tower which are likely to be visible in glimpsed views to the south east of the application site.

A degree of cut and fill shall be required to facilitate the development. Plan ref DRG-P005 provides sections through the site and calculations with regards to the volume of soil to be cut and filled. A sloping bank approximately two metres in height shall be constructed along the northern boundary of the compound where the land is to be lowered. Overall, whilst this aspect of the development would alter the natural topography of the land where the compound sits, the works are considered minor in context of the wider site. These engineering works would also ensure that the northern part of the development would sit down in the site and therefore assist in reducing the scheme's overall prominence in wider views to the south.

The proposals shall require a degree of hedge removal in order to provide adequate visibility splays at the junction with Saundercroft Road. The extent of these works are depicted at Figure 14 of the Transport Statement that shows two 120 metre visibility splays in an easterly and westerly direction and involve hedge removal works on third party land. Figure 14 does not appear to have been drawn to scale and therefore a pre-commencement condition shall be required for the submission of such details if permission is to be granted.

The proposals include a Landscape Mitigation Strategy that details the planting of new hedgerows along the southern extent of the compound and the boundary of the application site. The area of land south of the BESS shall be maintained as improved grassland. The plan is general and lacks detail, which is reflected in comments from the Landscape Architect. It is questioned whether the area south of the site could be planted as an orchard. It is accepted that a fully detailed Landscaping Scheme shall be secured via condition that can secure appropriate mitigation/ planting commensurate with the scale of development and level of visual harm caused.

Overall, the Local Authority's Landscape Architect considers that the landscape and visual appraisal are generally accepted and the visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low. However, if permission is to be granted, further information shall be secured via condition requiring the following information:

- Details of any external lighting and hours of operation.
- Landscaping Scheme (hard and soft).
- Planting Scheme.
- Landscape and Ecology Management Plan (LEMP).

- Soil Management Plan.

Subject to conditions securing the above information, officers are satisfied that the proposals would not lead to adverse landscape harm or undermine the character and appearance of the area. As such the application is considered to meet the objectives of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) East Devon Local Plan.

Fire Safety

The NPPG includes a section on BESS schemes. This advises that for a 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 may 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, which are a type of lithium-ion battery.

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 near Hawkchurch, application ref. 22/2216/MFUL 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'*.

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 an Outline Battery Safety Management Plan by Envams Ltd December 2024, which has been reviewed by a Chartered Fire Engineer.

The management plan focuses on the safety considerations and mitigation measures for the battery component of the BESS, as the risks relating to the other components such as transformers, inverters, and switchgear are well understood and managed through existing industry guidance and regulatory codes.

Thermal monitoring of the cells alongside gas sensors and smoke detectors would trigger automated safety responses and notify operators of abnormal conditions. Should a fire occur, the design ensures containment and suppression to limit its impact. The positioning of BESS enclosures within the site adheres to the National Fire Protection Association (NFPA) requirement for a minimum spacing of 3 meters between battery units, reducing the risk of fire propagation, and the units are sited at least 10 meters away from existing and proposed vegetation, to reduce the risk of fire spread to or from vegetation in line with recommendations outlined in the National Fire Chiefs Council (NFCC 2022) guidance.

Each enclosure is fitted with a thermally activated aerosol suppression system, a liquid cooling system to stabilize temperatures and a ventilation system to maintain safe gas concentrations. Each BESS enclosure is also fitted with a deflagration panel compliant with NFPA 69. The nearest residential properties are spaced more than 166 metres from the BESS, well in excess of the 25 metre minimum recommendation contained within the NFCC guidance.

Devon and Somerset Fire and Rescue Service (DSFRS) have reviewed the proposal and have stated that the proposed provision for detecting both smoke and gas broadly align with recommended safety guidance (e.g. NFCC, FM Global). The information indicates that there will be provisions for monitoring battery conditions, and these include both remote and local emergency shut off functions. This also broadly aligns to the above referenced guidance.

The proposed aerosol-based suppression, with deflagration prevention and venting are designed to an NFPA codes which are different safety codes to the NFCC guidance but are widely recognised as suitable safety benchmarks.

The Fire Service have commented that the proposed container spacing appears to be around 3 meters. This distance does differ from the NFCC guidance figure of 6 meters but is a recognised approach, when implemented holistically, with the recommendations of other recognised guidance (in this case, the NFPA guidance).

The proposal indicates 2 separate points of access which aligns to the NFCC guidance. The information also indicates the width of access roads and turning points should comply with section B5 of Approved Document B in order that the carriageways to these access points are also suitable for DSFRS vehicles.

The proposed water supply of 2 hours at 1,900 litres per minute broadly aligns with the proposed figure within the NFCC guidance. There are no fire hydrants in close proximity so if this supply is exhausted, additional water could be required. DSFRS stated they do have capability to do this, but this may be impacted if there is competing demands for this capability. The nearest fire hydrant is on Crannaford Lane, approximately 740 metres south west of the site. The attenuation system provided as part of the SuDS Strategy can be shut off to avoid contamination in the event of a fire.

It is relevant to note that water is not used to put out any fire as experience has now led to the approach of allowing a battery fire to burn itself out. Instead water is used if needed to cool nearby batteries if they show signs of getting too hot.

Many of the safety systems are referenced as aligned to the NFPA guidance which, although not the NFCC guidance, is recognised as an industry safety standard. This is similarly the case with the proposed container spacing, however, the precautions for any adjoined containers should be consistent with the precautions given in the chosen safety guidance / benchmark.

A pre-commencement condition would require the development of an Emergency Response Plan (ERP) in consultation with the DSFRS, which should include the following information:

- How the fire service will be alerted
- A facility description, including infrastructure details, operations, number of personnel, and operating hours.
- A site plan depicting key infrastructure: site access points and internal roads; firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc); drainage; and neighbouring properties.
- Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eye-wash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
- Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
- A list of dangerous goods stored on site.

- Site evacuation procedures.
- Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, grassfire and bushfire.

Given the above, in light of the comments received from DSFRS it is considered the design of the proposed installation has suitable features to minimise risk of uncontrolled fires. Consequently, the proposal complies Strategy 39, and Policies EN14 of the Local Plan and paragraph 8 of the NPPF and the guidance in the NPPG and NFCC and NFPA guidance.

Best Most Versatile (BMV) agricultural land

The Agricultural Land Classification report submitted with the application confirms the site is classified grade 3b (not BMV) land. There is no information to contradict this and therefore there is no objection in relation to this matter. There is no conflict with policy EN13 of the Local Plan in this regard.

Surface Water Attenuation

The application is supported by a drainage strategy. The total area of hard surfaces (battery storage units and buildings) is approximately 0.12 hectares. Infiltration testing undertaken shows that Infiltration rates were very low.

The development will discharge to an existing drainage ditch which serves the existing substation to the north of the Development via a detention basin and a swale at greenfield rate, in accordance with the SuDS hierarchy.

The DCC Flood Risk Management Team have no in-principle objections to the proposal, subject to the imposition of a pre-commencement planning conditions requiring further details in respect of the drainage design during the construction phase, details of the adoption and maintenance of the permanent surface water drainage system and a plan indicating how exceedance flows will be safely managed at the site. As stated previously, the attenuation system provided as part of the SuDS Strategy can be shut off to avoid contamination in the event of a fire. The basin and swale would be lined, with no potential for infiltration. The swale and basin have been designed to have 53% and 24% capacity available during the 1:100 + 40% Climate Change critical event, so would not be 'full' during the unlikely event that there was a battery fire at the same time as an extreme storm. The headroom volume available during the 1:100 + 40% Climate Change critical event is 255 cubic metres, which is more than the NFCC requirement of 228 cubic metres for firefighting water. As such the swale and pond can accommodate the 1:100 + CC event as well as the firefighting volume. In the unlikely event of a fire, any firewater in the sealed basin would be tested on-site to determine whether it is contaminated, and any contaminated water would be taken off site for safe disposal at a treatment plant.

The outfall will be to an existing drain to the north of the site. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing.

With the appropriate condition in place, the proposed would comply with local plan policy EN18 and EN22.

Ecological Impact

The application is accompanied by an Ecological Impact Assessment (EclA), dormouse survey, ground level bat survey of trees, Statutory Biodiversity Metric, and Biodiversity Net Gain Assessment report.

The site supports hazel dormouse and has suitable habitat to support other legally protected and notable species. The EclA recommends suitable mitigation, compensation, and enhancement measures, and considers there are unlikely to be any significant impacts on ecological receptors subject to mitigation and compensation measures being secured and implemented successfully.

Hazel dormouse is present on the site and in the surrounding habitats and should be considered likely to be present in all contiguous habitats, i.e., in surrounding hedges. Therefore, all hedges on the site would be considered as Important under the Hedgerow Regulations due to the presence of a Schedule 51 species.

A three metre section of hedgerow 3 to the west of the site is proposed for removal to facilitate the installation of the cable route. Sections of the hedgerows either side of the existing access would also be subject to pruning to improve visibility into the site. A further removal of approximately 1 metre of Hedgerow 2 would also be required to facilitate the movement of machinery onto the Site. A mitigation license would be required in respect of dormice in relation to the proposed areas of hedge removal.

Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the National Planning Policy Framework's requirement to give significant weight to the benefits associated with renewable and low carbon energy generation, and the proposal's contribution to a net zero future. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and these elements have been found acceptable by the council's ecologist, there is no reason why a license would not be issued or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend Article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Two new sections of species-rich native hedgerow will be planted on site in mitigation. The proposed new hedgerows on the site should comprise of species-rich hedgerows on banks. As indicated by the landscape officer, the southern grassland areas could be planted as a traditional orchard with additional copse planting and trees provided on the site.

The site is adjacent to Addlehole Copse Unconfirmed Wildlife Site (UWS), an area of broadleaved woodland. There are records of rare woodland bat species including Annex II barbastelle and lesser horseshoe bat within the vicinity. The development platform of the site is located towards the north part of the site, close to the woodland used by badgers, hazel dormice and likely rare bat species.

EDDC's ecologist has commented that from the scale of the submitted plan (1:2500) it is not clear how far the site are works are from the woodland. It is accepted that direct impacts on the woodland are considered unlikely. From an ecological perspective, it would be preferable to see the area immediately south of the woodland subject to natural regeneration to buffer the woodland naturally and provide habitat for protected and notable species. The submitted drainage details indicate the use of swales and detention basins. The proposed SuDS feature close to the woodland should be designed with a varying topography with permanent standing water and planted with appropriate aquatic and emergent species to maximise ecological value and provide enhanced foraging opportunities for bats and other wildlife.

It is considered that the number of bat and bird boxes should be increased to five of each type, installed on mature trees around the site.

The proposed mitigation, creation and enhancement measures, subject to the above comments, are considered generally appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

A number of conditions have been recommended should the application be recommended for approval, requiring compliance with the submitted Ecological Impact Assessment (EclA). A further condition is recommended to secure a Construction and Ecological Management Plan (CEcoMP) prior to the commencement of any works on site.

With the appropriate conditions in place the proposal would comply with Local Plan Policy EN5 and Strategy 47.

Biodiversity Net Gain (BNG)

The proposal includes the enhancement of modified grassland into other neutral grassland, as well as the provision of new and enhanced hedges, and the creation of

a ditch and bioswale. The submitted metric indicates the proposal would achieve a net gain above 10% for all habitat types (areas, hedges, and watercourses).

The proposed habitat creation would be considered as a significant onsite gain and would require securing for 30-years from the completion of the habitat enhancement measures. The habitat would also be subject to a BNG monitoring contribution.

The application is supported by a high-level landscaping mitigation plan. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP) and revised metric supported by a detailed soft landscaping plan, e.g., that considers soil chemistry, habitat condition assessment criteria of proposed habitats, consideration of adaptive management, monitoring, and reporting requirements.

EDDC's ecologist has commented that the area is typified by Devon bank hedges but none of the hedges on the site appear to be classified as on a bank within the submitted metric. This detail for the onsite hedges should be clarified in the submission of the Habitat Management and Monitoring Plan (HMMP) and updated metric.

The Biodiversity Gain Plan and Habitat Management and Monitoring Plan (the HMMP) will also be required to be submitted prior to the commencement of works on site.

Residential Amenity

The application is accompanied by an Outline Construction Environmental Management Plan (CEMP). The core construction working hours are stated as being from 7am until 8pm Monday to Friday and 7am until 4pm on Saturdays.

Environmental Health have commented that they will not support the hours currently detailed within the Outline CEMP and these need to be amended to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. A pre-commencement condition is therefore recommended requiring an amended CEMP, to protect the amenities of existing residents in the vicinity of the site from noise, air, water and light pollution.

The application is accompanied by a Noise Impact Assessment, the scope of which was agreed with EDDC's Environmental Health officer prior to the submission of the planning application. Noise sources within the proposed development are the battery containers, inverters, and the transformers.

The report provides an indication of the likely impact on nearby noise sensitive receptors (NSR's), Saundercroft Bungalow, Saundercroft Cottage and Saundercroft. A 3.5 m acoustic fence on eastern and southern boundaries has been designed to provide suitable mitigation against noise.

The predicted noise levels at all NSR's are daytime: 4–7 dB below background, evening: 1–2 dB above or below background and Night-time: 2–5 dB above background. Assessed against BS4142 the proposed levels are within acceptable

limits indicating there would be no adverse impacts to nearby residents on the ground of noise.

The site is near an existing substation and solar farm, making the development acoustically consistent with the area no significant cumulative noise impact expected from nearby developments due to distance, terrain, and wind direction.

No details have been provided in respect of the appearance of materials of the proposed acoustic fence. This will be sited inside the line of the existing hedgerow and tree line along the eastern boundary. Further details will therefore be required by condition alongside the rest of the landscaping treatments in respect of the appearance of the acoustic fence, and the other security fence to the northern and western site boundaries.

Monitoring of the site would principally be undertaken remotely via CCTV and remote monitoring of the batteries and transformers. The site would likely be attended by staff weekly for a few hours at a time to physically check the site as well as attend to landscape maintenance. A small welfare facility has been provided for staff which would contain a WC.

Subject to a condition requiring further information in respect of the proposed fencing, the proposal would not adversely affect amenity of occupiers of adjoining residential properties and would comply with Local Plan Policy D1.

Highways

Devon County Highways and National Highways have reviewed the Transport Assessment submitted with the application.

Once constructed, the proposed facility would be unstaffed and accessed by car or van for weekly maintenance and occasional parts delivery only.

The construction phase is anticipated to last 9-12 months with a total of 510 HGV movements forecast across this phase. The traffic generation associated with the decommissioning of the site will be broadly similar to the construction phase.

The comments from the Parish Council are noted, which raise concerns about the narrow pinch point at Broadclyst Station and the proximity of the route to students walking and cycling to Clyst Vale Community College. 5 options of alternative routes to the site were evaluated in the course of identifying a suitable route for construction vehicles to site. Option 1 is routed via Pinhoe, Option 2 via Broadclyst Station, Option 3 via Cranbrook, Option 4 via Whimble and Option 4a via Daisymount Junction and Whimble. Devon Highways expressed concerns over option 3 because of the proximity to Cranbrook Education Campus and the basic nature of Crannaford Level Rail Crossing. Options 1 and 2 were identified as being of good suitability, with routes 4 and 4a being of reasonable suitability. Option 2 via Broadclyst Station has been identified as the preferred route, which Highways have acknowledged is already in use by HGV traffic. The construction period is of a limited duration therefore the traffic impacts would be temporary, and the proposed vehicle

movements are not excessive. Given Highway's support for the proposal, the route is considered to be acceptable.

The Development would utilise the existing access onto Saundercroft Road. Saundercroft Road is subject to a 60mph speed restriction however speed surveys undertaken indicate that actual speeds are in the region of 32 mph, therefore the visibility splays have been designed for a road speed of 30mph. A small scale drawing of the proposed splays have been included within the transport statement and as previously stated, full details of the entrance works to provide the necessary splays, to include the removal of the hedging to the opposite side of the road, would be required by condition should the application be recommended for approval.

National Highways have requested that where possible that HGV deliveries are scheduled to avoid routing via the strategic road network during the AM (0800-0900) and PM (1700-1800) network peak periods. In total 510 HGV vehicle movements are envisaged in the course of the 9–12-month construction period which equates to around 11 per week on average depending on timescale. The proposed route to the site has been discussed with County Highways, who acknowledged that a good part of the route is already used by HGVs and that the construction traffic will only be using the route for a temporary period.

Based on the forecast trip generation National Highways is satisfied that the construction, operation and decommissioning of the development is unlikely to result in an adverse traffic impact on safe operation of the strategic road network.

Devon County Highways likewise have no objection to the scheme given that the development would produce limited trip generation once in operation, and that the submitted Construction and Environment Management Plan (CEMP) would help to mitigate any highway network impacts during construction.

Two parking spaces are provided within the finished scheme, with electric car charging, for parking of staff once the BESS is operational which is considered sufficient.

The comments regarding excessive working hours mirror those of Environmental Health and therefore a condition would be imposed requiring an amendment to the submitted CEMP prior to the commencement of any works on site. With the appropriate condition in place, the proposal would comply with Local Plan Policy TC2, TC7 and TC9.

Trees

The site is a single field bordered by hedgerows, boundary trees, and deciduous woodland. Addlehole Copse lies to the immediate north of the site which is designated as Priority Habitat; Deciduous Woodland.

The existing hedgerows will be retained wherever possible throughout the site. In respects of the impacts to the existing trees on site, an approximately 10 metre long section of a low-quality (Category C) tree group (G3) is proposed for removal to

allow for cable routing and access. Compensatory planting is planned to offset this canopy loss. The proposed work also entails minor pruning of five trees and one hedgerow to allow crane access.

The planting of a 2 metre high species rich hedgerow with trees to the south of the site will compensate for the areas proposed for removal. The eastern, western and southern boundary hedgerows will be further enhanced with infill planting using native species such as hawthorn, downy or silver birch or oak. Hedgerows through the site are to be managed to a height of 3.5 metre.

A full Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) has been submitted with the application. EDDC's tree officer has no objection in principle to the proposal and is satisfied that overall there will be little impact on the majority of retained trees. However, there are concerns over the location of the attenuation basin, which is shown on the plans as being within the tree protective fencing zone.

EDDC's tree officer has asked for the AMS to be updated to outline how the attenuation basin is to be constructed without risking damage to the RPA of the trees. The applicant has clarified that the attenuation basin falls outside of the RPA. A revised TPP and AMS will be required by condition to show the proposed protective fencing outside of the root protection area and the area proposed for the construction of the swale.

With the appropriate condition in place, the proposal would comply with Local Plan Policy D3.

Heritage

There are no listed buildings within the vicinity on the site therefore there are no concerns that the proposal would lead to any adverse impacts to any listed buildings.

In respect of below ground heritage, the archaeological geophysical survey undertaken has identified two areas of possible pits within the area which have potential to be affected by the construction of the proposed battery energy storage system. However, without undertaking intrusive archaeological investigations it is not possible to determine whether these anomalies are archaeological or geological in origin, and if they are archaeological then it is likely that they are prehistoric in date. Nevertheless, the groundworks for the construction of the proposed BESS have the potential to expose and destroy these features. The Historic Environment Team have therefore advised that the impact of development upon the archaeological resource is mitigated by a programme of archaeological work to investigate, record and analyse any archaeological evidence that would otherwise be destroyed by the proposed development.

The Devon Historic Environment Team has recommended a pre-commencement condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) in mitigation for the loss of heritage assets with archaeological interest.

A further condition is recommended to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.

With the appropriate conditions in place, the application would comply with Local Plan Policy EN6.

Foul Drainage

A Foul Drainage Assessment has been received in respect of the proposed arrangement for foul drainage. The proposed Welfare Unit would contain a WC for visiting staff overseeing the BESS. There is no foul main within a reasonable proximity of the BESS site. Geotechnical assessments undertaken indicate the site is essentially impermeable, and therefore not suitable for the installation of a package treatment plant. A cesspool is therefore proposed, with a level alarm to allow for emptying in good time.

The use of cesspools is an option of last resort as set out in the non-mains drainage hierarchy, however given the site constraints in this instance it is considered acceptable.

Given the above, the proposed would be in accordance with Local Plan Policy EN14 and EN19,

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 to maximising the usable output from intermittent low carbon generation (e.g. solar and wind). 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 contribute towards ensuring UK has a secure energy supply. 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. Very significant weight is afforded to these benefits.

There would also be some temporary benefits in terms of the economic activity generated during the construction phase of the scheme.

Planning Balance

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the Framework.

The proposal is a low carbon project as defined in the Local Plan and it therefore accords with Strategy 39 in this particular regard.

The visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low and further details would be required by way of condition to secure appropriate mitigation/ planting commensurate with the scale of development. The site is relatively flat and set back from the road such that it is not very exposed to public views. The proposal accords with Strategies 39 and 46, and policies D1 of the Local Plan in this respect.

In respect of fire safety, the proposals have been reviewed by the DSFRS who are satisfied that the proposal meets the requirements of the NFCC and NFPA guidance. The proposal therefore complies with Strategy 39 and Policy EN14 of the Local Plan and guidance within the NPPF.

Sufficient evidence has been provided to demonstrate that the scheme would not harm local biodiversity interests, subject to appropriate planning conditions, and that the requisite BNG can be achieved, complying with policy EN5 of the Local Plan.

There are no highway objections to the scheme in conformity with policy TC2 of the Local Plan. Nor is the development going to lead to the loss of BMV agricultural land so there is no conflict with policy EN13 of the Local Plan.

The benefits of the scheme are set out in the preceding sections 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 and carry significant weight in the planning balance. Additionally, there would be lesser economic benefits during the construction phase.

On balance the benefits of the development significantly and demonstrably outweigh the limited landscape harm that would arise. It is therefore recommended that permission is granted.

RECOMMENDATION

APPROVE subject to the following conditions:

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved, an emergency Response Plan (ERP) shall be submitted to, and approved in writing by, the Local Planning Authority. The ERP shall be prepared in consultation with the Devon Fire and Rescue Service and shall follow the National Fire Chiefs Council (NFCC) and NFPA 855 guidelines and include as a minimum:
 - How the fire service will be alerted and incident communications & monitoring capabilities.
 - Facility description, including infrastructure details, operations, number of personnel, and operating hours.
 - Site plan depicting key infrastructure.
 - Site access points, internal roads, agreed access routes, observation points, turning areas, etc.
 - Firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc).
 - Water supply locations & capacity.
 - Drainage and water capture design & locations.
 - Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eyewash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
 - Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
 - A list of dangerous goods stored on site.
 - Site evacuation procedures.
 - Site operation Emergency Management protocols - 4 phases: discovery, initial response / notification, incident actions, resolution & post incident actions / responses.
 - Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, wildfires, impacts on local respondents, impacts on transport infrastructure.
 - The operator will develop a post-incident recovery plan that addresses the potential for reignition of the BESS and de-energizing the system, as well as removal and disposal of damaged equipment.

(Reason - A pre-commencement condition is required in order that the risks can be minimised in advance of any works on site, and to minimise risks of accidents which could be harmful to the public and the environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

4. Within 30 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing

approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than twelve months following the commencement of the first operation of the development. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 to 2031.)

5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(Reason: A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.)

6. The development hereby approved shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

(Reason: To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

7. Prior to the commencement of development, a site waste management plan 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:

- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- 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.
- 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: A pre-commencement condition is required to ensure that all waste material is dealt with in a sustainable way from the outset of the development, including any groundworks and construction. 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.)

8. Notwithstanding the submitted CEMP, an amended Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

9. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

The development shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: A pre-commencement condition is required to demonstrate 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. The above condition is 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.

10. The development shall be carried out in strict accordance with the Ecological Impact Assessment (EclA) (SLR Consulting Limited, December 2024), Technical Memorandum - Ground Level Tree Assessment (GLTA) (SLR Consulting Limited, January 2025), Hazel Dormouse Report (SLR Consulting Limited, February 2025) and Ecological consultee comments made (EDDC, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
- a. 5 no. bat boxes installed on mature trees
 - b. 5 no bird boxes installed on mature trees
 - c. Reptile/amphibian hibernacula
 - d. Ecological mitigation planting
- have been implemented, and confirming compliance with any protected species licences and/or ecological method statements secured via planning conditions.

(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)

11. Construction and Ecological Management Plan (CEcoMP).
No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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)

12. No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing including acoustic fencing, retaining structures, pavings and edgings, site furniture and signage.

- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

- c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls.

- d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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

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

f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details.
- g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - A pre-commencement condition is required to ensure that the details are planned and considered at an early stage 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 D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

13. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:
- a) Details of the body or organisation responsible for implementation of the plan.
 - b) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - c) Landscape and ecological management aims and objectives for the site.
 - d) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - e) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
 - f) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - g) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h) Drainage swales and water bodies.
 - j) Arrangements for inspection and monitoring of the site and maintenance practices.
 - k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use.

5) 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: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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.)

14. Notwithstanding the submitted AMS and TPP, prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required 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 East Devon Local Plan 2013-2031.)

15. The development hereby approved shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of BESS units with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason: To ensure the visual and landscape effects of the development are adequately mitigated in accordance with Strategies 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031).

16. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment Report dated December 2024 and prepared by SLR Consulting Limited and the EDDC Landscape Officer and EDDC Ecology Officer consultee comments.

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority 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 habitat 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.

1.3 Notice in writing shall be given to the Local Planning Authority when the HMMP works have started.

1.4. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority 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.

1.5. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.6. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: A pre-commencement condition is required in accordance with Paragraph 13 Schedule 7A of the Town and Country Planning Act 1990, to ensure the development delivers a biodiversity net gain on site and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990, and 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.)

17. Prior to the installation of any BESS unit a site-specific Battery Safety Management Plan (BSMP) shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the agreed BSMP. Should any changes to the approved BESS units be necessary during the lifetime of the development, no such changes shall be made without a revised BSMP having first been resubmitted to, and written approval received from, the Local Planning Authority.

(Reason - The Battery Safety Standards document 12 September 2023 is in outline form and further details will be required for approval once the technology selected for use on the site is known, in the interests of the minimising risks of a hazardous event which could lead to pollution of the local environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

18. The acoustic fence shown on the plans hereby approved shall be installed prior the first operation of the BESS units and shall be maintained and retained in effective condition for the lifetime of the development. Details of the materials and finish of the fence shall have been submitted to, and agreed in writing by, the Local Planning Authority, prior to its installation.

(Reason - To ensure the nearest residential properties are not adversely affected by noise from the operation of the installation and to ensure the 24/0096/MFUL appearance of the fence is appropriate in accordance with policy EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031).

19. Prior to the commencement of the development hereby approved, details of the construction of the access including details of the hedgerow to be removed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All other elements of the hedgerow are to be retained for the lifetime of the development.

(Reason - A pre-commencement condition is required to ensure that the access works are planned and provided in good time in the interests of highway safety for construction and other vehicles, and to preserve the character of the area in accordance with the requirements of Policy D1 (Design and Local Distinctiveness), Policy D3 (Trees and Development Sites) and Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031)

20. The two service/emergency access points shown on the plans hereby approved shall be maintained and retained as approved for the duration of the presence of the BESS units on site.

(Reason - To ensure the site can be accessed by emergency vehicles from two separate directions for the lifetime of the development in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

WES-EDFR-TCL-DRG-E001 : SITE ELEVATIONS	Proposed Combined Plans	19.12.24
WES-EDFR-TCL-DRG-G002 : PCS & TRANSFORMER	Other Plans	19.12.24

ARRANGEMENTS

WES-EDFR-TCL-DRG-G003 :BATTERY CONTAINER ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G004 :DNO INCOMER SUBSTATION ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G005 : FENCING, GATE & CCTV ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G006 :BESS 33KV SWITCH ROOM ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G012:WATER TANK ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G007 : UXILLARY & EARTHING TRANSFORMER ARR.	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G009 :LV AUXILIARY SWITCH ROOM, CONTROL	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G010: EV CHARGE POINT	Other Plans	19.12.24

WES-PP-TCL-DRG-P001	Proposed Site Plan	19.12.24
WES-EDFR-TCL-DRG-G013 :HARMONIC FILTER ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-P002	Location Plan	19.12.24
WES-EDFR-TCL-DRG-P005 :CUT AND FILL PLAN	Other Plans	19.12.24
LANDSCAPE MITIGATION PLAN	Landscaping	19.12.24
SUDS STRATEGY	Other Plans	19.12.24

List of Background Papers

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

Relevant consultation responses in full:

County Highway Authority

The County Highway Authority (CHA) has reviewed the planning application document and visited the site.

The construction of BESS's are time limited and due to the nature of these establishments tend to produce limited trip generation once in operation, due to their low maintenance requirements and self-sufficiency in operation.

The proposed location is near to the grid transmission site and therefore would involve reduced construction and/or vehicular trips. The planning documents includes a comprehensive Construction and Environment Management Plan (CEMP), which will help to mitigate any highway network impacts during construction, including 'just-in-time' deliveries, routeing utilising the M5, B3181 and Whimble Road/Saundercroft Road along with limited hours of operation Therefore, in summary, the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

EDDC District Ecologist

1 Introduction

This report forms the EDDC Ecology response to the above application.

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 an Ecological Impact Assessment (EclA), dormouse survey ground level bat survey of trees, Statutory Biodiversity Metric, and Biodiversity Net Gain Assessment report.

Supporting ecological surveys are generally considered valid to support the application, i.e., considered within date, following recommended guidelines, with any limitations explained.

The site supports hazel dormouse and has suitable habitat to support other legally protected and notable species. The EclA makes recommended mitigation, compensation, and enhancement measures. It considers there is unlikely to be any significant impacts on ecological receptors subject to mitigation and compensation measures being secured and implemented successfully.

Biodiversity Net Gain (BNG)

The proposal includes the enhancement of modified grassland into other neutral grassland, as well as the provision of new and enhanced hedges, and creation of ditch and bioswale. The submitted metric indicates the proposal would achieve a net gain above 10% for all habitat types (areas, hedges, and watercourses). The proposed habitat creation would be considered as significant onsite gain and would require securing for 30-years from the completion of the habitat enhancement measures and would be subject to a BNG monitoring contribution.

The application is supported by a high-level landscaping mitigation plan. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP) and revised metric supported by a detailed soft landscaping plan, e.g., that considers soil chemistry, habitat condition assessment criteria of proposed habitats, consideration of adaptive management, monitoring, and reporting requirements.

3 Conclusions and recommendations

General comments

Hazel dormouse is present on the site and in the surrounding habitats and should be considered likely to be present in all contiguous habitats, i.e., in surrounding hedges.

Therefore, all hedges on the site would be considered as Important under the Hedgerow Regulations due to the presence of a Schedule 51 species.

The area is typified by Devon bank hedges but none of the hedges on the site appear to be classified as on a bank within the submitted metric. This detail for the on-site hedges should be clarified in the submission of the Habitat Management and Monitoring Plan (HMMP) and updated metric.

The proposed new hedgerows on the site should comprise of species-rich hedgerows on banks.

As indicated by the landscape officer, the southern grassland areas should be planted as a traditional orchard with additional copse planting and trees provided on the site.

The site is adjacent to Addlehole Copse Unconfirmed Wildlife Site (UWS), an area of broadleaved woodland. There are records of rare woodland bat species including Annex II barbastelle and lesser horseshoe bat within the vicinity. The development platform of the site is located towards the north part of the site, close to the woodland used by badgers, hazel dormice and likely rare bat species.

From the scale of the submitted plan 1:2500 it is not clear how far the site is from the woodland. It is accepted that direct impacts on the woodland are considered unlikely. From an ecological perspective, it would be preferable to see the area immediately south of the woodland subject to natural regeneration to buffer the woodland naturally and provide habitat for protected and notable species. The submitted drainage details indicate the use of swales and detention basins. The proposed SuDS feature close to the woodland should be designed with a varying topography with permanent standing water and planted with appropriate aquatic and emergent species to maximise ecological value and provide enhanced foraging opportunities for bats and other wildlife.

It is considered that the number of bat and bird boxes should be increased to five of each type, installed on mature trees around the site.

The proposed mitigation, creation and enhancement measures, subject to the above comments, are considered generally appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

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

Compliance

The development shall be carried out in strict accordance with the Ecological Impact Assessment (EclA) (SLR Consulting Limited, December 2024), Technical Memorandum - Ground Level Tree Assessment (GLTA) (SLR Consulting Limited, January 2025), Hazel Dormouse Report (SLR Consulting Limited, February 2025) and Ecological consultee comments made (EDDC, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the

1 Wildlife and Countryside Act 1981 (as amended)

local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. 5 no. bat boxes installed on mature trees
- b. 5 no bird boxes installed on mature trees
- c. Reptile/amphibian hibernacula
- d Ecological mitigation planting

have been implemented, and confirming compliance with any protected species licences and/or ecological method statements secured via planning conditions.

Construction and Ecological Management Plan (CECoMP).

No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW), including any licence requirements, i.e., for reptiles, dormice and bats.
- h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Habitat Management and Monitoring Plan (HMMP)

1.1 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment Report dated December 2024 and prepared by SLR Consulting Limited and the EDDC Landscape Officer and EDDC Ecology Officer consultee comments.

1.2. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority 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 habitat 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.

1.3 Notice in writing shall be given to the Local Planning Authority when the HMMP works have started.

1.4. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority 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.

1.5. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.6. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason:

To ensure the development delivers a biodiversity net gain on site and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990, and 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

Devon County Council Waste Management

This major application has come to our attention as the Waste Planning Authority.

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 noted that control of waste is included within the submitted outline construction environmental management plan which mentions the preparation of a site waste management plan.

Therefore, it is recommended that a condition is attached to any consent to require the submission of a site waste management plan prior to the commencement of the development as stated below:

Prior to the commencement of development, a site waste management plan 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

DCC Flood Risk Management Team
FRM/ED/2664/2025

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:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

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

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

Following my previous consultation response FRM/ED/2664/2025, dated 07th February 2025, the applicant have provided additional information in relation to the surface water drainage aspects of the above planning application, in an email, for which I am grateful.

The applicant have confirmed that the development lifetime is 30 years i.e. operational into the 2050s as confirmed in the Construction of a Battery Energy Storage System (BESS) Westcroft, land North of Saundercroft Road, Exeter Planning, Design and Access Statement (Report ref. 086, Rev. v.3, dated December 2024).

The applicant have also confirmed that the proposed access road will be 100% impermeable.

The swale is proposed to be restricted to 4l/s before discharging to the pond. The outlet of the pond will restrict the flow to 0.7l/s.

The outfall will be to an existing drain and it is proposed that the detailed design of the outfall will be undertaken prior to construction. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

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 Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024) and Westcroft BESS SuDS Strategy (Report Ref. 050, Rev. 4-0, dated 12th December 2024) to support the proposed battery energy storage system (BESS) on land north of Saundercroft Road, Broadclyst, Exeter EX5 3BG.

The site slopes from approximately 44mAOD in the south to approximately 30mAOD at the northern boundary. It is unclear the gradient of the site.

The total hard surfaces (battery storage units and buildings) is approximately 0.12ha out of a total site area of 2.95ha. But the impermeable area, including the tracks is 0.25ha.

The applicant proposed to use type 2 or 3 aggregate for the access tracks. Type 2 aggregate shall not be considered as permeable.

Infiltration testing undertaken in December 2023 has demonstrated that the infiltration rates were very low and therefore soakaway is not suitable for the proposed development site.

The applicant proposed to discharge the surface water runoff to an existing drainage ditch which serves the existing substation to the north of the development via a detention basin and a swale at a greenfield runoff rate, Q_{bar} of 0.7l/s (0.255ha of impermeable area used).

The proposed development lifetime is for 30 years i.e. operational into the 2050s and hence a 40% climate change allowance was used. The applicant shall confirm that the development will be removed after 30 years or obtain the confirmation from the Local Planning Authority (LPA) regarding this lifetime.

It was mentioned that positively drainage areas will connect to manholes via filter drains which will be confirmed at the detailed design stage. The surface water runoff from the proposed access road will need to be taken into consideration during detailed design. A storage of approximately 158m³ would be required. The discharge will be throttled using a pump.

Looking at the model output results, the applicant shall note that only impermeable area shall be used in the model simulation. The current outlet is shown to restrict to 4.0l/s instead of 0.7l/s. The applicant shall therefore carry out further check on the submitted model output results.

The outfall will be to an existing drain and it is proposed that the detailed design of the outfall will be undertaken prior to construction. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

The development operator will be responsible for the adoption and maintenance of the proposed surface water drainage management system.

Swales, cutoff ditches and settlement lagoons are likely to be proposed to manage the silt and surface water runoff during construction.

Devon & Somerset Fire And Rescue Service

Detection and Monitoring

The proposed provision for detecting both smoke and gas broadly align with recommended safety guidance (e.g. NFCC, FM Global). The information indicates that there will be provisions for monitoring battery conditions, and these include both remote and local emergency shut off functions. This also broadly aligns to the above referenced guidance.

Suppression, Deflagration Prevention and Venting

The proposal indicates provision of aerosol-based suppression, with deflagration prevention and venting. These measures are designed to an NFPA codes which are different safety codes to the NFCC guidance but are widely recognised as suitable safety benchmarks.

Container Spacing

The proposed container spacing appears to be around 3 meters. This distance does differ from the NFCC guidance figure of 6 meters but is a recognised approach, when implemented holistically, with the recommendations of other recognised guidance (in this case, the NFPA guidance).

Fire Service Access

The proposal indicates 2 separate points of access which broadly aligns to the NFCC guidance. The information also indicates width of access roads and turning points which should broadly comply with section B5 of Approved Document B.

Water Supplies

The proposed water supply of 2 hours at 1,900l per minute does broadly align with the proposed figure within the NFCC guidance. There are no fire hydrants in close proximity so if this supply is exhausted, additional water could be required. DSFRS does have capability to do this, but this may be impacted if there is competing demands for this capability.

Summary

Many of the safety systems are referenced as aligned to the NFPA guidance which, although not the NFCC guidance, is recognised as an industry safety standard. This is similarly the case with the proposed container spacing, however, the precautions for any adjoined containers should be consistent with the precautions given in the chosen safety guidance / benchmark.

Having 2 points of access does align to the NFCC guidance so it is important that the main carriageways to these access points are also suitable for DSFRS vehicles. The proposed water supply also broadly aligns to the figure given within NFCC guidance. There is potential for an incident to outlast the water provision. DSFRS has capability to bring water to site, however, there is also the potential for competing demands for this capability.

Devon & Somerset Fire And Rescue Service

Thank you for your consultation regarding the above, dated and received by Devon and Somerset Fire and Rescue Service (DSFRS) on 20 January 2025.

Whilst DSFRS is not a statutory consultee at this stage of this project, we welcome opportunities to engage with stakeholders to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.

To support an application, a sufficiently detailed Fire Safety Management Plan (FSMP) should be developed and submitted to enable DSFRS to pass comment. In the event that a FSMP and site plans are not submitted, DSFRS will not pass comment on the application.

It is appreciated that during the early stages of the planning process it is unlikely that the applicant will have full specific details. If this is the case an 'Indicative' Fire Safety Management Plan (IFSMP) can be submitted and updated as and when specific details are confirmed.

In terms of the FSMP, DSFRS expects it to include a risk reduction strategy offering multiple layers of protection during construction, safe operation and decommissioning of the facility.

Part of the risk reduction strategy will involve the development of an Emergency Response Plan with DSFRS to minimise the impact of an incident during any of the above phases.

DSFRS' response to a FSMP will be led by the guidance produced by the National Fire Chiefs Council (NFCC) 'Grid Scale Battery Energy Storage System Planning'.

<https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>

Without prejudicing any further comments in relation to a FSMP, DSFRS would recommend adoption and/or inclusion of the risk reduction measures contained within the above guidance.

Any alternative solution or mitigation strategies to those detailed in the NFCC guidance should be evidence based, detailing how they meet the same benchmarks.

We would be happy to comment further should the need arise but in the meantime if you have any queries, please do not hesitate to contact us.

James Whitton
Fire Safety Manager

DCC Historic Environment Officer
My ref: ARCH/DM/ED/40625a

I refer to the above application and your recent consultation. The archaeological geophysical survey undertaken of the site has identified two areas of possible pits within the area affected by the construction of the proposed battery energy storage system. However, without undertaking intrusive archaeological investigations it is not possible to determine whether these anomalies are archaeological or geological

in origin, and if they are archaeological then it is likely that they are prehistoric in date. Nevertheless, the groundworks for the construction of the proposed BESS have the potential to expose and destroy these features. The Historic Environment Team would therefore advise that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse any archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a limited number of trial trenches to investigate the sites of the putative pit features identified by the geophysical survey that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Stephen Reed

Senior Historic Environment Officer

Environmental Health

The construction working hours detailed within the applicants CEMP needs to be amended to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. Environmental Health will not support the hours currently detailed within the Outline CEMP. The amended 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.

Reason: To protect the amenities of existing residents in the vicinity of the site from noise, air, water and light pollution.

EDDC Landscape Architect

1 INTRODUCTION

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

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and

existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA)

The findings of the landscape and visual appraisal are generally accepted and the landscape and visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low.

2.2 Issues with submitted information

Site plan

The submitted site plan is presented at a scale of 1:2500. This scale is considered too small to provide sufficient detail required to assess the landscape impacts of the proposal. A revised plan should be provided at 1:500 scale (the same scale as the tree survey). The amended site plan should include the following information:

- Accurate plot of existing trees and hedgerow and associated RPAs and clear indication of extent of any removals.
- Clear indication of the extent of visibility splays and the extent of hedge removal and cutting back required to accommodate them.
- Details of proposed surfacing.
- Locations of proposed CCTV columns.

Landscape mitigation plan

The area of proposed enhanced grassland at the southern end of the site should be planted as an orchard. There is a cider producer based 1km to the southeast of the site who has an agreement with the developers of the large BESS site south of Saudercroft Farm to manage new orchard areas on that site and who would be likely to agree to take on management of an orchard on this site. This would have positive benefits for landscape, biodiversity and the local economy.

The proposed SuDS pond should be designed with permanent standing water and planted with appropriate aquatic species to maximise ecological value.

The proposed new native hedge to the southern side of the BESS compound is shown running along the security fence line. The cut and fill plan indicates that this area is to be excavated by 2m to create a level platform for the compound. The proposed hedge should be planted along the top of the slope and the location should therefore be adjusted as indicated on the overmarked Cut and Fill Plan extract below. Consideration should be given to planting a small native copse at the eastern end of the proposed hedge as also indicated. (IMAGE)

Site Access

Confirmation should be provided that the works will not entail alteration of the site access.

Vehicle tracking details included in the Transport Statement indicate show these passing extremely closely to tree T99 situated immediately to the west of the access. Advice should be sought from EDDC Tree Team as to whether this is acceptable and if so what protective measures would be required.

Security fence

The proposed security fence comprises welded steel mesh panels 2.7m high, which seems excessive. Please consider amending to sheep netting 2m high.

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

Amendments and clarifications to the submitted scheme are required as noted in section 2.2 above. Subject to receipt of satisfactory responses the scheme should be considered acceptable in terms of landscape design/ impact.

3.2 Landscape conditions

In the event that amended information is secured and approval is recommended, the following conditions should be imposed:

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

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls.

d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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

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

f) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

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

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

a) Details of the body or organisation responsible for implementation of the plan.

b) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

- c) Landscape and ecological management aims and objectives for the site.
 - d) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - e) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
 - f) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - g) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h) Drainage swales and water bodies.
 - j) Arrangements for inspection and monitoring of the site and maintenance practices.
 - k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
 - l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- 4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use.
- 5) 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.

EDDC Trees

In principle I have no objection to the proposal. From the information available, it appears that there will be little impact on the majority of retained trees. However there are concerns over the location of the attenuation basin. From the plans provided it does appear that the attenuation basin is located within the tree protective fencing (but outside of the RPA?) - can this be confirmed. There appears to be no reference to the construction of the attenuation basin (or proposed site levels) within the AMS - a detailed AMS is required clearly outlining how the attenuation basin is to be constructed without risking damage to the RPA of the trees; if the tree protective fencing is proposed to be moved there is a risk of inadvertent damage occurring within the RPA and therefore causing damage to the woodland trees which is designated as Priority Habitat; Deciduous Woodland. A secondary fence and ground protection is likely to be necessary to ensure appropriate tree protection.

JMX.pdf

JMX.pdf

EDDC Recycling & Waste Contract Manager

Further to my response to this planning application (below) I note that there are a number of applications for solar farms and battery storage in close proximity to each other within the Clyst Valley Regional Park.

Bearing this in mind, and taking into consideration Strategy 10 of the adopted local plan - Green Infrastructure in East Devon's West End which states: 'We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.'

I also note that policy WS09 - Clyst Valley Regional Park states that 'Development proposals within and adjacent to the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission. All major development proposals within or on land adjacent to the Clyst Valley Regional Park will need, directly or through mitigation, to:

- A. Meet local plan policy requirements for Green and Blue Infrastructure;
- B. Provide connected cycling/walking infrastructure, where possible, including extension of or links to the Clyst Valley Trail;
- C. Restore and enhance the landscape character and sense of place of the Clyst Valley;

- D. Reduce recreation pressure on environmentally sensitive locations, through the creation of accessible green space and where appropriate Suitable Alternative Natural Greenspace (SANG);
- E. Contribute to the achievement of excellent ecological status in the River Clyst and tributaries, through enhanced natural flood storage, capture of run-off and restoration of soil health;
- F. Contribute to or make proportionate contributions to the following CVRP targets:
1. Creation and/or restoration of 1,000 hectares of priority natural habitat within the Nature Recovery Network;
 2. 30% tree canopy cover in accordance with the East Devon Tree, Woodland and Hedges Strategy;
 3. 740 hectares of Public Open Space meeting 'Building with Nature' or 'Green Flag Award' standards;
 4. 80 km of traffic-free trail and quiet way meeting LTN 1/20 design standards - see Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)'

Therefore I would request that this application, and the other applications in close proximity, provide a financial contribution of £20,000 to support tree and woodland planting within the CVRP - contributing to the delivery of CVRP objectives and compensate for the cumulative landscape impact of these developments.

Please let me know if you would like to discuss the above,
Hello Team

This is an application for battery storage so there are no household/waste and recycling requirements to comment on.

Steve Maclure
Operations and Project Officer

Recycling and Waste
East Devon District Council

smaclure@eastdevon.gov.uk

Green Infrastructure Project Manager - Paul Osborne

The boundary for the Clyst Valley Regional Park is amended in the emerging local plan and extends to the immediate north of the site, and this should be picked up in the LVIA.

That being said I have no objection to raise in relation to the proposals - the proposed battery storage is located in close proximity to the existing regional substation and adjacent solar farm and where visible will be seen in this context. I am happy with the LVIA's conclusions the landscape and visual impact of the proposed development is likely to be limited/negligible.

It is important to deliver battery storage to support a decarbonised energy network and reduce carbon emissions - and minimise the impact of future climate change on valuable landscapes such as the Clyst Valley.

A landscape condition is required to approve detailed planting plans for the proposed landscape mitigation and to ensure this is properly planted and managed to ensure it establishes and is appropriately maintained.

Paul Osborne (He/Him)
Green Infrastructure Project Manager

Place, Assets & Commercialisation
East Devon District Council

National Highways

Referring to the consultation on a planning application dated 20/01/2025 referenced above, in the vicinity of the A30 trunk road and M5 motorway that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹
¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete. The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSW@nationalhighways.co.uk

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways' recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 24/2664/MFUL.

Statement of Reasons

The application seeks full permission for the construction of a Battery Energy Storage System (BESS) for an operational period of 30 years, at Land north of Saundercroft Road, Broadclyst. The 2.61ha site located approximately 3.8km west of the M5 motorway and 3.7km north of the A30 trunk road.

The application is supported by a Transport Statement (TS) dated 06/12/2024 prepared by Systra.

Impact on Strategic Road Network

Operational Phase

Once constructed the proposed facility would be unstaffed and accessed by car or van for maintenance and occasional parts delivery only.

Construction Phase

The construction phase is anticipated to last 9-12 months with a total of 510 HGV movements forecast across this phase. The TS proposes a number of HGV construction traffic routes all of which travel via M5 Junction 29 and the A30 trunk road.

National Highways would request that where possible that HGV deliveries are scheduled to avoid routing via the SRN during the AM (0800-0900) and PM (1700-1800) network peak periods.

Whilst the number of construction personnel on site will vary throughout the construction phase, a maximum of 30 are forecast to be present on site at any one time with the majority of staff arrival and departure times occurring outside of the AM and PM network peak periods.

The TS assumes that the traffic generation associated with the decommissioning of the site will be broadly similar to the construction phase.

Based on the forecast trip generation National Highways is satisfied that the construction, operation and decommissioning of the development is unlikely to result in an adverse traffic impact on safe operation of the strategic road network.

Recommendation

National Highways offers no objection to application 24/2664/MFUL.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

The National Grid

Good afternoon,

Thank you for your email.

Regarding planning application 24/2664/MFUL at site location 'Land North Of Saundercroft Road Broadclyst' there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Gas Transmission assets only.

Hayley White

Asset Protection Assistant

Regarding planning application 24/2664/MFUL, National Grid Electricity Transmission have no objection to the proposal provided the applicant has a valid connection agreement and an agreement for their proposed cable route through our land around Exeter substation via the Use of NGET Land process.

If the applicant requires further information on the Use of NGET Land process they should contact NGETLandEnquiry@nationalgrid.com.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Priority Habitats and Species

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](#) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Beemal Brahmabhatt
Consultations Team

Annex A -Natural England general advice
Protected Landscapes

Paragraph 182 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty

Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK (www.gov.uk) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK (www.gov.uk)).

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

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Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply - GOV.UK (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England - GOV.UK (www.gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring

2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Biodiversity net gain - GOV.UK (www.gov.uk) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. For small development sites, The Small Sites Metric - JP040 (naturalengland.org.uk) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on Sites of Special Scientific Interest: managing your land

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Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain. Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land -

GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

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

Green Infrastructure

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

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

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The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 105,185,187 and 193 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk).

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.