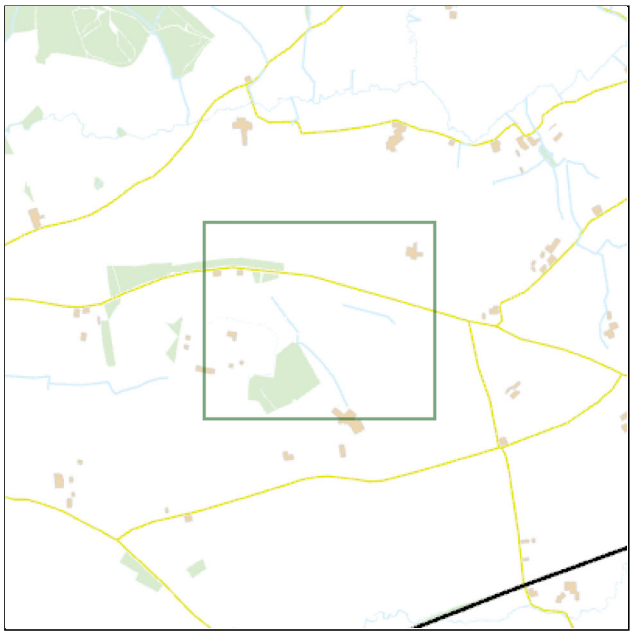
Ward Broadclyst

Reference 25/0063/MFUL

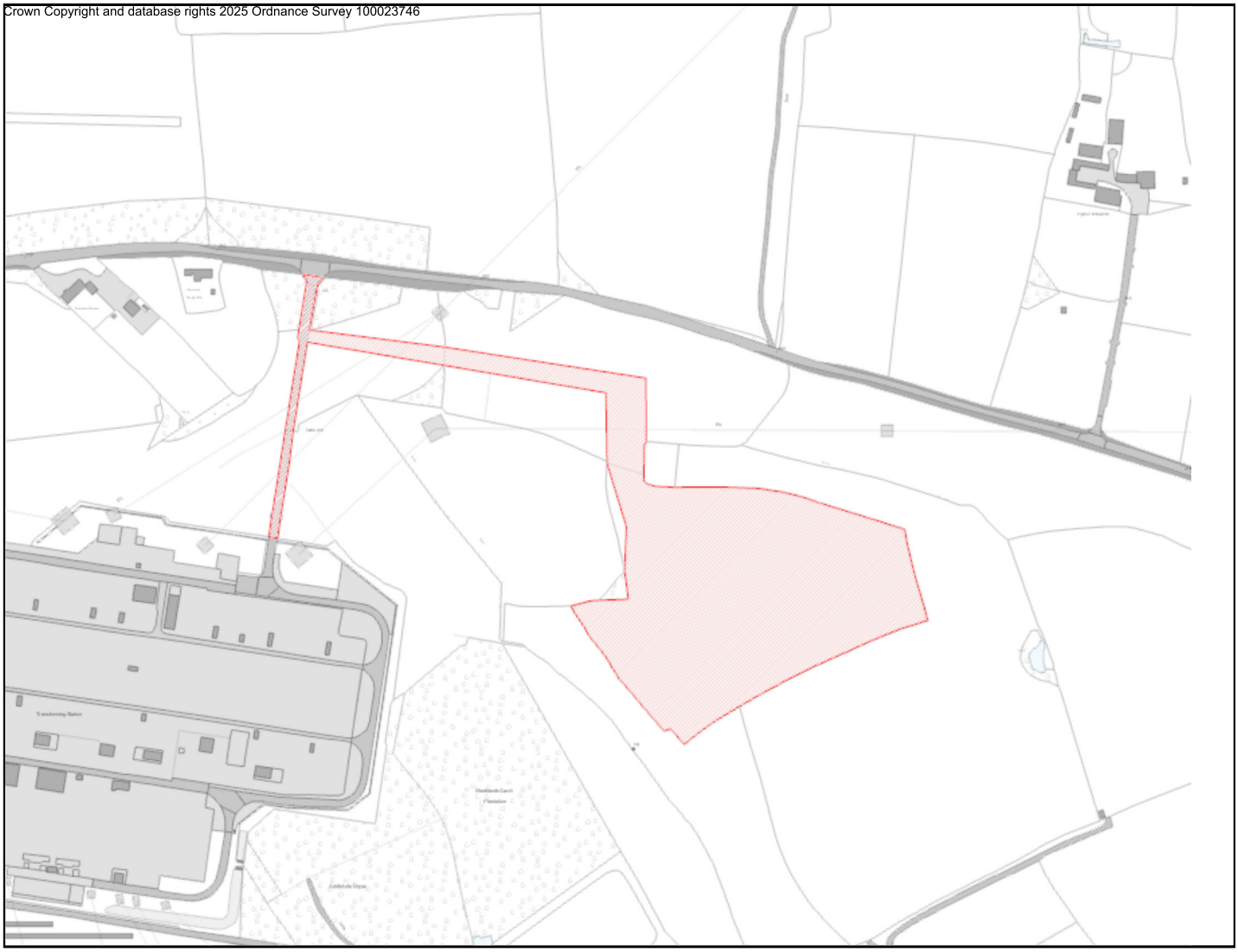
Applicant J Davis (BW ESS Development UK Ltd)

Location Land At Exeter Substation Broadclyst

Proposal Proposed development of a battery energy storage system (BESS) including ancillary works and access arrangements



RECOMMENDATION: Approval with conditions



		Committee Date: 19.08.2025
Broadclyst (Broadclyst)	**25/0063/MFUL**	**Target Date: 05.05.2025**
Applicant:	**J Davis (BW ESS Development UK Ltd)**	
Location:	**Land At Exeter Substation Broadclyst**	
Proposal:	**Proposed development of a battery energy storage system (BESS) including ancillary works and access arrangements**	

RECOMMENDATION: **Approval with conditions**

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the views of the Parish Council.

This application seeks full planning permission for the development of a 100MW Battery Energy Storage System (BESS) on land adjacent to the Exeter Substation, Broadclyst. The proposal includes associated infrastructure such as inverters, transformers, a substation, access tracks, and landscaping.

The site lies in open countryside and comprises 3.6 hectares of agricultural land, including 1.3 hectares of Subgrade 3a land classified as Best and Most Versatile (BMV). The development is temporary (30 years) and includes restoration of the land post-decommissioning.

The proposal is considered acceptable in principle as a low-carbon energy project under Strategy 39 of the East Devon Local Plan and is supported by national policy, including the NPPF, which gives significant weight to renewable and low-carbon energy developments.

The site is well-contained and screened by existing planting and proposes a robust landscaping scheme. The Council's Landscape Architect agrees that the visual impact is limited and not significant. The loss of BMV land is modest and temporary. The benefits of the development are considered to outweigh this limited harm, satisfying Policy EN13.

The scheme delivers a measurable Biodiversity Net Gain (BNG) exceeding 10%, with new hedgerows, scrub, and grassland secured for 30 years.

While the access track passes through the Root Protection Areas of two notable trees (T59 and T60), mitigation measures including a root bridge and directional drilling are proposed. The Council's Tree Officer accepts the approach, subject to conditions.

The site lies in Flood Zone 1. A detailed surface water drainage strategy has been submitted and accepted by the Lead Local Flood Authority, subject to conditions.

The Outline Battery Safety Management Plan has been reviewed by Devon and Somerset Fire and Rescue Service, who are satisfied with the proposed measures, including water storage and access arrangements.

The County Highway Authority raises no objection. A Construction Traffic Management Plan (CTMP) and Construction and Environmental Management Plan (CEMP) will be secured by condition.

A ring-ditch of potential prehistoric origin has been identified but lies outside the development area. Conditions will ensure its protection. A Noise Impact Assessment confirms the development will have a low impact on nearby receptors. Conditions will ensure compliance with noise limits.

In conclusion, the proposal delivers significant environmental and energy security benefits, supports national and local climate objectives, and is compliant with the development plan when read as a whole. The limited and temporary harms identified are outweighed by the benefits.

CONSULTATIONS

Local Consultations

Technical Consultations

EDDC Trees

Regarding this application, the only significant trees which will be potentially impacted by this proposal are T60, recorded as a notable tree on the ATI and T59 which is recorded as a Veteran tree. As per previous comments it is considered that the trees do 'contain some characteristics typically found within veteran trees and are important for the habitat and ecological benefits that they provide'. However, the significance of the features was not considered exceptional and therefore I do feel it can be argued that T59 is not a veteran tree.

Ideally, I would rather no works took place within the RPA (of any tree) and this is the only way to ensure that no harm occurs to the trees. However, overall in this situation, I feel that if the works are undertaken carefully and as per a detailed TPP & AMS then the proposal should not have a significant impact on the trees. However, to mitigate this, an appropriate landscape scheme should be conditioned to increase the proportion of younger individual specimen trees across the site.

Devon & Somerset Fire And Rescue Service
07.03.2025

It is appreciated that during the early stages of the planning process it is unlikely that the applicant will have full specific details. 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.

It is recognised that this guidance is currently under review and a fire statement has been included within the application. Given this, DSFRS will happily consult further where there are alternative proposals to 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.

Devon & Somerset Fire And Rescue Service
19.06.2025
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Detection and Monitoring
There are proposed provisions for detecting both smoke and gas whilst also having provisions for monitoring battery conditions. Whilst no overarching safety system or guidance specific benchmark is utilised, the above provisions are broadly consistent with recognised safety standards e.g. NFCC, FM Global, NFPA. This is not uncommon as this stage as procurement of specific systems often comes later in the developers timeline.

Suppression, Deflagration Prevention and Venting
The proposal indicates provision of suppression, with deflagration prevention and venting. The specific methods / systems for achieving this are not confirmed within the plan (see point 14, pg.19), however, this is also not uncommon as this stage.

Container Spacing
The proposed container spacing appears to be around 6 meters in a cluster arrangement. This distance does align with the NFCC guidance, however, ideally there should be suitable precautions for each cabinet within the cluster to prevent fire spread within the cluster arrangement.

Fire Service Access

The proposal indicates 2 separate points of access which broadly aligns to the NFCC guidance. Figure 2 - 1 does indicate the separation occurs after exiting the main carriageway so factors such as prevailing wind direction should be given further consideration if the application progresses. 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 240,000l does broadly align with the proposed figure within the NFCC guidance. There are no fire hydrants within the distances given in B5 of Approved Document B. DSFRS does have capability to do bring additional water to site, but this may be impacted if other incidents also require additional, transported water provision.

Summary
Many of the safety systems are referenced provisionally meaning there is no direct means to compare them to guidance such as the NFCC. This is not uncommon at this stage as they have often not been procured. The general proposals do indicate safety systems are considered and once procured, will likely align to recognised industry practice (e.g. NFPA guidance, NFCC guidance etc). This is similarly the case with the proposed container clusters which if adjoined should also adopt the suitable precautions in the chosen safety guidance / benchmark.

Having 2 points of access once leaving the main carriageway does mean factors such as prevailing wind should be considered as direction of travel into the site is singular up to a point. It is also important that the main carriageway to the access point is 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.

Given the above plan is an Outline Battery Safety Management Plan, it is recognised and accepted that some specific detail is not currently available. Please do not hesitate to contact me for further comment as a more detailed Battery Safety Management Plan emerges or if some technical 'jargon' would benefit from further explanation.

<u>Conservation</u>
The Conservation Team do not wish to comment. Case Officer to assess.

<u>Contaminated Land Officer</u>
Should a fire event occur on Site, without suitable measures in place, there is a risk that the surface and ground water catchments could be contaminated with fire-water runoff. Therefore, a Controlled Waters Environmental Risk Assessment must be undertaken which details a suitable and sufficient surface water drainage strategy. The surface water drainage strategy must be designed to ensure that fire-water will be contained on site without infiltrating into the ground or entering in any local water catchments.

Environmental Health
No objection subject to CEMP

EDDC Landscape Architect
No objection subject to further information and subject to conditions.

The National Grid
National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line subject to the below conditions:
o Approval from NGET for the applicants proposed access road to their site which is currently routed under our overhead lines. The relevant statutory clearances must be adhered to.
o Agreement of a cable easement with NGET via the Use of NGET Land process via NGETLandEnquiry@nationalgrid.com for the applicants proposed cable connection through NGET's non-operational land surrounding Exeter Substation.

Green Infrastructure Project Manager
I would request that this application, and the other applications in close proximity, provide an 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.

EDDC District Ecologist
No objection subject to conditions.

DCC Climate Change/Environment And Transport
No objection subject to a condition i requiring the submission of a Waste Audit Statement prior to the commencement of the development.

DCC Flood Risk Management Team
Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Devon County Archaeologist

I have now received a copy of the interim report setting out the results of the archaeological evaluation undertaken at the above site. This has demonstrated the presence of a ring-ditch that may represent the site of a prehistoric funerary monument or roundhouse in the southern part of the proposed development site and in an area where no development is proposed. These investigations also demonstrated that other than the site of the putative funerary monument the remainder of the site was of low archaeological potential. In the light of the results of the field evaluation I do not consider that any further archaeological mitigation is required and would like to withdraw the Historic Environment Team's previous objection.

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 Whimple Road along with limited hours of operation

Therefore, in summary, the County Highway Authority (CHA) has no objection to this planning application.

Local Consultations

Parish/Town Council
Whilst national, local, and indeed Neighbourhood planning policy has broad support for decarbonised energy, the Committee raised the following and voted that it was NOT IN SUPPORT of this application in its current form due to the following concerns:
1. LGV Movements:
1.1. Although low in number with an average of 14 vehicle movements per day (10 workforce + 4 delivery-related).there are no 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).

1.2. The application outlines the presence of banksman onsite; there are not detailed proposals for the control of LGV construction traffic offsite. This control measure does not look to minimise LGVs meeting in the lanes.

2. Construction Route:
2.1. Dog Village, Broadclyst: The proposed construction traffic route off the B3181 passes the former Baptist Chapel in Dog Village. Whilst double yellow lines - a long-term aspiration of the parish council - have been put in place on the opposite side of the road, a significant step towards ensuring the safety and structural integrity of the properties in Dog Village, the second phase of improvements is yet to be delivered despite being approved by HATOC. The scheme provides a shared-use path on a section of road currently lacking facilities for people walking, wheeling and cycling, including children travelling to Clyst Vale Community College. This reduces the likelihood of conflicts between people walking, wheeling and cycling and vehicular

traffic, improving safety for all road users. There is no date for the scheme as it is awaiting funding.

2.2. The absence of parked vehicles will enable large goods vehicle (LGV) traffic to keep to the centre of the road as they pass the properties, therefore reducing the likelihood of a vehicle striking the building. Until such time that phase two of the scheme is in place, there remains a risk of high-sided vehicles passing too close to and striking the former Chapel building.

2.3. Policy compliance:

3. Construction hours At this stage, the submitted Transport Statement and Construction Traffic Management Plan (CTMP) do not provide explicit site operation hours. However, both documents make clear that all construction-related activity, including deliveries and vehicle movements, will take place during the daytime, in line with standard construction industry working hours, and that no night-time works are proposed or anticipated.

Council notes that a refined CTMP, including confirmed delivery hours and traffic routing, will be submitted and agreed with the Highway Authority prior to commencement of construction and secured through an appropriate planning condition; however the council will not be consulted on such a condition.

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. The applicant has alluded during pre-app about a community benefit fund but nothing more concrete has been forthcoming. (We appreciate this sits outside Planning Policy; nonetheless, it is an important element for the community).

Appendix A

03.03.2025 Full Council Minutes

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 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.

1.2. 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. Reason: for the safety of school children and to reduce impact on residents.

1.3. 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.

1.4. 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.

1.5. That a formal 'holding area' for LGVs be identified.

1.6. 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.

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.

<u>Other Representations</u>
None

Planning History

24/0007/EIA - EIA screening opinion for the construction of a Battery Energy Storage System (BESS) and associated infrastructure.

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
24/2664/MFUL

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

Other Representations
None

OFFICER REPORT

Planning History

24/0007/EIA - EIA screening opinion for the construction of a Battery Energy Storage System (BESS) and associated infrastructure.

Planning approval was granted for a similar Battery Energy Storage System (BESS) on land approximately 450 metres south west of the site in July 2025.

Site Location and Description

The application site consists of three irregularly shaped fields concerning 2.7 hectares of agricultural land predominantly made up of modified grassland. The land in question lies immediately to the north east of Exeter Substation and is approximately 2.6km from Broadclyst which is located to the west.

The application describes the land as currently being actively grazed by livestock and, in terms of Best and Most Versatile land is classed as Grades 4 and 3. The site sits within a swathe of land owned by the National Trust and is in close proximity to areas of land that fall within the Clyst Valley Regional Park. The site itself is not subject to any landscape designation.

Access to the site is provided via a field gate recessed into the smaller northern field, which connects to the public road running along the site's northern boundary. Although classified as a 'C' road, this route is a well-used local thoroughfare with steady daytime traffic and frequent use by cyclists. There is no public access through or immediately adjacent to the site, aside from the road itself. The proposed facility would be accessed via the existing private road owned by National Grid, which serves the Exeter substation.

The nearest Public Rights of Way are Broad Clyst Footpath 26, which crosses fields between Higher and Lower Willyards Farms approximately 450 metres northeast of the site, and Broad Clyst Footpath 28, which runs between Newlands and Lower

Burrowton around 780 metres to the west. Neither of these footpaths are considered key landscape receptors. Views from Footpath 28 are largely obscured by vegetation and the built form of the substation. From Footpath 26, views are similarly screened, although the upper portions of any new structures may be visible above hedgerows, making users potential visual receptors.

The fields surrounding the site are predominantly in agricultural use, likely associated with Saundercroft Farm to the south and Higher Willyards Farm to the north, the latter of which also includes some equestrian activity. To the northeast, at Wards Cross, there are light industrial units operated by Sheds Direct

To the southwest of the substation lies a series of large-scale, ground-mounted solar photovoltaic (PV) arrays. These include installations at Burrowton Farm, which span three fields to the west of the substation. The tops of the solar panels are visible above hedgerows in peripheral views when travelling along the road from Broadclyst to the site. Additional solar arrays are located at Saundercroft Farm, occupying three fields to the west of the farm itself.

Proposed Development

The application seeks planning permission for the construction of a Battery Energy Storage System (BESS) facility with a capacity of approximately 100MW. The development predominantly consists of the siting of 66 battery storage containers which are served in pairs by a single inverter container. These are mounted on a concrete plinth.

Ancillary infrastructure includes a 132kV substation, water tower, DNO Control Room, customer switchgear and a 240,000 litre Water Tank. The containers, inverters and ancillary components are enclosed by a 2.4 metre mesh welded fence. Four fire hydrants are indicated on the proposed plan and CCTV cameras are provided just within the fencing.

Access to the site is provided via the access road to Exeter substation. The track runs in a linear direction from west to east before turning southwards. It then forks with the south easterly track being used for emergency access only. The required cabling and fibre connection shall be provided underneath the access track with a connection point being indicated at the most northern point of the Exeter substation.

The application is supported by a Landscaping Scheme and Planting Scheme that details tree, native hedge and shrub planting around the BESS and access track. Surface water attenuation is proposed to be dealt with via a pair of detention basins, one located by the access track before the fork and another to the east of the BESS.

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.

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 24/2664/*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 Harm

The application is supported by an initial Landscape Visual Impact Assessment and a further assessment into the cumulative impacts of the scheme in context of other development of solar farms and BESS schemes in the locality.

As set out in the National Landscape Character in Natural England's character map. The site and study area are covered by NCA 148 Devon Redlands which stretches from the fringes of Exmoor in the north to the Exe Estuary and coast in the south, and from the edge of Dartmoor in the west to the Blackdowns in the east. NCA148 is the landscape of the agricultural heartland of Devon, rolling hills, red soils, dense networks of hedgerows, trees and woodland enclosing relatively small field patterns many with medieval origins, wide flat bottomed valleys opening into extensive floodplains with scrubby hedges and rough grazing.

At a more local level, key characteristics of LCT 3E evident within the landscape forming the setting of the site. This is described within the Landscape Visual Impact Assessment as the following;

"Gently sloping/ undulating land which surrounds the valley floors. This is a medium-large scale settled landscape, with villages and farms displaying a variety of building materials, ages and styles. These include the coastal villages of the Exe Estuary, inland villages and occasional estate farms. Much of the LCT remains rural but parts are influenced by new development at Cranbrook and Exeter Airport, and along transport routes. Fertile red soils are a characteristic and are particularly noticeable where arable land use is dominant. There are surviving pockets of traditional orchards, and areas of pasture, paddocks and small woodlands. Fields are generally surrounded by wide hedgerows, often with mature hedgerow oaks, although some hedgerow loss has occurred. Surrounding higher land provides the visual backdrop, and offers views over the Lowland Plains."

The proposals would introduce infrastructure on agricultural land altering the rural character of the application site. The land gradually climbs to the south east and therefore a degree of cut and fill, as indicated on drawings CA-01 and CA-02, shall be required to provide a level site for the BESS compound. The expanse of palisade fencing and the substation are features that during the winter months are likely to be visible in glimpsed views from the stretch of road between Forches Head to Wards Cross forward of Higher Willyards.

However, even during winter months the existing native hedging (H58) and English Oaks T55 and T54, T53 that enclose the northeast boundary would still provide a degree of screening. The visual impact of the proposals perceptible from the road to the north least is considered low and would view the proposals against the backdrop of Addlehole Copse, Exeter Substation and the various electricity pylons that intersect the surrounding farmland. Due to the topography of the surrounding landscape the proposals would not be prominent from views available towards the site along Brockington's Road or Saundecroft Road.

The proposals and supporting LVIA documentation have been reviewed by the Council's Landscape Architect who agrees with their conclusions that the proposals are 'unlikely to give rise to significant landscape or visual cumulative effects'. Despite this concerns were raised with regards to the proximity of the south western attenuation basin and T17, T20 and T21 and to ensure the basin could be provided within the levels suggested. The FRA and Drainage Strategy were updated accordingly.

Furthermore, questions were raised as to whether the access track could be constructed south and run parallel to H13 to reduce its prominence in views from the road between Broadclyst and Whimple. However, the applicant has confirmed that route was explored shortly after pre-application discussions concluded and that the land has been reserved by National Grid, potentially as a future expansion area.

Despite this, the access tracks location is not considered to be an unduly prominent feature as the northern boundary of the application site changes in character as you approach the substation being increasingly characterised by dense trees and hedging that would obscure clear line of sight in a southerly direction.

The submitted landscaping scheme propose further tree planting along the northern boundary of the BESS compound to assist mitigating the visual impact of those

features highlighted earlier. Further planting is also proposed in a linear fashion along the south eastern boundary of the BESS compound.

Overall, whilst the proposals would alter the agricultural character of the parcel of land that shall accommodate the BESS compound, the resulting landscape harm is considered to be minimal. Strategy 46 (Landscape Conservation and Enhancement and AONBs) requires that development **conserves and enhances** landscape character of the area. Due to the level of harm identified (albeit minor) there is some conflict with this strategy. This conflict shall need to be weighed against the benefits of the scheme which shall be addressed at the end of the report.

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 many not always be appropriate as a result. The NPPG notes that matters such as design, firefighting access and facilities at BESS sites are of interest to fire and rescue services. The application states that it is proposed to use Lithium Iron Phosphate (LFP) cells, which are a type of lithium-ion battery However Lithium Ion Phosphate cells are less prone to overheating than earlier types of Lithium Ion cells so are considered to be at less risk of fire.

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. 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.

- It is also notable that many dwellings close to the Hawkchurch site rely on aquifers for their water supply, so pollution of the aquifers was a very sensitive issue.

The current application is supported by an Outline Battery Safety Management Plan that (OBSMP) which seeks to set a level of safety performance against the PPG, requirements of the National Fire Chiefs Council (NFCC) Report Grid Scale BESS Planning (2022) Guidance for Fire and Rescue Service (FRS).

The statement outlines that the batteries are fitted with an Environmental Control Unit which will maintain the temperature and humidity within the battery's container. The batteries would be monitored remotely through the Battery Management System. The Environmental Control Unit also contains gas sensors which would detect other changes within the batteries.

The below table summarises the NFCC guidance and 14 key salient points arising from the guidance:

1. Access - Minimum of two separate access points to the site	**Compliant**	The proposed access splits ahead of the substation providing the capability of access from the north and west of the compound and design of the proposal takes into consideration the prevailing wind. Final details of these arrangements will be agreed in accordance with a Final Battery Safety Management Plan.

2. Roads/hard standing capable of accommodating fire service vehicles in all weather conditions.	**Compliant**	The service road is a 4.5 metre wide metalled surface, of a shallow gradient of approximately 1:20. The design and layout are in accordance with Building Regulations Approved Document B Volume 2 Requirement B5, in that reasonable provision has been made for the FRS vehicles to access the site. The internal network of services roads allows for access to all BESS areas, and these will be signposted to aid navigation.
3. A perimeter road or roads with passing places suitable for fire service vehicles	**Compliant**	DSFRS have confirmed the design and layout of turning points and access roads are in accordance with Building Regulations Approved Document B Volume 2 Section B5.
4. Road networks on sites must enable unobstructed access to all areas of the facility	**Compliant**	The design and layout are in accordance with Building Regulations Approved Document B Volume 2 Requirement B5
5. Turning circles, passing places etc. size to be advised by FRS depending on fleet	**Compliant**	DSFRS have confirmed the design and layout of turning points and access roads are in accordance with Building Regulations Approved Document B Volume 2 Section B5.
6. Distance from BESS units to occupied buildings min. distance of 25m	**Compliant**	There are no occupied buildings within 25m of the BESS units. The nearest dwelling is approximately 280 metres away.
7. Access between BESS unit – minimum of 6 metres suggested. If reducing distances, a clear, evidence	**Compliant**	The positioning of the BESS units in the cluster arrangement is cognisant of the BESS manufacturers guidance and instruction. A similar spacing was used at the applicant's site in Bramley in Hampshire which was recently energised.

based, case for the reduction should be shown		
8. Site Conditions – areas within 10m of BESS units should be cleared of combustible vegetation	**Compliant**	The BESS units will sit on concrete slabs or supporting feet. Internal access tracks will comprise crushed stone and the access road will be asphalt. Within the fence line and between BESS containers units the surface is laid over to gravel. A revised landscaping plan would be required by condition as some of the proposed landscaping would be too close to the units but there is ample space on the for this to be moved away. The units are not within 10 metres of any existing vegetation.
9. Water Supplies	**Compliant**	A water storage tank is positioned at the site, Figure 2-1 refers, this has a capacity of 240,000l.
10. Signage	**Compliant**	Signage to be positioned at the entrance to the site. Full details of signage will be agreed in the Emergency Response Plan.
11. Emergency Plans	**Compliant**	The submitted Outline Battery Safety Management Plan will be developed into a Detailed Battery Safety Management Plan alongside a full Emergency Response Plan as required by a proposed pre-commencement planning condition.
12. Environmental Impacts	**Compliant**	The outfall from the attenuation basin will have a valve/penstock that will be closed in the event of a fire. Firewater will be captured within the basin and tested for contaminants prior to either releasing through the flow control chamber or arranging the on site disposal for this water. The basin is adequately sized to account for a storm and a fire at the same time.
13. System design, construction, testing and decommissioning	**Compliant**	Several of the elements under this aspect of the NFCC Guidance are contained in this plan, however details of the construction, testing and decommissioning will only be available in later stages of the programme and be contained in the DBSMP.

14. Deflagration Prevention and venting	**Compliant**	Elements of this requirement are contained in this plan, but the actual technique to be adopted will not be apparent up to the point the decision is made as to what BESS is being used. Deflagration venting is possibly most effective when fitted to the roof of the BESS units, as such deflecting blast upwards and away from FRS personnel. Full details to be requested by condition.

This has been reviewed by the Devon and Sommerset Fire and Rescue Service who have formally commented on the application. Their comments are provided in full below;

“”*Detection and Monitoring*
There are proposed provisions for detecting both smoke and gas whilst also having provisions for monitoring battery conditions. Whilst no overarching safety system or guidance specific benchmark is utilised, the above provisions are broadly consistent with recognised safety standards e.g. NFCC, FM Global, NFPA. This is not uncommon as this stage as procurement of specific systems often comes later in the developers timeline.

Suppression, Deflagration Prevention and Venting
The proposal indicates provision of suppression, with deflagration prevention and venting. The specific methods / systems for achieving this are not confirmed within the plan (see point 14, pg.19), however, this is also not uncommon as this stage.

Container Spacing
The proposed container spacing appears to be around 6 meters in a cluster arrangement. This distance does align with the NFCC guidance, however, ideally there should be suitable precautions for each cabinet within the cluster to prevent fire spread within the cluster arrangement.

Fire Service Access
The proposal indicates 2 separate points of access which broadly aligns to the NFCC guidance. Figure 2 - 1 does indicate the separation occurs after exiting the main carriageway so factors such as prevailing wind direction should be given further consideration if the application progresses. 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 240,000l does broadly align with the proposed figure within the NFCC guidance. There are no fire hydrants within the distances given in B5 of Approved Document B. DSFRS does have capability to do bring additional water to

site, but this may be impacted if other incidents also require additional, transported water provision.

Summary
Many of the safety systems are referenced provisionally meaning there is no direct means to compare them to guidance such as the NFCC. This is not uncommon at this stage as they have often not been procured. The general proposals do indicate safety systems are considered and once procured, will likely align to recognised industry practice (e.g. NFPA guidance, NFCC guidance etc). This is similarly the case with the proposed container clusters which if adjoined should also adopt the suitable precautions in the chosen safety guidance / benchmark.

Having 2 points of access once leaving the main carriageway does mean factors such as prevailing wind should be considered as direction of travel into the site is singular up to a point. It is also important that the main carriageway to the access point is 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.

Given the above plan is an Outline Battery Safety Management Plan, it is recognised and accepted that some specific detail is not currently available. Please do not hesitate to contact me for further comment as a more detailed Battery Safety Management Plan emerges or if some technical 'jargon' would benefit from further explanation."

The proposed water supply of 240,000L exceeds the minimum requirements given within the NFCC guidance which state that the water supply for boundary cooling purposes should be capable of delivering no less than 1,900 litres per minute for at least 2 hours (which would equate to 228,000 litres).

There are currently 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 proposed site plan indicates that new fire hydrants may be installed. This would be confirmed during the technical design / building regulations stage. The proposed water tank proposed would provide sufficient water to comply with current guidelines.

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.

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.

The National Fire Chiefs Council advice on Battery Energy Storage is currently draft guidance which is currently under review. The final details of the proposal would be laid out within the final Battery Safety Management Plan as required by condition, and the proposal would also have to comply with the extensive legislation as laid out in Section 4.0 of the submitted Outline Battery Safety Management Plan.

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.

Impact on Local and Strategic Road Network

A Transport Statement has been submitted in support of the application. The site benefits from good connectivity to the strategic road network, with access via Whimple Road and onward links to the M5 at Junction 29.

The development will utilise the existing substation access, which is suitable for large vehicles, and visibility splays have been demonstrated to meet national standards. Traffic surveys confirm Whimple Road is lightly trafficked, with no recorded accidents in the vicinity and no public rights of way affected. Construction traffic is expected to generate approximately 14 vehicle movements per day over a 35-week period, with operational traffic limited to occasional maintenance visits. Swept path analysis confirms that articulated vehicles can safely access and manoeuvre within the site. The proposal aligns with national and local transport policies, and no severe residual impacts on the highway network are anticipated.

A Construction Traffic Management Plan (CTMP) has been submitted that outlines access arrangements via Whimple Road using the existing Exeter Substation entrance, with routing to/from the M5 (Junction 29) via the A3015, B3212, and B3181. Approximately 410 two-way HGV movements are anticipated over the construction period, averaging 14 vehicle movements per day including workforce transport. Swept path analysis confirms that 16.5m articulated vehicles can safely access and

manoeuvre within the site. A construction compound will accommodate parking, welfare, and material storage. Measures to minimise disruption include designated routes, temporary signage, on-site banksmen, and dust/mud control. The CTMP also proposes a planning condition to secure a final version prior to commencement of works.

The proposed construction route and general impacts of the construction phase have prompted concerns from Broadclyst Parish Council. In particular concerns have been raised due to movements of LGV along the southern C road through the village passed the Clyst Vale Community College, damage to roads during the construction phase and impact on the amenity of residents during this time.

At this stage it is considered that the submitted CTMP is acceptable and this position is reflected in comments by the County Highway Authority who raise no objections. It is important to note that the applicant acknowledges that the CTMP is not fully detailed and that any permission shall be attached with a condition that requires this. This would also present an opportunity to consider the cumulative impact of other development taking place in the locality at the time, for instance the BESS application off Saundecroft Road (24/2664/MFUL).

Furthermore, in respect of the impacts of the construction phase on adjacent neighbours, any consent would also be required to submit a Construction and Environment Management Plan to address this as per the request from the Council's Environmental Health Officer. A condition would also be imposed upon any approval in respect of Construction working hours, in response to the Parish Council's comments.

Overall, officers are satisfied that the proposals accord with policies TC2, TC7 and TC9 subject to conditions securing a further CTMP and CEMP.

Trees

An Arboricultural Impact Assessment (AIA) and accompanying Arboricultural Method Statement (AMS) have been submitted in support of the proposed development. A total of 87 individual trees, 21 tree groups, 14 hedgerows, and one woodland were surveyed. Two trees (T7 and T9) were identified as veteran specimens, with appropriate protection measures proposed.

The development will require the removal of one low-quality (Category C) tree (T11) and partial removal of two Category C hedgerows (H10 and H58) to facilitate access and cable routing. No pruning works are proposed to retained trees.

Special engineering measures, including a no-dig cellular confinement system and directional drilling, are proposed to protect the root zones of retained trees, particularly T59 and T60. Temporary ground protection will be installed where necessary, and all works within Root Protection Areas (RPAs) will be supervised by an Arboricultural Clerk of Works.

Tree protection fencing and construction exclusion zones are detailed in the Tree Protection Plan. The AMS outlines procedures for safeguarding retained trees

throughout the construction process, including during landscaping and utility installation.

There has been extensive discussion between the parties regarding the impact of the proposals on a couple of trees of particular note T60 and T59. This is due to construction of the access track through the Root Protection Areas of these trees. Much discussion between the parties has revolved around whether T59 is a Veteran Tree. The applicants tree consultant has dismissed its inclusion within the Woodland Trust's Ancient Tree Inventory.

In response to this the Council's Tree Officer has provided the following comments;

"Regarding this application, the only significant trees which will be potentially impacted by this proposal are T60, recorded as a notable tree on the ATI and T59 which is recorded as a Veteran tree. As per previous comments it is considered that the trees do 'contain some characteristics typically found within veteran trees and are important for the habitat and ecological benefits that they provide'. However, the significance of the features was not considered exceptional and therefore I do feel it can be argued that T59 is not a veteran tree.

Ideally, I would rather no works took place within the RPA (of any tree) and this is the only way to ensure that no harm occurs to the trees. However, overall in this situation, I feel that if the works are undertaken carefully and as per a detailed TPP & AMS then the proposal should not have a significant impact on the trees."

In order to further demonstrate further the relationship of the access track with T59 and T60, the applicant has provided detailed drawings of depth of the cable routing (CR-01) and a cross section of the Root Bridge (EL-04). The tree officer has confirmed that, despite these measures, some pruning is likely going to be required to provide sufficient clearance for vehicles using the track although this in itself would not be detrimental to the health of these individuals.

As such, in light of the fact that T59 cannot be clearly be identified as an Ancient Tree the requirements of paragraph 193 of the NPPF is not triggered. Whilst officer s are satisfied that the proposals accord with Policy D3 (Trees and Development Sites) of the Local Plan, this is subject to compliance securing appropriate Tree Protection Measures, compliance with and monitoring of the AMS and the details with regards to the route bridge and cable routing.

Ecological Impact

Protected species surveys have been undertaken including detailed dormouse and bat activity surveys. The dormouse survey confirmed the presence of hazel dormice within the site's hedgerows, with five nests recorded in November 2024. As a European Protected Species, any works affecting dormice or their habitat will require a European Protected Species Mitigation Licence (EPSML) prior to commencement.

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. The proposal has been reviewed by the council's ecologist and found to be acceptable and 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.

The development will result in the loss of approximately 10 metres of hedgerow to facilitate access; however, this will be compensated by the creation of 189 metres of new hedgerow and 0.33 hectares of scrub habitat, alongside the installation of at least eight dormouse nest boxes. Bat activity surveys recorded eight species and one species group, with common pipistrelle being the most frequently encountered and considered of local value. Other species, including soprano pipistrelle, noctule, Myotis spp., and brown long-eared bats, were recorded at lower levels and are considered of site value. Serotine, Leisler's, and both greater and lesser horseshoe bats were rarely recorded and are considered of negligible value in this context. Bat activity was primarily associated with hedgerows and woodland edges. Mitigation includes retention of mature trees, orientation of emergency lighting away from boundaries, and habitat enhancements that will benefit foraging and commuting bats.

Other species such as badgers, reptiles, amphibians, and nesting birds have also been considered, with appropriate avoidance and mitigation measures proposed. These include timing of vegetation clearance outside the bird nesting season, ecological supervision during works, and habitat enhancements. The submitted Ecological Impact Assessment (June 2025) demonstrates that the development has been designed to avoid and mitigate ecological impacts in accordance with BS 42020:2013 and CIEEM guidance. Subject to conditions securing the proposed mitigation and the EPSML, the development is considered acceptable in ecological terms and will deliver a measurable biodiversity net gain.

The proposal includes the enhancement of modified grassland into other neutral grassland, the provision of a new hedge, scrub and tree planting. The submitted metric indicates the proposal would achieve a net gain above 10% for all habitat types (areas and hedges). Predicated condition assessments of created habitats are considered realistic by the Council's Ecologist.

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 landscaping plan, planting plan and draft BNG plan. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP) and need to consider soil chemistry, consideration of adaptive management, monitoring, and reporting requirements. These shall be secured via condition and the Council's ecologist has confirmed that they are satisfied with this approach.

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 (EcIA). A further condition is recommended to secure a Construction and Ecological Management Plan (CEcoMP) prior to the commencement of any works on site.

As such the proposals would comply with Local Plan Policy EN5 and Strategy 47.

Flood Risk and Surface Water Attenuation

The proposed development site lies within Flood Zone 1, indicating a low risk of fluvial and tidal flooding. Groundwater flooding is also considered negligible, as no groundwater was encountered during trial pit investigations. The Environment Agency's surface water flood mapping shows the BESS area itself is at very low risk, although parts of the access route are susceptible to surface water flooding. However, the access route to the development will maintain the existing ground levelsto preserve natural flow paths, and operational access is expected to be infrequent. Overall, the site is not at direct risk of flooding, and the development is deemed appropriate in terms of flood risk.

Due to poor infiltration rates, a surface water attenuation strategy has been adopted. The drainage design includes conveyance swales and filter drains directing runoff to two attenuation basins sized for the 1 in 100-year storm event with a 50% climate change allowance. The southern basin (serving the battery storage area and access tracks) is designed to discharge at 1.0 l/s, while the northern basin (serving the northern access track) discharges at 0.7 l/s. Flow control devices and penstocks are included to manage discharge and contain firewater in emergency scenarios, and the applicant has confirmed the system has been designed with sufficient capacity to accommodate both fire water and surface water run off in unlikely event that there was a battery fire at the same time as an extreme storm. The system ensures runoff is managed at greenfield rates, mitigating flood risk to adjacent areas. The submitted Drainage Strategy states that in the event of a fire, run off firewater would be captured within the basin and tested for contaminants prior to either releasing through the flow control chamber or arranging for disposal and decontamination of this water.

The County Flood Risk Management Team have reviewed the submitted drainage strategy and have withdrawn their initial objection after further information had been submitted with regards to infiltration rates. A condition has been suggested that secures the final detailed drainage design and this shall be required prior to commencement of any development. The flood risk and surface water attenuation measures proposed are considered in accordance with Policy EN22 (Surface Run-Off Implications of new Development) and Policy EN21 (River and Coastal Flooding).

Impact on Neighbouring Amenity

The cooling systems, inverters and transformers are all elements of the BESS that produce noise. The application is accompanied by a Noise Impact Assessment prepared by Inacoustic Ltd.. The assessment identified ten nearest noise-sensitive receptors (NSRs), comprising scattered dwellings and farmhouses surrounding the site.

The primary noise sources are cooling systems and inverter/transformer units. The assessment concluded that the rating sound levels do not exceed background levels, indicating a 'Low Impact'. As such the proposals are considered to meet the objectives of Policy EN14 (Control of Pollution), which requires that development does not result in unacceptable noise pollution.

In summary, because the development is acoustically compliant by design, no additional mitigation for example acoustic barriers or enclosures are deemed necessary. However, the report does recommend that final plant selection should confirm compliance with the assumed noise specifications. Any permission should therefore be conditional on that the final operating system should operate within the parameters set within the Noise Survey.

Loss of Agricultural Land and BMV

A detailed Agricultural Land Classification (ALC) survey was undertaken in August 2024 in respect of the application site. The survey assessed soil profiles, topography, and climatic conditions in accordance with MAFF 1988 guidelines and Natural England's Technical Information Note TIN049.

The site comprises:

- Subgrade 3a (Good quality): 2.6 ha (40%)
- Subgrade 3b (Moderate quality): 2.9 ha (45%)
- Non-agricultural land: 1.0 ha (15%)

Within the red line application boundary (3.6 ha), the breakdown is:

- Subgrade 3a: 1.3 ha (36%)
- Subgrade 3b: 2.2 ha (61%)
- Non-agricultural: 0.1 ha (3%)

Subgrade 3a land is classified as Best and Most Versatile (BMV) under the National Planning Policy Framework (NPPF). The access track and the southwestern edge of the BESS compound lie on areas of this land.

In terms of the requirements of Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan requires that any development resulting in the loss of this land will only be granted if there is an overriding need for the development and either of the following tests are met;

1. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or

2. The benefits of the development justify the loss of high quality agricultural land.

In this case the provision of BESS facilities are deemed critical to facilitate the UK's aspirations to decrease its dependency on fossil fuels, to meet its objectives concerning net zero and increase its energy security. The environmental benefits of the scheme are clear and bearing in mind the fairly modest area of 3a land which would be unavailable for a period of 30 years outweigh the harm. The proposals therefore meet sub paragraph 2 of EN13.

Archaeology

The application is supported by a Written Scheme of Investigation that has demonstrated the presence of a ring-ditch that may represent the site of a prehistoric funerary monument or roundhouse in the southern part of the proposed development site and in an area where no development is proposed. These investigations also demonstrated that other than the site of the putative funerary monument the remainder of the site was of low archaeological potential.

The County Archaeologist has withdrawn their initial objection on the basis that this land shall not be disturbed by the development and subject to compliance of a condition fencing off the area of the prehistoric ring-ditch..

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 proposed Battery Energy Storage System (BESS) at land east of Exeter Substation represents an important piece of infrastructure to support the UK's transition to a low-carbon energy network. The development would enable the storage and redistribution of renewable energy, helping to balance supply and demand, reduce reliance on fossil fuels, and enhance energy security. These benefits align with national and local policy objectives and carry very significant weight in the planning balance.

The proposal would result in a temporary change to the character of the site and the loss of 1.3 hectares of Subgrade 3a agricultural land, classified as Best and Most

Versatile (BMV). However, this land take is modest in scale, temporary in nature (30 years), and will be fully restored to its original classification upon decommissioning. The economic value of the land lost is limited, and the development will not sever or significantly impact any farm business.

In terms of visual impact, the site is well-contained within the landscape and benefits from existing and proposed screening. The Landscape and Visual Impact Assessment concludes that the development would not result in significant harm, and this is supported by the Council's Landscape Architect. While there is some minor visual harm, this is considered acceptable when weighed against the wider benefits.

The scheme also delivers a measurable Biodiversity Net Gain (BNG) through the creation of new hedgerows, scrub, and grassland habitats, secured for 30 years. This contributes positively to local ecological networks and aligns with national biodiversity objectives.

Concerns raised in relation to tree protection, surface water drainage, fire safety, and archaeology have been addressed through detailed assessments and can be appropriately mitigated through planning conditions. The proposal is supported by the County Highway Authority and the Devon and Somerset Fire and Rescue Service raise no objection, subject to conditions.

On balance, the limited and temporary harms identified are clearly outweighed by the substantial environmental, climate, and energy security benefits of the scheme. The proposal is in accordance with the development plan when read as a whole and there are no material considerations that indicate the application should be determined otherwise than in accordance with the plan.

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 commencement of any development a Construction and Environment Management Plan must be submitted to and approved in writing by the Local Planning Authority, and must be implemented and remain in place throughout the development. The CEMP shall address at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours which

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.)

4. Notwithstanding the submitted Construction Traffic Management Plan, no development shall commence until a fully detailed and updated Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include, but not be limited to, the following:

   1. A detailed programme of construction phases and associated vehicle movements;
   2. Identification of all construction traffic routes to and from the site, including access points and haul routes;
   3. Measures to manage and coordinate construction traffic in relation to other developments using the same or overlapping construction routes, including the BESS development at Saundercroft Farm (ref: 24/2664/MFUL), to avoid cumulative impacts;
   4. Details of LGV and HGV movement restrictions, including timing restrictions to avoid peak school and commuter hours;
   5. Provisions for banksmen, signage, and traffic control measures to ensure highway safety;
   6. Details of temporary holding areas for construction vehicles;
   7. A schedule for road condition surveys and a mechanism for repair of any damage to the public highway attributable to the development;
   8. Measures to prevent mud and debris being deposited on the public highway;
   10. Contact details for the site manager and a community liaison strategy.

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

   (Reason: To ensure that the construction phase of the development does not result in unacceptable harm to highway safety, residential amenity, or the local road network, and to ensure coordination with other developments in the area, in accordance with Policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access), and Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013-2031.

   This needs to be pre-commencment to ensure the impacts of the development are mitigated from the outset)

5. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template

provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:
- 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: 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.)

6. 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 Proposed Battery Energy Storage Scheme (BESS) at Broadclyst, Exeter Flood Risk Assessment and Surface Water Drainage Strategy (Report Ref. J-15322, Rev. 03, dated 03rd March 2025).
(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.
(e) A Controlled Waters Environmental Risk Assessment to ensure that fire-water will be contained on site without infiltrating into the ground or entering in any local water catchments.
The BESS hereby permitted shall be shall not brought into use until the works have been approved and implemented in accordance with the details under (a) - (e) above and the drainage scheme shall be retained, managed and maintained as such for the lifetime of the development

(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 and to prevent environmental pollution 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.)

7. 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).

8. 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 current BSMP 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).

9. 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.)

10. The development shall be carried out in strict accordance with the Ecological Impact Assessment (EcIA) prepared by Western Ecology dated June 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 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. 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. 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.
m) 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.
n) 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.)

13. The Biodiversity Gain Plan shall be prepared in accordance with the draft BNG Plan dated June 2025 and prepared by Western Ecology. 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.
f) Notice in writing shall be given to the Local Planning Authority when the HMMP works have started.
g). 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.
h). The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
i). 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.)

14. The service/emergency access points shown on the approved Site Layout Plans hereby approved shall be provided, 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).

15. Prior to commencement of any works on site (including demolition) the measures shall be carried out as detailed within the Arboricultural Impact

Assessment submitted by Tree Environmental Practice (December 2024) within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority
In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place.
(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.
(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees is considered prior to the construction phase or any site clearance in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031. The condition is a condition precedent to safeguard the existing trees during the development).

16. 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.

(Reason: - In the interests of the amenities of existing and future residents in the vicinity of the site from noise pollution in accordance with Policies D1 – Design and Local Distinctiveness and EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

17. Notwithstanding the approved Landscaping Scheme, the proposed tree planting to be located south east of the BESS compound, as depicted on DRWG 1044/01 Rev C, shall be planted no closer than 16 metres from the nearest battery container.

(Reason: To ensure sufficient clearance between the battery container and nearby trees to reduce fire risk of the development in accordance with Policy D1

– Design and Local Distincteveness of the East Devon Local Plan 2013 – 2031).

18. 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 adopted East Devon Local Plan 2013-2031).

19. Prior to the approved development being brought into use details of a foul drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the proposed method of foul sewage disposal, capacity assessments, and any necessary upgrades to existing infrastructure. The approved scheme shall be implemented in full prior to the occupation of any part of the development.

    (Reason:To ensure that there is adequate capacity in the infrastructure required to manage foul drainage from the site, in accordance with Policy EN19 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 listed building 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)

<u>Plans relating to this application:</u>

PSP006-SP-01 REV 06	Location Plan	28.01.25
1044/01 REV C : planting	Landscaping	14.01.25
1044/02 REV B : planting spec	Landscaping	14.01.25
EL-01 REV 04 : contextual elevation plan (1 of 3)	Proposed Elevation	14.01.25
EL-02 REV 04 : contextual elevation plan (2 of 3)	Proposed Elevation	14.01.25
EL-03 REV 04 : contextual elevation plan (3 of 3)	Proposed Elevation	14.01.25
PL-01 REV 11 : proposed site	Layout	14.01.25
PL-02 REV 09 : proposed site	Layout	14.01.25
SD-01 REV 01 : customer substation	Other Plans	14.01.25
SD-02 REV 01 : customer substation (section)	Other Plans	14.01.25
SD-03 REV 01 : DNO control room	Other Plans	14.01.25
SD-04 REV 01 : customer switchgear	Other Plans	14.01.25
SD-05 REV 01 : battery unit	Other Plans	14.01.25

SD-07 REV 01 : 40ft spare parts container	Other Plans	14.01.25
SD-08 REV 01 : 240,000L water tank	Other Plans	14.01.25
SD-10 REV 01 : CCTV camera/post	Other Plans	14.01.25
SD-11 REV 01 : 3.0mj mesh security fence/gate	Other Plans	14.01.25
SD-12 REV 01 : access track	Other Plans	14.01.25
SD-06 REV 01 : power control room	Other Plans	14.01.25
SP-01 REV 05	Location Plan	14.01.25
SP-02 REV 01	Location Plan	14.01.25
SD-13 rev 01 : section view rootbridge platform grillage	Additional Information	15.07.25
EL-05 rev 01 : elevation plan	Additional Information	15.07.25
EL-04 rev 01 : root bridge elevation	Additional Information	15.07.25
CR-01 rev 01 : proposed cable route	Additional Information	15.07.25

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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