

**Ward** Broadclyst

**Reference** 25/1150/MFUL

**Applicant** Mr Jamie Gleeson (Broadclyst Energy Storage Ltd)

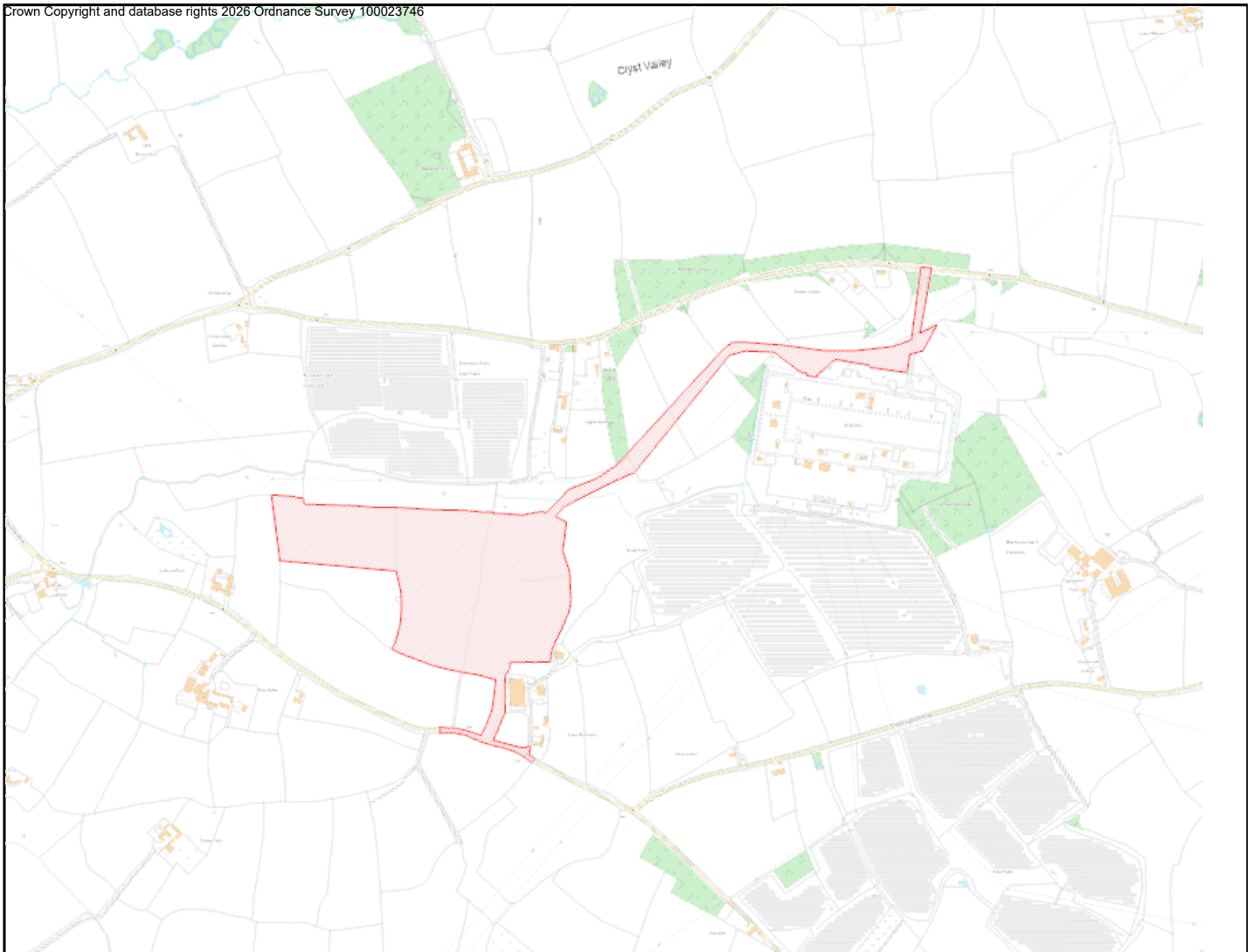
**Location** Land To The South West Of Exeter Substation  
Exeter

**Proposal** The construction and operation of a battery energy storage system (BESS), including access tracks and access works; earthworks; landscaping; associated infrastructure; substation and an underground cable connection route.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 12.05.2026</b>
<b>Broadclyst (Broadclyst)</b>	<b>25/1150/MFUL</b>	<b>Target Date: 28.08.2025</b>
<b>Applicant:</b>	<b>Mr Jamie Gleeson (Broadclyst Energy Storage Ltd)</b>	
<b>Location:</b>	<b>Land To The South West Of Exeter Substation Exeter</b>	
<b>Proposal:</b>	<b>The construction and operation of a battery energy storage system (BESS), including access tracks and access works; earthworks; landscaping; associated infrastructure; substation and an underground cable connection route.</b>	

**RECOMMENDATION:** APPROVE SUBJECT TO CONDITIONS

#### **EXECUTIVE SUMMARY**

The application is before members as the officer recommendation is contrary to the views of the Parish Council.

This application seeks full planning permission for the construction and operation of a 125MW Battery Energy Storage System (BESS) on approximately 10.5ha of agricultural land southwest of Exeter Substation. The scheme comprises battery containers, transformers, a new substation, access tracks, underground cabling, acoustic fencing, landscaping, drainage infrastructure and associated safety systems, with a proposed operational life of 40 years before full decommissioning and restoration to agriculture.

The development is assessed as a low-carbon energy project supported in principle by Strategy 39 of the East Devon Local Plan and by national policy, which gives significant weight to renewable and low-carbon energy infrastructure. The proposal would make a meaningful contribution to grid flexibility and resilience, supporting the transition to a net-zero electricity system.

However, the scheme would result in localised landscape and visual harm, including industrialisation of greenfield land, engineered terraces, and adverse effects on walkers using Broadclyst Footpath 28 and other nearby receptors. It would also lead to the loss of 1.9ha of Best and Most Versatile (3a) agricultural land. These impacts weigh against the proposal.

Despite this, subject to conditions, matters relating to fire safety (including compliance with updated 2025 NFCC guidance), drainage, noise, ecology, arboriculture, heritage and highways can be satisfactorily mitigated. Importantly,

**the development delivers substantial Biodiversity Net Gain, including new grassland, hedgerow and wetland habitat, with a secured long-term management plan.**

**In the planning balance, while there is identifiable moderate landscape harm and minor agricultural land loss, these are outweighed by the substantial benefits of delivering strategic low-carbon energy storage, significant biodiversity enhancements, and strong alignment with national climate and energy policy.**

**Officers therefore conclude that the scheme accords with the Development Plan when read as a whole, and recommend approval subject to the detailed conditions listed in the full report.**

## **CONSULTATIONS**

### **EDDC Trees**

I understand the cable route is somewhat flexible and therefore any impacts on the hedgerow oak some 175m to the west of the NG substation should be avoidable, however the actual route & cable location will need to be confirmed and shown in the final version of the tree protection plan (TPP).

The TPPs will need to be of a suitable scale so that the tree numbers & relevant annotations pertaining to tree protection measures are clearly legible and so that the TP plans can be easily read, understood and implemented. I suggest a scale no smaller than 1:500 may be appropriate.

Directional drilling could be used to avoid impacting on the hedgerows but this needs to be confirmed and shown in the final version of the tree protection plan (TPP).

It appears the cable route would coincide with a good quality hedgerow oak located some 175m to the west of the NG substation, the section of hedgerow to the south of the oak is clear of significant trees and the cable route should be amended slightly to the south to avoid impacting the tree.

### **Parish/Town Council**

#### **Representation to East Devon District Council, 02.07.2025.**

Broadclyst Parish Council Planning Representation - Application 25/1150/BESS

Site Location: Land to the south-west of Exeter Substation, Broadclyst

Proposal: Construction and operation of a Battery Energy Storage System (BESS) of approximately 125MW capacity.

#### **1. National and Local Planning Policy Compliance**

o The proposed development conflicts with the National Planning Policy Framework (NPPF) (2023), specifically:

o Paragraph 198 - which requires that developments be appropriate for their location, considering cumulative effects and sensitivity of the surrounding area.

o Paragraphs 154-158 - which require development to be directed away from areas at risk of flooding, and to incorporate sustainable design principles.

- o It does not align with the East Devon Local Plan (EDLP) (2013-2031):
- o Strategy 7 (Development in the Countryside) - permitting only limited development that respects the countryside's character and function.
- o Policy EN14 (Control of Pollution) - the operational noise and construction disruption exceed acceptable thresholds without robust mitigation.
- o Policy TC7 (Adequacy of Road Network and Site Access) - fails to demonstrate that local road infrastructure can accommodate cumulative construction traffic from four concurrent BESS developments.
- o Broadclyst Neighbourhood Plan (BNP):  
The scheme fails these policies:
- o Policy D1 (High Quality Design) - the scale, acoustic barriers, and industrial character of the scheme are incompatible with local vernacular.
- o Policy DC3 (Sustainable Drainage) - the proposed access routes traverse floodprone land without demonstrable resilience.
- o Policy NE5 (Landscape and Biodiversity) - insufficient evidence of habitat protection or enhancement.
- o Policy T5 (Low Carbon Travel) - the development encourages diesel HGV usage through a residential area and past schools.

## 2. Impact on Residential Amenity

- o Noise: The applicant's own Noise Impact Assessment acknowledges that without mitigation, the development would result in adverse effects. Even with 4m acoustic barriers, local receptors, particularly within 0.5km, are likely to experience intrusive noise. The omission of low-frequency fan noise modelling is a significant gap. This conflicts with BNP Policy D1 and NPPF Para 198.
- o Visual Intrusion: The development includes a 10m tall substation and fencing which will be prominent from public rights of way and neighbouring homes. Claims of visual screening are misleading—hedges are currently ~2m and proposed planting will take 15-20 years to establish, directly conflicting with BNP Policy NE5 and EDLP

## Strategy 46

(Landscape Conservation).

- o Air Quality: Ongoing construction, coupled with three other BESS developments and multiple housing schemes, will generate diesel emissions, dust, and other pollutants over a prolonged period. This cumulative deterioration in air quality conflicts with NPPF paras 185-186 and EDLP EN14.

## 3. Highway Safety and Construction Traffic

- o Cumulative Impact: Four large BESS schemes will all rely on Crannaford Lane and local roads for HGV deliveries over the same 12-24+ month period. Despite each having a Construction Traffic Management Plan (CTMP), no joined-up plan exists to manage total vehicle movements, scheduling, or mitigation—contrary to EDLP TC7 and NPPF para 111.
- o Timings: Restrictions (deliveries after 9am and before 3:30pm) are inadequate, given local school traffic and residential use of these narrow lanes. Residents have clearly stated that Saturday working is unacceptable due to noise, vibration, and amenity impact (BNP D1, EDLP EN14).
- o Road Damage and Maintenance: The applicant has not proposed a coordinated repair and reinstatement strategy across all developers. A transparent approach

should be agreed to draw down a cumulative repair fund to restore local infrastructure.

- o The Transport Statement confirms construction traffic from four BESS schemes plus housing will converge on the same roads, breaching EDLP TC7 and BNP T1.

#### 4. Loss of Agricultural Land and Landscape Character

- o Scale of Conversion: Over 100 acres of productive farmland have already been lost to solar farms and two existing BESS facilities. This proposal further erodes the area's food production capacity, contrary to:

- o EDLP Strategy 3 (Sustainable Development): Safeguarding land resources.

- o BNP NE5: Protection of productive landscapes.

- o NPPF para 174: Recognises agricultural land as a finite resource that should be valued.

- o Expansion Concerns: The development explicitly uses a Rochdale Envelope approach,

retaining flexibility to expand within the 10ha red line site (currently using ~7ha). This raises genuine concern that future enlargement could proceed without fresh planning scrutiny or consultation.

#### 5. Fire Risk, Pollution and Water Quality

- o Although a Fire Risk Assessment has been provided by a consultant, there is no evidence of engagement with the local fire brigade or the Environment Agency to validate the mitigation strategy.

- o Residents have highlighted the danger of:

- o Release of toxic gases if batteries ignite.

- o Contaminated run-off entering the Cranny Brook, affecting local water quality and biodiversity.

- o This fails to demonstrate compliance with:

- o EDLP EN14: Pollution control.

- o NPPF para 183: Preventing risk from hazardous substances.

- o BNP NE5 and DC3: Safeguarding watercourses.

#### 6. Biodiversity and Nature Movements

- o Fencing installed as part of recent energy developments has already disrupted deer,

badger, and fox movements across the area. This cumulative fragmentation of habitat

and corridors has not been assessed.

- o The current proposal exacerbates this issue, conflicting with:

- o BNP NE5: Protecting ecological networks.

- o NPPF para 180: Maintaining wildlife connectivity.

#### 7. Failure to Engage with Affected Landholders

The cable route crosses land owned by the National Trust, currently farmed by a tenant.

There is no evidence of direct consultation with the tenant, despite the clear disruption

to agricultural operations and local food production.

This contradicts:

- o NPPF Paragraph 39, which promotes early and effective engagement;

- o BNP Policy D1, which supports locally responsive planning; and

Good planning practice, which requires liaison with affected landowners and tenants during

infrastructure planning.

## 8. Environmental and Long-Term Sustainability Concerns

o No clear plan has been presented for the recycling or end-of-life management of battery

units over the proposed 40-year lifespan, contrary to the NPPF's climate and resource

efficiency principles (Paras 157-158).

o Claims of "Net Zero support" are unsupported by quantifiable carbon reduction or sustainable construction measures. The proposal lacks alignment with BNP Policy DC1

(Energy Efficiency) and Policy DC6 (Community-Led Renewable Energy).

## 9. Lack of Maintenance Guarantees

o The applicant admits the site may be sold after construction. No enforceable legal mechanism is proposed to ensure maintenance of acoustic fencing, visual screening, or

wildflower habitats for 40 years. This undermines the long-term viability of proposed mitigation and conflicts with BNP Policy NE5.

## 10. Overdevelopment and Cumulative Impact

o This is the fourth BESS development proposed in this locality (after 23/0962/MFUL, 24/2664/MFUL, and 25/0063/MFUL), within the same construction timeline.

o The cumulative impact on visual amenity, traffic, landscape, and agricultural land has not been assessed, despite NPPF Paragraph 198 requiring such an evaluation.

o Without a strategic cumulative Environmental Impact Assessment, the application fails the sustainable development test under EDLP Strategy 3 and BNP Policy D1.

Conclusion Broadclyst Parish Council objects strongly to the proposed development and recommends that planning permission be refused for the following reasons:

1. Non-compliance with national, local, and neighbourhood planning policy, particularly in respect to landscape protection, noise control, design quality, and sustainable development.

2. Failure to assess cumulative environmental and infrastructure impacts, despite this being the fourth BESS development proposed in close proximity, alongside existing large-scale solar installations and major housing schemes. There is no evidence of a joined-up approach to construction traffic management, air quality mitigation, or ecological impact across these developments.

3. Inadequate mitigation for noise, visual harm, construction disruption, air quality deterioration, and flood resilience, leading to unacceptable impacts on local amenity, public health, and countryside character.

4. Lack of robust assessment and safeguards relating to fire safety, pollution, and water contamination, including the risk of toxic gases and contaminated run-off into Cranny Brook in the event of battery failure or fire, and no evidence of consultation with the local fire authority.

5. Significant loss of productive farmland, adding to over 100 acres already converted to solar and battery installations, without clear justification or demonstration that this scale of land-take accords with sustainable development principles.

6. Absence of enforceable commitments for long-term site maintenance, particularly with regard to screening, acoustic controls, ecological measures, and reinstatement of agricultural land following cable installation.

7. Failure to demonstrate how biodiversity impacts will be avoided or mitigated, including further fragmentation of wildlife corridors and restriction of deer, badger, and fox movement through extensive fencing and infrastructure.

8. Lack of good practice in engaging with directly affected landholders, specifically the tenant farmer whose land will be significantly disrupted during the underground cable installation. For the sake of full transparency, the Council notes that the tenant farmer affected by the proposed cable route is also an elected member of Broadclyst Parish Council. However, this councillor has declared a Disclosable Pecuniary Interest (DPI) in this matter and has taken no part in discussions or decisions relating to this representation.

This objection is made independently by the Parish Council as a whole, in line with planning policy and community concern, and reflects a general principle that all landowners and tenants materially affected by a proposal should be directly consulted and adequately considered in the planning process. Broadclyst Parish Council respectfully urges that no determination be made until the following conditions are satisfied:

- o Direct consultation is undertaken with the affected tenant farmer;
- o A comprehensive reinstatement and disruption mitigation plan is submitted and secured;
- o Clear access and compensation arrangements are agreed and publicly documented;
- o A cumulative environmental and infrastructure impact assessment is completed, covering all relevant BESS and major developments in the area;
- o A coordinated construction traffic management strategy is established across all known BESS developments, including measures to address road safety, air quality, and road repair obligations. Until these requirements are met, the proposal remains inconsistent with the principles of fair, sustainable, and locally accountable planning. Finally, for the record and to ensure compliance with planning and case law, the Council wishes to state that:

In accordance with the UK Supreme Court ruling in *R (Wright) v Resilient Energy Severndale Ltd and Forest of Dean DC* [2019] UKSC 53 and the legal principles from *Newbury DC v Secretary of State for the Environment* [1981] AC 578, the Parish Council recognises that voluntary community benefit contributions are not material planning considerations. Any discussions with the applicant regarding community benefit are entirely separate from the planning process and have had no influence on this representation. They are pursued independently, in line with good practice, to secure fair, voluntary benefits for the host community where appropriate.

#### County Highway Authority

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

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

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

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

EDDC Landscape Architect

27.10.2025

Addendum Response

## 1 Introduction

This report forms the EDDC's addendum landscape response to additional landscape related information recently submitted for the above development.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous EDDC landscape response dated 13 August 2025.

## 2 Response to previous EDDC landscape comments

### Growth rates for mitigation planting

I note the comments from the applicant's landscape consultant regarding plant growth rates and supply sizes.

In respect of growth rates I would refer to an article titled 'Predicting tree and hedge growth' by Chris McDermott, published originally on the IEMA website and now on the ISEP (Institute of Sustainability and Environmental Professionals) website: <https://www.isepglobal.org/articles/predicting-tree-and-hedge-growth>

This suggests appropriate assumed growth rates for transplants of 0.3m per year in the first 5 years post planting and 0.5m per year for the next 10 years. On this basis transplants sized 0.6m high at time of planting could be reasonably expected to achieve 4.6m height after 10 years.

I note from the landscape consultant's response that it is proposed to plant light standard, standard and heavy standard nursery stock, the latter up to 4.25m high. Such large specimens are likely to go into planting shock for 2-3 years before they start to put on new growth and their successful establishment would be heavily reliant on regular watering during drought periods in the first three years which, in practice, will be difficult to achieve in this relatively remote location.

It should also be recognised that it takes many years for trees to achieve a dense canopy and there are likely to be filtered views through canopies of both proposed trees and existing hedges particularly in winter months, in which site infrastructure will be evident.

#### Landscape sensitivity

In respect to comments and accompanying photographs of existing electrical infrastructure in the area I note that the photographs mostly show pylons and associated cabling. Pylons are an accepted feature in many rural areas including National Landscapes. Although they are detracting elements they do not generally result in changes to topography, landcover or land use. I consider that other electrical infrastructure in the area is not yet at a level where it defines landscape character.

#### Paint colour

The confirmation that battery containers can be finished in dark green is noted and welcome and will reduce their conspicuity.

#### Additional Planting

The inclusion of additional planting to the southern site boundary as previously requested is also noted and welcome.

#### Acoustic fence limitations

My comments about potential sound transmission from battery units on the upper terraces over the top of the proposed acoustic fence to sensitive receptors to the north do not appear to have been addressed.

#### Transport Assessment

No clarifications have been provided in relation to my comments regarding access requirements for site craneage or abnormal loads. If such attendance is required additional swept path analysis should be provided.

Additionally there is a lack of clarity regarding the extent of hedge removal at the main site entrance from the south and requirements for junction widening. In order to properly understand the extent of vegetation clearance and surfacing extension that may be required a detailed junction plan at 1:100 scale should be provided showing fully the extent of clearance, surfacing and any associated edgings and gats/ fencing required together with required visibility splays.

### 3 Additional matters

#### Arboricultural impacts

My previous response did not consider impacts of cable trenching works between the site and Exeter sub-station. The proposed route crosses four hedges where horizontal boring techniques should be employed to take cables under the proposed hedges without disturbance of rooting zone.

### 4 Acceptability of proposals

Notwithstanding the amendments and clarifications provided by the applicant to my previous comments I maintain my objection to the proposed scheme due to the landscape and visual harm.

#### EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA) (Clarkson and Woods Ecological Consultants, May 2025), a Biodiversity Net Gain Statement (Clarkson and Woods Ecological Consultants, May 2025) and supporting metric calculations, habitat condition assessments and pre- and post-development habitat plans.

#### Designated Sites

There are no predicted impacts on any designated sites for wildlife interest.

#### Ecological Surveys

Ecological surveys determined the site supports legally protected and notable species including, hazel dormice, foraging and commuting bats including Annex II species lesser and greater horseshoe and barbastelle bats, badgers (including 3 outlier setts), reptiles and has suitable habitat to support nesting birds, common amphibians, commuting otters, hedgehogs, brown hare, and harvest mice.

The EclA considers there is unlikely to be any significant impacts on ecological receptors subject to mitigation, compensation and enhancement measures being secured and successfully implemented.

#### Protected and Notable Species

##### Great Crested Newts

The site is within a great crested newt (GCN) consultation zone; environmental DNA surveys of 6 ponds within 250 m of the site concluded GCN are likely absent from the site.

##### Dormice

Surveys undertaken on the adjacent development site (Ref: 25/0063/MFUL) by Western Ecology in 2024 confirmed the presence of dormice. Given the proximity and connectivity of suitable habitat, it is reasonable to conclude that dormice are highly likely to occur within the current site boundary.

Development proposals include the permanent removal of up to 9 m of hedgerow for access and a further temporary removal of 5 sections of 5 m of hedgerow for cable installation. It is proposed to re-instate these sections post development. In accordance with the mitigation hierarchy, avoidance of hedgerow impacts should be explored in the first instance, i.e. through the use of directional drilling.

The cumulative hedgerow removal required to facilitate the development could result in impacts on dormice - in addition to other species such as nesting birds, hedgehogs, reptiles, and common amphibians. The works will require a dormouse mitigation licence from Natural England.

Section 3.6.40 of the EclA advises the use of precautionary working methods during vegetation clearance to minimise risks to protected species. Any habitat removal should be undertaken under the supervision of a suitably qualified and licensed ecologist to ensure legal compliance and best practice. In addition, compensatory hedgerow planting has been proposed and is considered acceptable,

#### Badger

The EclA considers the proposals could result in the destruction of a single entrance outlier badger sett and possible disturbance of additional active badger setts during construction, and that a badger licence from Natural England will be required. Additional mitigation measures have been provided; the details of which must be included within the Construction and Ecological Management Plan (CecoMP).

#### Non-native invasive species

Himalayan balsam has been recorded near the entrance to the Exeter Substation. In accordance with Section 3.6.66 of the EclA, a strategy to prevent and contain the spread of Himalayan balsam will be developed and implemented, to be included in the Construction and Ecological Management Plan (CecoMP).

#### Hedgerows

As outlined above, the use of directional drilling for cable installation should be considered as a means to reduce potential adverse impacts on the five sections of hedgerow proposed for removal and subsequent replanting.

#### Ecological mitigation, compensation and enhancement

The proposed mitigation, compensation, and enhancement measures are generally appropriate and proportionate to the likely impacts for a development of this scale. I recommend the number of bat and bird boxes should be increased to 7 of each type, installed on mature trees around the site and provision for reptile and amphibian hibernacula should be provided.

## Biodiversity Net Gain (BNG)

The BNG assessment and calculations indicate the post development proposals are realistic and will meet the biodiversity gain objective with all biodiversity gains achieved onsite.

There are several post development habitat creation and enhancement proposals considered to be 'significant onsite gain' and will require a Habitat Management and Monitoring Plan (HMMP) to include details of 4.95 ha of wildflower grassland, 0.78 ha of mixed scrub, c. 281 m of native species-rich hedgerows, some associated with a bank and trees, and the creation of a ditch. These habitats must be secured by a Section 106 legal agreement and will be subject to a monitoring contribution.

## 3 Conclusions and recommendations

The submitted ecological survey information including ecological avoidance, mitigation and enhancement measures are generally considered acceptable subject to conditions

### Environmental Health

No objection subject to a CEMP and lighting condition.

14.04.25: I've reviewed the additional Technical Note provided by Tetra Tech. I am satisfied with the response given. In term of noise from the development, I do not anticipate any environmental health concerns.

### Conservation

Conservation Team do no wish to comment. Case Officer to assess.

### DCC Flood Risk Management Team

I will leave fire management with EDDC sorry. We only provide comments on it as there could be a crossover if pollutants from treatment of fires will get into the surface water drainage system.

I could propose the following condition:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is

a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref. , Rev. , dated ) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

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

#### National Gas/National Grid

No objection to the proposal provided the applicant has a valid connection agreement and an agreement for their proposed cable route through our land around Exeter substation via the Use of NGET Land process.

#### Devon County Archaeologist

Thanks for the geophysical survey report. I think in the light of these results any archaeological mitigation could be achieved through the application of the usually recommended archaeological conditions and achieved by a staged programme of works starting with a limited programme of field evaluation followed, if required, small scale excavation or mitigation by design.

#### South West Water

No objection,

If a fire supply is required depending upon the flow required it is likely that the water supply network would need to be upgraded which would take up to 18 months to be completed.

#### Devon County Council Waste Management

No objection subject to a condition requiring the submission of a Waste Audit Statement prior to the commencement of the development.

#### Green Infrastructure Project Manager

I note the outcomes of the LVIA and Visual Receptors Plan - this doesn't consider the visual amenity of walkers and cyclists using the lanes around Broadclyst and Ashclyst Forest which are identified as a network of 'Quiet Lanes' in the Clyst Valley Regional Park masterplan and Clyst Valley and New Communities LCWIP. The impact on walkers using Footpath 28, immediately adjacent to the site, is also underplayed in the LVIA and visualisation for Viewpoint 1 which shows the proposed the proposed woodland planting achieving a significant height within 10 years. The viewpoint methodology does not specify the species or size of the proposed planting, management of this or the assumed growth rates for the trees - which appear to have reached a mature height of over 10m in 10 years.

That said the mitigation planting is likely to mitigate against the visual impact on users of the footpath, albeit over a longer timescale (subject to planting specification and management).

It is important that the mitigation planting proposed (Figure LV8) is implanted and establishes - therefore appropriate conditions requiring pre-commencement approval of detailed landscape plans and specification, and a landscape and ecological management plan is essential to ensure the establishment and long term maintenance of these hedges and trees and the wildflower meadow. I would also like to see additional mitigation planting to the southern edge of the wildflower area to strengthen the landscape connectivity and visual screening in views from Crannaford Lane and the south (shown indicatively below).

There are a number of Solar Farms (and other energy infrastructure) within the Clyst Valley and it is important to deliver the energy infrastructure required to quickly transition to a zero-carbon energy system that will minimise the potential effects of climate change on our landscapes and natural environment. This location, close to Exeter Substation, has potential to support the energy network - but I would highlight the number of applications for solar farms and battery storage in close proximity to each other within the Clyst Valley Regional Park and the potential cumulative landscape impact of these on the Clyst Valley.

Therefore I refer to Strategy 10 of the adopted local plan - Green Infrastructure in East Devon's West End which states: 'We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.' and policy I also note that policy WS09 - Clyst Valley Regional Park in the emerging Local Plan which states that:

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

- A. Meet local plan policy requirements for Green and Blue Infrastructure;
- B. Provide connected cycling/walking infrastructure, where possible, including extension of or links to the Clyst Valley Trail;
- C. Restore and enhance the landscape character and sense of place of the Clyst Valley;
- D. Reduce recreation pressure on environmentally sensitive locations, through the creation of accessible green space and where appropriate Suitable Alternative Natural Greenspace (SANG);
- E. Contribute to the achievement of excellent ecological status in the River Clyst and tributaries, through enhanced natural flood storage, capture of run-off and restoration of soil health;
- F. Contribute to or make proportionate contributions to the following CVRP targets:
  1. Creation and/or restoration of 1,000 hectares of priority natural habitat within the Nature Recovery Network;
  2. 30% tree canopy cover in accordance with the East Devon Tree, Woodland and Hedges Strategy;
  3. 740 hectares of Public Open Space meeting 'Building with Nature' or 'Green Flag Award' standards;
  4. 80 km of traffic-free trail and quiet way meeting LTN 1/20 design standards - see Cycle infrastructure design (LTN 1/20) - GOV.UK ([www.gov.uk](http://www.gov.uk))'

Therefore 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.

### Devon and Sommerset Fire Service

Thank you for your consultation regarding the above. I've completed a comparison of the 2025 OBSMP with the 2026 NFCC guidance. It is important to recognise that the original OBSMP was prior to the new NFCC guidance there will likely be some differences.

### **DSFRS Observations**

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

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

The Fire Service's own powers of enforcement under the Regulatory Reform (Fire Safety) Order 2005 require the Responsible Person to carry out and regularly review fire risk assessments to protect relevant persons by identifying fire risks and removing or reducing them to as low as possible. It also requires the Responsible Person to mitigate against those fire risks that remain.

To support this application an Outline Battery Safety Management Plan (OBSMP) has been developed and submitted to us which provides sufficient detail to enable us as the Fire and Rescue Service to pass comment.

DSFRS' response to a OBSMP will be led by the guidance produced by the National Fire Chiefs Council (NFCC) 'Grid Scale Battery Energy Storage System Planning'. In the absence of regulated code, our response will be evidence based and influenced by the size and nature of the development.

<https://nfcc.org.uk/our-services/building-safety/grid-scale-energy-storage-system-planning-guidance-for-fire-and-rescue-services/>

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

Based on the information provided, DSFRS would make the following observations:

### **Battery Chemistry**

The 2026 NFCC guidance recognises both LFP Batteries and NMC Batteries and identifies LFP batteries as currently having better thermal stability than NMC Batteries. The Battery chemistry specified in the OBSMP indicates that the chosen batteries are not currently identified. Whilst this is relatively typical at this stage, DSFRS would advise that further confirmation should be provided at a later date.

### **Detection and Monitoring**

The 2026 NFCC guidance advises early detection and disconnection (once detected) through a suitable Battery Management System (BMS). The OBSMP does indicate these will be included. The specific system is not identified; however, DSFRS understands this is typical at this stage.

### **Suppression Systems**

The 2026 NFCC guidance recognises that suppression, be it inert gas or aerosol, will have little effect on a thermal cell event. Its primary role is to prevent a fire in ancillary electrical equipment spreading to battery modules.

The OBSMP does indicate a suppression system will be included. The specific system is not identified; however, this is typical at this stage. DSFRS understands that this is relatively typical at this stage.

## **Explosion Control (Deflagration Protection)**

The 2026 NFCC guidance indicates the BESS containers should be fitted with Explosion Control (Deflagration Protection). The guidance further indicates that British Standards (BS) or NFPA standards as suitable safety benchmarks.

The OBSMP does indicate Explosion Control (Deflagration Protection) will be included. The specific system is not identified. Whilst this is relatively typical at this stage, DSFRS would advise that further confirmation should be provided at a later date.

## **Site Location**

The 2026 NFCC guidance considers that analysis of sensitive receptors (within 1km of the location) and any impacts a fire may have on such receptors should be undertaken. Prevailing wind direction should also be given suitable consideration.

The OBSMP does indicate that there are no buildings within 25m of the BESS units. Prevailing wind direction is identified as south to southwest.

## **Access**

The 2026 NFCC guidance advises 2 points of access (or suitable perimeter road) that broadly align to Section B5 of Approved Document B. As with site location, identifying the prevailing wind direction is important as the separate access points should prevent FRS (Fire and Rescue Service) staff from operating in vapour/gas clouds.

The OBSMP does indicate that 2 separate access points will be provided which both appear to be accessed via the same carriageway. The OBSMP does indicate that 2 separate access points will be provided which both appear to be accessed via the same side of the site. DSFRS would recommend that consideration be given to the road infrastructure that leads to the site i.e. it's appropriateness for emergency service vehicle use.

## **Spacing Between BESS Units**

Guidance on spacing between BESS units within the 2026 NFCC guidance does differ from the previous iteration. The guidance indicates that, with control measures to prevent fire spread from cabinet to cabinet, the spacing can be reduced to a maximum of 0.914m (3ft). To achieve this reduction in spacing, the NFCC guidance advises adoption of NFPA standards.

The OBSMP does indicate that spacing between clusters will be 4 meters. DSFRS would advise that further information regarding the protective measures that prevent further fire spread within clusters and the number of units within a cluster arrangement should be provided when the units are procured. DSFRS understands that procurement typically occurs at a later stage.

## **Site Conditions**

The 2026 NFCC guidance advises that areas within 3m of BESS cabinets should be kept clear from combustible vegetation. Outside of this 3m, the vegetation within the site should also be managed.

The OBSMP indicates that BESS units will sit on concrete slabs over gravel. Whilst there is no specific figure given at this stage, the OBSMP does appear to indicate the predominant surface will be gravel.

### **Water Supplies**

The 2026 NFCC guidance is clear in its advice that additional on-site water supply must be available, however, does allow greater variance in how this water is supplied (hydrants, water tanks lagoons etc) and how much is supplied (based on firefighting strategy).

The OBSMP indicates that firefighting water will be provided via static water tank which will provide approx. 240,000l.

### **Signage**

The 2026 NFCC guidance indicates signage should be present for relevant hazards, BESS type, suppression and 24/7 contact details.

The specific signage is not identified. This is typical at this stage, however, DSFRS would welcome further information regarding this prior to the site becoming operational.

### **Outline Battery Safety Management Plan (OBSMP)**

The 2026 NFCC guidance advises information within the OBSMP should include both information on safety features and emergency response. It is recognised that Site Specific Risk Information (SSRI) is unlikely to be available prior to procurement and construction.

The OBSMP does indicate that general fire safety is being considered and precautions will be taken regarding the BESS units. Provisional information relating to how emergency response and risk management plans will be developed is also included within the above documents.

### **Site Plans and Maps**

The 2026 NFCC guidance advises site plans and maps should be included within the OBSMP. The OBSMP does provide outline site plans and maps.

It is recognised that Site Specific Risk Information (SSRI) is unlikely to be available prior to procurement and construction. DSFRS would welcome further information regarding this prior to the site becoming operational.

### Other Representations

Five objection comments received from third parties raising concerns over the following:

- Risk of fire.
- Contamination of local watercourse.
- No plan for the recycling of batteries.
- Lack of need.
- Recovery funds for decommissioning phase.
- Air pollution.
- Impact of construction traffic.
- Noise pollution.
- Cumulative visual impact.
- Overdevelopment of the site.
- Impact on wildlife and environment.
- Light pollution.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
24/0009/EIA	Screening opinion for the construction and operation of a battery energy storage system and associated works	CLOSED	10.01.2025

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development) Adopted  
Strategy 7 (Development in the Countryside) Adopted  
Strategy 38 (Sustainable Design and Construction) Adopted  
Strategy 39 (Renewable and Low Carbon Energy Projects) Adopted  
Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted  
D1 (Design and Local Distinctiveness) Adopted  
D2 (Landscape Requirements) Adopted  
D3 (Trees and Development Sites) Adopted  
EN5 (Wildlife Habitats and Features) Adopted  
EN6 (Nationally and Locally Important Archaeological Sites) Adopted  
EN13 (Development on High Quality Agricultural Land) Adopted  
EN14 (Control of Pollution) Adopted  
EN18 (Maintenance of Water Quality and Quantity) Adopted  
EN21 (River and Coastal Flooding) Adopted  
EN22 (Surface Run-Off Implications of New Development) Adopted  
E4 (Rural Diversification)  
E5 (Small Scale Economic Development in Rural Areas) Adopted

TC2 (Accessibility of New Development) Adopted  
TC7 (Adequacy of Road Network and Site Access) Adopted  
TC9 (Parking Provision in New Development) Adopted

#### Broadclyst Neighbourhood Plan (Made)

D1 High Quality Design

Policy DC3: Sustainable Drainage

Policy NE1: Protecting Woodland

Policy NE4: The Protection and Enhancement of Hedgerows

Policy NE5: Landscape and Biodiversity

#### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC01 (Climate emergency) Draft

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

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft

Strategic Policy CC04 (Energy storage) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS04 (Green and blue Infrastructure) Draft

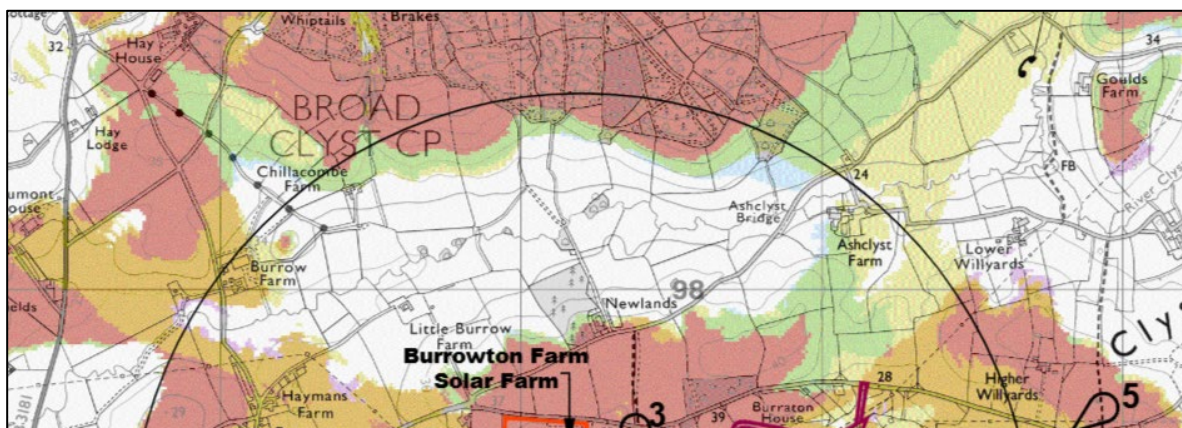
Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

#### Site Location and Description

The application site comprises approximately 10.5 hectares of agricultural land situated around 400 metres south-west of the Exeter National Grid Substation, approximately 1.4 km east of Broadclyst and 1.5 km north of Cranbrook. The main development area consists of two arable fields that gently slope northwards, enclosed by mature hedgerows and boundary trees of varying age and structure. The wider landscape is rural in character, containing scattered farmsteads, woodland blocks and agricultural land although the immediate area also features significant energy-related infrastructure, including three operational solar farms and the existing substation (See figure 1 below).

The site is accessed primarily via an existing agricultural track to the south from a Class C road from Loxbrook Cross to Crannaforde Cross. The nearest dwelling lies approximately 80 metres to the south-east, associated with the adjoining farmstead. The site is not subject to any statutory landscape or ecological designations, although it lies within open countryside and is partly intersected by the Clyst Valley Regional Park. A public right of way (Broad Clyst Footpath 28) runs along the eastern boundary, separated from the site by an existing hedgerow.



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### Proposed Development

The proposal seeks full planning permission for the construction and operation of a Battery Energy Storage System (BESS) with an approximate capacity of 125MW, together with associated infrastructure, access arrangements and a cable connection to the existing Exeter Substation. The BESS compound would accommodate battery container units, inverters, transformers, switchgear, internal access tracks, security fencing, acoustic fencing, CCTV, and landscape planting.

Access for construction and operation would be via a track that forks to an alternative access in the event of a fire. The cable corridor would extend approximately 650 metres across agricultural land to the boundary of the National Grid substation. The applicant seeks a temporary operational period of 40 years, after which all infrastructure would be removed and the land restored to its current agricultural use. The proposal also includes landscape mitigation planting, biodiversity enhancements, drainage infrastructure, and a fire safety management framework as set out in the supporting technical documents.

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 or other energy 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 sold back to the grid 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 will increase energy supply stability as we move to an increase in renewable energy supply, 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 25/0063/MFUL 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 NPPF (December 2024) 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."

The principle of the development is acceptable and is supported by local and national planning policy.

#### Character and Appearance of the Area

The development will introduce industrial scale-built form battery units and ancillary equipment as depicted in the submitted elevations and sections of the battery compound and substation. The compound consists of 108no. battery units and 36 transformer units evenly spaced across three tiers and is accessed via two entry points on the eastern boundary.

The substation is sited in the parcel to the east alongside three single storey buildings, one that houses two switch rooms, control rooms, an office and welfare space, and two transformer rooms. The northern perimeter of compound and substation will be bordered by a 4-metre-high acoustic fence.

The application is supported by a Landscape Visual Appraisal (LVA) which has been reviewed by the Council's Landscape Architect. The Council considers the site to have a moderate-high susceptibility and medium value, resulting in medium sensitivity and a substantial magnitude of change at completion, giving rise to moderate adverse effects, reducing over time as planting as detailed on the submitted landscaping scheme (DRWG: LV8 REV A) matures. The applicant, by contrast, argues that while the development results in adverse harm, its influence is highly localised and limited due to landform and vegetation, and ultimately minor or negligible.

In terms of landscape character effects, the proposal would result in a clear change from rural farmland to developed electrical infrastructure. The level of engineering works to facilitate construction of the tiered battery compound and new built elements would contrast with the rolling arable landscape. Additionally, officers are also mindful that the proposals are another substantial piece of energy infrastructure in a landscape already experiencing incremental industrialisation, particularly reflected in existing solar farms at Burrowtan, Saundercroft and Crannaford Farm and permitted BESS schemes, resulting in sequential cumulative harm.

With regards to visual effects there is broad agreement that Broadclyst Footpath 28 (running adjacent to the eastern and northern boundaries) would experience the most significant visual effects. The applicant's LVA identifies major/moderate effects at completion for walkers at Viewpoint 1, reducing to minor by Year 10 with successful woodland and hedgerow planting. The Council's Landscape Architect generally concurs with this assessment of initial harm but stresses that mitigation planting will also block attractive current rural views, and that even when planting matures, the development may remain perceptible and audible, particularly in winter, with an enduring reduction in visual amenity that the LVA underestimates.

During an officer site visit it was noted that the development would also be perceptible from the rural road to the north of the application site between the crossroads with Burrow Road and Exeter Substation. It appears that some recent hedge removal has been undertaken which is potentially why this has not been included as a viewpoint within the LVA. Regardless, whilst during the summer months much of the mature tree line along the northern boundary would provide some screening of the battery compound and a lesser extent the substation, filtered views of both elements will be possible.

Overall, even when considering the effects of mitigation planting, the development results in industrialisation of a greenfield site requiring significant engineering works to facilitate the three terraces of the battery unit compound. The level of harm to landscape character, including tranquillity, and visual effects fail to meet Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan and Policy NE5 (Landscape and Biodiversity) of the Broadclyst Neighbourhood Plan.

### Surface Water Attenuation

Surface water run off generated by the battery compound and substation will be managed using a gravel attenuation base situated beneath the units, which provides

approximately 1,228 m<sup>3</sup> of storage which accommodates for a 1 in 100 year (event) plus 30% climate change event and discharges at a restricted rate of 4.9 l/s (equivalent to greenfield run off rates) via a hydrobrake penstock chamber that can be sealed during a fire event. Technical Note 001 states that the gravel bases have been designed to 'store both regular and design rainfall as well as fire water' (paragraph 2.2.1).

The substation compound incorporates a filter drain to manage runoff from impermeable elements, with flows limited to 1.2 l/s, while isolated auxiliary transformers and water tanks drain to infiltration trenches or gravel bases sized to accommodate the full design storm without outflow. These features, including the exact positioning of the hydrobrakes and penstock, are annotated on the SUDS plan (DRW:60-100 REV 02) on the Technical Note 001 prepared by Calibro (dated 01.08.2025).

The LLFA within their initial comments required confirmation that the entire gravel base will be fully remediated after any fire event. In addition, the LLFA requested a screenshot of the Flood Estimation Handbook (FEH) catchment map showing the pin location and the associated catchment descriptors and that the drainage design must also apply a 45% climate change allowance to reflect the potential future renewal of the planning permission and the need for robustness over an extended development lifetime.

In response, Technical Note 001 has provided the FEH descriptor Map, Substation Area Plan and clarified that the red edging of the Location Plan that extends north east up to Exeter Substation is only for cable routing. As the cable would need to cross the watercourse to the north of the battery compound and substation the LLFA have stipulated that consent shall be required from Devon County Council's Flood and Coastal Risk Management Team. An outfall into the Ordinary Watercourse will also require Land Drainage Consent. Proof of these agreements shall be secured via planning condition as requested by the LLFA in their latest set of comments. The Environment Agency have been notified of this arrangement.

With regards to remediation of the drainage system, the gravel base would be limestone based which the FRA states can neutralise any hydrofluoric acid (HF) released during a fire event. The BESS units are designed to be watertight and therefore reducing the risk that surface water would become contaminated. In any event, even if the surface water within the gravel bases were to become polluted, the drainage system can be shut off in the event of the fire, Technical Note 001 confirms that can be tested for contamination and manually removed.

The applicant has not demonstrated that the SUDS scheme capacity includes an allowance for 45% climate (rather than 30%). Notwithstanding this, the LLFA only requested this on the basis that the applicant, developer or subsequent landowner may seek to renew the permission after the 40 years currently applied for. In this case, if such an application were to be made, then the SUDS scheme would need to be reconsidered against planning policy, adopted guidance and development management policies at that time. It is therefore the opinion of officer's that the indicative SUDS scheme's failure to accommodate for potential surface water anticipated beyond the lifetime of the development would be unreasonable.

The LLFA, having reviewed Technical Note 001, have withdrawn their objection and propose that the detailed design of the SUDS scheme is secured via planning condition and should include the following:

- Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
- Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.
- If required, a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

It is the view of officers that an additional requirement for the submission of a Controlled Waters Environmental Risk Assessment shall be included. The primary purpose for this is to ensure that the development and SUDS shall contain fire-water without infiltrating into the ground or entering any local water catchments.

Subject to compliance with conditions listed at the end of the report, officers are satisfied that the flood risk and surface water attenuation features accord with Policy EN22 (Surface Run-Off Implications of new Development) and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan

### Fire Safety

As detailed within the previous section of the report, the drainage strategy proposes a sealed drainage system that could be shutoff via a penstock in the event of fire and suppression water being required. This would prevent discharge from the BESS area until such time that the water can be tested for contamination and pumped out if contamination is present or released if not. The applicant has not provided exact details of contingency measures to remediate the gravel base in the event of contamination. Accordingly, this shall be required via condition, the details of which shall be submitted prior to commencement of the development.

The application is also supported by an Outline Battery Safety Management Plan (OBSMP) (dated March 2025). The document is informed by the following standards:

- Planning Practice Guidance
- Fire and Rescue requirements detailed in the National Fire Chiefs Council (NFCC).

However, since submission of the application in the middle of 2025 the NFCC guidance was updated in December 2025 – superseding former guidance published in 2023. The guidance introduces an expanded framework for planning and fire safety management. It more than doubles the number of sections and places stronger emphasis on early engagement between developers and Fire Rescue Services (FRSs). Key changes include the requirement for a comprehensive risk management process leading to a robust battery safety management plan and site-specific emergency response plan, new guidance on explosion control, and revised separation distances which permit reductions to 0.914 m (3 ft) where systems meet evidence-based testing such as UL 9540A (Fire Safety Test), compared with the previous general 6-metre recommendation. Overall, the updated guidance aims to ensure proportionate, evidence-based fire safety measures without placing an undue burden on developers.

The below table seeks to assess the OBSMP against the updated guidance.

NFCC Requirement	Compliance Status	Comments / Evidence
1. Access – minimum of two separate access points to the site	Compliant	The OBSMP provides two access points for emergency services and considers prevailing winds. The potential for both points of access to be obscured is ‘very low’.
2. Roads/hard standing capable of accommodating FRS vehicles in all weather conditions	Compliant	Hardstanding and access roads are stated to meet Building Regulations B5 and NFCC expectations.
3. Perimeter road and passing places suitable for fire appliances	Compliant	Service road layout enables full circulation consistent with NFCC guidance.
4. Unobstructed access to all areas of facility	Compliant	Layout ensures all BESS units can be reached by FRS vehicles.
5. Turning circles, passing places to be sized per FRS fleet	Compliant	Turning areas align with Approved Document B5 and DSFRS expectations. The layout provides a continuous loop and opportunities for turning where internal access roads meet.
6. Minimum distance to occupied buildings (NFCC 2025 = 30 m)	Compliant	OBSMP uses 25 m based on older NFCC guidance. NFCC 2025 update now requires 30 m. The nearest building is 67 metres from the nearest battery unit.
7. Access between BESS units – spacing	Compliant (note)	Current plan uses FM Global 2024 spacing (1.5–4 m). NFCC 2025 allows reduced spacing to 0.914 m (3 ft) if UL9540A-tested.

		The current Site Layout Plan indicates spacing of approximately 3 metres.
8. Site conditions – 10 m clear of combustible vegetation	Compliant	Gravel, concrete bases and no vegetation within 10 m meets NFCC requirements.
9. Water supplies – sufficient for boundary cooling	Compliant	The twelve water tanks, arranged in sets of three exceeds former NFCC minimum of 240,000 L storage capacity (1,900 L/min × 120 min). Using the elevations provided the capacity is expected to be approximately 315,000 Litres.
10. Signage	Compliant	Signage to be finalised at ERP stage; consistent with NFCC expectations.
11. Emergency Response Plan (ERP)	Mostly compliant	OBSMP sets framework, but NFCC 2025 requires expanded 20-section ERP coverage. To be completed during DBSMP stage. This shall specifically required via planning condition.
12. Environmental impacts – firewater and pollution control	Compliant	OBSMP includes penstock control, basin containment to retain firewater.
13. System design, construction, testing, decommissioning	Compliant (outline)	Detail to be provided in DBSMP; acceptable at outline stage and shall be secure via planning condition.
14. Deflagration prevention and venting	Partially compliant	OBSMP acknowledges need for venting but does not yet incorporate NFCC 2025's new explosion-control specifics. Shall be required at DBSMP.
15. Risk management process	Compliant	OBSMP framework meets NFCC expectations for comprehensive risk management. This shall form part of the ERP.
16. UL9540A testing	Compliant	UL9540A testing commitment included; aligns with NFCC and NFPA 855.
17. Explosion risk modelling (new NFCC 2025 requirement)	Partially compliant	OBSMP predates 2025 updated explosion-control requirements; needs expansion at DBSMP.

Devon and Somerset Fire and Rescue Service (DSFRS), while not a statutory consultee, has reviewed the Outline Battery Safety Management Plan (OBSMP) in line with the 2026 National Fire Chiefs Council (NFCC) guidance and raises no objection in principle at this stage. DSFRS recognises that BESS fire risk regulation and best practice are still developing and confirms that the OBSMP provides sufficient outline information for the current application, with appropriate commitments to fire detection, battery management systems, suppression, explosion control, water supply, access, spacing, vegetation management and emergency planning.

A number of technical details including battery chemistry, specific safety systems, signage, cluster protection measures and site-specific risk information are not yet

confirmed, which DSFRS considers typical at this stage, but advises these should be provided and agreed prior to the site becoming operational to ensure continued compliance with evolving NFCC guidance and fire safety legislation.

Having reviewed the OBSMP and plans against the updated NFCC guidance officers are satisfied with its compliance with a particular focus on what can be secured and considered at the planning application stage. The submitted Site Layout provides two separate access points, water storage, sufficient distancing between battery units soft landscaping and the nearest buildings at the substation.

Notwithstanding this, a pre-commencement condition is required to secure submission of the Detailed Battery Safety Management Plan. Key information concerning chemical composition of the batteries, fire testing and explosion risk modelling will inform the required deflagration prevention, venting and suppression measures of the units shall be provided.

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

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

Given the above, the application is supported by an acceptable Outline Battery Safety Management Plan and the design of the proposed installation has suitable features to minimise the risk of a thermal runaway event. Subject to conditions securing a fully detailed Battery Safety Management Plan and Emergency Response Plan, 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

The Transport Statement & Construction Traffic Management Plan (CTMP - prepared by Mott Macdonald, May 2025) sets out overarching principle for managing the construction phase of the scheme. As reflected in comments made by the County

Highway Authority, the level of traffic movements generated by a BESS, once fully operational, are anticipated to be low. Accordingly, the focus of the Transport Statement focuses on the temporary impacts caused by the construction phase. These are where concerns stem for the Parish Council and third parties.

Once commenced, construction activity is expected to occur over a period of up to 24 months, although the CTMP assesses a 12-month worst-case scenario in which construction traffic is more concentrated. The BESS shall be primarily accessed via the unclassified road off Crannaford Lane. Installation of the cable routing shall utilise the access via the Exeter substation.

Typical movements comprise of around three HGV deliveries per day, together with approximately two LGVs and an average of twenty construction staff travelling by car or van, all of whom will park within the site. HGV movements will avoid peak school travel times and that a banksman and booking system will regulate vehicle arrivals to ensure safe access, avoid conflict and prevent any build-up on the local road network. A small number of Abnormal Indivisible Loads (AILs) may also be required for transformer and cable drum deliveries, with the outline CTMP committing to notifying the Police and Highway Authority in advance.

Appendix C of the of the CTMP depicts construction routes. Route 1, the preferred HGV routing, is via Broadclyst and Pinhoe, avoiding Crannaford Lane due to its level crossing and turning constraints. However, it is considered appropriate for LGVs to use Route 2.

Broad Clyst Footpath 28 will remain open throughout construction, with a 'short temporary diversion' used only when required during cable trenching. The County PROW Officer has been consulted with no objections raised. No off-site highway works are presently required, and swept path analysis confirms that HGVs and emergency vehicles can safely access the site without physical modifications beyond vegetation clearance shown on the plan at Appendix B of the CTMP.

Construction will be overseen by a Traffic Management Group (TMG) responsible for monitoring CTMP measures. Whilst one of the responsibilities of the group is stated to liaise with the LPA and developers to coordinate accordingly where construction phases overlap. Given that a number of recently approved BESS schemes around the Exeter substation also seek to utilise similar routes for construction traffic to reach the M5, it is considered imperative that a collaborative approach is undertaken and that contact details of the CTMP are made available to the Parish Council. It is the view of officers that such evidence, including contact details of the TMG shall be required via pre-commencement condition as part of the standard CEMP condition.

In summary, given the above and the position of no objection from the County Highway Authority, the development is considered to meet the objectives of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

### Impact on Neighbouring Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan requires development to avoid adversely affecting the amenity of occupiers of adjoining residential properties. Furthermore, as stipulated within Policy EN14 (Control of Pollution) permission will not be granted for development which would result in unacceptable levels of pollution. The development has the potential to adversely impact nearby receptors through noise generated by the battery containers, inverters and substation transformers. Accordingly, the application is supported by a Noise Impact Assessment (prepared by Tetra Tech Limited dated May 2025).

The assessment considered ten noise-sensitive receptors, representing the nearest residential dwellings around the site. Without mitigation, the BS 4142:2014 rating level assessment identified exceedances at Red Roof Cottage, a dwelling approximately 180 metres to the northeast of the substation and annotated as R04 at Figure 3.1 of the NIA (page 18). To reduce noise transmission from the BESS compound and transformer area, the assessment recommends mitigation in the form of installing two 4-metre-high acoustic barriers, one along the northeast boundary of the BESS and another along the northern edge of the transformer compound. The survey concludes that with the barriers in place, no receptor would experience a significant adverse effect. Notwithstanding this, further information was provided by the applicant's noise consultant (Noise Technical Response Note April 2026) to demonstrate that the cumulative impact of three consented BESS schemes and the Exeter Substation had been considered.

The Environmental Health Team have reviewed the NIA and accepted the findings. Notwithstanding this, further conditions have been recommended to secure a Construction and Environment Management Plan (CEMP) to consider Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements during the construction phase. It is also suggested that working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. These measures are all suggested to ensure the development does not adversely harm existing residents of properties nearby.

Subject to the acoustic fencing being constructed in full prior to the BESS being brought into use and retained for the lifetime of the development and subject to conditions suggested, the development is considered in accordance with Policy D1 and EN14 of the East Devon Local Plan.

## Ecological Impact

### *Protected Species*

The submitted Ecological Impact Assessment (Clarkson & Woods, May 2025) provides a review of the site's ecological baseline and the likely effects of the proposed BESS and associated cable route. The EclA confirms that the site supports a range of legally protected and notable species including hazel dormice, foraging and commuting bats (including Annex II species lesser and greater horseshoe bats and barbastelle), badger (three outlier setts), reptiles, common amphibians, nesting and wintering birds, hedgehog, brown hare, and harvest mouse.

The proposals include the permanent removal of up to 9 m of hedgerow for access and a further temporary removal of 5 sections of 5 m of hedgerow for cable installation. It is proposed to re-instate these sections post development. Such removal works will impact dormice habitat and will require a license from Natural England. As shall also be highlighted in the following section of the report that addresses the arboricultural impact of the development, the Ecology officer has encouraged the use of directional drilling in order to minimise the level of hedge removal to facilitate the cable routing. Nevertheless, the level of replacement hedgerow planting proposed is considered acceptable by officers.

The EclA considers the proposals could result in the destruction of a single entrance outlier badger sett and possible disturbance of additional active badger setts during construction, and that a badger licence from Natural England will be required. Accordingly, as per the Conservation of Habitats and Species Regulations, the derogation tests must be met. With regards to Test 1 - the development is considered imperative in order to facilitate low carbon infrastructure therefore has public benefits to justify the need for the license. Given the position of the development in proximity of the Exeter Substation, there is not considered to be reasonable alternatives that need to be considered. Finally, the closing of a single outlier sett is not considered to result in decline in the species population or range and the loss of foraging habitat shall be mitigated. It is therefore the view of officers that the derogation tests are met and therefore Natural England are likely to issue a license.

Additional mitigation measures have been provided; the details of which must be included within the Construction and Ecological Management Plan (CecoMP). The Council's ecologist has also requested that this details measures to contain the spread of Himalayan Balsam recorded at the entrance of Exeter substation.

The Council's ecology officer advises that there are no predicted impacts on designated sites, and that, subject to the secured delivery of mitigation, compensation and enhancement measures, no significant adverse effects on ecological receptors are anticipated. The application is therefore considered to accord with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

### *Biodiversity Net Gain*

The EclA sets out that the developer commits to the creation of 4.95 ha of diverse modified grassland, 0.78 ha of mixed scrub, 281 m of species-rich hedgerows, and a new wet ditch feature, which will deliver substantial ecological uplift. The accompanying Biodiversity Net Gain (BNG) assessment demonstrates that the scheme achieves 49.21% net gain in habitats, 10.23% in hedgerows, and 67.01% in watercourses, all delivered on-site. The ecology officer considers the BNG proposals realistic and appropriate, advising that they must be secured through a 30-year Habitat Management and Monitoring Plan (HMMP), reflecting the scale of habitat creation proposed. This shall ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 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.

### Trees

The Arboricultural Report (Tree Heritage Ltd, May 2025) identifies 27 individual trees, 23 groups, one woodland block and 28 hedgerows within or adjacent to the application site. The assessment confirms that no trees require removal to accommodate the proposed BESS compound and associated access, with the layout maintaining sufficient separation from the root protection areas (RPAs) of retained hedgerow trees. Two areas of hedgerow shall be removed in order to facilitate construction of the access roads into the battery compound. Despite the small scale of submitted plans, the Council's Tree Officer concurs that the BESS site and access route appear to avoid RPAs and are unlikely to generate significant impacts subject to robust tree protection.

However, as highlighted within the previous section of the report, there is a preference for the developer to utilise directional drilling to reduce the extent of hedge removal required to facilitate installation of the cable connection with the substation. A pre-commencement condition shall be applied in the event permission is granted to secure an Arboricultural Method Statement (AMS) to confirm the exact construction method and layout of the cable routing. It is also recommended by the Tree Officer that this should retain and avoid any harmful impact to G20 (Oak).

Overall, subject to conditions requiring the submission of a revised Tree Protection Plan and Arboricultural Method Statement, officers are satisfied that the proposals comply with Policy D3 (Trees and Development Sites).

### Loss of agricultural land

The application is supported by a Agricultural Land Classification (ALC) Survey. The land is classified as a mixture of Subgrade 3a (good quality agricultural land) and Subgrade 3b (moderate quality agricultural land). Subgrade 3a is considered Best and Most Versatile (BMV) for planning purposes, whereas 3b is not. The distribution of grades within the 7.9 ha application site is as follows:

- 1.9 ha (24%) – Subgrade 3a (BMV land)
- 5.6 ha (71%) – Subgrade 3b
- 0.4 ha (5%) – Non-agricultural features (hedgerows, gateways)

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 proposals therefore meet sub paragraph 2 of EN13.

### Archaeology

The County Archaeology Team have identified that the application site lies in an area of archaeological potential within 100m of a possible prehistoric ring ditch visible as a cropmark on aerial photographs. The proposed development also lies adjacent to the historic farmstead of Lower Burrowton and 'Burrowton' was probably the home of William de Brigge as recorded in the Lay Subsidy Rolls of 1330. The 'burrow' element of the settlement name here may also indicate the presence of ancient earthworks such as prehistoric burial mounds in this area.

After initial objections were raised by the DCC Archaeology Team a Geophysical Survey was submitted. This included a detailed magnetometer survey undertaken in April 2025 to assess the archaeological potential of the proposed BESS site. The survey detected no definitive archaeological features, and overall magnetic disturbance was low and largely confined to field edges. Several responses reflected modern agricultural activity, former ploughing patterns, and a former historic field boundary identified on 19th-century mapping.

In response, the latest set of comments from DCC indicate that their initial objection is withdrawn subject to standard conditions requiring the submission of a Written Scheme of Investigation prior to commencement of the development.

### Broadclyst Parish Council Comments

Broadclyst Parish Council has raised objections covering policy compliance, cumulative impacts, landscape and visual harm, amenity, highways, flood risk, fire safety, biodiversity, agricultural land loss and long-term site management. These matters have been fully considered by officers and statutory consultees and are addressed in detail within the main body of this report.

The development is accepted in principle as strategically important low-carbon energy infrastructure, supported by national policy and Strategy 39 of the East Devon Local Plan, which requires significant weight to be given to proposals contributing to grid resilience and climate change mitigation.

Flood risk, drainage and pollution concerns have been addressed through a comprehensive Flood Risk Assessment, Drainage Strategy and Technical Note,

confirming that surface water and potential fire-water will be contained within a sealed system. The Lead Local Flood Authority has withdrawn its objection, subject to detailed design and control measures secured by condition.

Construction and operational impacts on residential amenity, including noise, air quality and lighting, can be satisfactorily mitigated through acoustic fencing and management plans secured via conditions, as confirmed by Environmental Health officers. Construction traffic and cumulative highway impacts have been reviewed by the County Highway Authority, which raises no objection, with enhanced conditions proposed to secure coordination with other schemes, timing restrictions and road protection measures.

Overall, while the Parish Council's concerns are acknowledged, officers conclude that, subject to the recommended conditions, the identified harms do not significantly and demonstrably outweigh the substantial benefits of the proposal. The overall planning balance shall be expounded on further below.

### 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.

In assessing the proposal against the Development Plan as a whole it is necessary to first consider the identified harm and weigh these against the anticipated benefits. In this case the effective industrialisation of agricultural land results in a substantial magnitude of change at completion resulting in moderate adverse effects, with longer-term effects reducing this to moderate/minor after mitigation planting matures. This harm extends to nearby visual receptors, including walkers along Broadclyst Footpath 28, nearby public rights of way. Whilst this harm is localised, there is some sequential cumulative visual harm in combination with existing solar farms, other permitted BESS schemes and Exeter substation. These landscape impacts weigh against the proposal.

Further harm is attributed to the loss of 1.9ha of Subgrade 3a BMV land, which engages Local Plan Policy EN13 and paragraph 174 of the NPPF. Although most of the development area comprises lower-grade 3b land, the BESS compound and access track occupy areas of higher-quality soil contributing to agricultural productivity. However, Policy EN13 allows the loss of BMV where the need for the development is overriding, and alternatives are not reasonably available. In this case, the applicant has located the BESS adjacent to the National Grid Exeter Substation and national policy direction strongly supports renewable and low-carbon energy infrastructure. The loss of BMV land therefore weighs against the scheme albeit the level of harm is limited.

National policy in NPPF paragraph 168 requires that "significant weight" be given to the benefits of renewable and low-carbon energy, and recent appeal decisions for similar BESS developments (including 22/2216/MFUL) confirm that battery storage is essential to managing intermittency in renewables, stabilising the grid, and supporting the transition to a net-zero electricity system. These benefits are not abstract: National

Policy Statements for Energy anticipate a largely decarbonised grid by 2035, making strategic storage capacity increasingly critical. The proposal has a 40-year operational life, enabling long-term carbon savings by reducing reliance on fossil-fuel generation at peak times. This is considered to weigh significantly in favour of the proposals.

The scheme would also deliver ecological benefits net gain, with onsite creation of 4.95ha of wildflower grassland, 0.78ha of scrub, 281m of species-rich hedgerow, and new wetland habitat, resulting in 49.21% habitat net gain, 10.23% hedgerow net gain, and 67.01% watercourse net gain. The Council's Ecologist confirms that, subject to conditions and licensing, protected species impacts can be mitigated and that there will be no significant residual ecological harm. The scheme therefore represents a measurable environmental uplift in terms of habitat creation and enhancement.

Other matters, including surface water attenuation, fire safety, arboricultural impacts, highway impacts and archaeology are all attributed neutral weight in the planning balance.

Taking all factors into account, the proposal will result in localised but notable landscape harm and a modest loss of BMV land, both of which weigh negatively in the planning balance. However, these harms must be weighed against the substantial and nationally important benefits arising from the provision of a strategically located grid-scale battery storage facility, as well as the delivery of significant biodiversity net gain and compliance with national policy objectives for a low-carbon, resilient energy network. Having regard to NPPF paragraph 168, which requires significant weight to be given to such benefits, officers consider that on balance the benefits outweigh the identified harms, and the scheme therefore complies with the Development Plan when read as a whole, subject to the recommended conditions.

## **RECOMMENDATION**

1. 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.)
2. 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).
3. Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report 24-360 REV 02 dated 14/05/25 & Technical Note 001) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

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

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 developments at Saundercroft Farm (ref: 24/2664/MFUL) and Land East of Exeter Substation (ref: 25/2189/VAR). It shall be demonstrated that a collaborative approach has been taken 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.
11. Contact details of the Traffic Management Group responsible for monitoring CTMP measures shall be provided to the Local Planning Authority and made available to the Parish Council.

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-commencement to ensure the impacts of the development are mitigated from the outset)

5. 1) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) or TPPs of suitable scale and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Planning Authority.
- 2) The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On

completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturist and submitted to the Planning Authority for approval and final discharge of the condition.

Notwithstanding this requirement the following restrictions shall be adhered to:

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

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

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

6) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of the required cable routing including any existing, replacement or new above and below ground services, foul and surface water drainage and other infrastructure - insofar as they may affect existing trees - shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. NJUG Vol. 4 Guidelines). Such layout and design and implementation shall provide for the long-term retention of the trees and hedgerows. Any unavoidable but necessary root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement / approved service / drainage/infrastructure layout.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and biodiversity 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 required prior to commencement to ensure the development is informed by the arboricultural constraints.

6. Prior to the installation of any Battery 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).

7. Prior to the installation of any battery storage unit 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 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.)

9. 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.)

10. Within 40 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of operation, 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 operation. 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.)

11. 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.)

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

(a) A full set of hard landscape details including retaining structures and signage.

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

- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content.
- schedules of volumes for each material.
- subsoil to be retained for landscape areas.

(c) A full set of soft landscape details including a Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

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

Development shall take place in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 -

Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

13. The development shall be carried out in strict accordance with the Ecological Impact Assessment (Clarkson and Woods Ecological Consultants, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a) 7 no. bat boxes installed on mature trees
- b) 7 no. bird boxes installed on mature trees
- c) 10 no. dormouse net boxes within retained hedgerows
- d) Reptile/amphibian hibernacula

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) of the Adopted East Devon Local Plan 2013-2031)

14. Under no circumstances should any external lighting be installed without prior consent from the local planning authority to ensure nocturnal wildlife is not adversely affected by the development. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase.

Any operational lighting should be fully in accordance with BCT/ILP Guidance Note 08/2023 to include the following:

- a) LED luminaires only
- b) Motion activated security lighting with a limited over-run time
- c) Colour Corrected Temperature not exceeding 2700K

d) Be directed downwards with a 0-degree tilt angle and 0% upward light ratio

(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)

15. 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) Measures to control of the spread of Himalayan balsam.
- e) Records of an updated badger survey (within 6 months of commencement) and badger licence report of action.
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- j) 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: To ensure that the development has no adverse effect on protected and notable species during the construction phase in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031)

16. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted Biodiversity Net Gain Assessment dated May 2025 and prepared by Clarkson and Woods Ecological Consultants, the approved Biodiversity Gain Plan, and the approved landscape plans and associated details and shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) 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.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) 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:
  - i. Existing trees and hedgerows/banks.
  - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- g) The number, location and design of bat boxes, bird boxes, dormouse nest boxes, and habitat piles (for reptiles and amphibians) to be detailed and clearly shown on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities.
- i) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- j) 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.
- k) 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.

Notice in writing, in the form of a verification report completed by a competent ecologist or landscape architect, shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and the start of the 30-year maintenance and monitoring period.

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

(Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and 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.)

17. 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 Hedgeline 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.)

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 the BESS being brought into 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. The water tanks as shown on Proposed Site Layout Plan (IGP-BES-PSLP-01) and Elevations (IGP-BES-WT-01) shall be filled to maximum capacity before the BESS hereby approved is brought into first use and shall be maintained and retained as such for the lifetime of the development.

(Reason - 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).

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

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

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

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

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

22. Prior to the installation of any battery units, perimeter fencing or acoustic fencing, full details of their external colour, finish and materials shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be constructed in full prior to first operational use of the battery units and substation and shall be retained in accordance with the approved details for the lifetime of the development. The development shall thereafter be carried out strictly in accordance with the approved details and the agreed colour treatments shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure the external appearance of the battery units and all associated fencing is visually recessive and minimises landscape and visual harm, preserving the character and appearance of the rural surroundings in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement) of the East Devon Local Plan.)

#### NOTE FOR APPLICANT

##### **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 \(www.gov.uk\)](http://www.gov.uk)**

Any subsequent application submitted against Section 73 of the Town and Country Planning Act that extends the lifetime of the development beyond 40 years shall be required to submit a revised Flood Risk Assessment and consider the capacity of the Sustainable Urban Drainage Scheme in accordance with National and Local planning policy at the time of submission.

Informative:

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

Plans relating to this application:

IGP-BES-ACC-01 ACCESS TRACK	Other Plans	29.05.25
IGP-BES-CCTV-01 CCTV POLE	Other Plans	29.05.25
IGP-BES-FG-01 FENCE/G ATE	Other Plans	29.05.25
IGP-BES-IAB-01 INDICATI VE ACOUSTIC BARRIER	Other Plans	29.05.25
IGP-BES-IBI-01 BATTERY INVERTER	Other Plans	29.05.25

IGP-BES-IBU-01 BATTERY UNIT	Other Plans	29.05.25
IGP-BES-ITS-01 TRENCH SECTION FOR 400KV CABLE	Other Plans	29.05.25
IGP-BES-PSLP- 01	Proposed Site Plan	29.05.25
IGP-BES-SLP-01	Location Plan	29.05.25
IGP-BES-SLSD- CC-DD-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-SLSD- EE-FF-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-SSLD- AA-BB-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-STB-01 SUBSTAT ION/TRANS FORMER BUILDINGS LAYOUT	Layout	29.05.25
IGP-BES-WT-01 WATER TANK	Other Plans	29.05.25
LV8 A : mitigation	Additional Information	01.09.25

planting  
proposals

### 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.