

## UTT/17/2075/FUL - (BERDEN)

(Referred to Committee by Councillor Janice Loughlin. Reason: In the Public Interest)

**PROPOSAL:** Amendments to the design of a scheme for a 49.99MW battery storage facility connected to Pelham Substation approved under planning permission UTT/16/2316/FUL incorporating reduced site area, improved landscaping and additional equipment. Additional information regarding noise and surface water drainage.

**LOCATION:** Pelham Substation Park, Green Lane, Berden, Hertfordshire

**APPLICANT:** Pelham Storage Limited

**EXPIRY DATE:** Wednesday 1 November 2017

**CASE OFFICER:** Peter McEvoy

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### **1. NOTATION**

- 1.1
- Outside development limits.
  - Aerodrome Direction.
  - Within 500m of the district's boundary with East Hertfordshire.
  - Within 100m of the local wildlife site (Pelham Centre Meadow).
  - Close to a public right of way (Berden footpath).

### **2. DESCRIPTION OF SITE**

- 2.1 The application site is located approximately 600m to the south east of Stocking Pelham and close to the boundary of Uttlesford Borough Council and East Hertfordshire District Council. Pelham electricity substation is to the immediate south. The nearest occupied property is Crabb's Green Farm around 75m to the west and screened by mature woodland. The site was farmland and it is surrounded by fields to the north and east. There are public rights of way to the east, west and southern boundaries of the field.

### **3. PROPOSAL**

- 3.1 The applicant company is Pelham Substation Limited. They are currently constructing a battery storage facility, which they term an 'enhanced frequency response service' (EFR service). As its name suggests, the facility stores electricity which can be immediately made available to the National Grid at times when demand for electricity exceeds the available supply. According to the applicant, the need for such storage schemes will become more important as fossil fuel power stations are replaced by more low carbon methods of generating electricity, such as off-shore wind farms, which cannot always produce energy on demand and so require any excess generated electricity to be 'stockpiled' until needed.
- 3.2 The scheme is one of a number of storage facilities being developed by the applicant.
- 3.3 The applicant is now requesting planning permission to amend their previously approved scheme under reference UTT/16/2316/FUL due to the applicant's technical reassessment of the facility.

3.4 The site area, excluding the access road is approximately 1.5ha with the battery compound to the north east. The existing access road runs to the west. Separating the access road and the facility will be small landscaped embankments and attenuation pools for the sustainable drainage scheme. The applicant is also proposing a small wildlife meadow.

3.5 Compared to the 2016 permission, the revised scheme would:

- have a smaller site area as less land is needed for facility, resulting in the site's southern boundary moving away from the public right of way;
- include additional equipment, and re-orientate some of the structures; however they would remain within the site boundary;
- reduce the site access points from four to two;
- the area needed for the drainage balancing ponds has been increased;
- improve the landscape mitigation measures;
- add five new sections of 4m high acoustic barriers in the centre of the site.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

#### **5. APPLICANT'S CASE**

5.1 The applicant has submitted the following documents in support of the proposal:

- landscaping and planting plan;
- sustainable drainage scheme;
- topographical survey;
- drainage strategy, drainage impact assessment, including a flood risk assessment.

#### **6. RELEVANT SITE HISTORY**

6.1 UTT/16/2316/FUL – development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The LPA approved this proposal by way of delegated powers on 17 October 2016.

#### **7. POLICIES**

##### **7.1 Uttlesford Local Plan 2005**

- S7 – development in the open countryside.
- GEN1 – access.
- ENV5 – protection of agricultural land.
- GEN3 – flood protection.
- ENV11 – noise generators.

#### **Supplementary Planning Documents and Guidance**

None.

#### **National Policies**

- National Planning Policy Framework.

## **8. PARISH COUNCIL COMMENTS**

8.1 Berden Parish Council have made a number of comments and those that relate to this particular proposal may be summarised as:

- the drainage system to the transformer bund incorporates a water pump and it is unclear what impact the twin pump set will have on the nearby residential properties.
- increase in height of the battery storage system to 5.9m and the associated impact on the openness of this area, in particular when viewed from the north west. The existing grid station is visible from Rickling and Brent Pelham given its location on high ground in the surrounding area.
- as such, the Parish Council considers the landscaping proposals to be inadequate and should include soil bunding and more mature planting to both the northern and eastern boundaries. The 3m proposed hedge needs to be thickened and the proposed trees should be increased both in number and height. The excavated subsoil and topsoil is being retained on site and there is an opportunity to create mounding and bunding as part of the landscaping. This will better screen the proposed development particularly having regard to the increased height. The 4m high noise fencing requires better screening by enhanced landscape planting and bunding.
- the Parish Council has previously queried long term maintenance and we would again request that any grant of planning permission should include a condition for a five year maintenance period for landscape maintenance and replacement of any dying planting and trees. Whilst this is referred to on the planting plan, this does require a condition.

These points are addressed in the assessment, below.

8.2 Stocking Pelham Parish Council have requested more time to prepare their response and their comments will follow.

## **9. CONSULTATIONS**

### **BAA**

9.1 The proposed development has been examined against aerodrome safeguarding conditions and does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

### **Highways (Essex County Council)**

9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject conditions.

### **Place Services (Essex County Council)**

9.3 The proposals are limited in scale and scope and are unlikely to impact designated sites, protected or priority species or priority habitats. The OPDM Circular 06/05 is clear that further surveys are only required if there is a *reasonable likelihood* of

biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

**East Hertfordshire District Council**

9.4 No response received.

**National Grid**

9.5 No response received.

**Natural England**

9.6 No response received.

**Essex Wildlife Trust**

9.7 No response received.

**Public Right Of Way**

9.8 No response received.

**Ramblers' Association**

9.9 No response received.

**Sustainable Drainage Officer (Essex County Council)**

9.10 Response to follow.

**Environment Agency**

9.11 No response received.

**Cadant Gas**

9.12 No response received.

**10 REPRESENTATIONS**

10.1 The LPA sent forty notification letters and advertised the proposal by several site notices placed around the vicinity; however the LPA had not received any representations at the time this committee report was prepared.

**11. APPRAISAL**

The issues to consider in the determination of the application are as follows:

- A The principle of development, including the loss of agricultural land.
- B Visual and residential amenity, including the proposal's impact on the immediate area and the proposed landscaping mitigation measures.
- C Noise attenuation.
- D Site access including highway safety.
- E Sustainable drainage.

## **A Principle of development (Policies S7, ENV5)**

- 11.1 The Local Plan places the site as being in the open countryside and as such Local Plan Policy S7 applies to the proposal. Both the National Planning Policy Framework and the Local Plan place great emphasis on the protecting the countryside for its own sake. These policies do not amount to an absolute bar on development if an applicant can demonstrate that the development needs to take place there or else it is appropriate to a rural area.
- 11.2 Local Plan Policy E4 recognises that farming within the District is an important economic activity in the countryside with farmland being particularly productive for crop growing. Non-agricultural activities may be permitted if the scale and character of these activities needs to be sensitive to the character of their setting and protect or enhance it.
- 11.3 Notwithstanding the national and local planning guidance, however, the LPA accepted that the principle of a battery storage facility was appropriate for this site by virtue of the grant of the 2016 planning permission. It would therefore be inequitable for the applicant if the LPA refused a revised application solely on the basis of these policies.

## **B Visual and residential amenity and landscaping (Policy S7)**

- 11.4 In relation to these planning considerations, the issue to consider is whether the amendments would create a materially detrimental impact over and above the scheme that has been approved, rather than comparing the proposal to the site's original condition.
- 11.5 The immediate area is characterised by flat, open space which would make the proposal visible from the surrounding countryside; however this consideration must be tempered by the existence of the much larger nearby substation.
- 11.6 The maximum height of the development would now be 5.9m, based on the measurements stated on the applicant's plans, but this distance is taken from the ground to the top of the overhead transmission cables and insulators. There would still be considerable openness between the substation structures, as shown in the elevation plans. Other structures on site would be lower in height (eg around 3.5m for the control room). Compared to the approved plans, the revised scheme would increase the visual mass of the substation, but this impact would not be sufficient to justify a refusal of the proposal.
- 11.7 Similarly, the introduction of more plant which would be contained wholly within the site and the re-orientation of certain structures is not expected to be materially significant.
- 11.8 The applicant is also proposing to erect 4m high noise barriers; however they would be located in the centre of the site and away from the site boundary. Any visual impact would not be material.
- 11.9 The proposal's design is limited by its intended purpose and it would be difficult for the applicant to provide an aesthetically pleasing development. For this reason, the applicant is proposing a comprehensive landscaping arrangement that would provide an element of screening to limit the substation's visual appearance. The Council's landscape officer has examined the proposal and the comments made by

Berden Parish Council and he is satisfied that the landscaping scheme is acceptable.

- 11.10 The Parish Council's concerns about a five year maintenance period are noted and are reasonable under the circumstances and it would be therefore appropriate to condition relating to a maintenance period to any permission.
- 11.11 The Landscape Officer has noted that the metal palisade security fence should be either galvanised or painted green to limit its visual intrusion.

**C Noise attenuation (Policy ENV11)**

- 11.12 Local Plan Policy ENV11 does not permit noise creating development if the scheme would affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.

An analysis of the proposed environmental impact will be available to members once the LPA has received the appropriate consultation response.

**D Site access and highway safety (Policy GEN1)**

- 11.13 Local Plan Policy GEN1 requires developments to ensure that any traffic generated by the development can safely use the main road network without compromising the safety of other highway users.
- 11.14 Essex County Council, acting as the local highways authority, have looked again at the revised proposal and their view is that the revised proposal is acceptable and it would not be contrary to Policy GEN1, subject to conditions regarding the continuation of the original construction management plan. As the main work under the original planning permission has almost finished, then the management plan would not be necessary for the amended application.

**E Sustainable drainage (Policy GEN3)**

- 11.15 Local Plan Policy GEN3 requires developments which are outside flood risk areas (such as the application site), not to increase the risk of flooding through surface water run-off, for example by the use of sustainable drainage measures. An analysis of the proposed drainage scheme will be available to members once the LPA has received the appropriate consultation response.

**12. CONCLUSION:**

The following is a summary of the main reasons for the recommendation:

- A The proposal represents an acceptable form of development.
- B Compared to the original scheme, the proposed amendments would not create a material detrimental impact in terms of visual or residential amenity.
- C The proposed landscaping scheme is considered to be acceptable, subject to a condition requiring the applicant to maintain the site's landscaping for a period of five years from the date of this approval.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

## Conditions

1. The development hereby permitted shall be begun on or before 16 October 2019.

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the submitted plans, all fencing shall be either galvanised or painted dark green and maintained as such for the lifetime of the development.

REASON: In the interests of visual amenity and in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

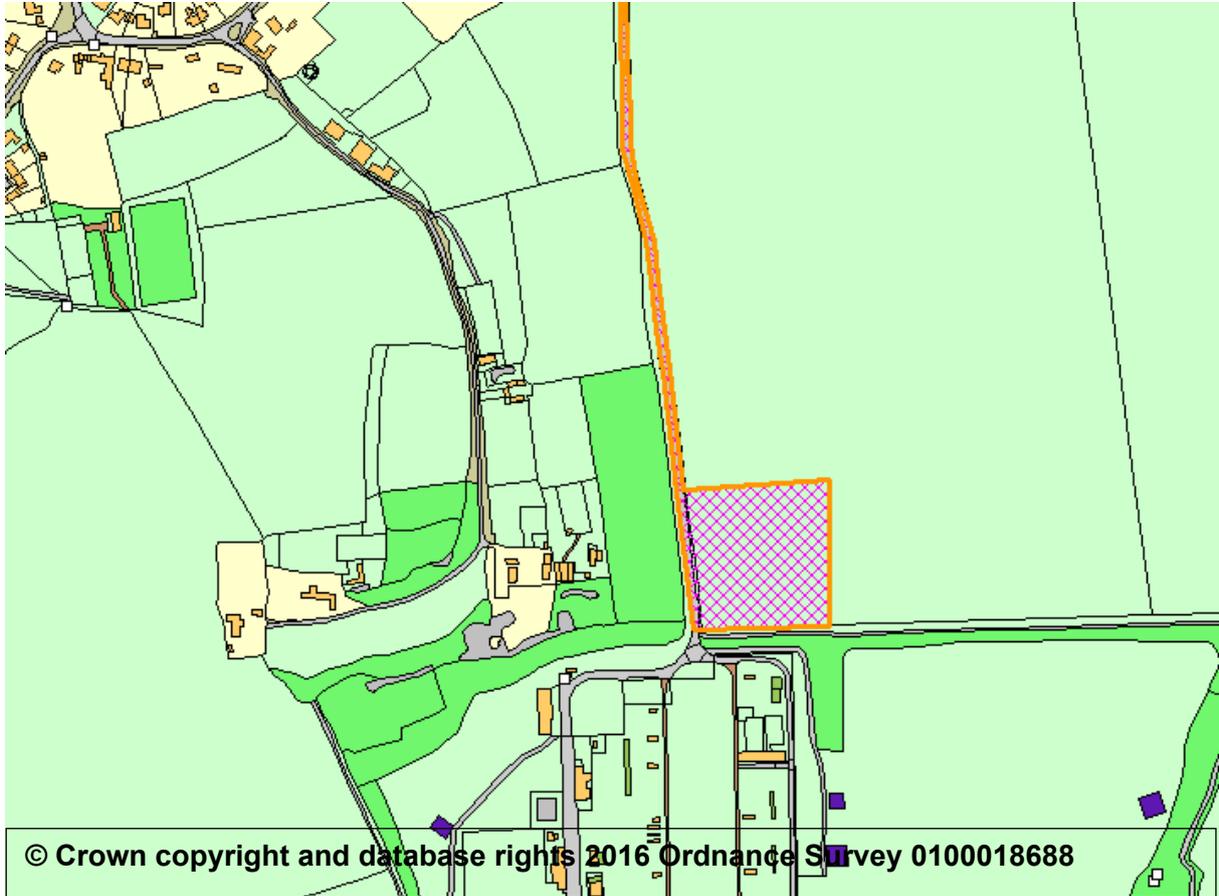
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. The use hereby permitted shall be discontinued on or before 18 November 2046.

REASON: In order to revert the approved site to its original state of grade two agricultural land in accordance with policy ENV5 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2075/FUL.

Address: Pelham Substation Park, Green Lane, Berden



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Organisation: Uttlesford District Council

Department: Planning

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