

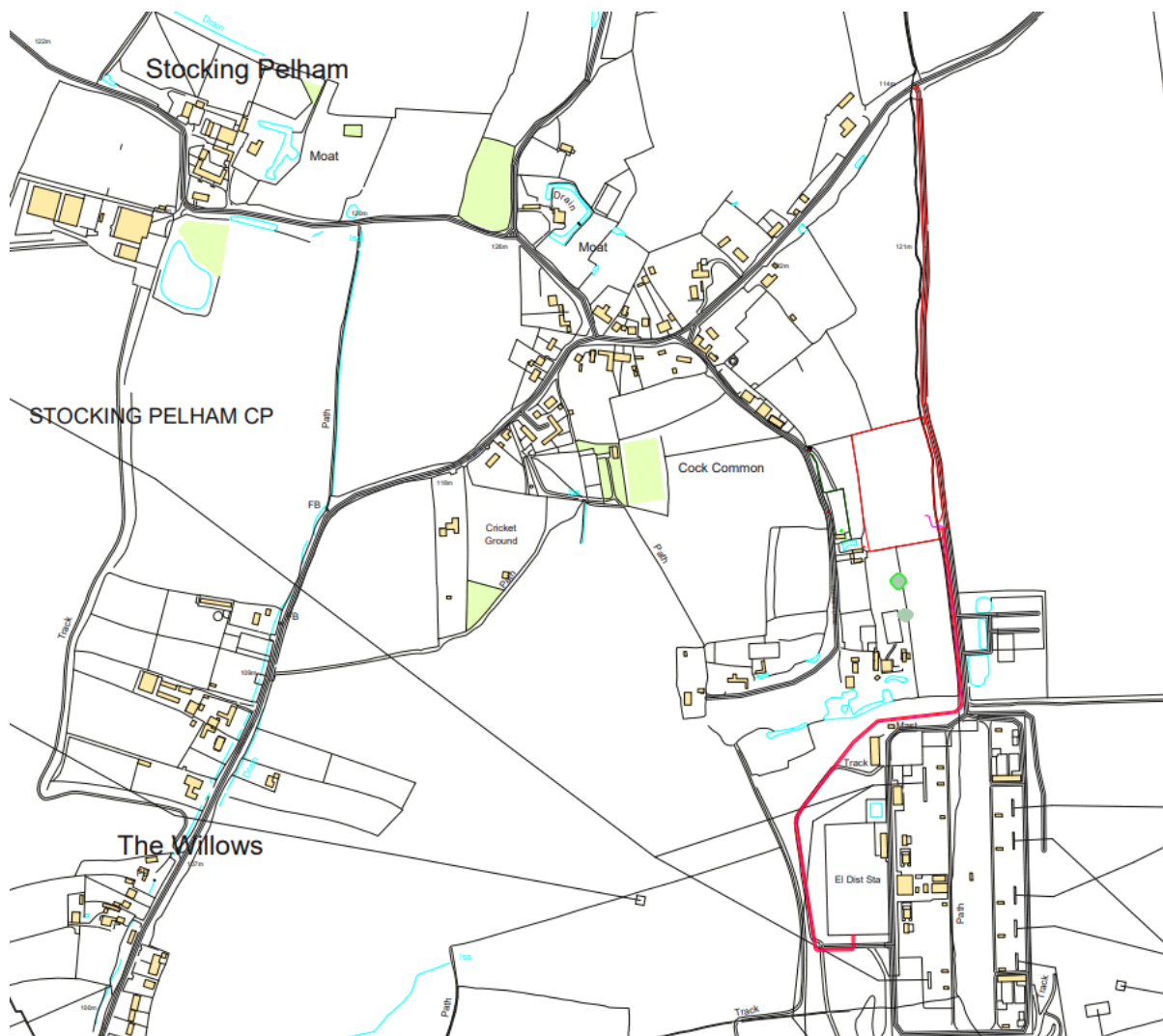
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 30 August 2023

REFERENCE NUMBER: UTT/22/1203/FUL

LOCATION: Land Off Pelham Road, Berden.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: July 2023

PROPOSAL: Construction and operation of a Battery Energy Storage System and associated infrastructure.

APPLICANT: Renewable Connections

AGENT: DWD Property and Planning

EXPIRY DATE: 28 July 2022

EOT Expiry Date: 7 September 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Public Right of Way (PROW), Flood Zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant (Renewable Connections) for the construction and operation of a Battery Energy Storage System ('BESS') alongside associated works on 'Land Off Pelham Road, Berden'.
- 1.2** This application forms part of a cross-boundary application East Herts District Council. The whole of the site amounts to an area of 1.98 hectares of which a small section designated for underground cabling associated with the Battery Energy Storage System along with an unnamed road to provide vehicle access falls within Uttlesford.
- 1.3** Due to the main elements of the scheme falling within East Hertfordshire., East Hertfordshire District Council is also considering whether or not to grant planning permission. Permission is required from both local authorities in order for the development to proceed.
- 1.4** The applicant has held extensive conversations with the highway authority during the schemes assessment to ensure that the development can be appropriately delivered from a highways and transportation perspective subject to mitigation and the imposition of

suggested condition. Issues that have been considered include highway safety, traffic congestion and intensification during both construction and operation phases, and cumulative impacts with other nearby developments.

- 1.5 As detailed in Section 14 of this report, matters concerning highway safety and transportation have been found to be appropriate and that the scheme complies with the required highway standards and guidance.

2. **RECOMMENDATION**

Be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The area of land subject to this full planning application relates to the land known as 'Land Off Pelham Road, Berden, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2 The site falls within the jurisdictions of Uttlesford District Council and East Hertfordshire District Council Councils. Figure 1 below provides an aerial view of the location of the boundary splitting the two District Councils and how this relates to the application site and surroundings.

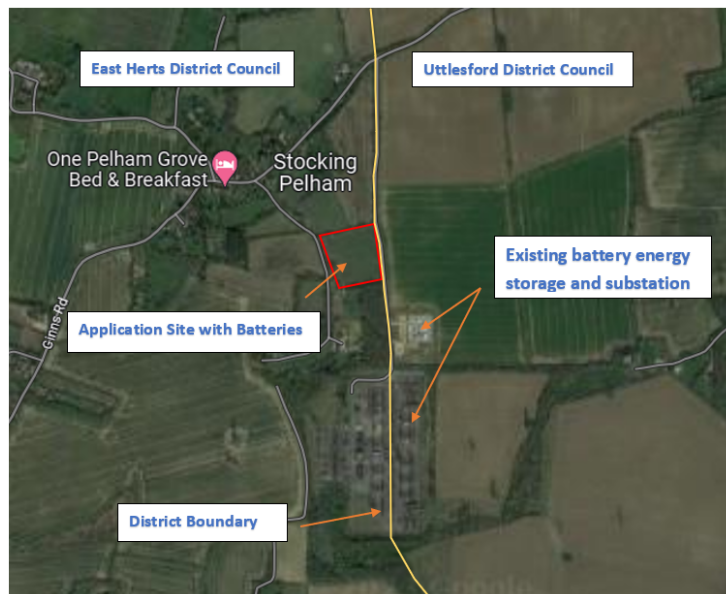


Figure 1: Aerial view of application site and surroundings.

- 3.3 The site is approximately 1.98 hectares in size with only a very small proportion of this being located within Uttlesford District Council. Most of the site in which the extent of the main works associated with this application, and as shown in Figure 1 above are within the boundary of

East Hertfordshire District Council. Only the vehicle access along an unnamed private road that extends from Ginns Road to the application site and beyond, and some underground cabling will fall within the jurisdiction of Uttlesford District Council.

- 3.4** The site lies 160m south of Ginns Road and approximately 1.6km west of the settlement of Berden. The site comprises of arable land and is currently used as a paddock. It is generally rectangular in shape and relatively level.
- 3.5** The unnamed private road is in the ownership of the National Grid and extends from Ginns Road up to the site and beyond to a battery energy storage system located approximately 100 metres to the southeast of the main part of this application site. A substation is located further beyond approximately 250 metres to the south. The western edge of the unmade private road defines the boundary splitting the two District Councils.
- 3.6** The closest residential property is located within the jurisdiction of East Herts known as Crabbs Green Farm farmstead approximately 100m south west of the site. Some of these buildings are Grade II listed buildings. To the east, and within the boundary of Uttlesford are large open fields in which planning permission has been recently granted by the Planning Inspectorate for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW ref: UTT/22/2046/PINS.

4. DETAILS OF THE PROPOSAL

- 4.1** The proposed development comprises the construction and operation of a battery energy storage system (BESS) with a total import capacity of 50MW within the area of land outline in red as show in Figure 1 above.
- 4.2** As well as batteries (the specific model of which will not be known until post-consent), the site would contain ancillary equipment including electrical transformer units, switchgear units, fencing, access tracks and CCTV cameras. The site also contains storage facilities for spare batteries as well as a Customer Switchroom and Distribution Network Operator (DNO) Switchroom. Figure 2 below provides details of the proposed layout of the works.

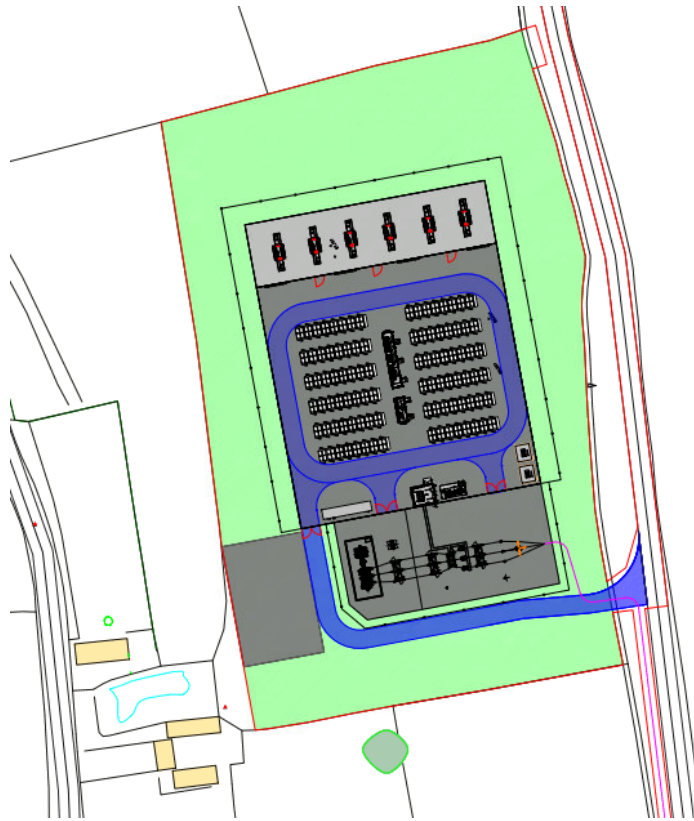


Figure 2: Proposed Block Plan of the battery energy storage system.

- 4.3** While the proposed development will not generate renewable energy itself, it has been designed to practically fulfil its purpose of storing electricity.
- 4.4** The above works do not fall within the jurisdiction of Uttlesford District Council and thereby it would be up to East Herts District Council to assess whether these elements of the proposals are acceptable or not. However, the existing private unnamed road leading up to the site and which will be used for construction traffic and thereafter maintenance vehicles, falls within the administrative area of Uttlesford District Council. Thereby, the Council can assess any perceived highway issues with regards to traffic and transportation and highway safety. The applicant has indicated that the National Grid own the private road and have granted rights of access in perpetuity to the applicant.
- 4.5** In addition to the above works, it is also proposed to install 132kV Cable underground that would link the proposed batteries to the substation to the south of the site. The cable would be installed underground along the western side verge of the private road for a length of approximately 240 metres which falls within Uttlesford District Council. The cable would then detour west underground within the jurisdiction of East Herts District Council, before linking with the substation. Figure 4 below shows in pink the proposed route of the cable to be installed underground.

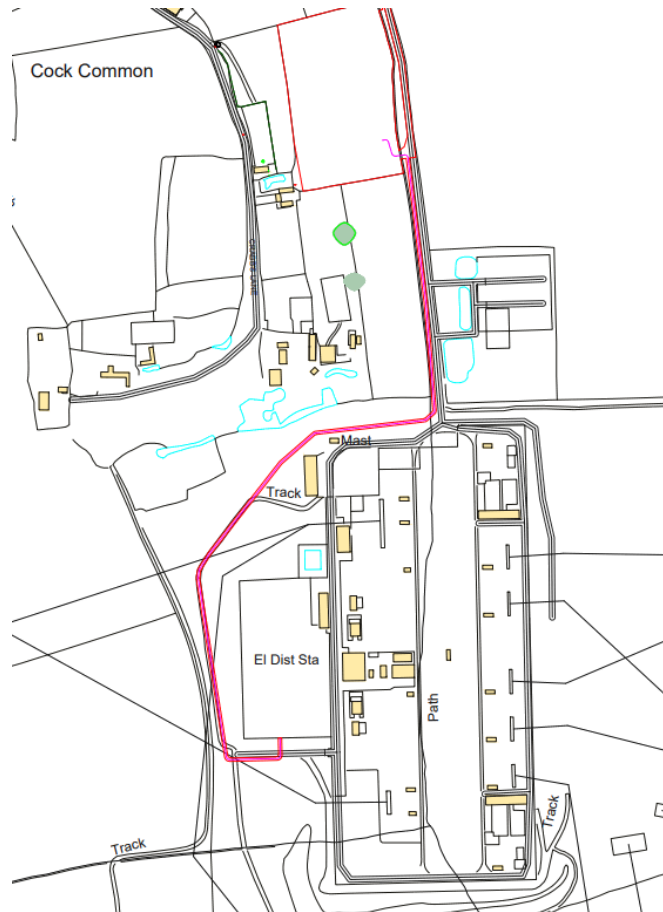


Figure 3: Route of proposed underground cable outline in Pink.

4.6 In summary, the majority of the site, including all physical infrastructure above ground, is located within the administrative area of East Herts District Council while the existing private road from which the site will benefit from access along with a small section of underground cabling would be located within the administrative area of Uttlesford District Council.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs).

5.2 A request for a screening opinion was submitted to the Council on 23rd June 2023 under application UTT/23/1599/SCO. The Council provided an opinion on 14th July 2023. This confirmed that there would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required to be submitted as part of this application.

6. RELEVANT SITE HISTORY

6.1 Application Site:

6.1.2 A search of Council's records indicates that there is no relevant recorded planning history for the site that falls under the jurisdiction of Uttlesford District Council.

6.1.3 Regarding the site that falls within the jurisdiction of East Herts District Council, a search identified two historic planning applications however, both applications related to works taking place in and around the Crabbs Green Farm farmstead and outside of the site itself as indicated by the red line on the site location plan.

6.2 Surrounding Sites:

6.2.1 UTT/16/2316/FUL - Development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The development will support Enhanced Frequency Response (EFR) which is a new service required by National Grid to help it balance the frequency fluctuations on the grid system (approved 18 October 2016).

6.2.2 Consultation on S62A/22/0006 - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping on the site known as Land at Berden Hall Farm, Dewes Green Road, Berden'.

6.2.3 This application was granted planning permission by the Planning Inspectorate on 9th May 2023, subject to conditions.

6.2.4 Consultation on s62A/2022/0011 - 'Construction and operation of a solar farm comprising ground mounted solar voltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping' on the site known as 'Land East of Pelham Substation, Maggots End, Manuden'.

6.2.5 This application was refused 11th May 2023 by the Planning Inspectorate.

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Local Planning Authority.

7.1.2 No pre-application discussions were undertaken by the applicant with officers of Uttlesford District Council or Essex County Council prior to the submission of this application.

7.1.3 No information has been provided by the applicant as to whether they took part in any informal or formal consultation with the community.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **ECC Highway Authority – No Objection**

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

8.2 **ECC Local Flood Authority – No Objection**

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission for planning application subject to conditions.

9. **PARISH COUNCIL COMMENTS**

9.1 Stocking Pelham and Berden Parish Councils have provided a joint objection to the proposal based on the following collective comments:

- 9.1.2
- **Existing Berden Battery Storage Facility:** – Planning permission was granted in October 2016 for this facility which has now been in operation for 4 years. Despite being given assurance in respect to providing mitigation measures such as landscape planting to provide natural screening, as a result further amendments, these details have not been provided.
 - As a consequence, this adds to our concern in respect to proposed mitigation measures for this scheme in that it provides very real measurable case for arguing unmitigated visual blight and noise will once again occur.
 - **Access:** - Construction traffic will give rise to conditions detrimental to highway safety.
 - The private road is a public right of way and very well used. It is absurd to have this as a construction route with pedestrian conflict. The proposal does not provide a safe and adequate access and risks highway safety.
 - **Fire & Explosion Risk** – The Parish Councils notes the comments of Hertfordshire Fire & Rescue Service who stipulate that appropriate mitigation is required to prevent the risk of fire.
 - The Parish raises concerns regarding the potential of fire risk in such close proximity to residential properties.

- **Noise:** - We note the contents of the noise impact assessment. We note the Council's environment health officer recommends refusal on noise grounds.
- **Flooding & Drainage:** - A lack of information has been provided regarding the use of permeable paving as part of the proposals.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – Objection

10.1.1 The Council's Environmental Health team has reviewed all supporting documentation and in summary, based on the information provided, are not able to apply a robust post construction condition that will ensure that sound from the site will not be detrimental to residential amenity.

10.2 ECC Place Services (Heritage) – No Objection

10.2.1 Upon review of the submitted documents, I do not consider the proposals to result in harm to the significance of the heritage assets within Uttlesford District, thus I raise no objection to this application.

10.3 ECC Place Services (Ecology) – No Objection

10.3.1 Place Services confirmed that they have reviewed all supporting documentation provided by the applicant. They confirm that they support the proposed reasonable biodiversity enhancements and the proposed mitigation measures and suggest that conditions should be imposed to secure these measures.

10.4 London Stansted Airport – No Objection

10.4.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposals subject to imposing a condition if permission is approved requiring all exterior lighting shall be capped at the horizontal with no upward light spill.

10.5 NATS Safeguarding – No Objection

10.5.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

10.6 Cadent Gas Ltd – No Objection

10.6.1 We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

10.7 National Grid – No Objection

10.7.1 An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to not affect any National Grid Electricity Transmission plc's apparatus.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

11.2 Object

- Heritage Assets – The proposal will be harmful to the setting of nearby grade two listed buildings.
- Agricultural Land – The proposals will result in the loss of high-quality agricultural land.
- Countryside & Character – The proposals will be harmful to the intrinsic beauty of this part of the open countryside. It will neither be of a scale appropriate to the size of the village or in keeping with the character of the village.
- Cumulative Impact – The proposals if allowed in addition to the existing substation and recently approved solar farm will add to further industrialisation to the area.
- Safety – Concerns are raised in respect to health and safety concerns fire and explosives. Insufficient mains water to deal with a fire.
- Traffic & Transportation - Access arrangements for construction traffic are not suitable for the narrow lanes in this area.
- Noise - The noise generated by the Battery Park will be unacceptable and have a negative impact on the environment and those living in the area.
- Sustainability - A battery unit is not a source of renewable energy.
- Public Footpaths - There will be a negative impact on users of footpaths.

11.3 Comment

11.3.1 Most of the concerns raised by the public will need to be assessed by East Herts District Council. Concerns relating to traffic and transportation are discussed in Section 14 of this report.

12. MATERIAL CONSIDERATIONS

- 12.1.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.1.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - b) any local finance considerations, so far as material to the application, and
 - c) any other material considerations.

12.2 The Development Plan

- 12.2.1** Uttlesford District Local Plan (adopted 2005)
Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Great Dunmow Neighbourhood Plan (made December 2016)
Felsted Neighbourhood Plan (made Feb 2020)
Thaxted Neighbourhood Plan (made February 2019)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made November 2022)
Little and Great Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford Local Plan 2005

S7 – Countryside
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN8 – Vehicle Parking Standards
ENV10 – Noise Sensitive Developments
ENV11 – Noise Generators

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

- 14.1.1** The issues to consider in the determination of this application are:

- A) Background**
- B) Highways and Transportation**
- C) Other Issues**

14.2.1 A) Background

- 14.2.2** The application affects both Uttlesford District Council and East Herts District Council. In accordance with National Planning Practice Guidance where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

- 14.2.3** The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case East Herts has by far the greater site area and has been paid the appropriate fee.

- 14.2.4** In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision making (approve / refuse).

- 14.2.5** Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development control and may result in inconsistency in terms of conditions, obligations or indeed where one authority recommends approval and the other refusal. This is highly undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages 'joint working' between planning authorities in relation to the use of their planning powers.

- 14.2.6** Officers of Uttlesford District Council over the last 8 months have sought to East Herts in the attempt to provide a co-ordinated approach as

recommended by central government both by email and telephone correspondence. However, at the time of preparing this report, no communication or feedback has been received from East Herts in respect as to when they are likely to determine their corresponding application or what the recommendation may likely be. Upon review of the application on East Herts website, it confirms that the decision of the application is still pending.

14.2.7 It is also understood that the Applicant has also reached out to East Herts Council who have also confirmed that they have had no substantive response

14.2.8 As such, officers of Uttlesford District Council consider that it would be unreasonable and unfair to hold up the decision-making process in the determination of the application, and hence why the application has been presented to members of the planning committee.

B) Highways and Transportation

14.3 Assessment:

14.3.1 As referred to above in this report (Section 4), most of the proposed development falls within the jurisdiction of East Herts District Council with only a small proportion located within Uttlesford District Council.

14.3.2 For this reason, the main issues to be considered are those planning merits that Uttlesford District Council have jurisdiction over. The existing access (private road) is the only part of the development that falls within Uttlesford whereby it will be utilise for both construction and operational vehicles. As such the only issues for Uttlesford District Council to consider are in relation to highway and transportation issues.

14.3.3 All other issues relating to the planning merits of the application are to be formally assessed by East Herts District Council. This is discussed further below in this report.

14.3.4 The underground cabling is not considered to result in any detrimental impacts.

14.3.5 Due to the main works (Battery Energy Storage System) falling within East Herts, the usual planning merits Uttlesford Council would usually consider such as impact upon the countryside, design, neighbouring amenity, noise and disturbance, heritage and ecology are not issues that can be assessed by Uttlesford District Council.

14.3.6 The reason for this is that Uttlesford are unable to impose any conditions recommended approved or enforce any breach of conditions or refuse any development that is outside their jurisdiction. However, if necessary, the Council can provide comments in a letter to East Herts District

Council of any potential concerns that they wish to advise like providing a consultation response.

14.3.7 Access:

14.3.8 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

14.3.9 The unnamed access track along the site's eastern boundary connects from the National Grid Battery facility in the south to Ginns Road in the north and is privately maintained. It is a single carriageway track measuring approximately five metres wide.

14.3.10 It is proposed that access for both construction and maintenance vehicles will be provided from the unnamed access track which routes along the site's eastern boundary.

14.3.11 For the junction between the unnamed access track and Ginns Road a 2.4m x 130m visibility splay to the east is achievable to the nearside kerbline. A visibility splay of 2.4m x 94.5m is not achievable to the nearside kerbline to the west due to third party land constraints, with a maximum achievable visibility of 2.4m x 85.5m to the nearside kerbline. However, a 2.4m x 94.5m visibility splay can be provided to the centre of the carriageway.

14.3.12 Following the construction of the Battery Energy Storage System the access will be retained for use by maintenance vehicles once operational. The Applicant stipulates that it is anticipated that maintenance vehicles will access the site on an ad-hoc, when required basis and that around one maintenance trip is forecast to the site per month.

14.3.13 Construction compound:

14.3.14 A temporary construction compound will be located within the site, close to the Battery Energy Storage System. The compound will be suitable size for an articulated vehicle to enter and turn in a forward gear.

14.3.15 A temporary car parking area will also be provided within and near the compound on the land located to the north and west of the development, within the red line boundary. Parking associated with the scheme will therefore be contained within the site.

14.3.16 The site will also include areas for the storage of plant and equipment associated with construction, meaning no loading, unloading or storage will occur on the local highway network or on public footpaths.

14.3.17 Proposed mitigation:

14.3.18 In respect to mitigation, the Applicant has confirmed that:

- The arrival and departure of HGVs at the site will be strictly managed by the site manager.
- deliveries to the site can be limited to outside the typical highway network peak hours on Monday to Friday between 10:00-16:00 and 18:00-20:00, and on Saturdays between 08:00-13:00.
- Temporary signage will be erected in the vicinity of the junction between the unnamed road and Ginns Road during the construction phase.
- Wheel washing facilities will be provided within the site before vehicles exit on to the unnamed access track and the wider highway network.

14.3.19 PRoW:

14.3.20 The Applicant has confirmed that PRoW 27 route which extends in a north south direction along western side of the unnamed road will be maintained throughout the construction period and will not be diverted. It is also proposed that additional signage will be erected at either end of ProW and in the vicinity of the site that vehicles associated with the construction phase will give way to any pedestrians using this PRoW.

14.3.21 Construction Routing:

14.3.22 The Applicant anticipates that assuming a three to five month construction period and a six day working week (72 to 120 days), a total of 370 vehicle movements would be required which equates to on average around six to ten two-way movements per day.

14.3.23 Initially, two construction routes to access the site were originally identified. One route proposed to access the site from the west and the other from the northeast as shown in Figure 4 below.

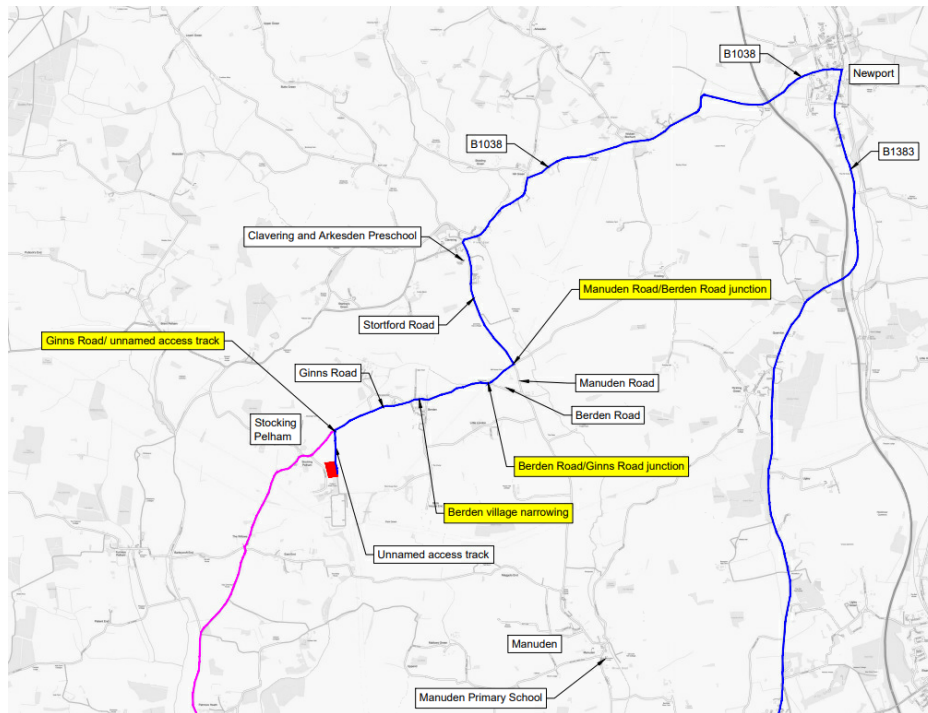


Figure 4: Construction Routes.

- 14.3.24** Following from the submission of the application and during the assessment detailed conversations and dialogue between the Applicant and both Essex County Council and Hertfordshire County Council who are the Local Highway Authorities in the area. From a highways and transportation perspective, it was agreed that option highlighted in blue above from the northeast would be the most preferred access route. It was agreed that the use of this route will require the least temporary mitigation measure and therefore the least disruption to the local highway network.
- 14.3.25** Construction vehicles would access the site from the routing along the A120 then routing north onto the B1383 towards Newport. From Newport, vehicles would route west via the B1038, wherefrom Stortford Road can be accessed. Stortford Road can then be followed south onto Ginns Road.
- 14.3.26** Other Developments & Highway Comments:
- 14.3.27** Post submission of this application, two separate planning applications were submitted directly to PINs for the construction of two solar farms in the vicinity of this application site. For confirmation, planning application S62A/22/0006, Berden Hall Farm has now been granted planning consent and planning application S62A/22/0011, Land near Pelham Sub-station, Maggots End has been refused planning consent by the Inspectorate.
- 14.3.28** As such, there could be the possibility that there could be construction phases overlapping with the consented scheme S62A/22/0006 and

proposed scheme which could result in conflict between HGV traffic travelling similar construction routes.

14.3.29 Initially, the highway authority in their formal consultation (17th January 2023) response were concerned that the Applicant had no prior engagement with Essex County Council regarding a proposed construction traffic route from the northeast using the highway network through Essex. The Construction Traffic Management Plan (CTMP) Revision A did not include any detailed assessment or proposals for managing constrained sections of the highway network through Essex despite this exercise having been carried out for the original construction route through Hertfordshire.

14.3.30 Additionally, there was also no clarity within the CTMP as to the status of two nearby Solar Farm schemes which if consented would give rise to construction traffic movements on the local highway network during a similar time as this proposal.

14.3.31 Following the concerns raised by the highway authority the Applicant has submitted a revised Construction Traffic Management Plan (CTMP) Revision B.

14.3.32 This Construction Traffic Management Plan has now provided sufficient information regarding the issues raised in the highway authority recommendation dated 17 January 2023 to the extent that it is now possible for the Highway Authority to apply appropriate mitigation in relation to construction traffic through the imposition of planning conditions.

14.3.33 One such condition requires the submission of a detailed phasing strategy to be submitted 6 months in advance of construction works taking place to provide details of the construction programme and any overlaps that might be identified with other consented major developments. If any overlaps in the construction programme are identified, then the phasing strategy shall also specify alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction.

14.3.34 Subject to the suggested conditions as outline in Section 17 of this report, the highway authority have confirmed that from a highway and transportation perspective, the impact of the proposal is acceptable. As such it is considered that the proposals comply with Policy GEN1 of the Uttlesford District Local Plan (as Adopted).

14.4 C) Other Issues

14.4.1 Although it is acknowledged as referred to throughout this report that the only material consideration in the determination of this application for Uttlesford District Council is to assess matter relating to highway issues, officers feel that it is important to provide general comments on other

such planning merits that are to be determined and assessed by East Herts District Council.

14.4.2 Uttlesford are unable to impose any conditions recommended approved or enforce any breach of conditions or refuse any development that is outside their jurisdiction. For this reason, it is believed to be necessary to inform East Herts District Council by way of a letter (like that of a consultation response) to the areas that Uttlesford consider should be given full attention in the assessment of the proposals.

14.4.3 Countryside Impact:

The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.

14.4.4 The site lies in open countryside. The proposals would involve the introduction of a new battery energy storage system and associated infrastructure. The proposals will no doubt change the character of the site from one of an arable field to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and thereby result in a moderate change to the visual qualities of the landscape. Furthermore, the battery energy storage system would be visible from surrounding properties and PROW's that adjoin and intersect the site.

14.4.5 East Herts Council should be satisfied that the proposal does not lead to unacceptable (major/moderate adverse) harm to the character and appearance of the area. In cases where any such harm is identified, any negative harm on the environment could be dealt with in a holistic way, with avoidance, mitigation and enhancement considered from the outset and integrated into the design of the proposals.

14.4.6 Uttlesford District Council would strongly recommend that East Herts District Council engaged a specialist Landscape Consultant to assess the application submission and the impact of the proposed development upon the wider countryside.

14.4.7 Uttlesford Council would recommend that consideration is given introducing a deeper planting belt around the boundaries of the site that includes infilling hedgerows/tree planting where needed to minimise any perceived visual impact.

14.4.8 The area is popular with locals and visitors utilising PROW's within and surrounding the site and, therefore, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. Officers considered that the proposal would result in moderate adverse visual impacts to the wider countryside.

14.4.9 Heritage:

14.4.10 Several heritage assets are in close proximity to the application site. There are Grade II Listed Buildings located in Crabbs Green Farm farmstead and the village of Stocking Pelham, with the closest approximately 140 m to the south and 220 m to the north west respectively. These heritage assets are outside the administration area of Uttlesford and fall within East Herts Jurisdiction.

14.4.11 Essex County Council Conservation Officer was consultant who advised upon review of the submitted documents, that they do not consider the proposals to result in harm to the significance of the heritage assets within Uttlesford District although suggested that conservation officers with East Herts District should assess the potential impacts upon the heritage assets within their district.

14.4.12 Neighbouring Amenity:

14.4.13 Uttlesford District Council would suggest that careful consideration is given to ensuring that the proposal does not materially harm the living environments of neighbouring residential properties, particularly with regards to noise and disturbance.

14.4.14 Noise, dust, and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan.

14.4.15 Noise would be generated as part of the operational phase. A Noise Assessment has been carried out for the Proposed Development which has been submitted as part of this application.

14.4.16 Both the Environmental Health Teams of Uttlesford District Council and East Herts Council have assessed the Noise Assessment.

14.4.17 Upon review of the response from East Herts, Environmental officers confirmed that the application lacks sufficient information to satisfy the local authority that the proposal adequately assesses the noise impact of the proposed development and that the report also lacks a significant amount of detail surrounding the overall noise frequencies resulting from the development.

14.4.18 Officers from East Herts Environmental Team have expressed that the major concern surrounding the proposal is over the low frequency noise emitted from the proposed DNO transformer which has not been considered at all and therefore no mitigation has been proposed in relation to this. From evidence taken from the existing BEES site it is clear that a distinct low frequency hum at 100Hz is emanating from the main transformer and is audible inside properties some 650m away. Low frequency noise in the frequency range from about 10Hz to 200Hz, has been recognised as a special environmental noise problem, particularly

to sensitive people in their homes, due to its large wavelengths it requires specific mitigation techniques in order to provide effective reduction.

14.4.19 Officers from Uttlesford District Councils Environmental Team have also expressed significant concerns regarding noise and disturbance. In their latest response, environmental officers confirmed that having reviewed acoustic report and additional technical noise the following concerns are raised:

- i. The use of BS4142 should be applied but is limited due to the potential Low Frequency (LF) sound generated by the plant. Consideration should be given to the assessment of LF noise in parallel to BS4142.
- ii. The LF sound level of plant is unknown currently. LF noise complaints are notoriously difficult to identify and resolve. It is important that full regard is taken to the potential LF breakout noise from the plant.
- iii. There appears to be disparity regarding the L90. Due to fluctuations throughout the night and based on modal variation, I have concerns that this is not representative. I also have concerns that the correction applied to the rating is robust, particularly in the absence of typical spectral data for the transformer.
- iv. I fully understand the position from Ion Acoustics regarding the lack of availability of noise data for the proposed transformer. However, transformer sound can be directional and very tonal. The sound power and sound pressure levels applied for the supposed EU Ecodesign Directive transformer does not address these concerns.
- v. I do not necessarily concur that the rating limit of 30dB is appropriate. There is a risk that in the evening / night the sound from the BESS could be the dominant audible sound, thus affecting the tranquillity of the area.
- vi. The risk of LF noise impacting on neighbouring sensitive premises needs to be established. Post construction conditions may be of some use, but I have serious concerns due to variation in the ambient and background noise level that the post construction testing will be robust. Some uncertainty is likely to remain, and it is advisable to ensure that all internal noise intrusion is prohibited (with windows open).
- vii. AL01 represents the closest property and under ownership of the landowner. This does not change the position that the property

can be later sold on. It must be taken as the closest sensitive position.

14.4.20 In response to the concerns raised by the Environmental Teams of both Councils, it is understood that the Applicant is working particular with Eash Herts District Council in respect to providing appropriate mitigation during the operational phase of the development and to address the concerns raised.

14.4.21 To confirm, a check of East Herts website indicates, or at least does not show publicly that a revised noise assessment or technical data has been submitted to East Herts. Certainly, it can be confirmed that no such documentation has been submitted to Uttlesford.

14.4.22 Nevertheless, it is advised that East Herts Council as part of their assessment should ensure that all issues concerning noise and disturbance are fully considered to warrant that no significant harm occurs to the amenities of the occupiers of nearby properties.

14.4.23 Nature Conservation:

14.4.24 There is no statutory environmental designation within the site's boundaries, the site is however located 4.8km to the west of Quendon Wood (SSSI) and 2.5km to the north of Hill Collins Pit (SSSI) and 3.2km to the north of Patmore Heath (SSSI). The site is not considered to include protected species, habitat, or priority habitat.

14.4.25 As the main works falls within the jurisdiction of East Herts District Council, a full assessment of any potential harm to protected and priority species would need to be assessed and undertaken by East Herts.

14.4.26 This will need to be assessed as part of the ecological and arboricultural assessments to accompany the application. The effects could be mitigated by appropriate landscaping, site layout and possible translocation or other appropriate mitigation measures in relation to protected species.

14.4.27 Flooding & Drainage:

14.4.28 The site is in flood zone 1 which has a low probability of flooding, however, as a result of the size and scale of the site and development, this may result in flood risk due to surface water drainage. It is unlikely that the impacts will be significant, however, it will need to be demonstrated that the proposed scheme will create a neutral affect or betterment and that it would not increase the risk of flooding to the area.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16 CONCLUSION

- 16.1** The application affects both Uttlesford District Council and East Hertfordshire District Council with most of the proposed development falling within the jurisdiction of East Hertfordshire District Council. Only the existing access (private road) which is to be utilised during the construction and operation phases of the development and some underground cabling falls within Uttlesford District Council.
- 16.2** As such, the only issue to be considered by Uttlesford District Council relates to highway and transportation issues. All other planning considerations would be assessed by East Herts District Council.
- 16.3** Throughout the assessment of the scheme, the Applicant has continued to have dialog with the highway authority and submitted updated drawings and documentation to ensure from a highway and transportation perspective that the scheme would be acceptable.
- 16.4** The highway authority has confirmed that they have undertaken meetings with the applicant and have viewed the proposals and supporting documentation in detail. The highway authority has

concluded that the proposals are acceptable subject to the imposition of suggested conditions.

- 16.5** The proposals thereby comply with the relevant policies of the Uttlesford District Local Plan (as Adopted 2023) and the National Planning Policy Framework. It is thereby recommended that the application be approved subject to conditions set out below.

17. Conditions

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3** No later than six months prior to the commencement of development a detailed phasing strategy shall be submitted to the Local Planning Authority for their written approval in consultation with the Highway Authority. The phasing strategy shall specify details of the construction programme and any overlaps that have been identified with other consented major developments likely to give rise to significant levels of construction traffic on the local highway network. Should any overlaps in construction programme be identified then the phasing strategy shall also specify any alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction programme(s). The development shall thereafter be carried out in accordance with the approved phasing strategy.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 4** Prior to commencement of the development, the access arrangements as shown in principle on submitted drawing number P20-1766 (dated 15.02.23) shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 130 metres to the east and 2.4 by 85.5 metres to the southwest, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 5** Prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning authority. The final approved plan shall generally accord with CTMP revision B dated March 2023.

The detail within the CTMP shall include:

- a) Details of any other scheduled development and associated construction traffic in the area during the construction programme;
- b) Details of the expected traffic levels during the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development;
- c) Detailed final proposed construction traffic routing plan for construction vehicles which where necessary shall coordinate traffic with cumulative development identified within an approved Phasing Strategy (Condition 3 above);
- d) Full details of temporary traffic management/banksman control/mitigation/delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development;
- e) Safeguarding measures for Public Footpath 27 Berden
- f) On site parking and turning arrangements;
- g) loading and unloading of plant and materials;
- h) storage of plant and materials used in constructing the development;
- j) wheel and underbody cleaning facilities for vehicles; Thereafter the Construction Traffic Management Plan shall be fully adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to

ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 6** No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles contained in the Construction Traffic Management Plan detailed in condition 5 above has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network/public rights of way in the interests of highway safety and Policy DM1 and DM11 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

- 7** Prior to the commencement of any work on the site an inspection of the route to be used by construction vehicles in connection with the development shall be carried out by the applicant, the scope and methodology of which shall be agreed in advance with the highway authority and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.

REASON: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (as Adopted 2005) and the National Planning Policy Framework.

Appendix

Local Highway Authority

Your Ref: UTT/22/1203/FUL
Our Ref: 53362
Date: 13 June 2023



CC: (by email) DM, SMO2, Chelmsford
PROW, Chelmsford
Cllr Ray Gooding
Matthew Armstrong - HertsCC

Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1203/FUL
Applicant Mr Tim Mackellar Renewable Connections
Site Location Land Off Pelham Road Berden
Proposal Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District

This recommendation supersedes the recommendation of the Highway Authority dated 17 January 2023

Further to the highway authority recommendation dated 17 January 2023 the applicant has submitted a revised Construction Traffic Management Plan (CTMP) Revision B.

This Construction Traffic Management Plan has now provided sufficient information regarding the issues raised in the highway authority recommendation dated 17 January 2023 to the extent that it is now possible for the Highway Authority to apply planning conditions.

Additionally, there is also clarity as to the status of two nearby Solar Farm schemes which if consented would give rise to construction traffic movements on the local highway network during a similar time as this proposal. Planning application S62A/22/0006, Berden Hall Farm has now been granted planning consent and planning application S62A/22/0011, Land near Pelham Sub-station, Maggots End has been refused planning consent.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

Phasing

1. No later than six months prior to the commencement of development a detailed phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The phasing strategy shall specify details of the construction programme and any overlaps that have been identified with other consented major developments likely to give rise to significant levels of construction traffic on the local highway network. Should any overlaps in construction programme be identified then the phasing strategy shall also specify any alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction programme(s). The development shall thereafter be carried out in accordance with the approved phasing strategy.

Reason: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

Access

2. Prior to commencement of the development, the access arrangements as shown in principle on submitted drawing number P20-1766 (dated 15.02.23) shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 130 metres to the east and 2.4 by 85.5 metres to the southwest, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Construction Traffic Management Plan

3. Prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning authority. The final approved plan shall generally accord with CTMP revision B dated March 2023. The detail within the CTMP shall include a) Details of any other scheduled development and associated construction traffic in the area during the construction programme; b) Details of the expected traffic levels during

the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development; c) Detailed final proposed construction traffic routing plan for construction vehicles which where necessary shall coordinate traffic with cumulative development identified within an approved Phasing Strategy (Condition 1 above);d). Full details of temporary traffic management/banksmen control/mitigation/delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development; e) Safeguarding measures for Public Footpath 27 Berden g) On site parking and turning arrangements; h) loading and unloading of plant and materials; i) storage of plant and materials used in constructing the development; j)wheel and underbody cleaning facilities for vehicles; Thereafter the Construction Traffic Management Plan shall be fully adhered to throughout the construction period.

Reason: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

Mitigation Measures

4. No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles contained in the Construction Traffic Management Plan detailed in condition 3 above has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period.

Reason: To ensure construction traffic is managed on the highway network/public rights of way in the interests of highway safety and Policy DM1 and DM11 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

Condition Survey

5. Prior to the commencement of any work on the site an inspection of the route to be used by construction vehicles in connection with the development shall be carried out by the applicant, the scope and methodology of which shall be agreed in advance with the highway authority and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.

Reason: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 and the National Planning Policy Framework

Note:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, with details to be agreed before the commencement of works. The applicant is advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- iv. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the

applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- v. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



.....
pp. Director for Highways and Transportation
Enquiries to Matthew Bradley
Email: matthew.bradley@essex.gov.uk

Lead Local Flooding Authority

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Planning Services

Date: 9th June 2022
Our Ref: SUDS-005793
Your Ref: UTT/22/1203/FUL

Dear Sir/Madam,

Consultation Response –UTT/22/1203/FUL – Land off Pelham Road, Berden

Thank you for your email received on 29th April 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Technical Note 01 by Calibro, dated 07/04/22 and the following mitigation measures detailed within the Technical Note:

- Limiting the discharge from the site to 0.4l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the