

<b>Application Details</b>	
Application Reference Number:	2023/1070/FUL
Application Types:	Full application
Extension of Time:	Yes
Description:	Construction and operation of an energy storage facility, fencing, landscape planting, site access, drainage, infrastructure, lighting, CCTV equipment and underground cabling.
Site Address:	Land North Of Styles Close, Frome
Parish:	Frome Town Council
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Nikki White
Agent:	SLR Consulting Ltd
Applicant:	Trina Solar UK HoldCo Ltd
Reason for reporting application to Members:	The application is recommended for approval which is contrary to objections raised by a divisional member and the town council. Additionally, a divisional member has requested that the application be referred to the planning committee. As the application constitutes a major development, the scheme of delegation requires the planning committee to determine the application.

## **1. Recommendation**

**1.1 That planning permission be granted subject to the recommended planning obligations in a legal agreement and the planning conditions and informatives as set out in this report.**

**1.2 That the application be advertised as a departure from the development plan. In the event that new and substantive matters are raised as part of the departure advertisement then the application will be returned to the planning committee.**

## **2. Executive Summary of Key Reasons for Recommendation**

**2.1** The proposal relates to a 30WM battery energy storage system (BESS) adjacent to an existing SSE sub-station. The site is outside but adjacent to the development limits of Frome, and is proposed to be accessed from Styles Close, which is a residential cul-de-sac to the east of the town. The site is greenfield, with some sheds on the south west corner (to be retained). As well as a watercourse and railway line to the north, open green fields are north and east of the site.

- 2.2 The proposed development would consist of a collection of buildings and equipment to the west of the existing substation, a gated access point with track parking and turning area, landscaping and a wetland.
- 2.3 The facility would be used to store power for controlled distribution. It is understood that some of the power stored would be from renewable sources and some would be from fossil fuels. As the energy sector is moving closer towards all energy coming from low carbon sources, the proposal would contribute towards aspirations for green and stable energy supply, which has weight in the planning balance.
- 2.4 Significant consultation comments have been received and key issues raised include impact on the character and appearance of the area and fire safety concerns. Although the development would change the character of this greenfield site, this is in the context of an existing power station. Impacts would be mitigated due to the characteristics of the site and design proposed – including distance from residential properties and generous planting package proposed which would help to screen visual impacts.
- 2.5 Following detailed review of the fire safety matters and detailed comments from the Devon and Somerset Fire and Rescue Service, who has not objected, the proposal is concluded to meet the guidance set out in the national planning guidance and the ‘Grid Scale Battery Energy Storage System planning – Guidance for FRS’ which was prepared by the National Fire Chiefs Council (NFCC). As is established practise for BESS applications, a draft emergency protocol document has been received and considered by Devon and Somerset Fire and Rescue Service, with a final version recommended to be agreed via condition and consultation with Devon and Somerset Fire and Rescue Service. Devon and Somerset Fire and Rescue Service has confirmed that a final version, which meets the requirements set out in the guidance, is possible. Although the significant local concerns are acknowledged, there are no known planning reasons why the planning application cannot be supported in these circumstances.
- 2.6 The proposal includes on and off site ecological mitigation, which has been agreed by with the Somerset Council ecologist and Natural England. The proposal is concluded to be acceptable in relation to impact on protected species and habitats, as well as biodiversity net gain (13.35% biodiversity net gain overall, consisting of (+1.32) for habitat units and 54.92% (+1.55) hedgerow units).
- 2.7 The application is concluded to be acceptable in all other relevant planning matters, including highway safety, trees and new planting, drainage, health and well-being and archaeology.
- 2.8 When considering the benefits of supporting energy storage (including renewable energy) against the harms (including landscape and character), the application is recommended for approval, subject to a legal agreement and a number of conditions and informatives.

### 3. Planning Obligations, Conditions and Informatives

#### *Planning Obligations*

- 3.1 Off-site ecological mitigation/enhancement via 0.7ha of grassland adjacent to the north of a small copse of woodland is proposed approximately 2.6km from the application site. This is shown within the document titled 'Off Site Area for BNG & HEP Requirement for planning application APP/2023/1070/FUL' (ref: SLR Project No: 404.000030.00002) as Figure 1 'Proposed Off-Site Habitat Enhancement Area Location'. This is also contained in the SHADOW HABITATS REGULATIONS ASSESSEMENT (revised), which was received on 08.01.2025.
- 3.2 Obligations will also require the submission and agreement of a Landscape and Ecological Management Plan (LEMP) and confirmation of compliance with the LEMP, as per the recommendations from the ecologist.

#### *Conditions*

- 3.3 The following conditions are recommended:
- Plans list
  - Time limit (three years for implementation)
  - Time limit (temporary permission)
  - Removal of works
  - Battery Safety Management Plan (BSMP)
  - Emergency Pollution Control Method Statement
  - Battery storage surface water drainage
  - Hard and soft landscaping
  - Building materials
  - Hard boundary treatments
  - Construction Environmental Management Plan: Biodiversity
  - External lighting
  - Biodiversity enhancements
  - Arboricultural Method Statement
  - Tree Protection Plan
  - Noise
  - Construction Management Plan
  - Programme of works in accordance with a Written Scheme of Investigation

#### *Informatives*

- 3.4 The following informatives are recommended:

- Approval
- Condition categories
- Adhering to conditions
- Section 106 agreement
- Badgers
- Bats
- Bird nesting season

#### 4. **Procedural Clarifications**

- 4.1 Mendip District Council has ceased to exist. Somerset County Council and four other district councils in Somerset (including Mendip, Sedgemoor, Somerset West and Taunton Council and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as ‘Somerset Council.’ In terms of the application site, the Mendip District Local Plan (Parts I and II) and the Frome Neighbourhood Plan still comprise the relevant development plan.
- 4.2 This planning application does not include signage. Any proposed signage outside of permitted development would be subject to a separate advertisement consent application.
- 4.3 Reference to a secondary access in a now superseded statement from the applicant should be disregarded. The site has only ever included one access point, from Styles Close.

#### 5. **Proposed Development, Site and Surroundings**

##### Details of Proposal

- 5.1 The application seeks permission for the construction and operation of an energy storage facility with associated works including fencing, landscape planting, site access, drainage, infrastructure, lighting, CCTV equipment and underground cabling. The energy storage facility would have 30MW capacity. Permission is sought for operation of the development for 40 years.
- 5.2 The application confirms that the primary equipment associated with the proposal includes the following:
- 8 x battery blocks, each comprising four battery units arranged in pairs
  - 4 x medium voltage (MV) transformers
  - 1 x auxiliary transformer
  - 8 x power conversion system (PCS) inverters
  - 8 x battery interface cabinets (BIC)
  - 1 x client control building
  - SSE substation.
- 5.3 The proposal also includes:

- Timber fence (2.4M)
- Acoustic fence (4m)
- Access gate
- Lighting and CCTV equipment
- Wetland and swale (for drainage attenuation and ecology)
- Surfacing to include gravel/crushed stone with grasscrete for the access track
- Ecological enhancements - creation 180m of native hedgerow (high value habitat for foraging bats), 0.49ha of wildflower grassland, 0.009ha swale with wetland margins, and 0.02ha of scrub enhancement
- 2 x parking spaces
- Levels changes

5.4 In terms of operating hours, the Planning Statement confirms the proposals thus:

*'The site would be on stand-by to operate when required 24 hours a day due to the nature of the equipment to be installed (i.e. its role is to support the local electricity network). However, the facility would be controlled remotely, and the site would therefore be unmanned, though regular maintenance would be undertaken in the form of a visit by a car/light goods vehicle on average once per fortnight. The site would require 24-hour remote monitoring and the compounds would only be accessed in the unlikely event of equipment failure or for ongoing maintenance.'*

5.5 The application states that construction period would be around six months.

5.6 During the life of the application updated information and plans have been received on the following:

- Reduction in the height of the acoustic fence from 5m to 4m, with associated updated plans and acoustic report
- Enhanced planting package
- Additional ecological information, including off site bat mitigation

5.7 Part 5.1 of the submitted Planning Statement summarises the proposal thus:

*'The proposed development will comprise 30MW (generation capacity) of lithium-iron-phosphate (LiFePO<sub>4</sub>) battery technology, a grid connection, a dedicated accessway, and ancillary infrastructure. The proposed development layout is shown on **Drawing FP-DWG-02 Site Layout Plan**.*

*Trina Solar is requesting a 40-year operational consent for the proposed development. Operations would commence on the date of first commercial connection of the energy storage facility to the grid.*

*The proposed development is intended to provide services which support the flexible operation of the electricity network and the decarbonisation of electricity supply by balancing electricity supply and demand. The proposed development would import, store and regenerate electricity for export back to the grid but would not generate any additional electricity. The proposed energy storage facility would store electricity that is generated by generating stations such as solar, with this energy subsequently exported back into the grid when required. This reduces short-term fluctuations in electricity supply and demand to the National Grid, thus improving stability and reducing the risk of power failures to the local area.*

*Energy storage and energy management facilities of this type will be essential to enable the transition to renewable energy which tends to be intermittent and prone to fluctuation.'*

### Site and Surroundings

- 5.8 The application relates to land to the north of Styles Close on the eastern edge of Frome. The site is outside but adjacent to the settlement limits of Frome. The site is within the SSSI Impact Risk Zone and the Mells Valley SAC bat consultation zone (band C).
- 5.9 The site is greenfield, with some sheds on the south west corner of the site (to be retained). It is currently tenanted for equestrian use. Residential properties are located to the south and west of the site. Open green fields are north and east of the site, and the railway line as well as the river are to the north of the site.
- 5.10 The development is proposed to be accessed from Styles Close, which is a residential cul-de-sac to the south of the site.

## **6. Relevant Planning History**

- 6.1 The following planning history is relevant to the assessment of this planning application:
- 2016/0810/FUL - Proposed agricultural access – approved with conditions – 31.05.2016
  - 108224/000 – Change of use of land to allotments – approved with conditions – 31.05.1989 [assumed to be unimplemented]
- 6.2 There has been a recent application at the adjacent sub-station:
- 2023/1912/CLP Land At 378769 147997 Rodden Road – Erection of 132kV gas insulated switchgear building and a 33kV switch house building – decision - development is lawful

## 7. Consultation and Representations

7.1 Comments from consultees are summarised in the table below. Comments are available to view in full on the Council's website.

*Table 1: Summary of Consultee Comments*

<b>Consultee</b>	<b>Summary of Consultee Comments</b>
Cllr Kay (divisional member)	<p>Call to committee</p> <ul style="list-style-type: none"> <li>• High levels of public interest in this application.</li> <li>• Concerns raised include safety, especially fire hazards.</li> <li>• Concerns raised also include amenity for residents nearby due to noise issues.</li> </ul>
Cllr Collins (divisional member)	<p>Objection</p> <ul style="list-style-type: none"> <li>• Unclear which part of the development the noise would be coming from. The end near the houses or the stream?</li> <li>• If PB is minded to approve please include a condition on times 7.30am to 9.30pm. 10pm is too late for not sleeping children with windows open.</li> <li>• Italian run, UK registered, tax based in Luxembourg, Chinese owned. This is a narrow agenda planning meeting which can't take ownership into play, but this is not local energy.</li> <li>• More hedging and trees near the houses, access to provide sound muffling.</li> <li>• Why not let a friends of the green space group of residents keep the proposed native wildflower grassland with access.</li> <li>• Where are other examples of this sort of battery park? We should have a listen. Do the applicant have noise level readings from their current battery storage?</li> <li>• If minded to approve apply condition to allow construction access off Rodden Road, not via Styles Close.</li> <li>• I must admit to be torn between the need for battery storage in a renewable world but it seems too close to the houses of Styles Close not to cause noise disturbance and so would like it debated in public by the planning board.</li> </ul>
Cllr Michael Dunk	<ul style="list-style-type: none"> <li>• Article (attached) is relevant, and is a focus on the problem of 'thermal runaway' at which point it is almost impossible to stop fires.</li> <li>• New 2024 draft guidance from the National Fire Chiefs Council (NFCC) for Fire and Rescue Services (FRS) which in sections 15 -24 provides the specification for the site location.</li> <li>• Pre-application needed between the developers of the BESS and the FRS in order to ensure that the FRS specifications for this particular site and battery installation are met.</li> <li>• The FRS would also be able to comment on the close proximity of the electric pylon (and sub-station), the</li> </ul>

	<p>nearest housing and water course. They provide examples of 'sensitive receptors' that could be within a 1km radius and may find that this site has too many of these examples within that radius.</p> <ul style="list-style-type: none"> <li>• Please comment on this aspect and ensure all FRS advice is met in full.</li> </ul>
Frome Town Council	<p>Objection</p> <ul style="list-style-type: none"> <li>• Acknowledge the need for battery storage and other technologies in Frome.</li> <li>• Harm to residential amenity, health and well-being of residents. Noise is a particular concern</li> <li>• Overbearing scale and harmful impact on outlook and character and appearance of the area.</li> <li>• Despite assurances we are very concerned about the risk to public safety, not only the fire/thermal runaway but from the release of toxic gases both into the atmosphere or the nearby stream.</li> <li>• As Frome Town Council is not expert in this technology, we put a lot of store in the recommendations from the National Fire Chiefs Council. We appreciate that they are only recommendations, but we believe that they should be given full weight in the absence of any other UK legislation, or that no decision should be made until the Amendment to the Energy Bill, which will covers BESS sites is made.</li> <li>• Looking at the NFCC fire recommendations, there are a few areas where the Trina project doesn't appear to be following them e.g. distances from residential properties, confirmation as to whether wind direction has been taken into account, spacing between units, whether firewalls are proposed, the appropriateness of the gas suppression systems for fires.</li> <li>• To date, no comments from the fire service.</li> <li>• Applicant should consult with Somerset Fire Service.</li> <li>• Fire safety management plan inadequate. Frome Fire Station is a retained station, so this should be factored into any safety management plan. A Health and Safety Risk Assessment for the site should also be made available for inspection.</li> <li>• May comment further when outstanding consultee comments received.</li> </ul>
Highway Authority	<p>No objection subject to construction traffic management condition</p> <ul style="list-style-type: none"> <li>• Proposed to be accessed off Styles Close, an adopted unclassified cul-de-sac. Styles Close is in turn is accessed off the A3098 (Styles Hill), all subject to a 30mph speed restriction.</li> <li>• Access, Highway Safety and Highway Capacity - The proposal would generate an increased level of traffic during the construction phase which is estimated to be</li> </ul>



	<p>approximately 6 months. Once completed the site would be unmanned, requiring a maintenance visit estimated to be approximately once every 2 weeks. Access into Styles Close off the A3098 is considered to be acceptable and the temporary spike in vehicle movements during construction is not considered to be significant.</p> <ul style="list-style-type: none"> <li>• Conditions - Whilst it is noted the supporting Transport Statement provides some of the details, a construction traffic management plan will be requested by condition to ensure all matters are addressed. Further condition recommended on compound/construction worker parking. Also, a condition requiring a survey of the existing highway is recommended.</li> <li>• Conclusion - It is not considered the proposal will raise any significant or severe highway safety issues, nor would it have any detrimental effect on the existing highway network. Therefore, the Highway Authority does not raise any objection.</li> </ul>
Lead Local Flood Authority (LLFA)	<p>No objection</p> <ul style="list-style-type: none"> <li>• Having reviewed the FLOOD RISK ASSESSMENT AND SURFACE WATER DRAINAGE STRATEGY (April 2023) and Appendix FRA-05 Susceptibility to GW Flooding (April 2023), the LLFA is satisfied with the information provided.</li> </ul>
Environmental and Community Protection	<p>No objection subject to conditions (summary of final comments following the submission of additional information)</p> <ul style="list-style-type: none"> <li>• The amended noise assessment proposes a 4m acoustic fence which indicates that noise levels at the nearest noise sensitive properties are likely to be 5 dB above the prevailing background noise levels. BS4142 :2014 + A12019 <i>Methods for rating and assessing industrial and commercial sound</i> allows the context of the noise into account. The additional information has put the predicted noise into context.</li> <li>• Based on the amended information previous objection is now withdrawn.</li> <li>• Conditions - To protect the amenity of nearby residential properties, recommend that conditions attached including noise levels controls and requiring submission and agreement of a construction environmental management plan, including construction hours.</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>• The proposed energy storage facility would not be an activity the Environment Agency (EA) or local authority would regulate under the 'Environmental Permitting Regulations' (EPR).</li> <li>• Require assurances to the EA that nearby water sources (nearby stream) as well as ground water are not going to be adversely affected during the construction and future operation of the plant.</li> </ul>
Network Rail	No objection

	<ul style="list-style-type: none"> <li>• No objections in principle to the above proposals.</li> <li>• Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start.</li> <li>• Drainage - Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on buried service checks.</li> </ul>
<p>Devon and Somerset Fire and Rescue Service</p>	<p>No objection (summary of all comments)</p> <ul style="list-style-type: none"> <li>• Means of escape in case of fire should comply with the Building Regulations 2010</li> <li>• Access and facilities, which should include where necessary the provision of private fire hydrants for Fire &amp; Rescue Service appliances, should comply with provisions contained Within ADB, Part B5 of the Building Regulations 2010.</li> <li>• Refer to guidance from the National Fire Chief's Council.</li> <li>• The applicant has submitted the documents which collectively outline some of the safety measures to be employed in the proposed scheme.</li> </ul> <p>System design, construction, testing and decommissioning</p> <ul style="list-style-type: none"> <li>• The submitted documentation confirms that the applicant will adopt the recommendations of NFPA 855 in the design, spacing and layout of the site and with the employment of mitigation strategies to reduce fire risk. It also confirms that the battery cells the applicant will use in the development will be certified to UL1973 and UL9540 standards.</li> <li>• Furthermore, the On-site Incident Response Plan confirms that the battery cells will be tested to UL9540A but does not confirm the level of testing. Since UL9540A is a testing method for evaluating fire propagation during thermal runaway, the applicant should ensure the battery technology to be used in the proposed development is tested at installation level or provide robust evidence to support why testing to a lower level is appropriate.</li> <li>• Reviewing the documentation there is little information provided regarding what battery technology will be used in the development and what systems and/or protocols will be adopted to prevent a thermal runaway event from</li> </ul>

occurring. The On-site Incident Response Plan does refer to the utilisation of a Battery Management System (BMS) to monitor the operation of the battery cells but does not elaborate on the protocols or alert systems that will be followed should abnormal cell behaviour occur. It is also noted that thermal management of the batteries will be provided by a liquid cooling system that will assist in maintaining battery cells within safe temperature limits.

- The limited information on these aspects of the design is likely due to the applicant not having chosen a specific supplier and is not unusual at this stage of the planning process. Therefore, DSFRS would appreciate further detail and consultation on these matters as soon as possible.

#### Detection, monitoring and suppression systems

- The documentation confirms that fire and gas detection systems will be installed but does not confirm to what standards these will be installed to.
- The heat/smoke detection system will be critical in identifying the occurrence of a fire and activating the suppression system before the fire can have a thermal impact on the battery cells.
- The gas detection will be equally important in identifying off-gassing and the development of an explosive atmosphere. The On-site Incident Response Plan does indicate that an explosion prevention ventilation system in accordance with NFPA 69 will be installed.
- The limited information on these aspects of the design is likely due to the applicant not having chosen a specific supplier and is not unusual at this stage of the planning process. Therefore, DSFRS would appreciate further detail and consultation on how the detection systems will inform the BMS as soon as possible.

#### Site access and water supplies

- DSFRS recommends that as a minimum, fire service vehicle access should align with the guidance under B5 of Approved Document B (ADB) of the Building Regulations.
- The site masterplan confirms that this could be met with the addition of turning facilities at the end of the grass crete track on the north end of the site. The access gates are wide enough to accommodate the minimum gateway (and similar pinch points) width of 3.1m from ADB. The widths of the tracks themselves should be no less than 3.7m wide and capable of withstanding 15 tonnes weight.
- The site masterplan does not show any detail regarding water provision. However, our records indicate that a fire hydrant is located on Styles Close within 90m of the site.

	<p>Emergency plans and information</p> <ul style="list-style-type: none"> <li>• The application includes an On-site Incident Response Plan. The procedures provided in this document have not been fully assessed at this stage as more detailed information, including battery chemistries, is required before DSFRS can agree to the suitability of an Emergency Response Plan.</li> <li>• Nevertheless, the inclusion of the On-site Incident Response Plan does demonstrate that the applicant is aware of and serious about meeting their safety obligations.</li> <li>• Once these details are available, DSFRS will be happy to consult further with the applicant and agree a response plan.</li> </ul> <p>Conclusion</p> <ul style="list-style-type: none"> <li>• The details in the application appear to indicate that the developer is aware of the applicable safety standards in relation to BESS and intends to implement them.</li> <li>• There are some areas where detail is limited, however, the constraint is due to uncertainty regarding the suppliers and manufacturers to be used for equipment rather than omissions by the applicant.</li> <li>• Therefore, should planning approval be given, it is recommended that a detailed site specific Battery Safety Management Plan (BSMP) should be prepared once the developer knows what technologies, suppliers and manufacturers are to be used.</li> <li>• The BSMP should be able to provide full details of the battery chemistries, technologies, risks and risk mitigation strategies to be employed. It is recommended that the local planning authority and DSFRS are consulted on and are in full agreement with the BSMP before work commences on site.</li> </ul>
Ecology	<p>No objection subject to conditions/S106 (summary of final comments following discussions, clarifications and additional information submission)</p> <ul style="list-style-type: none"> <li>• Proposal - The proposed development will involve the removal of 0.3ha of other neutral grassland. It is understood that a 5m buffer will be maintained along the eastern hedgerow to allow continued foraging and commuting from north to south. No habitat loss is proposed along the Rodden Lake Stream factoring in a 10m buffer along the riparian corridor. The grassland along the southern boundary of the site will also be maintained with a small area used for access. Three trees on site offer low suitability for roosting bats. It is understood that no structures or trees will be removed and therefore no loss of potential roosts is anticipated. The</li> </ul>

	<p>structures (small sheds) on site have high suitability for night roosts for horseshoe and long-eared bat species, however are understood to not be proposed for removal. Construction operations will be separated from all other retained vegetation (trees, hedgerows, scrub) by root protection fencing, and commuting and foraging corridors will be similarly demarcated and maintained for the duration of construction. No artificial lighting that will illuminate the retained foraging/ commuting habitat will be used during the construction phase and if lighting is required during the construction period, it will be directed away from the retained boundary features (hedgerows, woodland etc) and will not be left on overnight.</p> <ul style="list-style-type: none"> <li>• The proposed development will remove 0.33ha of other neutral grassland, resulting in a loss of 1.62 habitat units (HU). The improved management of 0.49ha to create wildflower grassland, the creation of 0.009ha swale with wetland margins, and 0.02ha of scrub will result in an overall loss of 1.62 habitat units and 16.45% net loss. The Mendip District Council policy DP5 states that developments should achieve “no net loss.” An area of proposed off site enhancement located approximately 2.6km south-east of the proposed BESS site will be used as mitigation and comprises 0.7ha of heavily grazed improved grassland adjacent to the north of a small copse of woodland. The proposed off-site enhancement area is located within Zone C of the Bat Consultation Zone. It is considered that the remaining 0.42ha of replacement habitat will be delivered through on-site and off-site delivery of: <ul style="list-style-type: none"> <li>○ 0.50ha of retained but improved management of grassland (and scrub);</li> <li>○ Swale and wetland margins;</li> <li>○ Planted trees;</li> <li>○ Off-site 0.7ha of species rich grassland; and</li> <li>○ 0.07ha of additional hedgerow planting.</li> </ul> </li> <li>• This is considered to meet requirements with an overall gain of 0.16 as well as a 13.35% biodiversity net gain (+1.32) for habitat units and 54.92% (+1.55) hedgerow units.</li> <li>• Conclusions - the proposal and mitigation will result in no Likely Significant Effect on the Mells Valley Special Area of Conservation – as confirmed by shadow HRA endorsement.</li> <li>• Recommended obligations - Landscape and Ecological Management Plan (LEMP); and HEP/BNG off site habitat.</li> <li>• Recommended conditions - Construction Environmental Management Plan (CEMP: Biodiversity); CEMP Compliance; lighting for bats; no vegetation removal</li> </ul>
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	<p>during the bird nesting season; delivery of on-site biodiversity enhancement measures</p> <ul style="list-style-type: none"> <li>• Recommended informatives – bats; badgers</li> </ul>
Natural England	<p>Mells Valley SAC – No objection subject to securing mitigation (summary of final comments)</p> <ul style="list-style-type: none"> <li>• The application site is within Band C of the consultation zone for the Mells Valley Special Area of Conservation (SAC), designated in part due to its internationally important populations of greater horseshoe bats. Within the consultation zone are the key commuting and foraging/feeding habitats for the bat populations of the SAC.</li> <li>• Note that the applicant has submitted information regarding mitigation for the loss of foraging habitat resulting from the development, including HEP calculations.</li> <li>• The HEP calculations have been updated in response to Natural England’s previous comments and provide an accurate calculation of net change of horseshoe bat habitat on site. The calculations demonstrate that provided all on and offsite habitat enhancement and creation measures are secured, the proposed development will not result in a net loss of horseshoe bat habitat.</li> <li>• Concur with the assessment conclusions, providing all mitigation measures are appropriately secured in any planning permission given.</li> <li>• Recommend that the sHRA endorsement from the council is updated just to make clear that the most recent version of the assessment will be adopted by the Council as the HRA for this development [this has been completed by the Somerset Council ecology team].</li> </ul>
South West Heritage Trust (archaeology)	<p>No objection subject to condition for a Programme of Works in Accordance with a Written Scheme of Investigation</p> <ul style="list-style-type: none"> <li>• The site is adjacent to an area where Roman pottery was recovered during a watching brief in 1980 and close to another site recorded on the HER where Roman pottery was found during excavations of a house foundations.</li> <li>• Therefore there is potential for this proposal to impact on archaeology relating to Roman period activity. It would be appropriate to have any groundworks associated with the proposal to be archaeologically monitored.</li> <li>• Condition recommended: Programme of Works in Accordance with a Written Scheme of Investigation (POW) (Pre Commencement)</li> </ul>
Health and Safety Executive	No comments received

Biodiversity and Landscape Officer	No comments received
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- 7.2 Cllr Dunk has also forwarded an email from Sarah Dyke MP. This was not sent directly to the council, and does not reference the application number for this case, but Cllr Dunk has forwarded it on for consideration. Comments from Sarah Dyke MP state:

*‘The Liberal Democrats are supportive of Maria Miller’s Lithium-ion Battery Storage (Fire Safety and Environmental Permits) Bill 2022-23. Unfortunately, current legislation does not require fire services or the Environment Agency to be statutory consultees for planning applications involving solar farms or battery storage facilities, even though their expertise would help to ensure fire safety and prevent groundwater contamination.*

*I believe that local fire services should be made statutory consultees for industrial lithium-ion battery storage planning permission applications and that there should be provision for the granting of environmental permits for industrial lithium-ion battery storage.*

*I plan to visit the area of the proposed site. I am currently in the process of setting up my office but I’d be happy to provide further information to you once I have a confirmed date.’*

- 7.3 The private members Bill is further discussed later in this report.

#### Local Consultation and Representation

- 7.4 In accordance with the Council’s Adopted Statement of Community Involvement, application 2023/1070/FUL was publicised by letters of notification to neighbouring properties. A site notice was displayed and a press advert placed as part of the consultation. The council has met its obligations in relation to notification and publication of the application, and a significant number of comments have been received.

- 7.5 Although public engagement is encouraged by the local planning authority and the NPPF, there is no obligation for community engagement by the applicant. The applicant has nonetheless provided details of public consultation exercises with the local community.

#### *Objections*

- 7.6 A summary of planning matters raised as part of the consultation is set out below. In total, objection comments have been received from approximately 65 people, including from some who have submitted comments on more than one occasion.

- 7.7 The following planning matters have been raised:

*Table 2: Summary of Public/Neighbour Objection Comments*

<b>Topic</b>	<b>Summary of Comments</b>
Health and public safety	<ul style="list-style-type: none"> <li>• Too close to residential properties</li> <li>• Thermal runaway concerns</li> <li>• Concerns about overhead cables</li> <li>• Does not comply with fire chief's guidance and other relevant guidance/policy</li> <li>• Consideration of Energy Bill required</li> <li>• Risk of fires and explosions, which could release toxic gases and contaminate local water sources</li> <li>• Examples of fires, explosions and pollution from elsewhere across the world</li> <li>• Proposed safety measures are insufficient</li> <li>• Concerns regarding the reliability of the technology</li> <li>• Emergency services response capability concerns</li> <li>• Negative impacts on both physical and mental health</li> <li>• Long-term monitoring and inspection required</li> <li>• Could birds have safety implications?</li> <li>• Should water tanks be installed on the site?</li> <li>• Appeal decision supports strict consideration of safety matters</li> <li>• Safety matters cannot be adequately addressed by condition</li> <li>• Local elderly population would not be able to evacuate quickly in an emergency</li> <li>• Health risks to different groups, including children</li> </ul>
Amenity	<ul style="list-style-type: none"> <li>• Disrupt the peace and tranquillity of the neighbourhood.</li> </ul>
Noise pollution	<ul style="list-style-type: none"> <li>• Disagree with the conclusions of the submitted noise information, and the comments of the environmental protection team</li> <li>• Associated impacts on health and well-being</li> <li>• Flawed and inaccurate noise assessments provided by the applicant</li> </ul>
Light pollution	<ul style="list-style-type: none"> <li>• Harms to health and well-being of light pollution.</li> </ul>
Ecology, biodiversity and habitats	<ul style="list-style-type: none"> <li>• Site accommodates wildlife including protected species</li> <li>• Potential contamination of the river and watercourse and river tributaries, which could harm aquatic life</li> <li>• Inappropriate survey time.</li> </ul>
Visual impact	<ul style="list-style-type: none"> <li>• Acoustic fence</li> <li>• Presence of industrial structures adjacent to a residential area</li> <li>• Would result in overdevelopment of the area</li> </ul>



	<ul style="list-style-type: none"> <li>• Development would be seen from upstairs rear windows on Styles Close</li> <li>• Proposed planting should be managed to maturity</li> </ul>
Highway safety	<ul style="list-style-type: none"> <li>• Heavy construction vehicles using unsuitable residential roads</li> <li>• Increased traffic, noise, and pollution</li> <li>• Implications of snow and ice should be considered</li> </ul>
Drainage and flooding	<ul style="list-style-type: none"> <li>• Particularly the nearby Rodden Lake Stream and River Frome.</li> </ul>
Impacts on local services	<ul style="list-style-type: none"> <li>• Including healthcare and emergency services</li> <li>• Additional strain on local infrastructure, including roads, schools, and healthcare facilities</li> </ul>
Community cohesion	<ul style="list-style-type: none"> <li>• Presence of an industrial facility in a residential area would create divisions and reduce the overall quality of life for those living nearby.</li> </ul>
Loss of green space	<ul style="list-style-type: none"> <li>• Site currently used by the community for recreation and leisure</li> <li>• Harm to quality of life and reduce opportunities for outdoor activities.</li> </ul>
Economic impacts	<ul style="list-style-type: none"> <li>• Job creation - concerns that the number of jobs created will be limited and that the benefits will not outweigh the negative impacts on the community.</li> <li>• Local economy – although could attract investment and boost the local economy negative impacts would outweigh any potential economic benefits</li> <li>• Economic displacement due to some residents moving away as a result of the development</li> </ul>
Neighbour benefits	<ul style="list-style-type: none"> <li>• No significant benefits for neighbours.</li> </ul>
Technology uncertainty	<ul style="list-style-type: none"> <li>• Mistrust of new and evolving technology</li> <li>• Long-term viability uncertainty - particularly given the rapidly changing technology landscape.</li> </ul>
Planning process	<ul style="list-style-type: none"> <li>• Concerns have not been properly addressed</li> <li>• Insufficient consultation with the local community</li> <li>• More occupants should have been notified</li> <li>• Current planning policies do not adequately protect residential areas from inappropriate developments</li> <li>• Permission for change of use of the land is required</li> <li>• Application inaccuracies - the site is not vacant as stated in the application</li> </ul>
Precedent	<ul style="list-style-type: none"> <li>• Could set a precedent for future projects, leading to further industrialisation of residential areas. This could result in a gradual erosion of character</li> </ul>

	<ul style="list-style-type: none"> <li>• A solar farm proposal could be submitted if this is approved</li> </ul>
Alternative sites	<ul style="list-style-type: none"> <li>• Alternative sites should be considered – including those located further away from residential areas</li> <li>• The current site is inappropriate and more suitable alternative locations are available.</li> </ul>
Boundaries	<ul style="list-style-type: none"> <li>• Boundary fencing legal status question</li> </ul>
Tenants	<ul style="list-style-type: none"> <li>• Impacts on existing tenants (who keep horses on the site)</li> </ul>
Government support	<ul style="list-style-type: none"> <li>• Lack of government support for renewable energy projects that are more appropriately sited.</li> </ul>

7.8 A petition with 542 names on it has also been received. This is headed as follows:

*‘Planning permission should be denied by Somerset Council on the grounds of potential impact on Health and Public Safety, together with unacceptable noise levels and loss of amenity.’*

#### Support

7.9 One letter of support has been received. Relevant planning matters are summarised in the table below:

*Table 3: Summary of Public/Neighbour Support Comments*

Helps increase energy resilience in the local area
Contributes towards Somerset's Climate and ecological emergency objectives
Support concerns regarding environmental impacts such as noise, fire risk and lithium-ion leachate into watercourses and ask that the applicant seeks to address these issues
Has the applicant stress-tested the battery design against the proposed UKCP18 projections for the Frome region to ensure thermal thresholds aren't exceeded?

#### Non-Planning Matters

7.10 The following matters have been raised through consultation are not material planning considerations to be weighed in the planning balance. They are nonetheless addressed in the report below.

*Table 4: Non-Planning Matters Raised Through Public Consultation*

Reduction in property values
Local residents should be compensated
The application should not be considered
Increased insurance premiums for neighbours
‘How much will scc make out of it?’

## 8. Relevant Planning Policies and Guidance

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the development plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The development plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) (LP1)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

8.3 Relevant policies of the development plan in the assessment of this application are listed below.

### Relevant Policies of the Mendip Local Plan

8.4 The following policies of the Local Plan Part I (LP1) are relevant to the determination of this application:

- CP1 - Mendip Spatial Strategy
- CP3 - Supporting Business Development and Growth
- CP4 - Sustaining Rural Communities
- CP6 - Frome Town Strategy
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP16 - Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP23 - Managing Flood Risk

### Other Relevant Documents

8.5 Other possible relevant considerations (without limitation):

- National Planning Policy Framework (NPPF)

- National Planning Practice Guidance (NPPG)
- Placemaking Principles, Somerset Council (2024)
- Grid Scale Battery Energy Storage System planning – Guidance for FRS, National Fire Chiefs Council (2022)
- Somerset’s Climate Emergency Strategy (2020)
- Energy Act 2023
- Battery energy storage systems, Research Briefing, House of Commons Library (2024)
- Draft NFCC Grid Scale Energy Storage 1 System Planning – Guidance for Fire and Rescue Services (July 2024 revision)
- Somerset County Council Highways Development Control Standing Advice (2017)
- The Countywide Parking Strategy (2013)
- Somerset’s Climate Emergency Strategy, Somerset Council (2020)
- Somerset Energy Investment Plan, Somerset Council (2024)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Manual for Streets (2007)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- National Design Guide (2021)
- Environment Agency Standing Advice
- Assessment of Special Landscape Features (2012)
- Mendip Landscape Character Assessment (2020)
- Frome Town Design Statement SPD (2015)
- Somerset Habitat Evaluation Procedure Methodology (2016)
- Somerset Council’s ‘Biodiversity Net Gain Guidance Note’ (February 2024).

### Private Members Bills

- 8.6 In September 2022, Dame Maria Miller proposed a private members bill on Lithium-Ion Battery Storage (Fire Safety and Environmental Permits). This proposed to make the Environment Agency, the Health and Safety Executive (HSE) and local fire and rescue services statutory consultees on planning applications for industrial lithium-ion BESSs. It also sought to require environmental permits for lithium-ion BESSs. This bill did not have a second reading, so it is understood it is unlikely to progress further.
- 8.7 Anna Sabine MP later introduced the Battery Energy Storage Systems (Fire Safety) Bill. Private Members' Bill and was presented to Parliament on Monday 21 October 2024. The UK Parliament website confirms ‘This Bill is to make fire and rescue authorities statutory consultees for planning applications relating to Battery Energy Storage Systems; and for connected purposes’ ([Battery Energy Storage Systems \(Fire Safety\) Bill - Parliamentary Bills - UK Parliament](#)). The second reading of this Bill is scheduled for 25.04.25.

- 8.8 This reflects the comments from Sarah Dyke MP (as forwarded by Cllr Dunk). Some consultation comments have also stated this application should not be determined until the Bill is made into law. It is not possible for the local planning authority (LPA) to delay determination of the application until this becomes law, as the LPA is required by the NPPF to be proactive in the assessment and determination of planning applications. However, this matter can be considered.
- 8.9 The assessment of this application has included consultation with the Devon and Somerset Fire and Rescue Service, as summarised in the 'Emergency Safety Measures' section of this report below. Comments have been fully considered and addressed.

### Neighbourhood Plans

- 8.10 Frome Neighbourhood Plan (2016):
- D1 – Design in Urban Landscapes
  - Section 7.3 – Public Open Space
  - Golden Tread VCO3 – Sustainability

### The National Planning Policy Framework 2024

- 8.11 The revised National Planning Policy Framework (NPPF), last updated December 2024, sets the Government's planning policies for England and how these are expected to be applied.
- 8.12 Relevant chapters of the NPPF include:
- 2. Achieving sustainable development
  - 6. Building a strong, competitive economy
  - 8. Promoting healthy and safe communities
  - 9. Promoting sustainable transport
  - 11. Making effective use of land
  - 12. Achieving well-designed places
  - 14. Meeting the challenge of climate change, flooding and coastal change
  - 15. Conserving and enhancing the natural environment

## **9. Local Finance Considerations**

- 9.1 The Community Infrastructure Levy is not in place in the East/former Mendip area of Somerset Council. There are no known financial considerations relevant to the assessment of this planning application.

## **10 Material Planning Considerations**

- 10.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Emergency Safety Measures
- Landscape
- Design
- Access and Highway Impacts
- Sustainability
- Ecology
- Drainage and Flood Risk
- Residential Amenity
- Archaeology
- Health and Well Being
- Environmental Impact Assessment
- Equalities Act
- Non-Planning Matters
- Other Considerations

## 11. Principle of Development

- 11.1 Part 3.0 of the Frome Neighbourhood Plan (FNP) includes the Vision and Core Objectives. Section 3.2 sets out the overriding themes of the FNP and Three Golden Threads, which include VCO3 – Sustainability. This sets out ten principles to promote happy, healthy and sustainable communities.
- 11.2 Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” (LP1) says that to enable the most sustainable pattern of growth for Mendip District, the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the development limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 11.3 Whilst the Local Plan does not specifically refer to development for battery storage facilities, it is considered to accord with policy CP1 in broad terms due to the economic benefits. It is acknowledged that CP1 and CP4 (which hangs off CP1) together with their supporting text, allow for some development in the countryside. Policy CP3 also hangs off CP1. Policy CP3 relates to business development and growth. The location of such development is linked to the spatial strategy set out in CP1.
- 11.4 However, as the application site is outside the development limits of Frome, and does not fall neatly within the confines of CP1 or CP3, it is recommended to be advertised as a departure from the development plan.
- 11.5 Regardless, national policy sets a clearer and broadly positive policy position on the principle of renewable energy development and storage and acknowledges the need for countryside locations. Additionally since the adoption of the LP1, documents that show local support for the principle of

renewable energy development as part of measures to deal with the climate emergency have been produced, as set out below.

11.6 Chapter 2 of the National Planning Policy Framework (NPPF) sets out the need to deliver sustainable development. Paragraph 161 of the NPPF encourages renewable energy development that contributes to “*reductions in greenhouse gas emissions*” and “*support renewable and low carbon energy and associated infrastructure*”.

11.7 The Government’s NPPG on Renewable and Low Carbon Energy (last updated 14.08.23) confirms that:

*‘Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.’*

11.8 The ‘Somerset Energy Investment Plan’ makes it clear that this form of development is a required part way forward with recommendations including:

*‘The Council should develop policies that support the development of storage in appropriate locations. Recent storage planning applications have been turned down in other areas of the UK as storage has not been viewed by planning committees as having a clear role in the energy transition and has been seen to represent industrialisation of the countryside. Guidance for planners and councillors should be developed that identifies the clear role of storage in the Net Zero Pathway and sets clear criteria for how to accommodate storage in Somerset’s rural areas.’*

11.9 The Local Plan does not allocate sites for energy storage development. Whilst brownfield sites are preferred for such development, the NPPF does not preclude greenfield sites in principle.

## 12 *Appeal Decisions*

12.1 Whilst each application is considered on its merits, consideration of recent appeal decisions has informed assessment of this application.

### *Appeal at Chapel Lane, Great Barr, Walsall*

12.2 At an appeal decision at Chapel Lane, Great Barr, Walsall (decision date 13.01.2025, appeal reference APP/V4630/W/24/3347424), it was confirmed that great weight should be attached to tackling climate change and to energy security, even in the green belt:

*‘116. The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight attached to the absence of alternative sites and to the potential for permanent*

*BNG and the limited weight the temporary economic benefits generated by the proposal clearly outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to HAs and the limited harm to residential amenity through noise. Accordingly, taking the case as a whole, very special circumstances exist which justify the development.'*

*Appeal at Levedale Road, Penkridge, Staffordshire*

- 12.3 As recently as 06 December 2024, an appeal for a battery storage facility was allowed at 'Land on the southwest side of Levedale Road, Penkridge, Staffordshire ST18 9AH' (appeal ref: APP/C3430/W/24/3344658). With regards to the principle of development, the inspector here concluded:

*'34. BESS do not produce renewable energy and can store electricity generated from non-renewable sources. However, BESS are essential for a net zero energy system<sup>3</sup>. They allow the local grid network to operate more efficiently by storing electricity when it is abundant and releasing it into the network when it is scarce. With an increasing volume of renewable energy, BESS have a role to play in making full and effective use of the energy produced, balancing supply and demand, and modulating the frequency of the system. BESS also allow for the increased efficiency of intermittent renewable energy technologies such as solar and wind and can help to offset the country's reliance on fossil fuel energy.*

*35. The need for electricity storage is rising as the country increases the volume of variable renewables and peak demand intensifies through the electrification of heat and transport. BESS will be critical to maintaining the country's energy security as we shift away from gas over the 2020s-30s<sup>4</sup>. The main parties agree within the SoCG that a strong presumption should be afforded to the benefits of BESS as part of the wider national strategy for decarbonising the country's energy system.'*

- 12.4 The inspector also gave weight to the temporary nature of the development, noting the land would be returned to its former state following the expiring of the planning permission:

*'28. The proposal would be in place for 35 years and 6 months before being removed and the land returned to its current condition. While this is a considerable period of time, the proposal would not be permanent. Consequently, the proposal's effect on the landscape would be reversible and there is nothing before me to suggest that the landscape could not be capable of returning to its current agricultural use, albeit with additional landscaping.'*

- 12.5 Finally, the inspector here concluded that although visual harm was identified, and the proposal was contrary to the spatial strategy in terms of its location, significant weight should be afforded to the benefits of the scheme in relation to working towards net zero targets.



## ***'Planning Balance and Conclusion***

*'63. I have found that the proposal would harm the landscape character of the surrounding area. However, I have found that significant weight should be afforded to the benefits of the proposal in respect of climate change and achieving net zero. I have also found that moderate weight should be afforded to the WMS, Biodiversity Net Gain, and the associated economic benefits of the proposal.*

*64. Accordingly, in reference to the second main issue, the conflict with the development plan is outweighed by material considerations.*

*65. Concern has been raised regarding whether CS Policy OC1 is consistent with the Framework and whether paragraph 11(d) of the Framework is engaged. However, as I have found that the material considerations indicate that a decision should be made other than in accordance with the development plan, it is not necessary for me to form a view on this matter.'*

### **13 Assessment of Alternative Sites**

- 13.1 The submitted 'Brownfield Sites Assessment Report' considers sites within 2km of the application site, with a minimum site area of 0.61ha – criteria explained in the report necessary for operational, commercial and environmental reasons. Sites are sourced from the Mendip District Council Brownfield Land Register.
- 13.2 The 'Brownfield Sites Assessment Report' considers each brownfield site in turn and explains the rationale for discounting it. The report goes on to explain the benefits of the application, which include being very close to a suitable and viable grid connection, suitable road connections, lack of formal designation/constraints (landscape, green belt, conservation, drainage) and being considered suitable in visual impact terms.
- 13.3 It is concluded that appropriate consideration of alternative brownfield sites has been included. Although brownfield sites are preferable, as well as sites within the development limits, these matters do not prohibit development in principle and these matters can be considered within the planning balance.

#### ***Agricultural Land:***

- 13.4 Agricultural land is classified as follows:
- Grade 1 - excellent quality agricultural land with very minor or no limitations to agricultural use.
  - Grade 2 - very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting.

- Grade 3 - moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Subdivided into:
  - Subgrade 3a (good quality land); and
  - Subgrade 3b (moderate quality land).
- Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
- Grade 5 - very poor quality land, with severe limitations which restrict use to permanent pasture or rough grazing.

13.5 Annex 2 of the NPPF defines ‘best and most versatile agricultural land’ (BMVAL) as follows:

*“Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.”*

13.6 Natural England’s ‘Guide to assessing development proposals on agricultural land’ (Feb 2021) confirms that classifications can be assessed as follows:

*“A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the:*

- *range of crops that can be grown*
- *yield of crop*
- *consistency of yield*
- *cost of producing the crop”*

13.7 Indicative mapping from Natural England suggests the site includes grade 5 (urban) land. This information is intended for high level review and not detailed planning application consideration. The Natural England website confirms:

*“These maps are not at a scale suitable or accurate for assessment of individual fields or sites.”*

13.8 The site is undeveloped and is currently used as a paddock, suggesting it has some agricultural value. Nearby undeveloped land outside of Frome is shown on the NE indicative mapping as grade 3 (good to moderate). This does not distinguish between grade 3a (within the definition of BMVAL) and 3b (outside the definition of BMVAL).

13.9 The application has not been supported by an agricultural land quality assessment, and this is not part of the council’s validation requirements. As such, any loss of this land (be it immediately adjacent to residential areas) should be weighed in the overall planning balance.

#### *Conclusion on Principle of Development*

13.10 Although the proposal is outside the development limits, it represents benefits via energy management and tackling climate change.

13.11 The principle of development is considered acceptable. Key issues are dealt with below. The assessment of this application and overall planning balance is summarised at the end of this report.

#### 14 Emergency Safety Measures

14.1 The 'Renewable and Low Carbon Energy' NPPG confirms the requirements for applications for battery facilities thus:

*'Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.'*

Applicants are also encouraged to consider [guidance produced by the National Fire Chiefs Council](#) (PDF, 488 KB) when preparing the application.

*The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.'*

14.2 When assessing applications for battery storage facilities, the NPPF encourages LPAs to consider guidance produced by the National Fire Chiefs Council (NFCC) and to consult with their local fire and rescue service (FRS):

*'...This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.'*

14.3 The 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' was prepared by the National Fire Chiefs Council (NFCC) and encourages consultation with fire and rescue services (FRSs) and requires a comprehensive risk management process to inform a robust 'Emergency Response Plan'. The guidance does not comment on BESS system design but is in place to inform, *'...safe and effective response, by the fire and rescue service, to a fire or vapour cloud release involving a BESS installation. This includes factors such as facilities for the fire and rescue service, and design factors that contribute to reducing the escalation in the severity of an incident.'*

14.4 This guidance requires information to be submitted by the applicant to the FRS for consideration – including the details of the proposal, risk management and monitoring measures and emergency protocols.

- 14.4 In relation to the design of such facilities, the NFCC guidance confirms that suitable access for emergency vehicles is also assessed against specified criteria. Design should also ensure a suitable distance between units, to avoid the risk of fire to fire spread, and allow for emergency access. Units are not recommended to be stacked. A separation distance between facilities occupied buildings/site boundaries is usually 25m, taking into account surroundings, risks and mitigation.
- 14.5 The guidance also notes that sites should be operated so as to reduce risks - e.g. combustibles not located nearby. Water supplies should be sufficient. Appropriate signage is also required.
- 14.6 The guidance includes the required details for emergency plans – including a risk management plan, an emergency response plan, consideration of environmental impacts (such as water runoff) and a post-incident recovery plan.
- 14.7 The application has been supported by a ‘Fire Safety Approach’ statement, a ‘Fire Suppression System Design’ report and a draft ‘On-Site Incident Response Plan’.
- 14.8 Firstly, the ‘Fire Safety Approach’ statement is a high level document summarising the applicant’s commitment to safety monitoring measures, ventilation and fire suppression technologies.
- 14.9 Secondly, the ‘Fire Suppression System Design’ report is a more detailed document, outlining the systems proposed for monitoring, notifying (alarms) and controlling fires.
- 14.10 Finally, the ‘On-Site Incident Response Plan’ is submitted in draft at this planning application stage, in line with standard practice. The application is recommended for approval subject to a condition requiring a final version of the plan, to be submitted and approved by the local planning authority. This would be subject to consultation with the FRS to confirm its acceptability. This is a detailed document which sets out the risks and management plan – informed by the NFCC guidance.
- 14.11 Following a formal consultation request, as well as direct discussions, the application and its supporting documents have been considered by the Devon and Somerset Fire and Rescue Service (DSFRS). DSFRS has confirmed the siting of the proposed development sufficiently meets the requirements set out in the NFCC guidance.
- 14.12 It is noted that not all of the specific site layout criteria have been met. This includes 6m gaps between batteries. The NFCC guidance states that 6m gaps should be in place unless reduced distances can be justified:

*'A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown.'*

- 14.13 This spacing has not been observed. The DSFRS has reviewed the submission, including plans and the 63-page draft 'On-Site Incident Response Plan' and comments do not raise objections on this matter.
- 14.14 Distances from residential properties has also not been raised as an objection by the DSFRS. Comments from the DSFRS confirm:
- The documentation confirms that the applicant will adopt the recommendations of NFPA 855 in the design, spacing and layout of the site and with the employment of mitigation strategies to reduce fire risk. It also confirms that the battery cells the applicant will use in the development will be certified to UL1973 and UL9540 standards.
  - Furthermore, the On-site Incident Response Plan confirms that the battery cells will be tested to UL9540A but does not confirm the level of testing. Since UL9540A is a testing method for evaluating fire propagation during thermal runaway, the applicant should ensure the battery technology to be used in the proposed development is tested at installation level or provide robust evidence to support why testing to a lower level is appropriate.
- 14.15 The DSFRS has confirmed the draft 'On-Site Incident Response Plan' is acceptable and it is confirmed that a suitable final version can be secured at detailed design stage via planning condition. Although some neighbours are clearly dissatisfied with this, the DSFRS is the expert body, and the NPPF encourages consultation to ensure the relevant expert body has considered and commented on such planning applications.
- 14.16 The DSFRS has also confirmed that the applicant has committed to meeting the appropriate standards for the battery cells. Details of the supplier have not been confirmed at this stage, which is not unusual, therefore some of the fine details of can be confirmed at condition stage in relation to 'system design, construction, testing', 'decommissioning and detection, monitoring and suppression systems' and 'emergency plans and information' (all headings within the DSFRS comments).
- 14.17 In relation to site access and water supplies, the DSFRS has confirmed that the site is capable of meeting building regulations requirements for access and turning. These elements would need to be in place via building regulations before the development could become operational. The DSFRS has also confirmed there is a fire hydrant in suitable proximity to the application site.
- 14.18 Although pre-application discussions are encouraged between applicants and the RFS, the consultation comments received as part of this application are

sufficient to confirm a technical solution to fire, safety and emergency matters can be achieved at conditions stage.

14.19 The National Fire Chiefs Council (NFCC) published a 'Draft NFCC Grid Scale Energy Storage 1 System Planning – Guidance for Fire and Rescue Services' in July 2024. The supporting online information indicates the NFCC intends to adopt a final version sometime in 2025. This consultation draft was directed at fire and rescue services, seeking professional views on updated BESS guidance. The online supporting information confirms that the published 2023 guidance (as outlined above) is the current adopted guidance. As such, it is correct to assess the application against this. Whilst the draft consultation can be considered, it should be awarded very limited weight. This draft consultation document sets out suggested topics and questions for discussion between the applicant and the FRS. It reiterates that FRS's are not statutory consultees. Guidance is set out by the following topic areas:

- Communication
- Detection and monitoring
- Suppression
- Suppression systems
- Inert gaseous suppression systems
- Water based suppression systems
- Explosion control (deflagration protection)
- Site location - including the recommendation that developers prepare a plan showing all sensitive receptors in a 1km radius of the site
- Access - including a preference for two accesses – this confirms that batteries could be sited closer than 6m, if fire resistant materials are proposed or 'if tests such as UL 9540A shows propagation does not occur.'
- Spacing to other buildings beyond perimeter of site:
  - 'Individual site designs will mean that distances between BESS units and occupied buildings / site boundaries will vary. Proposed distances should take into account risks including the impact of any vapour cloud and also any mitigation factors that have been incorporated into the site design.*
  - However, an initial minimum distance of 30m is proposed prior to any mitigation such as blast walls. This distance is based upon the 100ft distance cited in NFPA 855 for remote installations<sup>13</sup>.'*
- Site conditions – e.g. maintenance to avoid combustible material being placed adjacent to the BESS
- Water supplies – e.g. fire hydrants
- Signage
- Emergency response plan
- Site plans and maps
- Environmental impacts – water runoff
- Recovery – post-incident recovery plan

14.20 Again, based on the comments from DSFRS, the proposal is concluded to be acceptable in this regard.

14.21 Many public consultation comments have been received referring to the safety implications of overhead cabling. The agent has responded to these comments as below:

Concern is also raised by local residents with regard to the location of the proposed development under overhead electrical lines which cross the site and in proximity to pylons and potential safety concerns. As stated above, the safety of the proposed development and of surrounding residents is a priority for the applicant. The proposed development has been designed to maintain the required safety clearance distances from overhead lines that cross the site according to the Distribution Network Operator SSE's Health & Safety requirements, and early dialogue has already been sought with SSE in this regard. Battery cabinets and associated infrastructure will be suitably earthed to minimise the temporary rise in earth potential that can occur during a lightning event around the base of a pylon. In addition, the battery storage facility does not directly adjoin the base of the pylon which allows for a significant earthing distance between the proposed development and the electrical pylon and substation.

14.22 Consultation comments are noted regarding the mistrust of the safety of this technology, as well as uncertainty that the technology may be superseded in future leading the development becoming redundant. Articles and research papers have been submitted, including on thermal runaway, which have been considered.

14.23 A briefing paper prepared by the House of Commons Library in April 2024 entitled 'Battery energy storage systems' discusses the topic of BESS safety and policy and legislative controls. Part 3.1 considers public safety concerns of battery storage facilities thus:

*'3.1 Concerns about fire risks*

*The research organisation, The Faraday Institution, explains that lithium-ion battery fires are very rare. It notes that "even with billions of lithium-ion cells in circulation, there are very few safety incidents involving them". It estimates that only one in 40 million battery cells experience failure that results in fire. 60*

*A scientific paper on the challenges for grid-scale battery energy storage explains that fires can occur at BESS facilities because they contain millions of battery cells. If one cell catches fire and is not shielded or insulated from the rest of the battery, it can cause adjacent cells to catch fire (sometimes called "thermal propagation").<sup>61</sup>*

*[60 The Faraday Institution, Improving the Safety of Lithium-ion Battery Cells (PDF), July 2023*

*61 Huang Y and Li J, Key Challenges for Grid-Scale Lithium-Ion Battery Energy Storage [online via Wiley Online Library], Advanced Energy Materials, Vol 12, Issue 48, 2020]*

- 14.24 The 'Battery energy storage systems' briefing paper discusses fire incidents in the UK and the rest of the world. It is concluded that incidents are rare and the with improved technology risks are decreasing:

*'Incidents in the UK*

*There has only been one documented incident of a BESS fire in the UK. In September 2020, one of the three battery system containers at a BESS site in Liverpool caught fire. 67 An investigation by the Merseyside Fire and Rescue Service found the fire was the result of a failure of one of the batteries within the container which led to thermal runaway and a build-up of gas. This resulted in a fire and explosion that cause the container to warp and doors to blow off.68*

*A research paper on the incident by the Electric Power Research Institute (EPRI), an organisation based in the United States which conducts research on the generation, delivery, and use of electricity, notes that BESS design has improved since the Liverpool BESS was installed in 2018:*

*Some newer system designs use smaller, modularized cabinets with a few racks of batteries. The system layout limits damage because of thermal runaway and allows a more targeted first responder approach in the event of a fire.69'*

*[69 Electric Power Research Institute (EPRI), Carnegie Road Energy Storage System Failure Response, Recovery, and Rebuild Lessons Learned, April 2023, p10]*

- 14.25 With regards to safety measures for BESS development, part 3.3 of the briefing paper states:

*'In addition, BESSs have a battery management system to ensure they operate safely and efficiently. A battery management system will usually ensure that batteries are kept within their safe ranges of voltage, current and temperature.77*

*A scientific paper on the best practices for BESSs also notes that the design of the BESS facilities can also help ensure their safety. In BESS facilities, battery packs can be spaced out and have insulation between the cells to prevent the spread of fire.78 BESSs can be also designed with safety features, for example, cooling systems, gas and fire detectors, fire control and suppression systems, explosion control and water supply for emergency services in case a fire does occur.79'*

*[77 Volts Energies, BMS in Focus, March 2023; BEIS, Domestic battery energy storage systems, October 2020, p6*



*78 Ian S. Mylenbusch and others, Hazards of lithium-ion BESS, mitigation strategies, minimum requirements, and best practices, American Institute of Chemical Engineers, June 2023]*

14.26 The briefing note also confirms the government is undertaking a review of batteries regulations. The current government position is that there is ‘a robust regulatory framework’ to control BESS development and operation:

*Grid-scale lithium-ion battery energy storage systems are covered by a robust regulatory framework, which requires manufacturers to ensure that products are safe before they are placed on the market and installed correctly, and that any safety issues found after products are on the market or after installations are dealt with.<sup>86</sup>*

*[86 HL Deb [Energy Bill [HL]] 28 March 2023, c240-241]*

14.27 Finally, in relation to safety regulations and guidance, the briefing note confirms the following is in place:

- The Batteries and Accumulators (Placing on the Market) Regulations 2008 - restricts the use of certain hazardous substances (namely mercury, cadmium, and lead) in batteries and requires batteries to be labelled with a ‘crossed out wheeled bin’ symbol.
- The Waste Batteries and Accumulators Regulations 2009 - requires battery producers to take back, collect, and recycle automotive, waste industrial, and portable batteries. Retailers and distributors that sell at least 32 kg of portable batteries per year must also provide a take-back service.
- Government guidance for manufacturers on placing batteries on the market.
- Guidance on the collection, treatment and recycling of waste batteries.
- Updated Batteries Regulations – requiring stationary BESSs with a capacity greater than 2 kilowatts per hour to provide evidence that they have undergone certain safety tests, including for thermal runaway.
- European Commission on the Batteries Directive.

14.28 In relation to wind directions, the agent has commented thus:

Whilst account has been taken of the prevailing wind direction when analysing the airborne effect of toxic gases, the same also remains true for all possible wind directions as per the evidenced Frome HF Dispersion Map of Annex E4 within the Incident Response Plan. The Dispersion Map concludes that, with due consideration to omnidirectional wind conditions, the potential harm to offsite personnel is predicted to be low. Moreover, the analyses performed assumed stable conditions (e.g. night with moderate clouds and light/moderate winds) which is the most conservative (pessimistic or worst-case) environment as reduced wind speed/turbulence has less dilution/cooling effect.

14.29 Wind direction has been included in the draft ‘On-Site Incident Response Plan’ which has been considered by the DSFRS.

14.30 In response to neighbour comments, the applicant has also confirmed the proposed acoustic fence would be 'dressed in anti-flammable material to prevent ignition.' This is recommended to be included as part of the condition controlling boundary treatments.

#### *Incident at the Site*

14.31 The local planning authority was notified of an incident at the site in October 2024. A significant number of neighbouring comments have referred to this incident, which has clearly caused high levels of local concern.

14.32 This incident is summarised by the agent thus:

*'We have been alerted to a fire hazard that took place last Wednesday 18th October on an overhead line within the planning application area of Frome BESS.*

*SSEN have informed us that this was due to the failure of insulators on the 33kV overhead line on the southern side of the property. The main cause of failure of the overhead line insulators was the occurrence of an electrical arc which is when electricity flows between two points, or electrodes. The electricity travels through the air, creating a bright light and high levels of heat. This led to overheating of the components and a subsequent arc blast (pressure wave created after an arc fault). The cause of these events was the result of a voltage spike which is what our battery storage is designed to prevent. Battery storage systems can measure voltage at their point of connection on the network and can rapidly absorb and inject into the grid which helps to prevent incidents such as these. This event goes to show that significant balancing of the network is required in this area to match supply with demand, with the former affecting voltage levels dramatically.*

*Trina Solar are committed to the Health and Safety of the site, the surrounding residents and first responders and has started developing emergency response procedures as set out in the draft Incident Response Plan (IRP) as submitted to Somerset Council on the 29th of September. The IRP is provided to assure all relevant parties and stakeholders of the emergency response procedures in place in the event of an incident occurring such as a fire, and steps are broken down in a logical manner dependent on the type of emergency raised. The draft IRP also sets out amongst other elements key site details and emergency locations, potential hazards within the site, emergency equipment and its location.'*

14.33 This incident relates to the current operations at the site. The safety matters associated with the proposal have been considered by the DSFRS.

#### *Appeal Decisions on BESS Safety*

14.34 Comments from CPRE have referenced appeal decision ref APP/U1105/W/23/3319803 at Land NE of Axminster National Grid sub-station, Pound Road, Hawkchurch, which was dismissed on 16.02.2024.

14.35 Here the inspector dismissed the appeal on the basis that fire and emergency safety matters had not been adequately addressed. The inspector also found no justification for a single access point, and insufficient access to water:

*'56. Whilst there are nationally a good number of battery storage facilities, they are not so long established to prove that the safety risk is not significant; indeed in 2020 a fire occurred at a battery storage facility in Liverpool. There was conflicting evidence before the Inquiry on the probability of the risk, nonetheless Mr Tough on behalf of the Appellant accepted<sup>15</sup> that there is a risk, and the point is to reduce the risk to as low as possible.'*

*'62. The NFCC guidance has a footnote referring to FM Global advice<sup>21</sup>, where it was advocated at the Inquiry that its interim revision has allowance for foreshortening the 6m separation. However, no evidence was shown how this proposal departing away from the minimum NFCC guideline would be safe. Indeed, the NFCC guidance has not been changed and is promoted by the very recent PPG.'*

14.36 It is noted that the planning application for this case (ref 22/2216/MFUL) included the following comments from Devon and Somerset Fire and Rescue (08.03.2023):

*'Having reviewed the documentation issued in support of this application, the Service notes that there is limited detail regarding the risk reduction and mitigation strategies to be employed for this development. Therefore, based on the information currently available, the Service is unable to make any further comment.'*

*It is the expectation of the Service that information detailing the risk reduction strategies and the protective measures to be employed on the site should be submitted in a Fire Safety Management Plan (FSMP) covering the construction, operation and decommissioning phases of the development.*

*Once a FSMP has been prepared, the Service would be more than happy to comment on the details submitted.'*

14.37 Paragraphs 80-83 of the appeal decision refer to comments from the FRS received as part of the planning application and the appeal, and conclude insufficient information was submitted in that case to determine the application positively:

*'80. Nonetheless the Fire Service responded on 25 July 2023 to the more recent application on this site. Its response raises some concern: limited or no commentary on deflagration prevention and venting, space separation between units, emergency access and firefighting water supplies. The Appellant provided further information pursuant to these comments, including a draft BSMP, the NFCC guidance, a wind direction diagram, water supplies and a layout showing a maintenance route. The response from the Fire Service did not object to the proposal, but nor did it comment on the adequacy or the separation distance between batteries, the access arrangement or the water supply/storage. Consequently, I find that their response does not direct me to a conclusion that the above aspects have been sufficiently addressed for this detailed proposal at this stage.*

*81. The Fire Service do not comment on the containment of firewater but refer to the Environment Agency. They were not party to details submitted to this Inquiry and their response pre-dates the firewater containment strategy.*

*82. Various allowed appeal decisions and Development Consent Order decisions were submitted to the Inquiry. In these cases, BSMPs were conditioned. However, this particular proposal is for 48 containers shown in a detailed layout for consideration where separation distances consistently and substantially fall short of the national recommended standard without safety being demonstrated, with the risk compounded by only one access and unclear measures on containment of firewater and the potential to contaminate the aquifer, as well as the likely need for widespread importation of firewater.*

*83. Therefore, based upon the evidence before the Inquiry I find that it has not been demonstrated that the proposal would not be a significant risk to local residents and the environment.'*

#### 14.38 The agent has referred to appeal decisions thus:

Notwithstanding the above, the applicant would like to draw attention to the Inspector's conclusion in appeal decision APP/Y1138/W/22/3293104<sup>5</sup> related to the safety of a proposed BESS:

*"Underlying all these matters is the fact that other regimes operate in this field to regulate the safe operation of such installations. National policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively."*

The Inspector of appeal decision APP/C1570/W/23/3319421<sup>6</sup> concurred with the above stance on fire safety related concerns in concluding that fire safety *"does not weigh against the granting of planning permission in this case."*

<sup>5</sup> The Planning Inspectorate (2022) Appeal Decision APP/Y1138/W/22/3293104 - Land near to Langford Langford Cullompton EX15 1SG. Decision date 5<sup>th</sup> December 2022.

<sup>6</sup> The Planning Inspectorate (2023) Appeal Decision APP/C1570/W/23/3319421 - Land west of Thaxted, Cutlers Green Lane, Thaxted. Decision date 18<sup>th</sup> December 2023.

14.39 One further relevant appeal relates to a proposal which was allowed at Staythorpe, Newark (APP/B3030/W/23/3334043, decision issued on 03.05.2024). In relation to fire safety, the inspector here concludes:

*'46.... There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK was at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases.'*

*47. From the number of worldwide BESS sites and the number of fires that have occurred, the Fire Safety Note comes to an estimate of 2.1% of BESS being potentially susceptible to incident during its lifetime, but such incidents are becoming statistically less likely due to improvements in fire safety management plans, technological improvements and lessons learned from other events such as the McMicken incident.'*

14.40 All appeal decisions are subject to their own site context and unique considerations. Each case is considered on its own merits. In this case, detailed comments have been received from the DSFRS which is concluded to be the appropriate technical consultee – and no objections have been identified.

#### *Proximity to Residential Properties*

14.41 The southern boundary fencing of the battery is c.41m from the closest rear gardens of properties along Styles Close. Rear gardens are c13m deep. The area of the site proposed for parking, turning, the substation building and the client control building is c28m deep (between fencing). The total distance between the southern acoustic fence and the nearest residential property on Styles Close is c.133m.

14.42 Many objections from neighbours state different measurements, and conclude the proposal would be too close to residential properties. Many neighbours have referred to 100m separation recommended by the Strategic Land Group. There is no policy basis for this distance, and it remains a recommendation by an independent land agent.

14.43 Distances have been considered as part of the assessment by the FRS, and there is no objection on this basis.

#### *Safety Monitoring and Regulation*

- 14.44 The Construction (Design and Management) Regulations 2015 (CDM 2015) sets out safety management requirements. This confirms that the site manager, project manager and designer must have the relevant qualifications / certification in the context of the CDM Regulations to monitor safety measures.
- 14.45 The Health and Safety Executive (HSE) can make random checks, and/or can visit a site there have been notifications of valid concerns.

#### *Conclusion on Safety Management*

- 14.46 Although the DSFRS is not at this time a statutory consultee (as proposed by the Bill put forward by Anna Sabine MP), the DSFRS has been formally consulted and has provided detailed comments confirming the application is acceptable subject to the inclusion of a condition for a detailed emergency plan, which has been recommended accordingly.
- 14.47 Comments from the DSFRS has considered the site context, including the proximity to residential properties, single access proposed, operation of the nearby sub-station (including electrical pylons) and the capacity of the local fire service. Based on these comments, the proposal is concluded to be acceptable for planning purposes.
- 14.48 Although significant public concern has been identified in this regard, as the application meets the requirements set out in relevant policy, and this can be controlled by a planning condition, the proposal is concluded to be acceptable in this regard.

#### Landscape

- 14.49 Policy DP4 recognises the quality of Mendip's landscapes and states that development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported. It suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features. Whilst it states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported, as with DP1, it also makes it clear that any decision making will *'take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location'*.
- 14.50 Although the site is not subject to any formal landscape designations, it is pleasant and relatively unspoilt.
- 14.51 The site is identified by the Natural England National Character Area Profile (2014) as 117. Avon Vales.
- 14.52 The Mendip Landscape Character Assessment (2020) includes the site within the B2 area: 'The Frome Fringes' – this is described as *'a mix of the various*

landscapes that abut the built-up area of Frome'. The site is within sub area B2.4 'Frome Bypass and Infrastructure Corridor' which is described thus:

KEY CHARACTERISTICS OF :- LCA – B2.4 – FROME BYPASS AND INFRASTRUCTURE CORRIDOR	
<b>PHYSICAL/NATURAL CHARACTERISTICS</b> <ul style="list-style-type: none"> <li>• Modern roadway set within mature landscape (40 years+)</li> <li>• Rock outcrops in cutting add interest</li> </ul>	<b>SETTLEMENT &amp; INFRASTRUCTURE</b> <ul style="list-style-type: none"> <li>• Substantial commercial development fronts on to otherwise rural section of road</li> <li>• Glimpsed views of residential developments</li> </ul>
<b>LAND USE/MANAGEMENT/HUMAN INFLUENCES</b> <ul style="list-style-type: none"> <li>• Power transmission lines &amp; mainline railway also occupy corridor</li> </ul>	<b>PERCEIVED CHARACTERISTICS</b> <ul style="list-style-type: none"> <li>• Generally reads as green corridor contained within landform &amp; roadside plantations</li> <li>• Fast busy corridor</li> <li>• Crossing points at grade feel hostile to walking / cycling</li> <li>• Over bridges provide brief view down to route</li> </ul>
<b>SPECIAL FEATURES – NOTE NOT ALL FEATURES DESIGNATED</b>	
<ul style="list-style-type: none"> <li>• Route contributes to sense of rural district with limited views to commercial / urban development &amp; strong landscape containment.</li> </ul>	

14.53 Frome Town Design Statement (2015) includes the site within character zone 12 'Easthill' which is described as '*an area of housing on the eastern edge of Frome, between the main and spur railway lines, north of the A362 Warminster Road*'.

14.54 The application has been supported by a Landscape and Visual Assessment (LVA), which has been updated to reflect the additional planting proposed. This assesses the sensitivity of the site from different positions, and for different users. It goes on to assess the impact of the proposed mitigation measures by way of planting. The 40 year timescale of the development is also considered.

14.55 The overall impacts of the development are summarised in the LVA in paragraph 8.2 as follows:

*'The site lies within the gentle valley associated with the Rodden Lake Stream. It occupies a small footprint and the proposed infrastructure has been positioned away from the more visually sensitive elevated land to the south. The proposed infrastructure also has a restricted height relative to adjacent residential built form to the south and the substation to the west.*

*The site has a restricted visual envelope, with potential visual effects predominantly limited to receptors within close proximity to the site. This is due to built form largely containing views to the south and west, and well-established vegetation and a change in landform to the north and east.*

*To mitigate the potential visual effects the landscape strategy has been carefully reviewed. Existing boundary vegetation to the north, east and west would be retained and reinforced with native trees and scrub planting where possible. To the south of the battery storage facility, native hedgerows and trees are proposed to help mitigate visual effects to the south. The 4m high*

*timber acoustic fence that surrounds the site would also partially screen views of the proposed infrastructure, and for residents immediately south of the site, the replacement 1.8m high timber fence along the southern boundary would further screen views of the existing and proposed infrastructure.'*

- 15 Table C3 of the LVA sets out the visual impacts of the different viewpoints are assessed as between a range from negligible to moderate/minor.

**Table C3: Assessment of Visual Effects and Significance**

Viewpoint	Sensitivity	Magnitude (after Construction)	Magnitude (after 15 years)	Visual Effects (after Construction)	Visual Effects (after 15 years)	Nature of Effect (Negative, Positive, Neutral)
Viewpoint 1 looking north-west across the site at close range from existing field access on Styles Close.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> <li>• Low (vehicle users)</li> <li>• Medium (residents)</li> </ul>	Medium	Medium-Slight	Moderate/ Minor Minor Moderate	Minor Minor Moderate/ Minor	Negative
Viewpoint 2 looking north-west from Styles close approximately 75m from the site.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> <li>• Low (vehicle users)</li> </ul>	Medium/Slight	Slight	Minor Minor	Minor Minor-Negligible	Negative
Viewpoint 3 looking north-east from Rodden Road adjacent to the site boundary.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> <li>• Low (vehicle users)</li> </ul>	No View	No View	None	None	Neutral
Viewpoint 4 looking north-east from Rodden Road adjacent to the sub-station.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> <li>• Low (vehicle users)</li> </ul>	No View	No View	None	None	Neutral
Viewpoint 5 looking south-west from PRoW FR 14/5.	<ul style="list-style-type: none"> <li>• Medium (walkers)</li> </ul>	Negligible	Negligible	Negligible	Negligible	Neutral
Viewpoint 6 looking south-west from the PRoW FR 14/5 railway overbridge.	<ul style="list-style-type: none"> <li>• Medium (walkers)</li> </ul>	No View	No View	None	None	Neutral
Viewpoint 7 looking south from Boundary Avenue.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> <li>• Low (vehicle users)</li> <li>• Medium (residents)</li> </ul>	Slight	Slight/Negligible	Minor Minor/ Negligible Minor	Minor-Negligible Negligible Minor	Negative
Viewpoint 8 looking east from Woodland Road.	<ul style="list-style-type: none"> <li>• Medium-Low (pedestrians/cyclists)</li> </ul>	Negligible	Negligible	Negligible	Negligible	Neutral
	<ul style="list-style-type: none"> <li>• Low (vehicle users)</li> <li>• Medium (residents)</li> </ul>					

14.56 Following a case officer review of the LVA, the overall conclusions of the LVA are accepted. The proposal would be a meaningful change from the current situation. However, given the character of the landscape, the impact is concluded to be acceptable. The landscape harm is acknowledged, and this weighs in the overall planning balance.

14.57 The landscape assessment has considered the cumulative impact of other development in the area, and it is concluded that a refusal on this basis would not be warranted.

14.58 In conclusion on this matter, although the proposed development would change the character of the landscape, this is considered acceptable in this location alongside the proposed mitigation. A condition is recommended to secure the planting is delivered in line with the submitted details.

## Design



14.59 Policy DP1 of LP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. It also states that:

*"Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also take into account efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location"*

14.60 The site is on the edge of the built form and green and open in character. The proposal would see the loss of this greenfield site in favour of a battery storage facility and associated development for 40 years.

14.61 The application includes the following:

- 8 x battery blocks, each comprising four battery units arranged in pairs – with a length of 7.8m, a width of 1.7m and a height of 2.7m, these would appear similar to shipping containers
- 4 x medium voltage (MV) transformers – this equipment has a height of 3.6m, width of 2.4m and length of 6.4m
- 1 x auxiliary transformer – this equipment would have a maximum height of 2.019m and measure 2.241mx1.495m
- 8 x power conversion system (PCS) inverters - set on pads, these blocks would have a height of 2.3m, a width of 2m and a length of 3m
- 8 x battery interface cabinets (BIC) – also set on pads, these cabinets would have a height of 2m, a width of 0.9m and a length of 2.2m
- 1 x client control building – a simply designed single storey building comprising two units each with a floor area of c.76m<sup>2</sup>
- 1 x SSE substation – a simply designed single story building with a floor area of c.76m<sup>2</sup>
- Timber fence (2.4m)
- Acoustic fence (4m)
- Access gate
- Lighting and CCTV equipment – including two CCTV columns at a height of 4m
- Wetland and swale for drainage attenuation - located to the north of the site, this feature includes enhanced planting for ecological as well as drainage benefits
- Surfacing to include gravel/crushed stone with grasscrete for the access track

- Ecological enhancements - creation 180m of native hedgerow (high value habitat for foraging bats), 0.49ha of wildflower grassland, 0.009ha swale with wetland margins, and 0.02ha of scrub enhancement
  - 2 x parking spaces – located off the access track
- 14.62 The final proposal has been amended to address matters raised by officers, consultees and neighbours. Amendments have included:
- Reduction in the height of the acoustic fence from 5m to 4m
  - Enhanced landscaping package
- 14.63 Although the proposal would appear industrial on this greenfield site, this would be in the context of an existing sub- station next door. Whilst the existing sub- station does not justify further such development, it is within the context of the site. The landscaping package proposed as well as the separation distance from the residential properties and the sloping nature of the site result in a scheme that is considered acceptable on balance.
- 14.64 On balance, the impact of the 4m acoustic fence is concluded to be acceptable, in the context of the site characteristics and development proposed.
- 14.65 The resultant density and sense of density is concluded to be acceptable. The proposed BESS would be well screened and separated from residential properties.
- 14.66 There is no right to a private view, but development proposals should be assessed as to their impact on amenity outlook. Although the proposal would be visible from upstairs rear windows of properties along the northern side of Styles Close, these are not primary living areas and considering the distances involved as well as the sloping nature of the site, this view is not such to warrant refusal of the application.
- 14.67 It is also noted that the application relates to a temporary permission for 40 years. After which time the site would be decommissioned and the land returned to its current state. Although this is a significant time period, it is a fixed period and development is not proposed in perpetuity. This should be weighed in the planning balance.
- 14.68 Various conditions are recommended which would see details controlled, including the external materials of the buildings on the site and the boundary treatments.
- 14.69 In conclusion on this matter, harm to the character of the area has been identified by way of the significant change a battery storage facility would make in this edge of settlement location. However, this harm is for a temporary period (albeit 40years) and outweighed by the benefits of the proposal. The proposal by reason of its design, siting, scale, massing, layout and materials is

acceptable and in relation to the local context and the character and appearance of the surrounding area. The proposal accords with policies DP1, DP4 and DP7 of LP1, policy D1 of the Frome Neighbourhood Plan and part 12 of the NPPF.

#### Access and Highway Impacts

- 14.70 Planning applications are considered against policies DP9 and DP10 of LP1 and part 9 of the NPPF. Planning applications need to confirm there is sufficient highway capacity; safe access(es) with appropriate visibility splays; and appropriate levels of vehicle parking.
- 14.71 The application has been supported by a Transport Statement, which includes the proposed access arrangements off Styles Close; highway capacity; highway safety; and the highways implications of the construction stage.
- 14.72 The proposal would be accessed off Styles Close, with a gate and access track leading to the development. Parking is proposed for two cars.
- 14.73 The highway authority (HA) has considered the application and confirmed there are no objections, including in relation to highway safety or parking arrangements. Highway capacity is also confirmed to be acceptable, with the development resulting in very low increased vehicle movements during its operation, and acceptable vehicle movements for a temporary six month construction period.
- 14.74 Following queries raised by members, the agent has confirmed that the applicant does not have any rights to access the site through the existing sub-station and given high voltage equipment, the agent considers it highly unlikely that the operator (SSE) would allow access. The agent confirmed that access through Rodden Road had been considered but excluded to limit the amount of development. It is also noted that any construction traffic would be temporary and traffic associated with operation and maintenance would be low. The DFS has not objected on the basis of a single access point.
- 14.75 The suitability of Styles Close for construction and operational traffic is concluded to be acceptable. This has not been raised as a concern by the HA.
- 14.76 The HA has recommended a condition requiring the agreement of a construction management plan. Whilst some construction details are set out in the submission, further details are required to ensure the development would be constructed so as to maintain highway safety and acceptable levels of residential amenity. This condition is recommended accordingly. Wording is recommended to be amalgamated to the condition wording recommended by the Environmental Protection team, to ensure all matters are covered – in the interests of highway safety and residential amenity. The construction management plan would need to consider cold weather (snow and ice) and

plan accordingly. This level of detail is not included in construction management plans, and should be for the developer to manage. The developer has confirmed it will work with the DFS to agree management arrangements thus.

- 14.77 The condition recommended by the HA requiring details of the access, compound and contractor parking is recommended to be incorporated into the CMP condition rather than as a standalone condition.
- 14.78 The final condition recommended by the HA would require a survey of the adopted highway along Styles Close. This is considered necessary due to the size and scope of construction vehicles anticipated. Rather than the condition recommended by the HA, it is necessary to include three conditions for this, including submission of a Highways Method Statement, the requirement to undertake surveys, and the requirement to rectify any damage to the highway.
- 14.79 In conclusion on this matter, the means of access and parking arrangements are confirmed to be acceptable and maintain highway safety standards. The proposal accords with policies DP9 and DP10 of LP1 and part 9 of the NPPF.

#### Sustainability

- 14.80 There are various national and local objectives seeking to develop the use of renewable energy. The application makes a significant contribution to application of renewable energy, and this weighs in the planning balance.

#### Ecology

- 14.81 The site is within the SSSI Impact Risk Zone. C.3km from the site is the Mells Valley Special Area of Conservation (SAC), which is designated for its breeding population of horseshow bats. Rodden Lake Stream, outside but to the north of the site, is a Priority Habitat (Rivers) as it comes under the criteria for a headwater stream. The existing sheds on the site have a high suitability for bats, but they are proposed to be retained.
- 14.82 The application was originally supported by an Ecological Impact Assessment (EclA), which relied on surveys undertaken in January. An addendum EclA was later submitted following consultation and discussions with the ecology team. Section 3.0 of the addendum confirms no new habitats or protected species were identified as part of the updated survey work:

*‘Therefore, as there has been no change in habitat type or condition, it is determined that the conclusions of the EclA dated April 2023 (submitted as Appendix 05 of the original planning application) remain valid, thereby deducing that no significant likely effects would occur to important biodiversity receptors, including legally protected species and designated sites, from either the construction or operational phases of the Proposed Development.*

*As such, the development proposals are considered to meet national and local planning policy associated with biodiversity and nature conservation.'*

14.83 The EclA and addendum confirm that habitats on the site currently consist of neutral grassland, bramble scrub, trees and hedgerows. 0.3ha of other neutral grassland is proposed to be removed to facilitate the development, which may be used for foraging bats.

14.84 The EclA confirms the following ecological measures are proposed as part of the application:

- 136m of native hedgerow planting along the southern boundary which will be maintained at a height of 3m.
- Approximately 0.49ha of wildflower grassland planting
- 0.009ha swale with wetland margins
- 0.02ha of scrub
- 180m of native hedgerow to be incorporated into the proposed development
- Containment of light spill
- Maintenance of a 5m wide dark corridor along the eastern hedgerow – for foraging and commuting bats
- No habitat loss is proposed along Rodden Lake Stream inclusive of a 10m buffer protecting the riparian corridor – for foraging or commuting bat routes to be maintained
- Root protection fencing separating construction operations from all retained vegetation (trees, hedgerows, scrub)
- Commuting and foraging corridors to be demarcated and maintained during construction

14.85 Although the site does offer some opportunities for bats, the EclA concludes this is undermined by activity (including light) from the nearby dwellings and railway line.

14.86 Part 4.1.2 of the EclA summarises works and impacts thus:

*'The proposed development will involve the removal of 0.3ha of other neutral grassland. A 5m buffer will be maintained along the eastern hedgerow to allow continued foraging and commuting from north to south. No habitat loss is proposed along the Rodden Lake Stream factoring in a 10m buffer along the riparian corridor and therefore any foraging or commuting routes from east to west will be maintained. The grassland along the southern boundary of the site will also be maintained with only a small area used for access which will similarly maintain any potential foraging and commuting routes along the southern end of the site.'*

*No structures or trees will be removed and therefore no loss of potential roosts is anticipated. Three trees on site offer low suitability for roosting bats. If trees are to be removed, then a Non-licensable Method Statement (NLMS) will be required and an ECoW will need to supervise the clearance...'*

14.87 In relation to lighting associated with the proposed development, part 3.5.5 of the EclA concludes thus:

*'The proposed development could impact on foraging and commuting bats from security lighting spill from the proposed development and loss of some grassland to hardstanding. However, appropriate mitigation has been set out in the Lighting Summary Report (Appendix ECIA-02) which demonstrates that, through the installation of lighting columns set to a maximum height of 4000mm (with forward throw optics and downward only light distribution) and a high opaque security fence, the majority of potential light spill within the battery storage compound is contained within the fence line.'*

14.87 Part 4.1.2 of EclA further explains lighting impacts thus:

*'Some light is anticipated to spill eastwards from the compound area. However, the Lighting Summary Report demonstrates that this reaches <0.5lux at the access track. Therefore, it is considered that the development can maintain a dark corridor of <0.5lux along the eastern boundary of the site.'*

*'No additional lighting is proposed along the southern boundary and 136m of native hedgerow is proposed to be planted along the southern boundary which will be maintained at a height of 3m. This additional hedgerow may provide some supplementary screening of any existing light spill from the existing residential housing along the southern boundary, thereby improving the suitability of this area for commuting and foraging.'*

14.88 The submitted Lighting Summary Report, prepared by DPA Lighting Consultants, sets out the details of the proposed external lighting, including the area to the north which is proposed as a dark corridor. This has been accepted by the Somerset Council ecologist as acceptable. A condition is recommended which would see this lighting strategy adhered to.

14.89 The EclA concludes that because no scrub and hedgerow removal is proposed, birds and hedgehogs should be safeguarded.

14.90 Due to the date this application was submitted, the national requirement to secure at least 10% biodiversity net gain does not apply in this case.

14.91 The initial EclA submitted with the application showed removal of 0.33ha of other neutral grassland. Considering the proposed measures (0.49ha wildflower grassland, 0.009ha swale with wetland margins and 0.02ha of

scrub) the development represented an overall loss of 1.62 habitat units and 16.45% net loss. Credits to confirm there would be no net loss were proposed via an environment bank or similar, with details unconfirmed. This has subsequently been updated, with off-site mitigation proposed.

14.92 Off-site mitigation is now proposed via 0.7ha of grassland adjacent to the north of a small copse of woodland approximately 2.6km from the site. As with the application site, the off-site mitigation site is within band C of the Mells Valley SAC bat consultation zone. This land is proposed to be enhanced with measures including:

- Neutral grassland upgraded to 'good' condition
- Seeding of the woodland edge
- Planting of a new hedgerow

14.93 Management arrangements are proposed to be detailed in a Landscape and Ecological Management Plan (LEMP). The inclusion of the off-site enhancements means the development represents an overall biodiversity net gain of 13.35%.

14.94 This updated proposal has been agreed with the council's ecologist as well as Natural England.

#### *Habitats Regulations Assessment*

14.95 The requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered.

14.96 With regards to the impacts on the Mells Valley SAC, the application has been supported by Habitat Evaluation Process (HEP) calculations. Following previous comments from Natural England, these calculations have been amended, and Natural England has confirmed it agrees with the HEP calculation methodology and conclusions.

14.97 The application is also supported by a shadow Habitats Regulations Assessment (sHRA), which has been prepared by the applicant and agreed and endorsed by the ecology team at the council. The sHRA explains the off-site enhancements proposed. This has also been formally agreed by Natural England.

#### *Conditions, Informatives and Obligations*

14.98 As the off-site ecological mitigation/enhancement is outside the application site, this needs to be controlled by legal agreement, which is duly recommended.

14.99 The Landscape and Ecological Management Plan (LEMP) and confirmation of compliance with it are also recommended to be included in the legal agreement, as per the recommendations from the ecologist.

14.100 This is summarised below as obligations recommended via a S106 legal agreement:

**Off-Site Habitat Creation/Enhancement**

A minimum habitat enhancement area of 0.93 hectares (equating to a +0.16 overall gain in replacement bat habitat) accessible to greater horseshoe bats shall be provided as off-site mitigation in line with the document titled 'Off Site Area for BNG & HEP Requirement for planning application APP/2023/1070/FUL' (reference SLR Project No.: 404.000030.00002) shown on Figure 1 'Proposed Off-Site Habitat Enhancement Area Location'. This is also contained in the SHADOW HABITATS REGULATIONS ASSESSEMENT (revised), which was received on 08.01.2025.

The replacement habitat shall be of grazed neutral grassland, woodland edge and hedgerow 3-6m wide by 3m high.

**Landscape and Ecological Management Plan (Pre-Commencement)**

No development shall commence, including ground clearance and vegetation removal, until a Landscape and Ecological Management Plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. Description and evaluation of features to be managed both for on-site habitat, and off-site habitat enhancement area/ off site bat replacement habitat.
- b. The layout of the off-site habitat creation /enhancement.
- c. A planting schedule for the off-site habitat creation / enhancement.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

The LEMP shall also include 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(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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. The approved LEMP shall thereafter be implemented in accordance with the approved details.



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- 14.101 Conditions recommended by the ecology team for a construction environmental management plan (CEMP: Biodiversity) and lighting are recommended, with minor wording edits to make them consistent with other decisions and to fully comply with the conditions tests set out in the NPPF.
- 14.102 Compliance with the CEMP is not recommended as this is required as part of the CEMP condition itself and the NPPF requires conditions to be kept to a minimum.
- 14.103 The Somerset ecologist has recommended a condition requiring on-site biodiversity enhancements, which would sit on top of BNG commitments. This includes a log pile for reptiles and or amphibians; fencing to include gaps for hedgehogs and other animals to enter and exit the site; a bird nest box; and a bat box. This condition is duly recommended.
- 14.104 A condition recommended by the ecologist requiring no vegetation removal during the bird nesting season is covered by other legislation so is not necessary. Instead, an informative is recommended to remind the applicant of their legal obligations in this regard.
- 14.105 Informatives recommended by the ecologist on bats and badgers are agreed and included within the recommendations.

#### *Conclusion on Ecology*

- 14.106 It is therefore concluded that the proposed development would not have an adverse impact on bats or other ecology, it meets the HRA requirements and demonstrates an appropriate level of BNG can be delivered. The proposal therefore accords with policies DP5 and DP6 of LP1 and part 15 of the NPPF.

#### 15 Trees and Planting

- 15.1 There are no protected trees on the site or near to the boundaries of the site. There are existing trees, hedgerows and vegetation on the boundaries of the site that contribute to the character and appearance of the area.
- 15.2 The application confirms that no trees, hedgerows or vegetation is proposed to be removed, and protective fencing is proposed during the construction period. No details have been submitted with the application to demonstrate the protective measures, including fencing proposed during construction. A condition is therefore recommended to agree the arboricultural protection measures across the site, and to ensure these are in place prior to any construction.

- 15.3 The proposed development is set back from most boundaries with planting, meaning the development can be delivered alongside this retained planting. The development however would abut an existing hedgerow on the western boundary. Whilst a technical solution is concluded to be possible, it is important that controls are put in place to ensure the retention of this feature. As such, a condition is recommended that would see an arboricultural method statement is submitted and agreed.
- 15.4 A generous package of new planting is proposed, to mitigate visual impact of the proposed development and to enhance the biodiversity value of the site. A landscaping condition is recommended to ensure this is delivered as per the submitted plan. This condition includes a requirement to replace any lost planting within 5 years, to ensure it is managed into maturity. This condition represents the maximum controls available through planning for planting delivery.
- 15.5 In conclusion on this matter, the proposed development would have an acceptable impact on a trees and hedgerows which have visual or amenity value. The proposal accords with policies DP1 and DP4 of LP1 and part 15 of the NPPF.

## 16 Drainage and Flood Risk

- 16.1 The site is all within flood zone 1 meaning the principle of development is acceptable in drainage terms but the applicant must demonstrate suitable drainage management.
- 16.2 The application has been supported by a Flood Risk Assessment and Surface Water Drainage Strategy which summarises the drainage proposals thus:
- '1. Use of permeable gravel surfaces through the development where possible to minimise runoff;  
2. Use of filter drains to collect, slow and convey flows;  
3. A wetland area on the northern site boundary to hold and attenuate excess flows whilst also maximising ecological benefits; and  
4. A swale to discharge attenuated runoff towards Rodden Lake Stream across a broad front.'*
- 16.3 The Lead Local Flood Authority (LLFA) has considered the application and confirmed there are no objections.
- 16.4 Comments from the Environment Agency (EA) have confirmed the proposal is not subject to permitting requirements from the EA.
- 16.5 The EA has also stated that reassurances should be provided that water sources would not be adversely affected by the construction and operation of the development. Following discussions with the LLFA, conditions are

recommended which would see the detailed drainage plan and measures to prevent water discharge in the event of fire. These conditions meet the requirements of the EA and the LLFA.

- 16.6 In conclusion on this matter, the proposed development includes filtering surface water, swales, and filter drains. A wetland basin is proposed to slow water flow and absorb sediments and allow them to settle into the ground. Permeable paving is also proposed (no hard surfaces - grasscrete and gravel). Suitable emergency protocols can be put in place to safeguard nearby water features from pollution, subject to the inclusion of conditions as recommended. Following consultation with the LLFA and the EA, it is confirmed that the proposal would not have an adverse impact on flood risk or represent a danger to water quality or pollution. The proposal therefore accords with policies DP8 and DP23 of the LP1 and part 14 of the NPPF.

## 17 Residential Amenity

- 17.1 Policy DP7 of LP1 states that new development should protect the amenities of neighbouring occupiers and provide an adequate standard of amenity for the benefit of future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.
- 17.2 The proposed development would be located north of residential properties. 77-91 Styles Close have a rear or side aspect facing the existing electricity sub-station, therefore there would be some impact of the development to the north east, but this would be limited. There is arguably more impact on the occupants of 95-99 and 28 Styles Close, which currently have open views to the north where the development is proposed.
- 17.3 Following discussions with the applicant, updated plans have been submitted showing an enhanced planting package. The height of the acoustic fence has also been reduced during the life of the application, to reduce the impact on this feature. The land slopes down to the north which further reduces the impact of the development. These factors, together with the overall distance between the proposed development and the existing occupants mean that the proposal is not considered harmful such to warrant refusal of the application.
- 17.4 A degree of disruption is to be expected from any construction project. Although there would be some inconvenience, this is short term and case law has established that this alone is not a reason to withhold planning permission. This can be further controlled via a condition for a Construction Management Plan which would aim to ensure construction disruption is minimised.

- 17.5 Whilst some neighbours have raised concerns in relation to impact on their private views, this is not a planning matter that can be considered as part of the planning balance.

## 18 *Noise*

- 18.1 It is understood that noise would be omitted from the development which is associated with cooling fans to ensure the equipment is at the correct temperature. The proposed inverter fans also omit noise from converting the electricity from DC to AC and vice versa.
- 18.2 The agent has confirmed that noise is anticipated an average of 4 hours per day, reaching a maximum of 6 hours per day. Further, the agent states that cooling fans tend to operate at reduced speed at night due to falling temperature.
- 18.3 When the application was first submitted it included a 5m acoustic fence which was explained in the accompanying noise assessment. The application was initially subject to an objection from the environmental protection (EP) team. Concerns were also raised in relation to the visual impact this would have on the local area.
- 18.4 These issues were considered by the applicant, and revised plans and an associated noise assessment were submitted showing a 4m acoustic fence. Following further consideration by the EP team, the initial noise objection has been withdrawn. The amended noise assessment included an assessment of the existing noise context, which is confirmed to comply with national guidance. Following significant local objection on this point, the position has been checked and reiterated by the EP team.
- 18.5 It is noted that wind direction has been factored into the noise assessment work.
- 18.6 The EP team has recommended conditions to protect the amenity of nearby residential properties, including noise level controls and requiring the submission and agreement of a construction environmental management plan, including construction hours. These conditions are recommended accordingly, with some wording edits. The construction environmental management plan condition has been amalgamated with recommendations from the HA, and labelled a 'construction management plan' to avoid any confusion with a construction environmental management plan required for ecological purposes.

## 19 *Light*

- 19.1 A significant number of local objections have been raised regarding light pollution and associated impacts on sleep, health and well-being. As outlined in the ecology section of this report, the application has been supported by Lighting Summary Report, prepared by DPA Lighting Consultants. This includes a detailed outline of the proposed lighting and an assessment of impacts. The report explains the sensitive design to control light spill, and includes light modelling to demonstrate impacts are largely contained within the fence line of the BESS.
- 19.2 Proposed lighting would be passive infrared (PIR) which would be inactive as default and would be activated if movement is detected.
- 19.3 No lighting is proposed along the southern boundary adjacent to residential properties.
- 19.4 Considering the site context and the lighting information submitted, it is concluded that the application is acceptable in relation to light pollution and impacts on neighbouring amenity and health and well-being.

## 20 *Conclusion on Residential Amenity*

- 20.1 Given the nature of the development and the distance to residential occupants, the proposal is considered acceptable.
- 20.2 Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with policy DP7 of LP1 and part 12 of the NPPF.

## 21 Archaeology

- 21.1 The site is not identified as an area of high archaeological potential on the council's GIS constraints mapping system. No supporting information has therefore been submitted or required.
- 21.2 The South West Heritage Trust has been consulted and confirmed that the site is close to other sites which have identified Roman pottery.
- 21.3 As such, the South West Heritage Trust has recommended a condition requiring any groundworks associated with the proposal to be archaeologically monitored. Therefore a condition is included, in line with the recommendations from the South West Heritage Trust, for a programme of works in accordance with a written scheme of investigation (POW) (Pre Commencement).
- 21.4 Subject to the inclusion of this condition as recommended, the application is concluded to be acceptable in this regard.

## 22 Health and Well Being

- 22.1 Consultation comments have raised concerns that the proposal would harm physical and mental health. On the basis that the FRS has not objected to the proposal, there is no planning reason to conclude the site is unsafe or harmful to health.
- 22.2 This proposal has been considered in relation to part 8 of the NPPF including promoting social interaction, safe and accessible places, community cohesion and healthy lifestyles to address local health and well-being needs, and is concluded to be acceptable in this regard. Consideration has also been had to the ages of nearby residents.

## 23 Environmental Impact Assessment

- 23.1 This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 24 Equalities Act

- 24.1 In arriving at this recommendation, due regard has been given to the provisions of the Equalities 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.

## 25 Non-Planning Matters

- 25.1 Consultation comments have raised concerns in relation to private property prices. This is not a planning matter, so cannot be weighed in the planning balance.
- 25.2 There is also no scope within planning to consider or require nearby residents to be compensated.
- 25.3 Similarly, insurance premiums is a not a material planning matter that can be considered in the planning balance.
- 25.4 The consultation comment which states: 'How much will scc make out of it?' is assumed to refer to Somerset Council. Somerset Council is the local planning authority who must assess and determine the application. There are no financial or other benefit to the council.

## 26 Other Considerations

- 26.1 Some neighbour comments have suggested the application should not be considered. The local planning authority is required to consider all valid planning applications, regardless of the views of nearby occupants.
- 26.2 Comments from Network Rail (in relation to the railway line to the north of the application site) confirm there is no objection to the application. The applicant is required to engage with Network Rail outside of planning, to secure the necessary formal agreement(s). Drainage matters are concluded to be acceptable (see drainage section of this report).
- 26.3 The site rental arrangements are a matter between the landowner and the current tenant. Although the current tenant would need to find a new site if the site is developed, this is not a matter to justify refusal of the application.
- 26.4 Boundary fencing matters are subject to the Party Wall Act (1996) and sit outside the scope of planning. The application has been assessed on the basis that agreement of boundary treatments would be reached or the applicant would erect a 2.4m fence near to the southern boundary of the site, near the boundary but within the application site.
- 26.5 The application is not considered harmful by way of precedent. Each planning application is considered on its merits.
- 26.6 Consultation comments have suggested the government should offer greater support for applicants to find suitable sites. The application is considered on the basis of the policy and legislative framework in place, and an assessment of the planning implications is set out in this report.
- 26.7 Concerns have been raised through consultation that neighbour comments have not been adequately considered or addressed. The local planning authority has considered all relevant planning matters, including comments raised through consultation, in order to recommend and determine the application. Whilst officers do not have capacity to respond to individual consultation comments, the local planning authority has met its obligations in relation to consultation and assessment of the application.
- 26.8 Consultation comments has also stated that the current policy framework does not adequately protect residential areas from inappropriate development. The local plan and NPPF both include various policies in this regard, which have been fully considered in the assessment of this application. The emerging Somerset Local Plan will include consultation opportunities in due course, and suggestions for new policies can be made.
- 26.9 This planning application incorporates the change of use of the land, and a separate planning application is not required in this regard.
- 26.10 Some neighbour comments have stated the planning application includes inaccuracies. An example would be that the application states the land is

vacant. It is understood that the land is currently rented for equestrian uses. The planning application is considered in good faith. The scope of the site and the proposal is sufficiently understood to allow for robust assessment and determination of the application.

- 26.11 Some neighbours have stated the proposal represents no benefits to them. There would potentially be wider community benefits to energy controls and reliability as well as supporting renewable energy development. In terms of benefits on the immediate neighbours, there is no requirement for financial or other benefits of development to be passed onto neighbouring occupants. During the life of the application, the agent has confirmed that the applicant is prepared to contribute £10,000 per annum into a community benefit fund. This would not meet the national tests for planning obligations, as it would not be necessary to make the development acceptable in planning terms. As such, this would sit outside of the planning balance.
- 26.12 The application is within private ownership. There are no paths (formal or informal) through it. It is not a community open space and should not be considered as such.
- 26.13 Impacts on community cohesion via the impacts of the planning application are noted but this is not a reason to justify refusal of the application.
- 26.14 Any impacts on local services, including healthcare, emergency services, roads and schools are also not such to warrant refusal of the application.
- 26.15 Economic benefits and job creation can be considered in the planning balance. It is noted that some objectors have argued this benefit does not outweigh other harms they have identified.
- 26.16 Suggestions through public consultation that the proposal would lead to economic displacement through neighbours moving away is difficult to justify as a reason for refusal.
- 26.17 Members have asked if consideration could be had as to potentially opening up the landscaped area to the local community, with seating etc. This has been discussed with the agent, who has confirmed that this had been considered but the scheme as proposed was considered preferable as it has higher ecological value. There was also uncertainty as to whether neighbours would have concerns in relation to anti-social behaviour, noting this area does not benefit from high levels of natural surveillance.
- 26.18 Some comments have referred to the then Energy Bill, suggesting that a decision should not be made on this application until this comes into law. The Energy Act received royal assent in October 2023, and can be considered as relevant to this planning application.
- 26.19 One neighbour comment has suggested the applicant 'stress-tested the battery design against the proposed UKCP18 projections for the Frome



region to ensure thermal thresholds aren't exceeded'. The UK Climate Projections are set of tools and data that show how the UK climate may change in the future. It is understood that assessment against UKCP18 has not been undertaken, but that this is not a requirement for planning applications.

## **27 Planning Balance and Conclusion**

- 27.1 The significant safety concerns raised through public consultation are an important factor to consider in the planning balance. The application has been supported by a draft 'On-Site Incident Response Plan'. It is customary with BESS applications for plans to be submitted in draft form, with a detailed version to be agreed via condition, in consultation with the FRS. Devon and Somerset Fire and Rescue Service has reviewed the draft plan and made some recommendations to inform the applicant's detailed plan preparation at condition stage. It is noted that some elements of the detailed safety precautions are covered by building regulations. Devon and Somerset Fire and Rescue Service has not objected to the application, and there is no reason to conclude the development could not be delivered with acceptable fire, emergency and monitoring plans in place.
- 27.2 The council has declared a climate emergency, and the development would support the renewable energy sector, if the impacts are acceptable. Following lengthy discussions with the applicant, various changes have been made, and the proposal is now considered acceptable including by way of impacts on landscape, design, ecology and public safety terms. Although the development would change the local character, due to the site context and proposed mitigation planting this harm is considered acceptable when weighed against the benefits of the proposal.
- 27.3 Although 40 years is a significant period of time, the land is proposed to be restored to agricultural land at the end of this.
- 27.4 Identified harms include landscape harm and harm to the character and appearance of the site. The application should be considered in the context that the harms would be temporary and reversible (be it for a 40 year timescale).
- 27.5 Benefits include energy storage, including renewable energy. Other benefits include biodiversity net gain and construction and operation jobs.
- 27.6 All other relevant planning matters have been considered during the life of the application including trees, heritage, drainage, design, amenity, highways, ecology and biodiversity net gain.
- 27.7 Considering all the harms and benefits in the overall planning balance, the benefits are concluded to outweigh the harms and the application is recommended for APPROVAL in this case, subject to a S106 legal agreement and the inclusion of a suite of planning conditions and informatives.

## RECOMMENDATIONS

### Recommendation:

**That planning permission be granted subject to recommended planning obligations in a S106 legal agreement and the planning conditions and informatives as set out in this report.**

**That the application be advertised as a departure from the development plan. In the event that new and substantive matters are raised as part of the departure advertisement then the application will be returned to the planning committee.**

### Recommendation

Approval

### Conditions

#### 1. **Plans List (Compliance)**

This decision relates to the following:

- FP-DWG-01 - SITE LOCATION PLAN - 13.06.2023
- F-6 A - LANDSCAPE STRATEGY PLAN - 29.09.2023
- FP-DWG-02 REV01 - SITE LAYOUT PLAN - 29.09.2023
- FP-DWG-04 REV01- SITE ELEVATIONS - 29.09.2023
- FP-DWG-06 REV01 - SITE LEVELS PLAN 2 PROPOSED LEVELS - 29.09.2023
- FP-DWG-03 REV 01- SITE CROSS SECTIONS - 29.09.2023
- FP-DWG-07 - SSE SUBSTATION - 13.06.23
- FP-DWG-08 - CLIENT CONTROL ROOM - 13.06.23
- FP-DWG-09 - AUXILARY TRANSFORMER PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-10 - ELEMENTA BATTERY PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-11 - MV TRANSFORMER PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-12 - PCS INVERTERS PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-13 - BIC UNIT PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-14 - CCTV COLUMN PLAN AND ELEVATIONS - 13.06.23

Reason: To define the terms and extent of the permission.

#### 2. **Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

3. **Time Limit (Temporary) (Compliance)**

The permission hereby granted shall expire no later than 40 years from the date of this permission.

Reason: Planning permission has been granted on the basis of the development being operated for a temporary period only. Permission for a greater period of time would require re-assessment of its merits.

4. **Removal of Works (Bespoke Trigger)**

Not later than 12 months before the expiry of this permission, or, if before then, within 6 months of the point where the development hereby permitted permanently ceases to operate, a decommissioning and site restoration scheme, including a programme of implementation, shall be submitted to the local planning authority for written approval.

The scheme shall make provision for, as a minimum, the removal of all above ground equipment and foundations to a depth of at least one metre below finished ground level. The approved scheme shall thereafter be fully implemented in accordance with the approved details.

Reason: Planning permission has been granted on the basis of the development being operated for a temporary period only, and its removal is required when the operation ceases.

5. **Battery Safety Management Plan (BSMP) (Pre-Occupation)**

The development hereby approved will not be brought into use until a Battery Safety Management Plan (BSMP) is submitted to and approved in writing by the Local Planning Authority, following the guidance set out in 'Grid Scale Battery Energy Storage System planning - Guidance for FRS' (or adopted update) prepared by the National Fire Chiefs Council (NFCC). The BSMP will be in accordance with the ON-SITE INCIDENT RESPONSE PLAN - UPDATED (received 21.12.2023)

Reason: To ensure that the safe operation of the site in accordance with policy DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014), the 'Renewable and Low Carbon Energy' NPPG and the NPPF.

6. **Emergency Pollution Control Method Statement (Pre Commencement)**

No development shall commence until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

o The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system if needed.

o How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment when normal operation resumes.

The scheme shall be implemented as approved in the event of a fire incident.  
Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line the National Planning Policy Framework.

7. **Battery Storage Surface Water Drainage (Pre-Commencement)**

No development of the development hereby approved shall commence until a final scheme to dispose of surface water has been submitted to and approved in writing by the local planning authority. This shall include impermeable areas surrounding the battery units, a directed flow hydrobrake chamber restricting run off of contaminated firewater, and a contaminated effluent storage area also with impermeable areas surround it. The final drainage designs must demonstrate that in the event of a battery fire, all firefighting effluent can be retained on site with no discharge to surface our ground waterbodies. The scheme shall be implemented as approved for the lifetime of the development.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

8. **Hard and Soft Landscaping (Compliance)**

All hard and soft landscape works shall be carried out in accordance with the approved F-6 A - LANDSCAPE STRATEGY PLAN (received 29.09.2023). The landscaping works shall be carried out prior to the development becoming operational or in accordance with a programme agreed in writing with the local planning authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

All hard landscape works shall be permanently retained in accordance with approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

9. **Buildings Materials (Bespoke Trigger)**

No external facing materials in respect of the walls and roofs of the substation, client control room and elementa battery buildings hereby approved shall be constructed or installed unless in accordance with a schedule of materials and finishes to be used in the construction of the external surfaces that has first been submitted to and approved in writing by the local planning authority. The buildings hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

10. **Hard Boundary Treatments (Pre-Occupation)**

Prior to the development being operational details of design and materials of all forms of hard boundary treatments (gates and fencing) shall have been submitted to and approved in writing by the local planning authority. This shall include details of dressing the fencing in anti-flammable material in line with the approved draft 'On-Site Incident Response Plan'. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area and fire safety in accordance with policies DP1, DP7 and DP8 of the Mendip District Local Plan Part 1:Strategy & Policies 2006-2029 (adopted 2014) and the NPPF.

11. **Construction Environmental Management Plan: Biodiversity (Pre-Commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones" including adjacent lowland meadow and Rodden Lake Stream, trees, hedgerows and scrub.
- 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), including nesting birds habitat clearance measures, badgers buffer zones etc.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The construction of the development shall thereafter be carried out strictly in accordance with the approved CEMP.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

**12. External Lighting (Compliance)**

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in strict accordance with specifications and locations set out in the design (Lighting Summary Report, dpa lighting consultants, April 2023 RevA).

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

**13. Biodiversity Enhancements (Pre-Occupation)**

The development hereby approved will not be brought into use until the following biodiversity enhancements have been delivered in suitable locations across the site:

- a) One log pile as a resting place for reptiles and or amphibians constructed within the southern extent of the site;
- b) Any new walls or fencing should have occasional gaps of approximately 13cm by 13cm in the base of the wall or fence to allow hedgehogs and other animals to enter and exit the site;
- c) One Vivara Pro Seville 32mm WoodStone Nest Box (or similar) should be installed in hedgerow facing east or north, at a height above 3m.
- d) Installation of one Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

All biodiversity enhancement measures shall be retained and maintained throughout the life of the planning permission.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

**14. Detailed Arboricultural Method Statement (Pre-Commencement)**

No development shall commence, including ground clearance and vegetation removal, other than those works required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the local planning authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development.

- (b) Construction exclusion zones.
- (c) Protective barrier fencing.
- (d) Ground protection.
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision.
- (f) Service positions.
- (g) Details of any special engineering requirements, including 'no dig construction'.
- (h) A Tree Protection Plan

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

**15. Tree Protection Plan (Pre-commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the local planning authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan shall include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

**16. Noise (Compliance)**

Following the construction stage, the rating level of any sound arising due to the use hereby permitted shall not exceed the prevailing background noise levels (LA90) by 5 dB at the nearest noise sensitive property at all times when assessed in accordance with BS4142:2014 + A1:2019 (or subsequent amended versions).

Reason: To prevent excessive noise and protect the residential amenity of neighbouring occupiers in accordance with policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014)

**17. Construction Management Plan (Pre-Commencement)**

No development shall commence, including site clearance, groundworks or construction, unless a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works has been submitted to and approved in writing by the local planning authority. The CMP shall include:

- a) Measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction
- b) Measures to regulate the on-site routing of construction traffic
- c) The location and covering of stockpiles
- d) Details of measures to prevent mud from vehicles leaving the site, including wheel- washing facilities
- e) Control of fugitive dust from earthworks and construction activities
- f) Dust suppression measures
- g) A noise and vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites'
- h) A waste disposal policy (to include no burning on site)
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes
- j) Details of any site construction office, compound and ancillary facility buildings
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto
- l) A 24 hour point of contact (such as a construction liaison officer/site manager) and details of how complaints will be addressed, including an appropriate phone number
- m) Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- n) Locations for loading/unloading and storage of plant, waste and construction materials
- o) Measures to protect vulnerable road users (cyclists and pedestrians)
- p) Any necessary temporary traffic management measures
- q) Arrangements for turning vehicles
- r) Arrangements to receive abnormal loads or unusually large vehicles
- s) Methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The CMP shall confirm:

That noise generating construction activities shall not occur outside of the following hours:

- o Mon - Fri 08:00-18:00
- o Sat 08:00 -13:00

All other times, including Sundays, bank and public holidays, there shall be no such noise generating activities.

The approved CMP shall be adhered to throughout the demolition and construction period.



Reason: To ensure that safe operation of the highway and minimise the effect of noise and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and parts 9 and 12 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

18. **Programme of Works in Accordance with a Written Scheme of Investigation (POW) (Pre-Commencement)**

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological monitoring, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: The site is within an area of significant archaeological interest and the council wish to examine and record items of interest discovered in accordance with policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

## **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are

exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
5. **Legal Protection Afforded to Badgers**  
The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

6. **Legal Protection Afforded to Bats**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed, and experienced ecologist at the earliest possible opportunity. Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled under a non-licensable method statement. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed, and an EPS licence sought from Natural England.

7. **Bird Nesting Season**

Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence.