

# **Application Report**

Planning, Housing and Health  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



<b>Application No:</b>	79032
<b>Application Type:</b>	Full Application
<b>Application Expiry:</b>	6 December 2024
<b>Extension of Time Expiry:</b>	6 December 2024
<b>Publicity Expiry:</b>	2 October 2024
<b>Parish/Ward:</b>	SOUTH MOLTON/SOUTH MOLTON
<b>Location:</b>	Battery Box Bb01763 Bucknell Way Hache Lane South Molton Devon
<b>Proposal:</b>	Construction of a micro energy storage facility (amended plans)
<b>Agent:</b>	AMP Clean Energy
<b>Applicant:</b>	AMP Clean Energy
<b>Planning Case Officer:</b>	Mr R. Bagley
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee

## **Site Description**

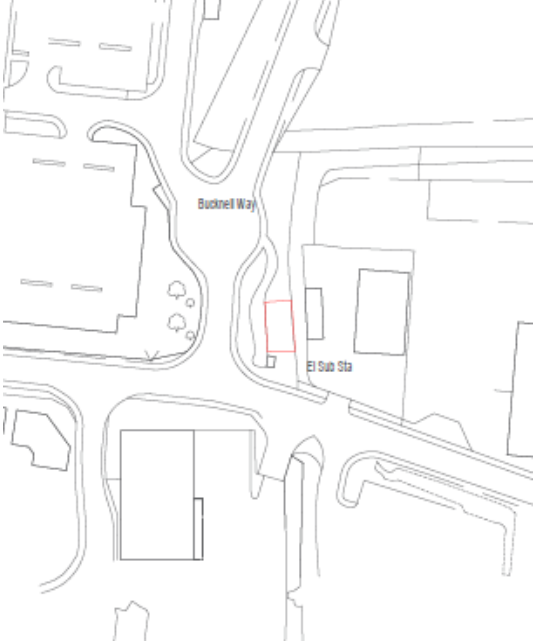
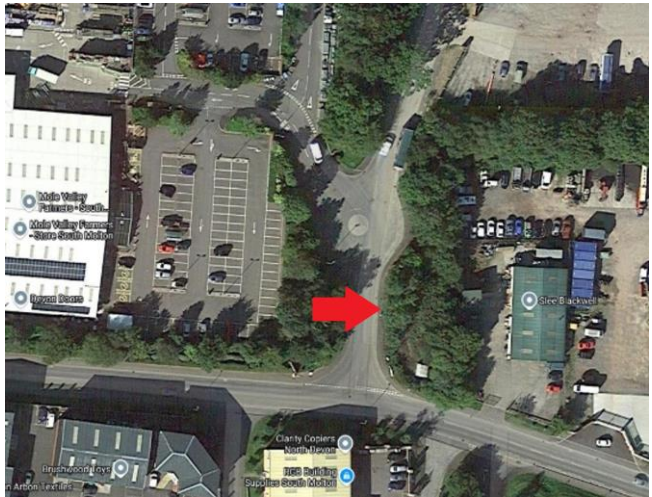
The site is located within the Pathfields Business Park, which is an allocated business park containing various industrial and commercial businesses.

The site is situated to the east of Bucknell Way opposite the Mole Valley building, and contains an existing electricity substation building. The building is well screened by boundary planting and trees. Access to the site is via an existing hard surface access to the north from the roundabout. As can be seen in the photos the existing structure is well screened.

Site Location



Aerial Photo



Site photos from Bucknell way



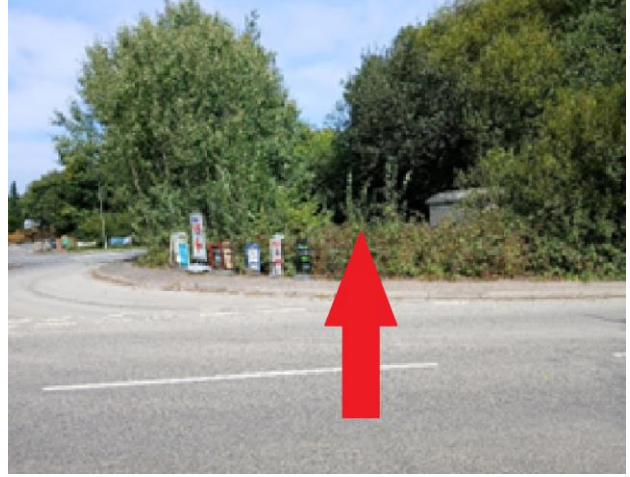
View East



View North



View North



Access track into site

**Reason for report to Committee:**

The site is within the ownership of North Devon District Council.

**Recommendation**

**Approved**

Legal Agreement Required: No

**Planning History**

Reference Number	Proposal	Decision	Decision Date
3449	T & C P GEN REGS 1976 NOTIFICATION BY DEVON COUNTY COUNCIL OUTLINE APPLICATION PROPOSED EXTENSION TO EXISTING INDUSTRIAL ESTATE. at LAND ADJ, PATHFIELDS INDUSTRIAL ESTATE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	13 February 1990
31270	ERECTION OF BUILDINGS FOR RETAIL, STORAGE & OFFICE USE & CONSTRUCTION OF NEW ACCESS ROAD at LAND ADJACENT, PATHFIELDS INDUSTRIAL ESTATE, HACCHE LANE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	30 November 2001
32914	EXTENSION TO APPROVED BULK STORE TO FORM CAR/VAN WORKSHOP at MOLE VALLEY FARMERS LTD STATION ROAD SOUTH MOLTON DEVON EX36 3LH	Approved	14 May 2002
36434	ERECTION OF TEMPORARY 2M HIGH SECURITY FENCE at LAND ADJ., PATHFIELDS INDUSTRIAL ESTATE,	FULL PLANNING APPROVAL	20 January 2004

Reference Number	Proposal	Decision	Decision Date
	HACCHE LANE, SOUTH MOLTON, DEVON, EX36 3LH		
36736	ERECTION OF FENCING, COVERED WALKWAY & TROLLEY BAYS & FORMATION OF AREA FOR FLOWERS/PLANTS at LAND ADJ., PATHFIELDS INDUSTRIAL ESTATE, HACCHE LANE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	20 January 2004
37010	FORMATION OF NEW FOOTPATH TO LINK TO EXISTING FOOTPATH ADJ. MAIN HIGHWAY at MOLE VALLEY FARMERS LTD, PATHFIELDS INDUSTRIAL ESTATE, HACCHE LANE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	2 March 2004
37531	1x ADDITIONAL & 1x AMENDED ILLUMINATED SIGNS at MOLE VALLEY FARMERS LTD, PATHFIELDS, SOUTH MOLTON, DEVON, EX36 3LH	ADVERT APPROVAL	25 May 2004
43342	EXTENSION TO YARD TOGETHER WITH ERECTION OF 1 STORAGE BUILDING at MOLE VALLEY CENTRE, PATHFIELDS INDUSTRIAL ESTATE, HACCHE LANE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	3 January 2007
46395	ERECTION OF COVERED GARDEN DISPLAY AREA at MOLE VALLEY CENTRE, PATHFIELDS INDUSTRIAL ESTATE, SOUTH MOLTON, EX363LH	FULL PLANNING APPROVAL	6 May 2008
51702	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION 46395 - ERECTION OF COVERED GARDEN DISPLAY AREA at MOLE VALLEY CENTRE, PATHFIELDS INDUSTRIAL ESTATE, SOUTH MOLTON, DEVON, EX36 3LH	FULL PLANNING APPROVAL	15 March 2011

### **Constraints/Planning Policy**

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 90 metres in height.	Within constraint
Historic Landfill Buffer	Within constraint
Landscape Character is: 7 Main cities and towns	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Unclassified Road	
USRN: 27504051 Road Class:R Ownership: Highway Authority	14.63
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character SMO - South Molton Spatial Vision and Development Strategy ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST16 - Delivering Renewable Energy and Heat	

### **Consultees**

<b>Name</b>	<b>Comment</b>
Arboriculture Officer  Reply Received 12 November 2024	I visited the site at South Molton Pathfields Business Park this morning (13th November) for the Battery Box, App No: 79032. I can confirm that an Arb Impact Assessment and Root Protection Plan will not be necessary for this application, apart from the willow growing beside the existing Sub Station, which can be coppiced, it has already been partially coppiced in the past, the other trees are growing from the hedge bank separated by a ditch. The root volume of these trees will be largely confined to the hedge bank and they would be categorised as U's (for removal) in a site survey anyway. The main tree of significance is the oak which is 10m to the east of the Sub Station which is sufficiently far away.
Councillor D Worden  Reply Received	No comments received
Councillor M Bushell	No comments received

Name	Comment
Reply Received	
Councillor P Bishop	No comments received
Reply Received	
DCC - Development Management Highways	No comments received
Reply Received	
Environmental Health Manager  Reply Received 12 September 2024	<p>I am writing further to your recent consultation with Environmental Health on Construction of a micro energy storage facility at Battery Box, Bucknell Way.</p> <p>I have reviewed the technical data supplied and locations plans. I am satisfied that there is no expected environmental impact from the proposal at this location, due to sufficient separation from noise sensitive receptors.</p> <p>In order to reduce the risk of environmental crime, it is recommended that a mesh of similar fencing is used as opposed to an solid infrastructure. Large blank areas can attract graffiti that is mitigated by mesh or railing type fencing.</p> <p>As with similar application I would recommend the Fire Authority is consulted on these application as the battery type may pose a risk, especially if involved in a traffic incident.</p>
National Grid  Reply Received 1 October 2024	The request to have an electricity connection for the battery box has come from a customer to us , NGED hasn't requested the battery box be installed.
South Molton Town Council  Reply Received 24 October 2024	it was resolved that this application be recommended for approval.
South West Water  Reply Received 13 September 2024	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p>Surface Water Services</p> <p>The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p>

Name	Comment
	<p>1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)</p> <p>2. Discharge into the ground (infiltration); or where not reasonably practicable,</p> <p>3. Discharge to a surface waterbody; or where not reasonably practicable,</p> <p>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</p> <p>5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</p> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: <a href="mailto:DeveloperServicesPlanning@southwestwater.co.uk">DeveloperServicesPlanning@southwestwater.co.uk</a>.</p>
<p>Sustainability Officer</p> <p>Reply Received 11 September 2024</p>	<p>With a footprint of 6x4m its De Minimis in terms of BNG and therefore no specific requirements in terms of ecology. The minor loss of roadside verge is not considered to have any impacts on protected species.</p>
<p>The Fire Officer</p> <p>Reply Received 19 September 2024</p>	<p>Thank you for your consultation regarding the above, dated and received by Devon and Somerset Fire and Rescue Services (DSFRS) on the 11 September 2024.</p> <p>Whilst DSFRS is not a statutory consultee in relation to this project or planning applications, we welcome opportunities to engage with stakeholders to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce. DSFSR recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.</p> <p>An emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises.</p> <p>The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to DSFRS. Tel. 01392 872200 Chief Fire Officer Gavin Ellis PGCert, <a href="http://www.dsfire.gov.uk">www.dsfire.gov.uk</a> Acting to Protect &amp; Save</p>

Name	Comment
	We would also recommend that there is appropriate signage indicating the nature of any firefighting hazards, that accompanies the control measures mentioned in the application.

### **Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
0.0	0.0	0.0	0.0	0.0

No representations received

### **Considerations**

#### **Proposal Description**

This application seeks detailed planning permission to provide Energy Storage System (ESS) battery boxes and associated equipment for the purpose of providing low carbon and de-centralised electricity for the local area.

The ESS system proposes to import electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. The applicants statement describes the ESS system as: *Battery Boxes connect into the low voltage (LV) network, this is the lowest and most local point in the system where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed in the locality of the box (when it is required).*

The applicants have set out in the statement that the battery boxes and equipment will provide a more flexible energy system to the local community and back to the National Grid, drawing from renewable energy sources in the area when demand is highest. The ESS allows excess renewable electricity to be stored and used when low carbon sources cannot generate enough electricity.

This would comprise a 200kw storage facility on land to the east of Bucknell Way for the purposes of providing a low carbon and de-centralised source of electricity for the area.

The site would comprise an area measuring approx. 24m<sup>2</sup> and containing the battery units and an electricity box.

The dimensions of the battery boxes would be:

Height: 2.6m  
Length: 3.3m  
Width: 1.2m

This would be constructed of:

- Metal outer materials with associated equipment colour – dark green

The dimensions of the electricity unit would be:

Height: 2m  
Length: 1.2m  
Width: 1.2m

This would be constructed of:

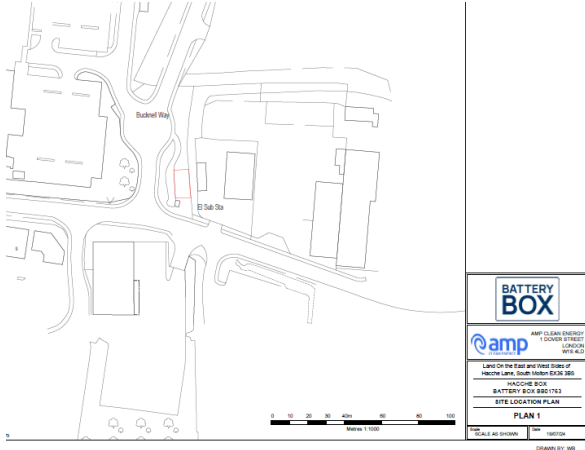


- Green metal outer material, colour green

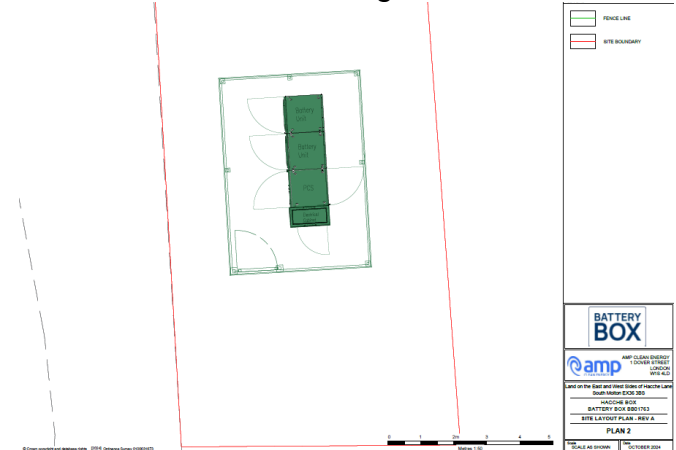
**Fencing:**

- Height: 2.4m spanning the perimeter of the site
- Mesh fence construction colour dark green

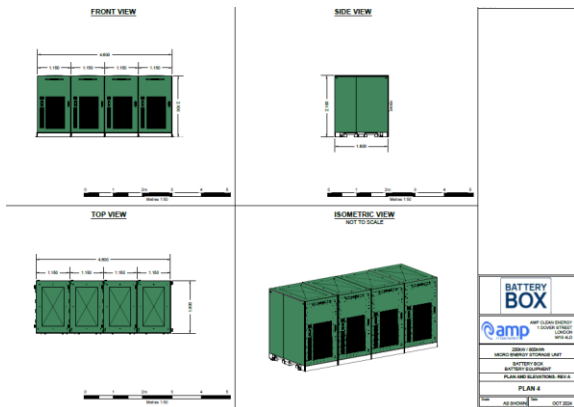
**Location of box**



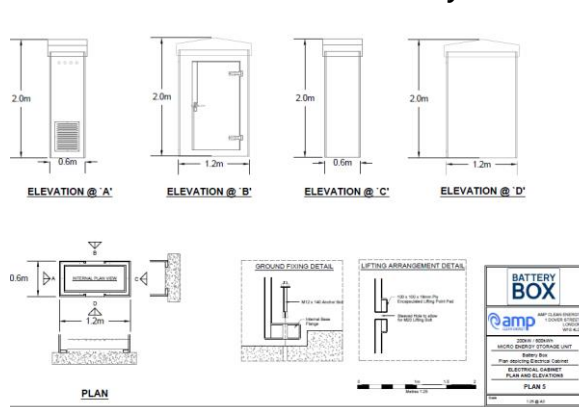
**Position of box and fencing**



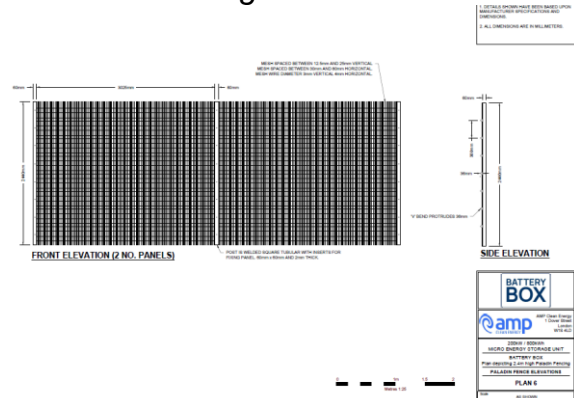
**Elevation and size of box**



**Elevation and size of electricity cabinet**



**Perimeter fencing**



**Planning Considerations Summary**

- Principle
- Design and impact on the street scene
- Amenity

- Flood risk and drainage
- Ecology
- Highways

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

### **Principle**

#### National Planning Policy Framework:

The National planning policy framework (NPPF) sets out at paragraph 157 that *'the planning system should support the transition to a low carbon future in a changing climate...and help to improve resilience and... support renewable and low carbon energy and associated infrastructure'*. This proposal comprises such infrastructure to support provision of low carbon energy back up.

At paragraph 163(a) the NPPF states that *'when determining applications for renewable and low carbon development, local planning authorities should a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions'*. This proposal would contribute positively towards such low carbon provision, diverting energy from renewable sources when required, to support the NPPF low carbon aspirations. Paragraph 163(b) states that the LPA should *'approve the application if its impacts can be made acceptable'*. As will be explained the impacts of the siting of the proposal can be made acceptable.

#### North Devon and Torridge Local Plan

Strategic planning policy ST16 – Delivering Renewable Energy and Heat states at part (1) that *'proposals for development incorporating on-site provision of renewable energy (other than wind energy) or renewable heat and/or low carbon technologies will be supported and encouraged where appropriate.'* This proposal will support the transition to low carbon energy and as such the principle should be supported.

Policy ST02 (Mitigating Climate Change) of the Local Plan states development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by (amongst other matters) promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment.

#### The Principle is accordant with National and Local Plan policies for the following reasons:

Micro energy stores are intended to store energy and distribute it at a local level (connected to a local substation) when there are supply shortages. This is with a renewable energy future in mind, where renewable energy sources such as wind and solar have fluctuating energy supplies due to seasonal and weather changes.

In this case, there has been no direct indication from National Grid that there is a strategic need for the facility to be installed at this location, however, at a national level, energy storage is considered essential infrastructure necessary for the transition to renewable energy sources as part of the UK government's Net Zero Strategy.

The ESS system is part of National roll out of such systems to provide low carbon back up Electricity support.

These boxes provide additional power and flexibility to the local electricity network when it is required during periods of high demand (Peak periods), using excess renewable energy produced from solar and wind sites when this exceeds real-time demand, which can be stored and sent back into the local network at peak periods.

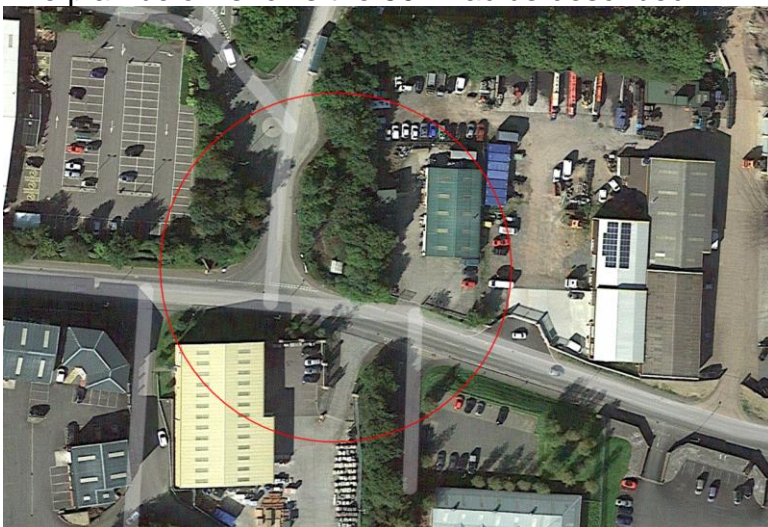
At part 1.4 of the appellants statement they summarise the benefits as follows:

- Reductions in carbon emissions. The storage of 800 kWh has potential to power 200 homes for 4 hours when there is a disruption to supply.
- Improved energy security. Reduction in reliance on fossil fuels.
- Reinforced local Electricity Network. Bolstering the Electricity Network from the 800 kWh storage facility.

The site has been chosen because sequentially, the applicants consider this site to be an optimum location for the box. The reasoning is as follows:

*'a battery box must be located within 50 m of an existing substation. Beyond 50 m there are voltage issues and prohibitive costs. You will see from the attached ariel image that within 50 m of the existing substation there are no suitable alternatives as the land is made up of highway, operational business, car parking and dense vegetation'.... ' , the location of this site has been selected specifically due to its proximity to the existing substation as a point of connection to the electricity network.'*

The plan below shows the 50m radius described.



*Substation 50 m buffer zone*

In this case, given the proximity to an existing substation structure, and the degree of screening around the site, the chosen site is reasonable to house the proposal. It is not considered there are alternative better sites.

This would conclude that this site within the Pathfields Industrial estate, and adjacent to an established electricity box, is acceptable for the scale and type of development and to site it elsewhere may result in other Environmental Health, amenity or other risk impacts.

The development would contribute positively towards the provision of a renewable source of energy, which in line with the NPPF and the NDTLP must be supported where there are no overriding material implications of doing so. The scheme seeks to comply with the Governments aims in providing reduced energy tariffs, promoting and contributing towards the integration of renewable energy schemes and reducing the need to invest in conventional generation capacity accordant with NPPF 14 and ST16.

### **Design and Impact on the Street Scene**

Policy ST04 (Improving the Quality of Development) of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 (Design Principles) of the Local Plan requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy DM08A (Landscape and Seascape Character) emphasises that great weight will be given to conserving and enhancing the scenic beauty and character of the designated landscapes and seascapes within the North Devon Coast Area of Outstanding Natural Beauty (AONB).

The site is within the built up area of the Pathfields Business estate which has various large industrial, commercial and office buildings. There is an existing electricity cabinet on the site. this urbanised setting is an acceptable location for the proposal for the following reasons:

#### Scale and mass:

In terms of scale and mass, the proposal would include and concrete base pad and 2 low level structures with battery boxes measuring 2.6 m high and the boundary mesh fencing at 2.4m high. Neither height is excessive, and views of the structures will be localised, at the approach towards the junction from the east and west, and from the businesses to the north. The position of the structures would be within the planted area of the site, on an established hardstanding, and the low level of the structures and surrounding screening will provide a good softening screen form public views.

Given there is an existing substation on the site, the appearance of the second structure appears commensurate in dimensions and appearance, and the siting is a logical location for the unit which would not impact on the character of the area. Siting, desing and materials are considered appropriate.

#### Colour of the structures and fencing:

To reduce the visual impact of the boxes, the LPA asked for details of the colouring of the boxes and fencing, to be coloured dark green and to ensure the established planting around the site can remain.

The applicants agree to the boxes and fencing being coloured a dark green, to help the buildings and fence to be assimilated into the planted backdrop. The green colour would not appear out of context with the business estate or with the existing site. The equipment cabinets are utilitarian in appearance, due to the proposed nature of the use. The colour would be conditioned accordingly in this recommendation

#### Landscaping and Arboriculture:

The combined effect of the Battery boxes, electricity box and fencing would be mostly screened by established vegetation which the applicants confirm will remain. The LPA considered that given the green backdrop, colouring the fencing and the boxes green would further assimilate the structures into the site.

The applicants propose to retain existing vegetation around the site to further soften the appearance of the equipment and confirm that no existing landscaping is required to be removed. The site is below the 25 m<sup>2</sup> Biodiversity Net Gain Threshold and is exempt from the 10 % requirement. Subsequently, the applicants do not propose additional planting due to the constraints of the site, but the site does enjoy good roadside screening which will remain.

The Authorities Arboriculture Officer has considered the position of the equipment and boxes in relation to the established trees and vegetation and has raised no objections, and considered there is no requirements for an Arboriculture report as follows:

*I visited the site at South Molton Pathfields Business Park this morning (13<sup>th</sup> November) for the Battery Box, App No: 79032. I can confirm that an Arb Impact Assessment and Root Protection Plan will not be necessary for this application, apart from the willow growing beside the existing Sub Station, which can be coppiced, it has already been partially coppiced in the past, the other trees are growing from the hedge bank separated by a ditch. The root volume of these trees will be largely confined to the hedge bank and they would be categorised as U's (for removal) in a site survey anyway. The main tree of significance is the oak which is 10m to the east of the Sub Station which is sufficiently far away.*

The proposal would not therefore harm the established vegetation around the site.

On balance, given the moderate scale and height, colouring and landscaping, the amended proposal would be read in context with the appearance and other buildings on the business estate and would be as well screened as practicable. The proposal shows acceptable design accordant with NPPF part 12 and with design policies ST04 and DM04 of the NDTLP.

#### **Amenity**

Amenity is considered in line with policy DM01 and DM04 whereby development will be supported where it would not significantly harm the amenities of any neighbouring use.

Policy DM02 (Environmental Protection) of the Local Plan states development will be supported where it does not result in unacceptable risk to public health and safety, due to gas/particulate, noise or light pollution.

In this case there are no neighbouring residential properties and the impact is considered in terms of local businesses.

No objections have been received.

The proposal will not affect any other use in terms of privacy or impacts on daylight or enjoyment of property. The applicants confirm that the proposal would not require additional security measures such as CCTV or lighting.

The applicants have submitted a noise report. This has been considered by Environmental Health who confirm:

*I am writing further to your recent consultation with Environmental Health on Construction of a micro energy storage facility at Battery Box, Bucknell Way.*

*I have reviewed the technical data supplied and locations plans. I am satisfied that there is no expected environmental impact from the proposal at this location, due to sufficient separation from noise sensitive receptors.*

*In order to reduce the risk of environmental crime, it is recommended that a mesh of similar fencing is used as opposed to an solid infrastructure. Large blank areas can attract graffiti that is mitigated by mesh or railing type fencing.*

*As with similar application I would recommend the Fire Authority is consulted on these application as the battery type may pose a risk, especially if involved in a traffic incident. The proposal will not generate noise, vibration or light to warrant impact to neighbouring users.*

Environmental Health confirm that the proposal will not generate harm to other users from an Environmental protection perspective.

The Fire Service Authority have been consulted and have commented as follows:

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

*DSFSR recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.*

*An emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises.*

*The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to DSFRS.*

*We would also recommend that there is appropriate signage indicating the nature of any firefighting hazards, that accompanies the control measures mentioned in the application.*

The above requests can be secured by way of condition so that prior to the first operation of development the emergency response plan will be provided.

On balance, the proposal will not be considered to significantly harm amenity accordant with DM01, DM02 and DM04 of the NDTLP.

## **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

The area to be developed forms part of an existing tarmac hardstanding, bounded by established trees and hedges. The tarmac area would not house protected species or habitat. The hedges and trees are to remain in situ. The site is Brownfield land and is not known to contain any protected species and is not located within any protected habitat area. The site is not located within vicinity of any protected site or habitat and is not known to house any protected species within this industrial area.

The Sustainability Officer has raised no objections in his consultation commenting:

*With a footprint of 6x4m its De Minimis in terms of BNG and therefore no specific requirements in terms of ecology. The minor loss of roadside verge is not considered to have any impacts on protected species.*

As the box is below 25m<sup>2</sup> it is exempt from BNG requirements.

The proposal would not harm protected habitat, or species and will retain established BNG in accordance with ST14 and DM08.

## **Flood Risk and Drainage**

Policy ST03 (Adapting to Climate Change and Strengthening Resilience) of the Local Plan states development will be supported where it would take account of impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by (among other things) minimising runoff in Critical Drainage Areas.

The site is located in Flood Zone 1 and is not in a Critical Drainage Area.

The proposal would require a concreted base, which would be positioned on an area of existing hardstanding surrounded by permeable surfaces. Surface water from the structure would dissipate into the permeable surface materials. Given the small floor area of the site, the surface water to be generated will be considered negligible.

South West Water confirm that the method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

There are no concerns in respect of flooding or drainage issues for the proposed use.

## **Highways**

Policy DM05 (Highways) of the Local Plan states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

During construction phase, the site will be accessed via an existing access way to the north with minimal disruption to the local highway network. The site would require a small number of HGV movements over a 4 week period. It would be possible to manage the local highway network to enable access for all users during construction phase.

During operation the ESS is operated remotely and will not require daily travel. Traffic movements would comprise incidental maintenance of the site.

DCC Highways have raised no objections to the scheme. As such, the proposal is, subject to condition, considered to accord with policies DM05 of the Local Plan.

## **Other Matters**

South Molton Town Council recommend approval of the proposal.

## **Conclusion**

It is considered that the amended proposal has made the design impacts acceptable, and that the in principle planning balance is in favour of the development given the benefits of such infrastructure and how it aligns with the UK government's Net Zero Strategy accordant with NPPF 14 and ST16 of the NDTLP.

On balance, the benefits of the scheme outweigh the minimal harm to the character of the setting, and that the amended proposal has suitably mitigated concern regarding its appearance and impact on amenity and ecology. The siting of this proposal adjacent to the existing electric substation is appropriate and necessary, and is screened by established vegetation. The design and materials are acceptable, the height and mass of the building is appropriate for the type of proposal and will be assimilated into the business estate.

There are no overriding amenity concerns, and matters of fire risk are conditioned accordingly.

There are no overriding impacts in respect of drainage or highways.

It is therefore considered that the proposed micro energy store is acceptable on balance, having regard to the development and duty detailed above and it is therefore recommended that the application be approved subject to the imposition of planning conditions.

## **Human Rights Act 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property



Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Recommendation**

### **Approved**

Legal Agreement Required: No

## **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Plan 1 Hacche Box Location Plan received on the 22/07/24

Plan 2A Hacche Box Site Layout Plan received on the 14/11/24

Plan 3 Battery Box Standard Floor Plan received on the 22/07/24

Plan 4 Battery Equipment Elevations received on the 22/07/24

Plan 5A Electrical Cabinet Elevations received on the 14/11/24

Plan 6 Battery Box Paladin Fence Elevations received on the 22/07/24

Battery Box noise Assessment received on the 10/09/24

('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

- Cabinets and Battery banks - dark green in colour

- Fencing - dark green in colour

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. There shall be no advertisements (logos, branding etc.) on the site except for any appropriate signage indicating the nature of any firefighting hazards. This Permission does not convey any consent for the display of advertisements or signage for which

the separate consent of the Local Planning Authority may be required under the provision of the Town & Country Planning [Control of Advertisement] Regulations.

Reason:

In the interest the appearance and character of the site and its setting in accordance with policies ST16, ST04, DM04, DM08A and ST09 of the North Devon and Torridge Local Plan.

5. Prior to first use of the development hereby approved the site operator shall prepare an Emergency Response Plan for written approval of the Local Planning Authority which shall include the following details:-

- the hazards associated with lithium-ion batteries;
- isolation of electrical sources to enable firefighting activities;
- measures to extinguish or cool batteries involved in fire;
- management of toxic or flammable gases;
- how to minimise the environmental impact of an incident;
- containment of fire water run-off;
- handling and responsibility for disposal of damaged batteries; and,
- establishment of regular onsite training exercises.

Reason:

In the interests of amenity, to minimise pollution and safety having regard to Policies DM01, DM02 and ST03 of the adopted North Devon and Torridge Local Plan.

6. Should the equipment become disused or redundant, the site shall be cleared, with the land made good, within 3 months of the cessation of use of the development hereby approved.

Reason:

In the interest of the appearance and character of the locality in accordance with policies ST16, ST04, DM04 and DM08A of the North Devon and Torridge Local Plan.

## **Informatives**

### 1. BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be North Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to

use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions

2. In relation to condition 5, it is recommended that the Devon and Somerset Fire and Rescue Services (DSFRS) be provided with a copy of the emergency response plan prior to the first use of the development hereby approved and that the plan be maintained and regularly reviewed by the site operator and any material changes notified to the Devon and Somerset Fire and Rescue Service.
3. **Statement of Engagement**  
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included conditions to secure appropriate materials and in respect of operation of the site and appropriate conditions in respect of use and appearance.