

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 4 JANUARY 2018  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE

6/2017/2340/FULL

LAND AT TOLLGATE FARM, TOLLGATE ROAD, WELHAM GREEN, AL4 0NY

DEVELOPMENT OF A BATTERY STORAGE FACILITY WITH ASSOCIATED  
INFRASTRUCTURE.

APPLICANT: RNA-Energy Ltd

AGENT: AXIS

(Welham Green & South Hatfield)

## **1 Site Description**

- 1.1 The site is located to the south west of Hatfield and comprises 9,600sqm (0.96ha) of arable field forming part of 'Tollgate Farm'. Further agricultural land is located to the south of the site. The A1(M) runs along the eastern site boundary, whilst the northern and western site boundaries comprise a woodland known as Tollgate Wood. Beyond the woodland to the west are a series of small agricultural buildings which have been converted to industrial / workshop units. There is an existing restricted byway (North Mymms 028) that runs along the southern boundary of the site, however the proposed development would not encroach onto this feature.
- 1.2 Approximately 60m north-west of the site, within Tollgate Wood, lies the existing major sub-station. This sub-station would provide the point of grid connection for the proposed development.

## **2 The Proposal**

- 2.1 Full planning permission is sought for the development of a 49.5MW battery storage facility with associated infrastructure. The development would comprise of a series of batteries housed within 25 containers which are proposed to be finished in green. It is also proposed to install a series of energy related equipment within the site complex, this includes:
  - 1no. District Network Operator (DNO) sub-station;
  - 1no. customer switchroom;
  - 25no. pad mounted transformers;
  - 1no. communications cabinet; and
  - 1no. storage cabinet.

- 2.2 The proposed batteries are housed within storage units measuring 12.2m in length by 2.4m in width and 2.9m in height. The units will be sited on a series of raised concrete supports which are 0.2m in height giving the units an overall height of 3.1m. The compound, containing all elements of the aforementioned development except for the DNO sub-station, would be enclosed by a 2.4m high weld-mesh style perimeter fence, also finished in green. A series of CCTV cameras are proposed to be mounted on four monopoles each 2.4m in height.
- 2.3 At times of low demand for electricity, where generation exceeds demand (typically during the night-time), the facility would capture this excess energy from the grid and store it in the battery cells. This energy would then be rapidly (within a matter of milliseconds) released back into the grid, at times when energy demand outweighs supply. Additional detail regarding the operation of the facility is included within the Planning Statement.
- 2.4 The grid connection for the proposed development would be installed below ground and would be undertaken by a statutory undertaker, under their permitted development rights. Accordingly, planning permission is not sought for this element of the proposal and this area is not included within the planning application site boundary.
- 2.5 Access to the compound is provided via a set of gates located off a dedicated access track which would be located to the south west of the development. The gates would remain locked at all times, except when access is required for servicing and maintenance vehicles. The proposed access is located so as to link the site to the existing internal access tracks associated with Tollgate Farm. Access to Tollgate Farm is located directly off Tollgate Road.
- 2.6 The application is supported by a comprehensive landscaping scheme. This is proposed to comprise circa 5,410sqm of native woodland planting to the north, east and south of the compound; and circa 750sqm of conservation grassland to the south-west and west of the compound.
- 2.7 Consent for the development is sought for a temporary period of 20 years. Following this timeframe and the cessation of energy operations at the site, all energy related equipment would be removed, and the site would be fully restored to its present use and condition.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor Paul Zukowskyj has called it in for the following reason:

*“This application raises unusual and sensitive planning issues, in that the facility is within the green belt and may have an adverse impact on the green belt, but may have very special circumstances in its favour that could allow it to be granted permission. I think these issues need to be aired at committee to give residents and the applicant the opportunity to discuss the merits and demerits of the application in an appropriate forum.”*

## **4 Relevant Planning History**

4.1 Application Number: 6/2017/0702/MAJ

Decision: Refused

Decision Date: 6 July 2017

Proposal: Development of a battery storage facility with associated infrastructure

Reason for refusal:

- 1. The scale and nature of the proposed development is harmful to the openness and visual amenity of the Green Belt, in both its physical and visual aspects, and conflicts with the purposes of including land within the Green Belt by encroaching into the countryside and failing to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal represents inappropriate development within the Green Belt. The applicants have failed to demonstrate that there are very special circumstances sufficient to outweigh such harm or that there are no technically feasible less harmful alternatives to the scheme proposed. The development therefore fails to comply with the objectives of Saved Policies GBSP1, GBSP2, D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2012.*

## **5 Planning Policy**

5.1 National Planning Policy Framework 2012 (NPPF)

5.2 Welwyn Hatfield District Plan 2005 (Local Plan)

5.3 Draft Local Plan Proposed Submission 2016

5.4 Supplementary Design Guidance 2005

5.5 Supplementary Planning Guidance, Parking Standards 2004

5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014

## **6 Site Designation**

6.1 The site lies within Green Belt and the Mimmshall Valley Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

7.1 The application has been advertised by press advert, site notice and neighbour notification letters. In total 23 representations have been received which may be summarised as:

19 supporters:

- Need to provide reliable electricity supply for thousands of new homes
- Need to support the move to electric vehicles
- Growing reliance on the electricity network and renewable sources

- Stability and security of supply is vital
- Government committed to reducing carbon emissions and pollution
- Renewable energy supply cannot match demand without the help of new technologies such as the proposed battery facility.
- Need to use the sustainable electricity generated as efficiently as possible by managing supply
- Storing electricity when it's generated for use when it's needed makes complete sense.
- The site will balance the electricity supply, help to reduce overload, reduce fossil fuel use, carbon emission and help harness renewable energy.
- The site is not visible from public roads, only glimpsing views from the A1(M) which will be screened by new planting
- The site is not visible from any local residences
- Development will blend into the woodland
- New planting should be retained after the 20yr time limit has expired
- The benefits of the development outweigh the harm to the Green Belt
- The site is next to a substation which is the only one in the area that can accommodate battery storage
- Access to the site via Tollgate Farm should not significantly increase traffic flow or cause any parking issues.
- The facility will not produce light, noise or any other pollution
- Additional tree planting will be good for wildlife
- We need to support innovative and sustainable ways of providing our energy needs
- We need to recognise that no energy solution is perfect, there will always be issues and concerns, but the days of NIMBYism have to end - shifting the problem elsewhere is never the answer

#### 2 objectors:

- The proposal is clearly inappropriate development
- No case for Very Special Circumstances sufficient to outweigh the harm to the Green Belt and other harm, has been demonstrated
- Particularly concerned about this proposal because of the undisturbed open landscape character of this site and all the neighbouring land to the south and west.
- There is no visual connection between the site and the nearby electricity sub-station from which it is screened by woodland, and this makes the location particularly unsuitable for the proposed electricity storage facility.
- The applicant has not demonstrated that there is no acceptable alternative site that would have a less harmful impact on the Green Belt
- The site is located in a vulnerable open area of land to the south of Roestock and the edge of Hatfield.
- The development would have a harmful impact on the openness of the Green Belt in this particular location.
- As with the previous application, no technically-feasible, less harmful alternatives to this scheme have been identified.

- Concern that, if permitted, the development would create a precedent for the energy related projects along the A1(M)
- An application submitted to Hertfordshire County Council to introduce battery storage to the Anaerobic Digestion Facility at Coursers Farm, Colney Heath - there are two applications for battery storage sites within one mile of each other and that this should be taken into account.

2 comments including Colney Heath Parish Council:

- We have no objections to this planning application.
- It appears to be adequately hidden from all dwellings and should not affect the surrounding area adversely.
- The principle of storing excess electricity seems a good one.
- Concerned about Highways and traffic matters particularly during construction and the possible impact on Colney Heath Village.
- It is requested again that a replanting scheme post removal is agreed at least in principle and is a condition if permission is granted.
- Colney Heath Parish Council would like all HGV Routing to be discussed and the route confirmed with the Highways Authority through the CTMP which has been proposed as a condition.
- Matters in relation to a possible fire have been resolved satisfactorily and in conjunction with the advice of the Fire Service.”

## **8 Consultations Received**

- 8.1 No response has been received from St Albans City and District Council or The Ramblers Association. Comments were due by 8<sup>th</sup> November 2017.
- 8.2 No objections have been received in principle from statutory consultees, subject to conditions. The consultation responses received are summarised below, and where appropriate expanded upon in later sections of this report.
- 8.3 Hertfordshire County Council Transport Programmes and Strategy; and Hertfordshire Ecology– No objection subject to suggested conditions and/or informatives.
- 8.4 Historic England; Hertfordshire County Council Lead Local Flood Authority; Hertfordshire County Council Rights of Way; and Welwyn Hatfield Borough Council Landscape and Ecology Team – No objection

## **9 Parish Council Representations**

- 9.1 *“North Mymms Parish Council support this proposal as we recognise the necessity to have a renewable energy storage facility. The application is also supported by the proposed landscaping details which will screen the battery units.”*

## **10 Analysis**

- 10.1 The main planning issues to be considered are:

1. **The principle of the development within the Green Belt (R1, SD1, GBSP1, RA10, D1, D2, D8 & NPPF)**
2. **Impact on residential amenity and living conditions (Local Plan Policies D1, R18, R19, R20, SDG & NPPF)**
3. **Access, car parking and highway considerations (Local Plan Policy M14 & NPPF)**
4. **Other material planning considerations**
  - i) **Protected species (R11 & NPPF)**
  - ii) **Agricultural land (RA15 & NPPF)**
  - iii) **Light pollution (R20 & NPPF)**
5. **Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances**

## **Background**

10.2 Following refusal of the last scheme earlier this year on Green Belt grounds, RNA Energy has revised the original scheme, which comprised a 49.5MW storage facility with 38 shipping style containers; to a smaller scale facility. This would still have 49.5MW of storage capacity, but based upon an alternative technology provider's solution, can be housed in 25 shipping style containers. In short, it offers the same level of benefit whilst significantly reducing the number of containers. The revised scheme also incorporates more extensive landscaping to further mitigate any perceived harm to the openness and visual aspects of the Green Belt. Additional supporting information has also been submitted, including a Landscape Visual Impact Assessment and Grid Connection Analysis.

### **1. The principle of the development within the Green Belt**

- 10.3 The main issue for consideration is whether the impact of the development is acceptable in the Green Belt location. The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.4 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.5 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; the effect on the purposes of including land in the Green Belt; the effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

### Appropriateness

- 10.6 The site lies within the Metropolitan Green Belt. The NPPF indicates at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified exceptions. There are no relevant exception in this case and, as such, the proposal represents inappropriate development. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed development.

### Purposes of including land in the Green Belt

- 10.7 It is necessary to consider whether the proposal would result in greater harm to the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 80 of The Framework states that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.8 Regarding the first and second purpose the site is located in an open area of the countryside would not attract additional development to locate with or beside it. The site does not form part of a large built up area and, therefore the development would not encourage sprawl or cause the merging of towns.
- 10.9 Regarding the third purpose, this proposal would develop the site and any development within the Green Belt would impact upon its openness and as the proposed scheme is inappropriate development by definition, it would not safeguard the countryside from encroachment. The proposal does not satisfy the third purpose of including land within the Green Belt and would have a greater impact upon openness and permanence.
- 10.10 The site is not within, or adjacent to, an historic town therefore satisfying the fourth purpose.
- 10.11 The fifth purpose encourages urban regeneration and the recycling of derelict land. The land is not derelict land and is located in a rural location outside of existing urban development boundaries, therefore fails to assist in urban regeneration contrary to the final bullet point in paragraph 80.

### Openness, character and appearance

- 10.12 There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. The physical presence of any above ground development

would to some extent diminish the openness of the Green Belt regardless of whether or not it can be seen.

- 10.13 Notwithstanding the above, it is acknowledged that openness goes beyond physical presence and that in the visual sense openness is a qualitative judgement pertaining to the whole, including disposition of buildings, footprint, height, bulk, mass, landscape and topography.
- 10.14 The Planning Statement affirms that the proposed development has been designed to be located within the absolute smallest area that is required to ensure the safe operation of a battery storage facility. It goes on to state that the height of the facility has been kept to the minimum possible, having a maximum height of no more than 3.66m, although the majority of structures would be between 2.4 – 3.1m in height. All of the structures would be finished in a dark green colour which, can be controlled by condition. Notwithstanding the above, the scale and spread of development proposed represents the introduction of a significant amount of built form and physical permanence over a wide area of previously undeveloped farmland, albeit only a small proportion of the field within which the proposed development would be located would be affected.
- 10.15 Turning to the effect of the development on the appearance and character of the surrounding area. The site is defined by its wooded and open farmland character which is confined to the east by the A1(M). Although the visual impact of the motorway is softened to a degree by the planting which has become established on the verge, it is nevertheless a significantly intrusive feature in the landscape. Whilst it is acknowledged that the construction of the A1(M) has already caused harm to the landscape in this vicinity, this harm does not justify further development which would add significantly to that harm.
- 10.16 Unlike the previously refused application (ref: 6/2017/0702/MA), this application is supported by a Landscape and Visual Impact Assessment (LVIA). The landscape planting and management proposals are illustrated on drawing 2066-01-06, and described in Section 1 of this LVIA, have been developed with the intention of mitigating against potentially adverse landscape and visual effects. A belt of new native species woodland planting would enclose the facility to the north, east and south. This planting would be partly located on a 1m high earth bund (created using site-won topsoil). The bund would be located to the east and south of the facility, and would enhance the screening effects of the new planting in views from the south-east. Existing mature woodland is located to the west and north-west of the facility, and no new planting is proposed along this boundary
- 10.17 The LVIA document includes photomontages illustrating the change in view that would occur from various viewpoints. The photomontages illustrate how the proposed development would appear at the time of opening (Year 1), five years after opening (Year 5), and ten years after opening (Year 10). The Year 5 and Year 10 photomontages show the screening effects of proposed woodland planting. As a conservative estimate of growth rates, new woodland planting of the height and species proposed can be expected to reach



approximately 2.5m within five years, and approximately 5m within ten years, and the photomontages reflect this.

- 10.18 The LVIA concludes that the proposed development is relatively small in scale, and would be located in close proximity to far more prominent existing features, including the A1(M) motorway and associated traffic, and a series of electricity pylons that converge on the nearby substation. Tollgate Wood would wholly screen visibility from the north and west, and other vegetation would restrict visibility from locations east of the motorway. Clear views would be available from the open field to the south, but in the context of motorway infrastructure. New woodland planting located around the perimeter of the proposed development would provide comprehensive screening in the medium to long-term (within five to ten years), and the site would appear as an extension to Tollgate Wood. Initially, there would be a significant adverse visual effect from the byway immediately south of the site, which would become beneficial as new woodland develops. Other visual effects, and effects upon the landscape fabric and upon landscape character would not be significant.
- 10.19 The harm to the green belt is in part mitigated by the proposed landscape planting and the topography is such that the site is not highly visible over medium to long distance views, as demonstrated in the landscape and visual analysis accompanying the application. The site is, however, highly visible in the immediate vicinity as viewed from the public footpaths to the south and in fleeting views from the A1(M). Nevertheless, the harm would be temporary, and as the new planting matures, this would eventually enhance the Landscape Character Area as required by Policy RA10.
- 10.20 Having considered the two principal facets of Green Belt openness, it is considered that the proposed development would have some limited impact on the physical openness of the Green Belt, albeit not on a permanent basis. In terms of perceived / visual openness, the impacts would be localised and temporary in nature. Furthermore, when perceived, this would be against the backdrop of the significantly developed A1(M) corridor. It is therefore concluded that the overall impacts upon the openness, character and appearance of the Green Belt is limited.

## **2. The impact on the residential amenity of neighbouring occupiers**

- 10.21 The nearest residential property to the site is located approximately 400m west off Tollgate Road. There are several other isolated residential dwellings located beyond this, most of which form part of agricultural enterprises. The residential area of Roestock is located approximately 570m north west of the site and the main residential area of Hatfield lies approximately 690m north of the site. The proposed facility is entirely emission free and noise levels produced are very low in nature. Due to the proximity of the Site to the adjacent A1(M), coupled with the distance to the nearest residential dwelling, no impacts in respect of noise would occur. Furthermore, the facility will not emit any dust or odour.

- 10.22 The proposed development does not include any artificial external lighting. All maintenance and serving of the facility would be undertaken during daylight hours, therefore negating the requirement for any artificial lighting.
- 10.23 In this respect, no objections are raised with regard to Local Plan Policy D1, R18, R19 the SDG or the NPPF.

### **3. Access, the impact on the highway network and parking provision**

- 10.24 The site is situated on Tollgate road taking vehicle access through the existing Tollgate farm access routes. Tollgate road is a local distributor road and there have been no accidents reported in the previous five years relating to the sites use or its access arrangements.
- 10.25 There would be a very minimal increase in traffic associated with the operation of the site. Due to the automated nature of the development and its limited operational requirements visits by a single engineer are only anticipated on a monthly basis.
- 10.26 Hertfordshire County Council Transport Programmes and Strategy have been consulted and did not object to the proposed development subject to suggested conditions and informatives.
- 10.27 Construction work for the site could impact upon highway safety (debris onto road surface) and capacity (construction traffic), therefore a condition requiring a Construction Management Plan is suggested to address this. The condition would also include a construction vehicle routing agreement to ensure vehicles travel to and from the site via the least sensitive route (i.e. not through Colney Heath); site access arrangements; the management of crossings of the public highway and other public rights of way and provision sufficient on-site parking prior to commencement of construction activities.
- 10.28 Subject to the suggested condition, the proposal is considered to be acceptable and no objections are raised with regard to Policy M14 of the Welwyn Hatfield District Plan and the NPPF.

### **4. Other material planning considerations**

#### *i) Protected species*

- 10.29 The presence of protected species is a material consideration, in accordance with the NPPF (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 (and amended) as well as Circular 06/05. Furthermore, Policy R11 requires developments to contribute positively to biodiversity.
- 10.30 Hertfordshire Ecology were consulted and did not object to the proposal subject to suggested conditions. The application site itself does not have any protected trees or hedgerows and, although the site may attract wildlife, there are not any records of protected or endangered species.

10.31 The application is supported by an Ecological Appraisal (Technical Note 1, by Argus Ecology Ltd, June 2017). The Ecological Appraisal is based upon the fact that the proposals avoid any feature of nature conservation interest. Also, that there is no potential for significant indirect effects on the adjoining woodland Local Wildlife Site because of the separation from the woodland margins; it will be unlit; it will not lead to a significant increase in human disturbance aside from a relatively short construction period; and it does not produce any emissions to air or water. It must therefore be ensured that construction avoids any effects on the trees and woodland habitat. This should be done through a Method Statement which can be conditioned. Subject to suggested condition, the proposal is considered to be acceptable and no objections are raised with regard to Policies R11 and R20 of the Welwyn Hatfield District Plan and the NPPF.

*ii) Agricultural land*

10.32 Policy RA15, seeks to protect the best and most versatile agricultural land within the Borough from development not associated with agriculture or forestry, or development that would undermine the use of land for those purposes. The site is understood to comprise Grade 2 agricultural land. Whilst it is acknowledged that the Proposed Development would result in the temporary loss of some good quality agricultural land, it would not unduly impact upon the continued agricultural use of the remainder of the landholding. The site occupies a small acreage of the overall extent of land that makes up Tollgate Farm and, following the cessation of energy related activities at the site, all infrastructure would be removed and the agricultural land could, in theory, be restored to its former quality. Accordingly, the development would not result in the permanent loss of agricultural land or compromise its future use for agriculture. Therefore, in consideration of the above factors, the proposal is considered acceptable within the provisions of Policy RA15.

*iii) Light pollution*

10.33 Policy R20 seeks to minimise light pollution in new developments through the limited provision of artificial light (e.g. external lighting and floodlighting). The Policy wording notes in particular that: *“Artificial light can change the character of the countryside at night by creating the impression that it is urbanised, and thereby harm the character and openness of the Green Belt.”* The Proposed Development does not include any artificial external lighting. All maintenance and servicing activities would be undertaken during daylight hours, therefore negating the requirement for any artificial lighting. The requirements of Policy R20 are therefore satisfied. To avoid any potential for light pollution in the future, a planning condition is suggested.

**5. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances**

10.34 It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt. The

NPPF indicates that substantial weight must be attached to inappropriate development by reason of its inappropriateness. The development would cause some harm to the physical and visual aspects of openness of the Green Belt and would result in the encroachment of built form into the countryside and would fail to assist in urban regeneration, conflicting with two of the five purposes of including land within the Green Belt. However, the visual aspect of the harm to the Green Belt is in part mitigated by the proposed landscape planting. Further, the development is not permanent and is fully reversible. Accordingly, the nature and design of the proposal ensures that the impact on perceived openness is both minimised and mitigated. For these reasons, only limited harm is attributed to these factors, which is added to the substantial harm by reason of inappropriateness.

- 10.35 The proposal would comply with national and local planning policies in terms of other material planning considerations associated with this development subject to appropriately worded conditions. A lack of harm to character and appearance of the wider area, to residential amenity, highways and protected species are considered to be neutral factors.
- 10.36 The applicants have set out their case for the very special circumstances required to justify the development in paragraphs 6.4.19 – 6.4.25 of their Planning Statement. In summary the batteries are required to provide storage of electricity, increasing the flexibility of the Grid to respond to fluctuations in energy demand. This increased flexibility is required to support the Government's target of reducing carbon emissions which will be achieved through the decommissioning of carbon intensive plants and delivery of low carbon generation i.e. wind and solar; low carbon generation being inherently inflexible in relation to when they generate electricity.
- 10.37 Paragraph 91 of the NPPF states that "*elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*".
- 10.38 Paragraph 98 requires local planning authorities to recognise that even small scale projects for energy development provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable, unless material considerations indicate otherwise.
- 10.39 Whilst the proposed development is not for energy generation, it is accepted that it will support these aspirations through storing energy for release when it is needed, providing increased flexibility to the network and supporting the transition to low carbon and renewable energy.
- 10.40 Having established that there is a clear benefit to the proposal and that this can be considered to form part of the very special circumstances, the next step has been to assess alternative locations for the proposed development.

The applicant has provided substantial information regarding the location of the proposed and an assessment of alternatives.

10.41 Battery storage facilities (BSF) can only be delivered where site conditions are favourable, and a series of criteria are satisfied. These can be summarised as follows:

- Battery facilities must be located proximate to an existing sub-station to minimise transmission losses. As BSFs both export and import energy from / to the grid, transmission losses occur during both the import and export phases, therefore resulting in double the impact of any losses that occur. Accordingly, the further a BSF is from the connecting sub-station, the less efficient it becomes.
- Grid connection (i.e. linking the BSF to the sub-station) is one of the major project costs. The linear cost per metre varies significantly with the key factors including, but not being limited to:
  - Whether the cable trench is 'soft dig' (e.g. in a grass verge or field);
  - Whether the trench is 'hard dig' (e.g. within a surfaced highway or through an urban area);
  - The degree of interface with other buried services;
  - Whether there are third party costs in securing a wayleave or easement through private land, or whether the cable can be laid in the public highway; and
  - The requirement to hydraulically directionally drill under route constraints, such as crossing under a motorway or river.
- The costs can vary from around £25 to £200 per linear metre, without any allowance for third party wayleave or easement costs.
- In addition, in overall terms, the closer the energy storage site is to the sub-station, the less the potential is for disturbance during the cable installation (e.g. to motorists if laid along a highway); and the less the potential for any environmental impacts.
- BSFs must be located close to an existing sub-station that has capacity to both export and import the requisite amount of electrical energy. Pressure on the grid results in significant constraints on the availability of sites (UK wide) which are able to import and export energy from the grid and have sufficient grid connection capacity. In essence, whilst there are a reasonable number of sub-stations that can export power, the number that can import power is particularly limited.
- Finally, BSFs can only be delivered where there is land available for purchase / lease for the development, at reasonable and acceptable commercial terms.

- 10.42 With regard to the fifth bullet point above, an assessment of the grid connection potential within the Borough has been undertaken. The technical report, (Planning Statement Appendix 4-1) has established that the only viable grid connection option for battery energy storage projects within the Borough of Welwyn Hatfield is the connection that has been offered to the Tollgate Farm site for connection into the Hatfield Grid.
- 10.43 Whilst the site at Tollgate Farm benefits from being directly adjacent to the sub-station with capacity to support the proposed facility, it is located within the Green Belt. This factor means that it is important to demonstrate that there are no suitable non-Green Belt sites, or preferable sites within the Green Belt exist. To this end, an Alternative Site Assessment (ASA) (Planning Statement Appendix 4-2) has been undertaken to establish whether any such sites exist.
- 10.44 The ASA comprised two distinct stages and considered a total of 43 potential sites within the pre-determined 3km search radius of the sub-station. The ASA concluded that there are only 3 potentially suitable sites within the 3km search radius that could accommodate the proposed facility, and that all are located in the Green Belt. Tollgate Farm is the most 'suitable' and available site within the Green Belt.
- 10.45 The Grid Connection Analysis and Alternative Site Assessment have been reviewed by Officers and their conclusions are accepted as reasonable and appropriately evidenced. Thus, there are specific locational requirements associated with the proposed development.
- 10.46 Since this application was submitted, Hertfordshire County Council have received an application to accommodate battery storage on an already developed Anaerobic Digestion facility at Coursers Farm, Colney Heath (Hertsmere Borough Council). Having reviewed the planning documentation associated with this development, it is apparent that the facility generates circa 3MW of electricity which is exported to the grid via an existing connection. The currently undetermined application (amongst other elements) seeks to introduce just 4 battery storage containers within the existing developed site. The batteries within the container would likely store energy to enable the facility to be self-sufficient, as well as providing balancing services to the grid, but the exact electrical and commercial arrangement is not known. In any event, the proposed development at Tollgate Farm is significantly larger in scale than Coursers Farm facility and therefore would have a much greater benefits.
- 10.47 The various national and local benefits arising as a result of the proposed development and the locational requirements for such a development demonstrate that in this case, weighing all the above in the balance, there are very special circumstances for the proposed development which outweigh the harm to the green belt.

### **Conditions**

- 10.48 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning

permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

- 10.49 In terms of limiting the planning permission to 20 years applied for, the Planning Practice Guidance (PPG) indicates that where the proposed development complies with the development plan, as is the case here, a condition limiting the use to a temporary period would rarely pass the test of necessity. Accordingly, a condition which restricts the time period of the operation of the development has not been suggested, but rather one which requires that at the end of the operational life of the battery storage facility, the site and associated infrastructure should be decommissioned and the land reinstated in the interests of the openness, character and appearance of the Green Belt.

## **11 Conclusion**

- 11.1 Saved Policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the 'golden thread' running through the Framework which is the presumption in favour of sustainable development (para. 14). The Framework outlines, in its introduction, three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (paras. 7-8).
- 11.2 The proposed development presents an opportunity to reduce carbon emissions by storing and making use of surplus electricity. This would support efforts to use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 11.3 Whilst the proposed development is not for energy generation, it is accepted that it will support energy supply through storing surplus energy for release when it is needed, providing increased flexibility to the network. This in turn would support efforts to use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including the transition to a low carbon and renewable energy economy.

- 11.4 The Planning Practice Guidance (the Guidance) for renewable and low carbon energy provides advice on the planning issues associated with the development of renewable energy. The Guidance is clear that increasing the amount of energy from renewable and low carbon technologies is important because it will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The Guidance is a material consideration in the determination of planning applications for renewable and low carbon energy and should be read alongside the NPPF.
- 11.5 Decentralised energy promotion is also a key policy theme in the NPPF, which requires local authorities to identify and plan for opportunities for decentralised energy systems. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
- 11.6 While benefits of renewable energy with respect to reduced environmental impacts are clear, the exact contribution to social and economic development is more ambiguous. In relation to the economy, the proposed development would make a contribution in the short term through the provision of employment and the sale of materials associated with the construction of the pipeline. In the longer term economic benefit would derive from enhancing energy security and actively promoting structural change in the economy. The development would encourage growth in the electricity storage industry by making a small but valuable contribution in terms of supporting advances in technology and the economies of scale. This accords with the Government's ambition to position the UK to become a world leader in flexibility and smart technologies, including electricity storage. In terms of a social role, the ability to generate reliable and affordable electricity can contribute to the goal of reducing fuel poverty. This can be considered to enhance comfort, health and wellbeing
- 11.7 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas. In this instance, the combined benefits of the proposed development meet the three strands of delivering sustainable development as required by the NPPF,
- 11.8 Notwithstanding the identified harm to the Green Belt, when all of the factors, set out above, which are all material considerations, are taken together, the Officers' view is that the test in paragraph 88 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.
- 11.9 The proposal has also been considered in terms its impact on the highway, residential amenity, protected species, agricultural land and light pollution and is considered acceptable subject to conditions.



## **12 Recommendation**

12.1 It is recommended that planning permission be approved subject to the following conditions:

1. Within 6 months of the end of the operational life of the battery storage facility hereby approved the plant shall be decommissioned, all items, structures, hardcore and any underground apparatus or concrete shall be removed from the site within the red line application site and the land shall be subsequently restored to its undeveloped state in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: The site and associated infrastructure should be decommissioned and the land reinstated in the interests of visual amenity and the openness, character and appearance of the Green Belt in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. With the exception of a concrete base, any above ground building and/or structure shall be finished externally in a dark green colour and must thereafter be maintained in that colour.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan must include details of:

- a) Site access arrangements
- b) Construction and storage compounds
- c) Provision of sufficient on-site parking prior to commencement of construction activities;
- d) Construction vehicle numbers, type, routing;
- e) Timing of construction activities to avoid school pick up/drop off times;
- f) Traffic management requirements;
- g) The management of crossings of the public highway and other public rights of way;
- h) Siting and details of wheel washing facilities;
- i) Cleaning of site entrances, site tracks and the adjacent public highway; and
- j) Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. No development shall take place (including any ground works and site clearance) until a method statement for all recommendations listed with the Ecological Appraisal (Technical Note 1, by Argus Ecology Ltd, June 2017)) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
  - a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant); and
  - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

5. All planting seeding or turfing and soil preparation comprised in the approved details of landscaping (Drawing No. 2066-01-06) must be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development involving an alteration to the means of enclosure set out in the approved drawings, which shall be carried out in full prior to the first use of the development hereby approved, shall be undertaken under Class A of Part 2, Schedule 3 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended, or revoked and replaced) unless agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of the development in the interests visual amenity and the openness of the Green Belt in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. No floodlighting or other form of external lighting shall be installed.

REASON: To avoid any potential for light pollution, in the interests of wildlife and ecology, visual amenity and the openness of the Green Belt in accordance with Policies R20 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. The development/works shall not be started or completed other than in accordance with the approved plans and details:

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>             | <b>Received Date</b> |
|--------------------|------------------------|----------------------------|----------------------|
| 2066-02-03         |                        | Proposed Site Layout       | 12 October 2017      |
| 2066-02-04         |                        | Elevations (with Fence)    | 16 October 2017      |
| 2066-02-05         |                        | Elevations (without Fence) | 16 October 2017      |
| 2066-01-06         |                        | Landscape Design           | 12 October 2017      |
| 2066-02-07         |                        | Illustrative CCTV System   | 16 October 2017      |
| 2066-02-02         |                        | Location Plan              | 12 October 2017      |
| 2066-02-01         |                        | Location Plan              | 12 October 2017      |

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

### **Summary of reasons for grant of permission**

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

### **Informatives**

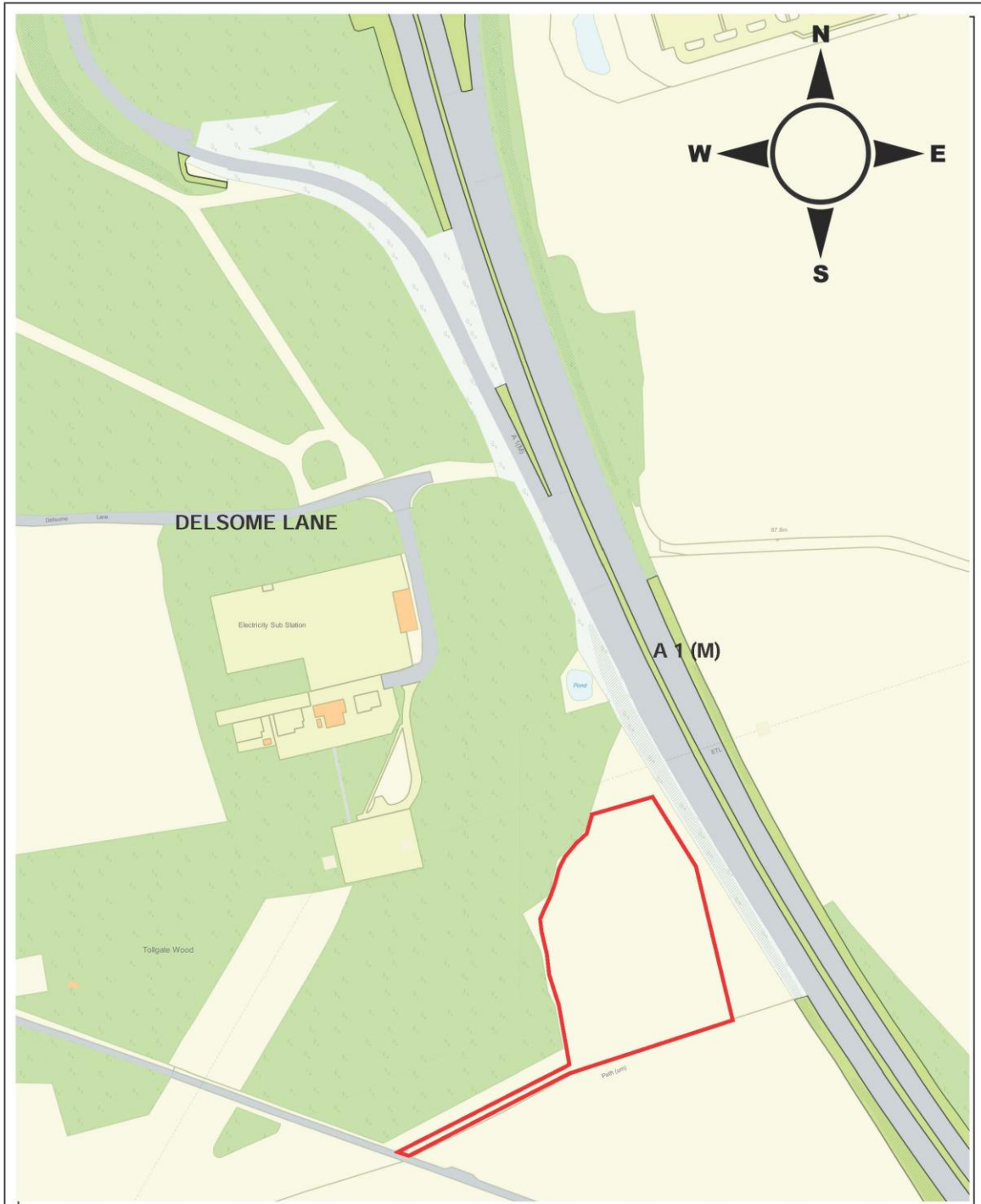
1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. It is an offence to take or disturb the breeding or resting location of protected species, which include (although not exclusively) all bats, wild birds and Badgers. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; or a suitably qualified ecologist.
3. The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, the location should be

cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have fledged.

4. Biodiversity enhancements should be considered and could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, green roofs, wildflower / wetland / pond areas, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mark Peacock (Development Management)

Date: 18/12/2018



Council Offices, The Campus  
Welwyn Garden City, Herts, AL8 6AE

|   |  |                    |
|---|--|--------------------|
| Title: Land at Tollgate Farm Tollgate Road Welham Green |  | Scale: DNS         |
| Project: DMC Committee                                  |  | Date: 2018         |
| Drawing Number: 6/2017/2340/FULL                        |  | Drawn: Ida Moesner |

© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2017