Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0054
Land West of Kent Street, Kent Street, Cowfold, West Sussex,

DESCRIPTION:
Installation of Battery Energy Storage System with associated infrastructure

RELEVANT PLANNING HISTORY:

None relevant

SITE AND SURROUNDS
The application site is approximately 3.4ha in area and lies on the western side of Kent Street. The site takes in the western half of a wider field parcel, and includes the southern stretch of Kent Street up to the district boundary line with Mid Sussex. The red line then continues along a section of Wineham Land and Bob Lane, and up to the Bolney Sub-station which lies in the adjacent Mid Sussex district. The site sits within Cowfold Parish, with part of the cable link to the Bolney Sub-station falling within Shermanbury Parish.

The application site is set within a larger sloping agricultural field parcel which rises to the north where the site abuts the field boundary and a PROW (Footpath_1787). A woodland parcel, part of which is covered by an Ancient Woodland designation (Taintfield Wood) sits off the northwest corner of the field. Further tree belts define the field parcel's eastern, southern and western edges, with mapping data revealing a number of ponds in close proximity to the site. At the time of the officer's site visit (Feb 2024), it was noted that vegetation had been cleared along the site's southern boundary and that the trees had also been subject to some pruning work and crown lifting, resulting in a clear view of the site being available from King's Lane to the south.

An overhead transmission line runs diagonally through the site with a pylon situated in the wider field to the east of the application parcel.

A localised PRoW network is noted within the immediate vicinity of the site, with wider connections beyond:

- FP_1790, FP_1789 and FP_1791 adjoin Kent Street from the east
- Bridleway_1730 runs along King's Lane to the south
- FP_1787, FP_1783 and FP_1775 all run in a north-south direction to the west of the site
- FP_1788 and FP_1786 both connect to FP_1787 which runs to the north of the application site

Kent Street is a D-class narrow single-lane rural road that runs from Cowfold Road (A272) to the north, to Wineham Lane in the east (C-class Road). There are a number of residential and agricultural properties within a 400m radius of the site, including the following grade 2 listed buildings: "Kings" approximately 100m to the southeast of the site, and "Lydford Farmhouse" approximately 300m to the west of the site.

The site lies within the defined Landscape Character area J3 (Cowfold & Shermanbury Farmlands) as set out in the Council's 2003 Landscape Character assessment.

Land some 240m north of the application site is currently subject to an Nationally Significant Infrastructure Project (NSIP) planning application being considered in association with the Rampion 2 windfarm expansion works, with the site earmarked for the on-shore substation. Works access to this land parcel is indicated to come directly off the A272 to the north, but the associated cable route would involve land parcels along Kent Street. The land to the east of this current application site within the same wider field parcel is designated as part of this underground cable run. Within the NSIP Development Consent Order, the plans list sections of boundary vegetation, trees and hedgerows which are to remain unaffected by the proposed works, and sections which may be necessary to be removed. The details note that hedgerows and vegetation alongside King's Lane may need to be removed (H481 and H482), as well as the vegetation along the field boundary to the north of the application site (H497 on the associated Rampion 2 drawings). The details also reveal that the eastern boundary hedgerows alongside Kent Street are not envisaged to be affected / removed. The submitted details also show a potential temporary diversion of PRoW FP_1787 to the south of its current line.

DETAILED DESCRIPTION

Within the wider application red line boundary, a smaller area of some 0.7ha is to be occupied by the proposed 57MW BESS installation (Battery Energy Storage System), for a temporary duration of 40 years.

The works include the installation of the BESS site, along with associated infrastructure of a 4m high acoustic fence (green), CCTV cameras (2.5m – 3m poles), two access routes from Kent Street (one of which is an emergency access only), water storage area (comprising 4 x 10,000 litre tanks or 2.4m dia x 2.6m), hard-surfacing / access and concrete plinths. Other infrastructure includes:

- 'Linked' Lithium-ion batteries housed in shipping containers (or similar), each measuring 12.2m x 2.4m x 2.9m (h). Each unit would include safety systems, firefighting systems and automatic shut off controls - 46 units shown
- Inverter / transformer units and cooling equipment would be positioned within the site, housed within containers measuring 6.1m x 2.4m x 2.9m (h) – 23 units shown
- On-site sub-station switch-room (11.7m x 4m x 3.9m [h]) and a control room (6m x 3m x 3.9m [h]) – 1 of each
- Underground cabling within the site and along Kent Street and Wineham Lane to link the site to the Bolney Sub-station.

The Design and Access Statement refers to the site being manned 24-hours a day to quickly respond to any emergencies during construction (envisaged to take 6 months), but once operational, only regular monthly maintenance visits would be undertaken.

Landscaping and biodiversity enhancements are set out to include retention of blackthorn scrub to the western side, retained native / species-rich hedgerows along the east and south sides, a new species-rich hedgerow along the southern fenceline of the installation, and along the northern site boundary (aligned south of the PRoW FP_1787), new 'rural' trees planted within the northern part of the site, and the formation of a new field pond along the southern side of the installation to accommodate water run-off.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham District Local Plan (2023-40) (Regulation 19)
Strategic Policy 1: Sustainable Development
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 31 – Rural Economic Development

Cowfold Neighbourhood Plan
The Cowfold Neighbourhood Plan has progressed through Examination but cannot proceed to Referendum on account of Water Neutrality and the Habitat Regulations. Relevant policies:
Policy 1 - Groundwater and Surface Water Flood Risk
Policy 2 - Green Infrastructure

Wineham and Shermanbury Neighbourhood Plan (June 2017)
Policy 1: Flood Risk
Policy 2: Protect and Enhance Biodiversity
Policy 3: Heritage Assets
Policy 4: Location and Setting
Policy 10: Parking

Planning Advice Notes:
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS
HDC Landscape Architect: Objection

HDC Conservation: Advice

HDC Environmental Health: Comments (further details required)

OUTSIDE AGENCIES
WSCC Highways: Advice (conditions advised)

WSCC PRoW: No Objections (conditions / informatives advised)

WSCC Fire and Rescue: Advice

NatureSpace: Holding Objection (further information required)

Cowfold Parish Comments: Objection
[Summary]

- Cowfold remains primarily a rural parish
- Vehicular access to the site is through single-carriage lanes with no designated passing paces – unsuitable during construction phase, for later inspection and maintenance traffic and for emergency access
- Siting a BESS, described as an emergent technology, close to extant dwellings is putting those residents at heightened risk both during the construction phase and in the longer term – volatility and inherent risk of a thermal runway of the batteries with limited on-site water storage to combat any conflagration
- Restricted access to the area for emergency services places the project at a level of risk unacceptable to residents and the parish council alike
- Overall hazard levels also compounded by likelihood of winter flooding which may compromise integrity of BESS containers, and the ability of emergency services to effectively manage any incidents in situ
- Should the BESS containers be breached and materials dissipate through water saturation the proximate water courses and aquifers will become polluted affecting the biodiversity of the wider historic environment adversely

Shermanbury Parish Comments: Objection
[Summary]

- We understand that the proposed Lithium-ion battery complex, situated within the vicinity of the Bolney sub-station, would satisfy a national requirement to develop green energy delivery systems and is supported by the NPPF. However, any new technological advance must be judged through a risk/benefit ratio, and this is yet to be fully understood
- Shermanbury Parish Council is supportive of Lithium-ion battery storage in the context of the movement to green energy and is not opposed to it, provided the area selected is suitable for risk mitigation to be fully implemented
- “In the 3rd Reading stage of the Energy Bill, Andrew Bowie MP, the Parliamentary Under Secretary for Nuclear and Networks, confirmed that regulations for industrial lithium-ion batteries will be updated to more properly take into account potential fire hazards. These facilities will now require an industrial installations permit” An Industrial Installations Permit has yet to be created and no planning applications for BESS sites should be approved until this comes into law. What the Government debate and the Energy Bill do recognize is the fire risk (thermal runaway) posed by these sites and the need to ensure all known risks are fully mitigated
- West Sussex Fire and Rescue Service have made their position clear on the issue, which in many respects mirrors our concerns regarding risk mitigation.
- We believe that to allow the proposal to proceed without full risk mitigation, as outlined now by WSFRS, would be irresponsible and potentially professionally negligent if a thermal event places homes, residents and fire fighters lives at risk
- Proximity to neighbouring residential properties and listed building
- Availability of water on Kent Street – danger of toxic gases and fire spreadingto adjacent properties
- Narrowness of Kent Street and restricted approach to the site in the event of an emergency (thermal event)
- Due to the restrictions on access for emergency services with regard to the narrowness of Kent Street; the believed lack of a necessary water supply; the close proximity of a residence; and problems with as yet unplanned road closures for cable laying, Shermanbury Parish Council must oppose this application.

Representations:
To date, objections have been received from 35 neighbouring and local properties:

Safety / Amenity concerns

- Fire Risk associated with Lithium Ion batteries – insufficient assessments submitted – thermal runways
- Government guidance on BESS installations awaited and updated fire regulations – absence of guidance raises adequacy of planning in relation to potential risks – how would residents be made aware of fires, releases of toxic gases or other emergencies
- Insufficient water available in Kent Street to deal with Lithium-ion fires
- Residential amenity impact from site: lighting, battery cooling fan noise, chemical fumes and construction
- Better suited to industrial areas
- Compatibility with proposed Rampion 2 works - location partly within Rampion 2 DCO limits
- Cumulative impact of 3 separate BESS applications nearby
- Cumulative landscape impact of proposed BESS with adjacent trench for Rampion 2.
- Area prone to flooding to proposed area of hard-standing would cause extra surface water run-off into surrounding watercourses
- Beautiful area of Sussex will severely suffer – unsuitable use of green fields – significant impact particularly in winter
- Site would be visible for 400m along Kings Lane and 350m along Kent Street – mor prominent than claimed within application
- Impact on Listed Buildings and other residential properties
- Proximity between residential properties along Kent Street and proposed underground cabling – safety concerns given high voltage nature of cable, UK Power Networks state 10m min distance to overhead lines

Access / Traffic Concerns:

- Poor access for fire tenders
- Kent Street has a 6"6' (1.98m) width restriction and is unsuitable for HGV access – no passing places and fragile boggy verges – conflict with Construction Management Statement that HGV deliveries will rely on existing passing places – Kent Street is not a single carriageway but a single track road, too narrow for markings – how would oncoming this be managed?
- Impact / conflict with walkers and horse-riders – how will users be able to continue to use right of way along the lane? Kent Street is invaluable local connector for dogwalkers, cycles and equestrians to other lanes and PROW / bridleways
- Reference to Footpath 1787 which is to be 'kept clear outside of construction hours' = what about during construction hours?
- Significant increase in traffic – increase in poor air quality
- Potential emergency access issues if BESS is constructed prior to Rampion 2, with open trenching preventing emergency access
- Impact of highways works to Kent Street during trenching
- Potential increase in traffic along Kent Street if Wineham Lane is closed during cable laying
- Insufficient consideration given to the cable-laying process
- Concerns over traffic impact assessment and representation of movements along Kent Street with traffic survey undertaken when A272 was subject to diversions along Kent Street and increased traffic numbers reported in survey are not accurate of typical daily use
- Consideration only of 263 / more than 500 two way HGV traffic movements – no reference to 30 construction workers each travelling separately to site

Ecology Concerns:

- Chemical contamination threat to local watercourses resulting from on-site fires
- Potential fire risk to nearby Taintfield Woods and other woodland – impacting on nesting nightingales
- Insufficient ecological surveys submitted – impact on Great Crested Newts and Nightingales(present at / near site), rare flowers not in flower in October / out of season – field used for hunting by birds of prey

- Loss of hedgerows to create access points
- Increased water use during construction – use for washroom facilities and wheel washing – insufficiently demonstrated that no harm to Arun Valley SAC, SPA or RAMSAR sites
- Area rich in wildlife – insufficient surveys submitted and carried out during wrong time of the year – nightingales present at / close to site
- Certainty of decommissioning works and land restoration
- Local evidence of site being subject to surface water flooding
- Agricultural land classification inadequate as only 4 points surveyed

Other matters:

- Lack of transparency regarding relationship / dependency between the proposed BESS site and Rampion 2
- Conflict with Mid Sussex planning policies
- Conflict with HDC planning policies
- Applicant stated at Cowfold PC meeting that the only rationale for choosing this site was that it was the closest to the Bolney substation they could find – despite increased cost in laying cable along 1mile of road – compared to National Grid's vision for the buildout of energy storage of up to 60 GWh by 2050 (as per Nat Grid's Electricity System Operator (ESO) "Future Energy Scenarios" document 2022) by co-locating battery storage with existing (or planned) renewable assets that have an established grid connection, additionally helping to reduce any curtailment issues
- Application made by joint venture of two organisations who have no history of operating BESS installations
- Application form does not declare hazardous substance – Lithium-ion is highly hazardous and dangerous substance
- No indication that the proposed BESS would be able to connect to the Grid at Bolney sub-station
- contents of a letter sent by Horsham Council to Stuart Malcolm on the 23/11/23 reference NC/22/0021
- Legal line of FP_1787 not directly impacted by BESS proposal, but potential conflict with temporary diversion for cable route of Rampion 2
- Same applicants 'Bolney Green Ltd' received planning permission in Mid Sussex for a BESS on Wineham Lane

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background:

Officers are aware of one other such installation built in the district, which gained a 25-year temporary consent under DC/16/1648 for a 10MW 'energy barn', along Kings Barn Lane, Steyning. The battery units in that instance are located within a barn structure which appears to reflect the rural location of the site, noting the adjacent cluster of farm buildings and elevated viewpoints available from the South Downs National Park. Another permission was granted for an 18MW installation located alongside a sewage works, also at Kings Barn Lane (ref: DC/18/0298), although it does not appear that this site has been implemented.

A more recent BESS application in Mid Sussex District has a recently received a resolution for a grant of planning consent subject to receipt of a legal agreement, on a 7.2ha site off Wineham Lane and south of the existing Bolney Substation, for the installation of some 184 batteries, 46 inverters, 30 switch rooms and storage and site office buildings, along with necessary infrastructure and landscaping (200MW capacity). This site lies some 1.2km from the application site.

It is clear that the emerging climate crisis is leading the way for large-scale renewable energy installations, which are able to capture and generate significant 'green energy' gains. BESS installations are able to capture and store renewable energy within the National Grid's infrastructure, so that consumer demands during night-time hours and over darker winter months can be met. They can be allied with renewable energy installations, such as solar or wind, charging up a series of large-scale batteries at source, holding the energy until needed before discharging back into the grid network, or they can 'intercept' power from the grid, as would be the case in this application. Increasing energy sourced through solar and wind is intermittent throughout the year, and does not provide a constant energy source, so the BESS installations are able to 'fill' the gap.

The majority of BESS installations use Lithium-Ion (Li-Ion) batteries.

On a point of clarification, all BESS applications, irrespective of their MW capacity, are now dealt with by Local Planning Authorities, following government changes which removed the threshold for BESS under the NSIP regime. Despite having a capacity of 57MW, this application therefore falls to the LPA to consider.

Principle of Development:
Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, setting out that there should be positive local strategies in place that *'maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)' (para 160).* Local Planning Authorities are encouraged to approve applications for renewable and low carbon development if its impacts are (or can be made) acceptable, and should not require applicants to demonstrate the overall need for renewable or low carbon energy (para 163).

The accompanying Planning Practice Guidance to the NPPF sets out that planning for renewable and low carbon energy remains important as the ability to '*increase the amount of energy from renewable and low carbon sources will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment and new jobs and businesses.'* ('Renewable and Low Carbon Energy'; para 001). Officers note that para 032 of the PPG recognises the role which BESS installations can play in the wider national decarbonising ambitions, as the batteries would store the intermittent energy generated by way of solar and wind farms to create an optimised energy output back into the grid.

Policy 35 of the HDPF states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the districts carbon reduction targets as set out in the Council's Acting Together on Climate Change Strategy 2009. Such measures include the use of decentralised, renewable and low carbon energy supply systems. Policy 36 supports the provision of renewable energy schemes where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value, whilst Policy 2 supports development which adapts to climate change and helps to reduce the District's carbon emissions.

The Horsham District Local Plan (HDLP) is at Regulation 19 stage having passed through public consultation and currently carries limited weight in decision making. Chapter 5 (Climate Change and Water) states that '*An increase in renewable energy provision, such as solar farms or panels may affect landscape and townscape character, but this needs to be balanced against the very significant longer term effects of climate change.*' Strategic Policy 6: Climate Change within the emerging HDLP goes on to state that '*Development proposals will only be supported where they include measures which contribute to achieving net zero carbon emissions across the District by 2050 at the latest. The Council will be supportive of a range of measures to achieve this target, including but not limited to:… The use of renewable and low carbon energy supply systems and connection to renewable and low carbon heat*

networks…' Strategic Policy 7 (Appropriate Energy Use) of the HDLP further states that stand-alone energy schemes will be supported where there is no conflict with other policies in the (draft) plan.

Neither the made Wineham and Sheramnbury Neighbourhood Plan (2017), nor the post-examination Cowfold Neighbourhood Plan include policies directly addressing the delivery of renewable energy schemes such as the application proposals.

In June 2023, Horsham District Council declared a climate emergency and biodiversity crisis, aspiring to achieve a District-Wide Carbon Net Zero target by 2050. As part of the Climate Action Strategy (approved by cabinet, January 2024), it is noted that Horsham lags behind the national average for grid electricity met through renewables. Therefore, there is a district-wide ambition to decarbonise the district's energy consumption by maximising local low carbon and renewable energy generation, setting out a medium-term goal of encouraging large-scale low-carbon and renewable energy generation and storage solutions, which will in turn, take pressure off the national grid and reduce reliance on imported gas and electricity (Horsham District's Climate Action Strategy).

Having regard to the above policy framework it is considered that the principle of the proposal would be in accordance with local and national planning policies, subject to all other considerations as discussed and assessed below.

Impact on Landscape Character

Policies 2, 25 and 26 of the HDPF recognise the rural character and undeveloped nature of the countryside has a value that requires protection from inappropriate development. HDPF policy 36, which specifically addresses renewable energy schemes cites that permissions will be granted where there is no *'significant adverse effect on the landscape character*', whilst policy 33 also requires development '*to relate sympathetically to the landscape*'. Policy 7 of the emerging HDLP reinforces support for standalone renewable energy schemes where they do not conflict with other policies in the plan. The pre-amble to this policy clarifies that such proposals will need to consider the impact they may have on protected landscapes, and to take account of views from protected areas, such as the South Downs National Park or the High Weald AONB.

Chapter 15 of the NPPF addresses impacts on the natural environment, requiring decisions to contribute to and enhance the natural and local environment by (amongst others) recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Valued landscapes, sites of biodiversity value and soils should be protected and enhanced (Paragraph 180), whilst great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and AONBs (Paragraph 182). Paragraph 182 further states that the scale and extent of development within National Parks and AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Officers recognise that the site itself does not lie within either the High Weald AONB, nor the South Downs National Park, which the NPPF acknowledges to have the highest status of protection in terms of scenic and landscape beauty. Locally, the site falls within the Landscape Character Area J3 (Cowfold and Shermanbury Farmlands), which includes the following key characteristics:

- Gently undulating low ridges and valleys
- Scattered small woodlands
- Small and medium size pasture fields and some larger arable fields
- Mostly small scale intricate landscape. Localised areas with more open character
- Field ponds

Officers do not consider that the site is a 'valued landscape' as described under NPPF para 180, but it does play a part in the wider rural landscape that has been categorised by the Council's Landscape Character Assessment (Area J3).

The proposed development is located within the south-western corner of a larger field that is subject to an existing natural slope towards a low point along the centre of the southern field boundary. The submitted topographical survey reveals a level change of around 4m between the southern and

northern development edges, with a lesser east-west slope of around 2m. The proposed development would be encircled by a 4m high acoustic fence with each side measuring some 90m. Two new vehicular access points would necessitate the cutting back of the eastern hedgerow alongside Kent Street to create the 6m wide tracks, with visibility splays, each some 43m x 2.4m, requiring the cutting back / removal of vegetation to facilitate construction access.

The application is supported by a LVIA which includes an assessment of various viewpoints around the site. The Council's Landscape Consultant has reviewed the submitted LVIA, and has carried out a site visit, noting the available network of PRoW, bridleways, priority habitats and ancient woodland that abut the site, along with the distance to the High Weald AONB (some 1.5km north) and South Downs National Park (some 6.5km south). Whilst the Council's Landscape Consultant noted that the LVIA describes 'an intimate well-wooded site within a gently undulating landscape with industrial elements mainly in the wider context', the site visit revealed some crown lifting that has taken place along the southern side boundary, resulting in a more open site.

The Council's Landscape Consultant also notes that the submitted site and setting assessment makes it clear that this '*remains predominantly rural with few features to detract from the tranquillity and wildness associated with open countryside'.* In assessing the landscape 'susceptibility', the submitted assessment appears to be based solely on the role of boundary vegetation to create containment (of the site), so the effect on the pastoral character itself is not considered. However, the Council's Landscape Consultant considers that the susceptibility should be valued higher than the 'low' score attributed in the LVIA, particularly given that the pastoral qualities of the landscape have been identified as part of the defining landscape character, both at national and district level.

Furthermore, the submitted LVIA describes the pylon and overhead cables as a *'visually dominant feature*' and *'detracting… industrial components'*, and that this, along with the industrial site at Oakendene some 600m to the north-west, '*imparts a semi-industrial character to the wider landscape*'. The Council's Landscape Consultant does not consider the pylon and overhead lines to affect the pastoral functionality of the landscape, except where the overhead lines oversail woodland or trees resulting in some cutting back of vegetation. The overall judgement made by the Council's Landscape Consultant is therefore that the landscape value of the site, and its susceptibility and sensitivity to change, should be at least medium, not medium / low. Furthermore, the Council's Landscape Consultant considers that some of the viewpoints set out in the LVIA have been undervalued in terms of the judgments, and that the value of sensitivity of long-distance open views have not been fully considered.

One example is the magnitude of effects for one viewpoint (No.6) which has been submitted as reducing from high (year 1) to PRoW users, to negligible (year 10), based on the management of the new hedgerow at 2m. The Council's Landscape officer considers that this would also effectively block what is currently a long-distance view towards the elevated South Downs National Park to the south. The resulting magnitude of change would therefore be better described as high even as the new hedgerow matures.

Another example is on viewpoint No.10, which the LVIA identifies as a sensitive receptor (along King's Lane). This boundary south of the site currently allows open views through and across the site up to the Oak-tree lined (northern) horizon, which would be lost as a result of the proposed 4m high acoustic boundary fence. As this viewpoint is taken from a bridleway, where some users might be expected to have a raised point of view, there would likely be a potential for some increased views to be available over boundary hedges.

Officers have also carried out site visits, and note the crown lifting and vegetation clearance that has occurred alongside the site's southern boundary. It is also noted that in order to provide the requisite vehicular access to the site, the two new formalised access points would each be over 6m in width with vegetation cut back to provide visibility splays and a paved surface from Kent Street into the site. These associated works would also serve to create openings into the site and of the proposed development, thus increasing the potential viewpoints into the site from Kent Street, not acknowledged in the submitted LVIA.

The gradient within the site of some 4m would require some inevitable levelling works to provide suitable and level bases for the BESS units. Whilst these details have not been provided at this stage, and could be secured as a pre-commencement condition, officers express concern that the reality of these level changes could lead to additional ground works not currently considered as part of the proposal.

In response to the identified landscape concerns, the applicant has sought to provide some additional comments:

- *The starting point for renewable and low carbon energy proposals is one of support; the HDPF, NPPF and National Policy Statements direct LPAs to approve such applications if the impacts are or can be made acceptable.*

- *The site is not located within a 'Protected Landscape'*

- *This is not an open and rolling landscape – views are only possible from the immediate surroundings and impacts will lessen over time when planting matures.*

- *The BESS does not impact the fabric or tranquillity of the landscape – it occupies a corner of a small field surrounded by planting. It is a relatively discreet location.*

- *If we followed the wording of Policy 25, Policy 26 and Policy 33 to the letter, it would be virtually impossible to bring forward any form of development in the countryside at all. Local Plan Policies must be read in the round, and when these policies in the HDPF are nearly 10 years out of date, material considerations such as the most recent NPPF update must be accorded appropriate weight.*

- *Place Services do not appear to recognise the forthcoming impacts of Rampion 2 immediately adjacent to our site in terms of visual impact and impacts on 'tranquillity'.*

- *Place Services do not recognise the 40-year time limited nature of the project (harms disappear when the project is decommissioned, but planting remains).*

Regarding the Place Services comments around considering alternative sites, the Case Law is clear (See attached 'Bramley' Judgement) that "179. …the PPG does not mandate the consideration of alternatives. Still less does it require a sequential test be adopted. Where national policy requires a sequential test to be applied (e.g. sequential tests for town centre uses or flooding in the Framework) it expressly provides as much… EN-3 cannot be read as mandating a sequential search for alternatives, as it only applies "where possible" and states that "land type should not be a predominating factor in determining the suitability of the site location".

To summarise this and many other decisions, there is no legal or policy requirements which sets out a sequential approach to considering alternative sites with developments.

Officers have considered the above points made in relation to the Council's Landscape Consultant's comments and fully acknowledge the inherent support for renewable energy schemes set out in national and local planning policies, but also that this support is reliant on there being *no significant adverse effect* on landscape character as a result, as per HDPF policy 36.

The emerging draft Local Plan policies enhance support of development proposals which contribute to achieving net zero by 2050 (Strategic Policy 6: Climate Change Carbon Reduction). Renewable Energy Schemes are addressed under Strategic Policy 7: Appropriate Energy Use, point 4, which sets out support where there is no conflict with other policies in the plan. Referencing in draft policies 13 and 14 (The Natural Environment and Landscape Character, and Countryside Protection), there remains ongoing support to protect against inappropriate development, and to ensure that where development is essential to its countryside location, must be appropriately integrated within the landscape and be of a scale that is appropriate to its countryside location and character.

Officers therefore acknowledge that the support afforded to beneficial green infrastructure works and renewable energy schemes must still take account of their locations and acknowledge all relevant policies within the local plan (emerging, or adopted).

In this instance, the development would occupy a corner of a larger field with each side measuring some 90m, surrounded by a 4m high solid acoustic fence (stated to be a green colour). Whilst officers are satisfied that the internal arrangement of the BESS installation would largely be screened by the 4m high acoustic fence (noting a 3.9m hight of switch rooms without reference to any platforms, plinths or level bases provided), the overall resulting impact on the landscape would be imposing, and much larger than any structure evident in the locality.

The submitted LVIA includes a landscape masterplan that is to include new native tree planting to the north site, retained boundary hedgerows, a new hedgerow to the north, alongside PRoW_1787, maintained ground cover and a new mixed species hedgerow to the southern side of the new acoustic fence, but only maintained to a height of 2-3m. Whilst enhanced planting would be welcomed from a biodiversity aspect, the proposed landscape masterplan would not provide any screening from the east side / Kent Street, from the north-east / PRoW_1787, and would not be of a sufficient height to mitigate the full 4m height of the proposed acoustic fence, so that the resulting impact on the landscape would be one of a solid, new and man-made feature, of a scale that is significantly larger than any other comparable ground-level built features or structures. Officers also note that the LVIA was prepared prior to the canopy raising works undertaking along the southern boundary of the site, which has resulted in an increased open aspect of the site available from public receptors.

Officers acknowledge that the site location directly abuts the DCO (Development Consent Order) site area comprising the cable run associated with the proposed Rampion 2 works along its eastern boundary. This restricts opportunities for mitigatory planting along the site's eastern elevation, resulting in a view from Kent Street of the 4m high x 90m wide acoustic fence around the outside edge of the proposed BESS site. Officers also consider that the sloping site would afford visibility of the resulting installation from the north-eastern corner, where no mitigatory planting is proposed alongside the PRoW_1787, and where increased visibility would be facilitated form the public realm of Kent Street by way of the new formalised vehicular access route. Furthermore, given the recommendations set out within the National Fire Chiefs Council's guidance on BESS installations, which advises that combustible vegetation should be cleared within 10m of BESS units, officers express concern over the eventual deliverability of the proposed mitigatory planting around the other sides of the site.

Reference in the submitted LVIA is also made to the proposed on-shore substation likely to be sited some 500m to the north of the application site associated with the wider Rampion 2 works, and referred to again in the landscape rebuttal comments submitted by the applicant. Officers acknowledge this remains under consideration as part of the NSIP regime. In any case, officers maintain that the two proposed energy infrastructure works (proposed BESS and proposed Rampion 2 sub-station) remain physically separate with the only likely visual interconnection likely to occur from the elevated ridgeline that separates the two development sites, and the PRoW_1787. Whether the visual impact arising from the proposed on-shore substation associated with the Rampion 2 works is eventually found to be acceptable, does not justify the identified harm arising from the proposed BESS installation.

Insofar as the proximity to the identified Rampion 2 cable works located in the wider field parcel directly to the east of the application site, these would, ultimately, be underground. Whilst officers and the Council's Landscape Consultant do acknowledge the envisaged 40 year lifespan of the proposed BESS installation, the associated infrastructure arising in the form of access tracks and roads serving the site, along with plinths and any necessary ground levelling works appear to result in a permanent feature, which, at this time, is unclear how this would be decommissioned and removed from the site to facilitate active agricultural land management at the end of its envisaged life.

In their concluding comments, the Council's Landscape Consultant considers *'that the proposed scheme will have an adverse impact on both Landscape Character, especially at the Site and immediate setting level, and visual amenity'*.

Officers acknowledge the Landscape Consultant's assessment and the submitted LVIA, along with the additional comments provided by the applicant, but consider that the resulting impact on the landscape

setting of the immediate context to be one that results in adverse harm. In the absence oof opportunities for planting to the east side of the site, and the resultant high visibility of the installation from Kent Street and the ROW along the north east of the site, this harm is considered significant in this context, thus presenting a conflict with HDPF policies 2, 25, 26, 32, 33 and 36, and emerging Policy 7 of the HDLP. Absent of opportunities to make the proposal acceptable, the proposals therefore fail to accord with Paragraph 163(b) of the NPPF.

Heritage Impacts:
Policy 34 of the HDPF seeks to sustain and enhance the wider historic environment, which includes not only the heritage assets themselves, but also their wider setting. This taken forward within Policy 21 of the emerging HDLP.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty of decision makers to '*have special regard to the desirability of preserving the* [listed] *building or its setting or any features of special architectural or historic interest which it possesses.'* Consistent with this statutory requirement, the NPPF recognises the importance of heritage assets and their irreplaceable nature, and so seeks to conserve these in a manner appropriate to their significance. The NPPF seeks to avoid the loss of or harm to the significance of a designated heritage asset, including from development within its setting (paras 201 and 203). Paragraph 208 states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*'.

Officers note that settings of heritage assets change over time, and the way in which we experience an asset in its setting is also influenced by other environmental factors, such as noise, dust and vibration from other land uses in the vicinity, and by the understanding of the historic relationship between places (Historic England Good Practice in Planning Note 3 (Second Addition)).

Officers acknowledge that there are two close-lying Grade II listed properties to the application site: Kings, some 100m to the south-east, and Lydford Farmhouse, some 300m to the west.

The Council's Heritage Officer acknowledges that the proposal would introduce battery containers, inverters and other paraphernalia, surrounded by a 4m high acoustic fence and water towers / tanks close to the access. These are considered by the Heritage Officer, to have an industrial and utilitarian appearance not expected in a rural landscape. Furthermore, the submitted Heritage Statement notes that the area proposed for battery storage would fall within the wider rural surroundings of Kings which contributes to its setting. The Heritage officer agrees with the Heritage Statement in the proposed battery storage system would impact on the wider rural setting of the listed building, and considers that this would cause negligible harm. This harm, although negligible, is still considered to constitute harm and this should be balanced against the public benefit of the scheme as per paragraph 208 of the NPPF.

With regards to Lydford Farmhouse, the Council's Heritage Officer considers that there would be lesser harm due to the intervening topography, vegetation, and the lack of historical or functional connections with the site. Although Oakendene Manor has a historical and functional connection with the land, the Heritage Officer suggests that this would be similarly to Lydford Farmhouse in that there would be a lesser degree of harm due to the intervening topography, and vegetation. Officers therefore consider that the opportunity would remain to understand and appreciate the significance of the listed buildings and their immediate setting without interference from the proposed structures (Lydford Farmhouse and Oakendene Manor).

Paragraph 208 of the NPPF requires less than substantial harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal. Officers recognise that in this instance, the public benefit concerns the provision of a significant contribution towards achieving the nation's renewable energy goals, and reducing the reliance on fossil fuels to address climate change. This is considered to outweigh the negligible harm to the setting of the identified heritage assets.

Amenity Impacts:
HDPF policy 33 requires consideration of neighbouring amenities when determining planning applications, for such matters as overlooking, light, noise and outlook, whilst HDPF policy 36 also

seeks to avoid adverse impact on amenity value, when considering renewable energy applications. Paragraph 135f of the NPPF requires development proposals to create safe, inclusive and accessible places…with a high standard of amenity for existing and future users.

The nearest dwellings to the application site are Kings and Wilcocks Cottage, some 130-150m to the south. Next, at distances of over 200m from the edges of the site, are Oaklands, Westridge Farm, West Barn, Taintfield Farm, Taintfield Farmhouse and Lydford Farmhouse.

Given the separation distances involved, the proposed development would not harm residential amenity in terms of daylight and sunlight, loss of privacy or an overbearing impact.

Potential noise impact is to be considered, particularly noting the low background noise environment during the night-time in such rural locations. Paragraph 185(a) of the Framework confirms that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

The Noise Policy Statement for England includes the key aim for development to avoid significant adverse impacts. British Standard BS4142 'Methods for Rating and Assessing Industrial and Commercial Sound' is typically used to measure the effects of existing and proposed noise levels. This indicates that adverse impacts are likely to be experienced where noise levels are recorded, at noise sensitive receptors, which are 5db above background noise levels, as cited by the Council's Environmental Health (EH) team.

The Council's EH team have reviewed the details, noting that A/ C condensers are to be included within the development to heat / cool the systems as and when required, likely to operate on an intermittent basis, depending on their need according to weather conditions. As a result, the submitted data should be adjusted to account for this intermittency correction. Furthermore, the EH team note from their involvement on another BESS installation in the district, that there is a perceptible tone produced, which should also be added to the calculation of the rating level given.

As a result, the Council's EH team have raised a concern in relation to the proposed BESS installation, particularly noting the low pre-development background noise levels in this part of the district during the night-time, which the submitted data reveals is 26dB (LAF90T) measured at the nearest sensitive receptors (dwellings). The submitted details provide rated levels of between 2dB below and 5dB above the background noise levels in this location. The BS4142:2014+A1:2019 considers that a difference of +5dB 'is likely to be an indication of an adverse impact, dependant on the context'. The Council's EH team are therefore concerned that the predicted noise levels are at a level where 'adverse impacts' may be expected especially noting the low background noise levels at night and the potential for intermittent low-frequency noise associated with the proposed development (3rd octave band data).

The applicants have provided additional technical details seeking to address the Council's noise-related concerns, which have now been assessed. The additional technical details explain that the primary noise generated from BESS installations arise by way of the inverters and battery cooling systems, which is stated to be avoided at the application site by way of appropriate plant selection and residual sound masking at source. It is also stated that the other quoted BESS site in the district was developed when such technology was in its infancy, which any resulting '*tonality now being designed out of the equipment'.* Furthermore, the additional technical details sets out that the assessment assumes all of the plant operating at 100% duty levels during both daytime and night-time, with such use unlikely to occur at night, as this is not when the peak grid demand occurs, with BESS sites typically trickle-charging at night. The assessment is therefore stated to be a worst-case scenario and unlikely to generate the predicted noise levels.

In reviewing the additional details, the Council's EH team remains concerned with all proposed noise sources at the application site, not just those associated with the battery and inverters, and that it

remains unclear what other ancillary equipment, such as cooling systems, with be installed. Given the lack of this supporting information, there is still a level of concern expressed.

Officers acknowledge the concerns around the uncertainties of noise levels, particularly intermittent noise events during periods of low background noise during night-time. The noise assessment does though assume the worst case scenario with all noise sources operating during the night despite it being unlikely that they will owing to the facility normally only trickle charging at night. The increase in noise is marginal for most of the receptors bar receptor 3 where night-time noise would potentially increase by 5db to 31db. In light of the noise assessment having been caried out on a worst case basis and worst case noise levels being of 31db at night o one property, it is considered that planning conditions are appropriate in this instance to mitigate impact should it arise once the plant is selected and has been tested onsite. These conditions would require that all noise generating equipment has been subject to an in-situ post installation noise assessment to demonstrate that the resulting noise levels remain no greater than the anticipated levels set out in the noise assessment at all noise sensitive receptors. In the event the levels are exceeded, the condition would require a scheme of further mitigation to be agreed and implemented.

Therefore, with these potential measures in place, officers conclude that the proposed development is unlikely to lead to permanent and adverse loss of residential amenities on the occupants of nearby properties, such that conflict with policy 33 of the HDPF would not arise.

Highways Impacts:
The proposal would be provided with two access points from Kent Street, one of which is the secondary emergency access that is required in connection with fire safety. There are no plans to utilise the existing field access located in the north-east corner of the site, alongside the PRoW stile.

In assessing both of these access points, the Local Highways Authority is satisfied that both can accommodate the required visibility splays (2.4m x 43.3m in both directions) for the posted speed limit of the rural lane, and that, furthermore, both access points have demonstrated the necessary swept path tracking. Officers also note that the width of the tracks, being some 6m, would be sufficient for two emergency vehicles to pass.

During construction, the BESS facility would include a site compound with parking and welfare facilities for workers, with an estimated construction period of some 30 weeks (8 months). In order to deliver the components to site, HGV or 8-10m rigid vehicles would be used, anticipating a total of 526 two-way moments:

92 (two-way trips) x Battery modules
46 x Invertors and TX containers
2 x control room
4 x storage containers
2 x water containers
380 x miscellaneous (fencing, landscape, gravel etc)

The above illustrates that these movements are likely to result in an average of 2 deliveries per day (4 x two-way movements). Whilst the submitted Travel Plan forecast that there is likely to be certain peaks during the construction program, from experience on other similar sites the applicant envisages that there is unlikely to be more than 10 deliveries per day during these periods (20 x two-way movements).

Once operational, the BESS is expected to generate some 10-20 vehicular movements per year, which is considered to lead to a negligible impact on the local highway network. Officers are also aware that replacement of the Li-Ion batteries may be required during the envisaged 40-year lifespan.

In respect of the PRoW which crosses the wider site to the north of the application red line boundary. It is understood that the proposal would not impact on the line of the PRoW, nor that there are any plans to erect any fencing alongside this defined line, and so no objections are accordingly raised in response. It is advised that a 5m corridor along this line of the PRoW should be provided during construction, which could be secured by way of a planning condition.

Of further note is the associated infrastructure work required (cabling) to connect the proposed BESS site with the existing Bolney substation to the south-east, with some 1.6km of cabling to be laid under Kent Street within Horsham district, and some 700m falling under the Mid Sussex district (Wineham Lane and Bob Lane). The trenching works to facilitate this element of the proposal would require a mini excavator, and a trench some 900mm wide, all to be undertaken under a s50 license for works within the public highway, which would be sought after any grant of permission.

Additional comments have been sought form the LHA in relation to a number of public consultation responses received and an assessment of the submitted Construction Traffic Management Plan, and the forecast vehicular movement numbers. The data submitted by neighbours has been acknowledged but it is not considered that this would change the previous comments provided over and above those already submitted in response to this proposal.

Officers consider that delivery times should be subject to an appropriate planning condition in the event that planning permission is granted, along with details of the construction compound set up. Therefore, it is not considered that the proposed construction or operational phases of the development would lead to any adverse impact on the existing highway network or any highways safety issues, in compliance with HDPF policies 40 and 41 and paragraph 115 of the NPPF.

Biodiversity

HDPF policy 31 sets out the principles of maintaining and enhancing existing networks of green infrastructure, biodiversity, and woodland, along with introducing compensatory ecological mitigation measures where appropriate. Policy 17 of the emerging HDLP seeks to secure habitats, green infrastructure, functionally linked habitats and positive biodiversity enhancements, and also sets out a required delivery of a 12% Biodiversity Net Gain (BNG). The mandatory national requirements in relation to the 10% BNG only apply to applications lodged after 12th February 2024 and therefore do not apply to this application. However, it is noted that the current proposal is seeking to incorporate biodiversity net gains over and above the pre-existing baseline well in excess of the 10% national requirement and 12% requirement in emerging HDLP policy 17.

Paragraph 186a of the NPPF indicates that when determining planning applications local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Developments resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient, or veteran trees) should be refused, unless there are wholly exceptional reasons (such as infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists (para 186c).

A consultation response received from NatureSpace identifies a network of some 50 ponds within 500m of the proposed development site with 15 of those being positive for Great Crested Newts (GCN). As a result, the application site is considered to provide suitable habitat for GCN comprising of scrub, grassland and hedgerows, along with providing direct connectivity with the wider landscape. The submitted ecological report identifies a large pond network across the landscape and sufficient connectivity to support a GCN population, with a number of ponds within proximity of the installation itself (excluding the cable-run) . Therefore, it is acknowledged that the developer must submit evidence of procuring a licence to undertake works, either by way of the District Licence Scheme or by way of a European Protected Species Licence (EPSL). The PEA states that the district licensing scheme will be pursued however to date no evidence has been submitted to show that the district licensing scheme has been joined. Accordingly no weight can be applied to the mere intent to join the scheme.

In response to the submitted NatureSpace consultation response, the planning agent has suggested that a number of ponds identified should be discounted as the road (cable run) would not present favourable habitat for GCN. Whilst this may be the case, as set out above nevertheless a number of ponds would remain in proximity to the BESS installation itself. Furthermore, the planning agent anticipates that the GCN licencing can be successfully resolved.

At the current time, officers note that neither of the routes towards obtaining a licence has been undertaken, with no valid NatureSpace report or certificate having been submitted to demonstrate the

district license route is achievable. Accordingly, there is no evidence to demonstrate how the impacts to Great Crested Newts are to be mitigated or compensated for, therefore at this stage the application cannot provide the level of certainty that is required under the NERC Act 2006 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Other Matters:

Health and Safety / Fire Risk:

Officers recognise that this is the first application for a battery farm within Horsham district of this size, with the previous applications having been only small in comparison (10MW and 18MW compared to the proposed 57MW). At the current time, the proposed application is not supported by a Risk Reduction Strategy.

The PPG: 'Low Carbon and Renewable Energy' was updated in August 2023, advising local planning authorities that, on applications for BESS over 1MW, they should consult with the relevant local fire and rescue service prior to deciding the planning application, so that '*matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made'*.

The PPG also refers local planning authorities to consider the guidance produced by the National Fire Chiefs Council (NFCC) on BESS developments.

Although not yet a statutory consultee to such planning applications, the West Sussex Fire and Rescue Service (FRS) have reviewed and commented on the proposal, expressing their desire to engage with the applicant to help deliver the strategy covering construction, operational and decommissioning phases. Officers note that no objections are raised as part of the consultation response, but also that the use of Li-Ion batteries in such BESS installations are a *'new and emerging practice in the global renewable sector'*.

Officers note a great many concerns received from the public in relation to the potential fire risk of the proposed BESS, the potential thermal runaway and toxic plumes created in the event of Li-Ion battery fires, with failure of the batteries likely to occur if damaged or subject to a manufacturing fault (as cited in the House of Commons Research Briefing note on Battery Energy Storage Systems, 19th April 2024). In response to the likely fire risks, the NFCC guidance sets out recommendations that such installations be provided with detection systems, and alerts triggered, fire suppression / sprinkler systems, adequate cooling, venting and risk management plans, which should be kept up to date and drafted in conjunction with the local FRS.

Furthermore, the NFCC guidance sets out a number of practical measures in relation to the BESS siting and layout which should enable safe access to the site in emergency events and avoid the spread of thermal runaway.

In terms of site access, the NFCC guidance expects:

- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.
- A perimeter road or roads with passing places suitable for fire service vehicles.
- Road networks on sites must enable unobstructed access to all areas of the facility.
- Turning circles, passing places etc size to be advised by FRS depending on fleet.

Spacing between BESS units is advised at 6m, unless suitable design features can be introduced to reduce that spacing, providing clear evidence for any such reduction. There should be no double-stacking of units, and a minimum distance of 25m should be achieved between occupied buildings and the site boundaries.

Furthermore, the NFCC guidance advises that areas within 10m of the BESS installation boundary should be cleared of vegetation / combustible materials and kept in such a condition so as to not increase the risk of fire, including wildfires.

The supply of water to the site, or available at the site, for any fire-fighting and appropriate suppression systems would depend on the size of the installation and system design. To ensure there is a sufficient supply of water for fire-fighting and a potential duration of any fire, it is expected that there is a water supply available on site to provide a minimum of 1,900litres /minute for at least 2 hours (requiring at least 228,000 litres of water storage on site)., with these tanks located at least 10m from the nearest BESS unit. Aligned with this, is a consideration of potential water run-off and subsequent environmental impact and associated mitigation measures, given the toxicity of the Li-Ion batteries. At the current time, BESS installations do not fall under 'regulated facilities' which require permits from the Environment Agency, although officers understand that this is currently subject to wider government reviews.. The disposal of Li-Ion batteries is covered by relevant legislation. Measures on how to deal with and manage contaminated run-off arising from an on-site fire event, should be detailed in an Emergency Response Plan which the FRS would expect to be consulted upon by the applicant / developer.

Officers note that the FRS consultation response advises, amongst other things, a minimum fire separation between BESS units and other exposed structures and equipment of 3m, a minimum distance of 15m between the BESS system and building HVAC air inlets, and ensuring the BESS is located away from residential areas, with the prevailing wind direction factored into the location of the site to minimise the impact of any fire and resulting toxic plumes. Further advice from the FRS includes that the dimensions of the BESS containers / units is limited to 16.2m x 2.6m x 2.9m (high), the provision of adequate thermal barriers between switch gear and batteries, the installation of early warning systems, sprinklers and a requirement for the above-mentioned water volume for fire-fighting.

Therefore, officers have considered the proposed site layout and details against the NFCC guidance and find the following:

- The site would be a reasonable distance (130m) from the nearest residential property and therefore the risk of a fire affecting neighbouring residential properties is likely to be minimal. However, officers are aware from the NFCC guidance that any fire / thermal runaway is capable of producing a toxic plume by way of any gases released. In this location, the prevailing wind direction is from the south-west, so first responders to the scene are likely to be impacted by fumes, along with residential properties at Westridge Farm, West Barn, Oaklands
- Both access points to the site are located to the east of the BESS off Kent Street, which is downwind of the BESS site given the prevailing wind direction in this location. However, the direction of approach into the site from the wider field would be from the north, thus appearing to satisfy the requirement to provide an alternative upwind access. However, this access still routes from Kent Street the north east facing into the prevailing wind. It does not therefore provide a meaningful alternative route away from the prevailing wind. As noted above, there is a high potential for the path of smoke and gases to travel from the site towards Kent Street, thus impacting on the ability of emergency responders to safely reach the site by way of either access.
- There would be vegetation, both existing retained and new mitigatory landscaping, within 10m of the BESS boundary, noting the proximity and overhanging tree canopies over the site and the link to the woodland blocks and ancient woodland in the event of a thermal runaway.
- Water capacity stated on drawings to achieve 40,000 litres (4 x 10,000litre tanks) – this would be approximately 1/6th of the required 2 hours of available onsite water capacity, given the site is not to be connected to a mains supply.
- Although a new field pond is provided in the south-west corner of the site, this is part of the landscape scheme, and not stated to be part of the any mitigation measures for potential hazardous run-off.
- BESS containers would be closer than the advised 6m.

Having regard to the serious matters detailed in the WSCC FRS consultation response, officers are concerned that the site constraints such as layout, access points from Kent Street being located down-wind of the BESS site, proximity to new and existing vegetation, including ancient woodland, and amount of on-site water storage proposed, would not be in full accordance with the NFCC guidance, so as to render the site unsuitable for the delivery of the proposed BESS installation, and unable to acceptably manage an unlikely fire event or other emergency at the site.

Whilst the WSCC FRS response refer to the requirement 2 hours of water supply, officers are a aware of the length of time taken to fully extinguish a fire at a 20MW BESS site in Liverpool in 2020, being some 59 hours, and the high risk of re-ignition with Li-ion fires on account of the components within the batteries which are capable of retaining heat even hours after a fire has seemingly been put out. In this context, with the applicants stating that there will be no connection to the mains supply (which anecdotally is understood to be weak in this location (as referenced in representations) there is no evidence that there is sufficient available water to manage a prolonged fire event at the site, with heavy reliance instead on sprinkler systems and the 2 hours water storage alone to manage any fire event.

Further, given the quantities of water necessary in dealing with such a long fire-fighting process, a significant amount of contaminated water will need to be dealt with and contained at the site (water will contain Hydrofluoric Acid HF), with such an event also leading to the potential the release of toxic fumes to the detriment of local ecology. The application does not satisfactorily address how this will be managed to the satisfaction of the Council.

With this in mind, officers consider that the proposal has not demonstrated that the fire risks of the development proposals can be suitably mitigated in this location. The proposal would therefore not accord with the provisions of policies 2(13), 24, and 31 of the HDPF (2015).

Flooding:
The site lies within Flood Zone 1, which has a low probability of flooding. Furthermore, there are no identified surface water flow paths affecting the site, according to the EA mapping data available.

Officers are satisfied that the potential flood risk would be suitably mitigated for, as required by HDPF policy 38 and paragraphs 165 - 173 of the NPPF.

Farm Diversification
Nationally, the NPPF (para 180b) recognises the economic and other benefits of best and most versatile agricultural land (BMV). The glossary in the NPPF defines BMV as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Whilst this land may have been part of a wider agricultural land holding for many years, the site has been assessed as being Grade 3b (moderate quality), which in this location is noted to be prone to wetness. Officers concur with the grading according to the Natural England ALC map (Agricultural Land Classification). The DEFRA magic maps also categorise this area as having a predominantly '*slowly permeable seasonally wet, slightly acid but base-rich loamy and clayey soils*'.

Officers acknowledge that a number of objectors refer to the potential loss of agricultural land of this quantity and quality, removing this from productive food / farming use, and the resulting impact on UK food security. As noted above, agricultural land classified as being Grade 3b is not considered within the definition of best and most versatile (BMV) land. Unlike solar farms, the proposed BESS installation would not allow for any grazing to take place within the site, thus effectively removing the land form farming use throughout its anticipated lifespan of 40 years.

Once decommissioned, there is potential that the land could be restored to some beneficial rural land use. Although unknown at this stage what the decommissioning process might involve, officers note that the entirety of land within the acoustic boundary fence would be subject to some form of hard-standing, where these are the access tracks, ancillary areas between BESS units or the bases upon which the BESS units site.

Water Neutrality
The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

In this instance, there is no clear or compelling evidence to suggest the nature of the proposed development would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The proposal does not include the provision of staff facilities within the site, with regular maintenance visits anticipated only.

Whilst there may be some water use during construction work, this has previously been agreed by Natural England to form part of the historic baseline of construction water use experienced in the district prior to the Position Statement. It is not considered that the weekly maintenance visits would create a mains water demand with the applicant confirming that the proposed development would not be connected to the mains. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Cumulative Impact with other development:
Officers are aware that the site lies around 340m south of an area of land designated as part of the proposed on-shore Rampion 2 works to form a new substation. This project is currently being considered under the NSIPs regime. The submitted DCO (Development Consent Order) limit that forms part of these works, as well as the route of the cable run, which is to be buried underground, is noted to encompass the application site. Within the DCO, the cable run would occupy a much smaller tract of land, understood to be some 20m in with, which leaves sufficient space between the pylon and the proposed BESS installation.

The associated Tree Preservation Order and Hedgerow Plan (42285-WSPE-ES-ON-FG-OO-7226_v5) reveals that the existing hedgerow alongside the northern line of King's Lane (marked on this plan as H428) is subject to potential removal, whilst the hedgerow along the southern side of King's Lane is designated as 'important'. It is therefore recognised that the potential removal of this hedgerow would facilitate a greater visual openness within the area during the works, and during any subsequent re-planting phase, whilst any new growth matures. The same is true for the hedgerow along the northern boundary of the wider field (marked on plan as H497).

Hedgerows alongside Kent Street are stated to remain unaffected by the works (designated as H487 on the west side and H492 on the east side), according to the DCO plan.

The potential impact arising as a result of the cumulative works would be a transitional period when users of the PRoW_1787, which runs along the elevated ridgeline, would have views of the Rampion 2 substation to the north, as well as the proposed BESS site to the south. Officers are satisfied that this PRoW would offer the only immediate visual situation whereby both installations could be visible at the same time, albeit in two different directions. There would be no other visual cumulative impact arsing by way both the proposed BESS and Rampion 2 substation could be viewed at the same time or within the same view, on account of the intervening ridgeline. The cabling works would be temporary for the duration of works within that relevant tract of land.

Construction access is designated from Kent Street into the Rampion 2 on-shore substation site some 120m north of the proposed new site access to the BESS installation.

Conclusions:
The issue of climate change has grown significantly in national and international importance, reflected in a series of policies and strategies that seek to promote and support renewable and low carbon energy generation, including the 25 Year Environmental Plan; the Sixth Carbon Budget; the UK Net Zero strategy; the Energy White Paper; the Environment Act 2021; the British Energy Security Strategy; the Net Zero Strategy: Build Back Greener as well as local climate change action priorities, including Horsham's own Climate Action Strategy – Jan 2024.

The proposed battery farm would have a storage capacity of up to 57MW, which has the ability of providing a stable energy supply, supporting wind and solar power generation, which are noted to be intermittent in their nature. Officers acknowledge that this is a substantial benefit that attracts significant weight in the planning balance. Subject to the infrastructure works involved in the cable run and the relevant highways works, the delivery of the proposed development within the application site is likely to be delivered relatively quickly, although it is not clear if the developers benefit from an existing grid connection permission at this stage. Overall, the proposal would contribute towards achieving the UK's Net Zero target. Given this imperative, the benefits of this proposal attract significant weight in mitigating the effects of climate change.

Although there is clear support for BESS developments within the context of national policy, it is important that such facilities are appropriately located. Furthermore, the siting of BESS installations need to take account of the advice set out by the National Fire Chiefs Council (NFCC). In this instance, officers consider that a conflict arises between the proposed landscape scheme set out in the LVIA, and the NFCC guidance which seeks to reduce potential fire risk of such developments by ensuring such landscaping is set at suitable distances away from these facilities. Furthermore, the proximity of the Rampion 2 DCO along the site's eastern side would preclude the inclusion of mitigatory planting at these suitable distances, thus leading to a greater visual imposition on the landscape than is anticipated within the submitted documents. The planning agent does not consider that alternative sites, or a sequential test for alternative sites, is necessary as this is not stated to be mandated by national planning policy requirements.

Officers acknowledge that the proposed BESS installation would require a cable run of around 2km under local public highways, in order to provide a connection with the nearest substation (Bolney), which raises the site suitability for the proposed installation.

Officers also acknowledge that the proposal would impose a significant 'man-made' intrusion into the landscape, notably by way of the 4m high acoustic fence that encircles the proposed installation, and the associated access tracks across the site with two new vehicular access points formed within the established hedgerow boundary alongside Kent Street. Whilst new planting is to be introduced alongside the southern and northern sides of the site, there is nothing proposed for the eastern side, where increased visibility of the proposed development would occur on account of the new access points along Kent Street. In any event, there is a question over the deliverability of this new planting, particularly along the site's southern boundary, and in relation with the proximity of the site to established vegetation and trees, in relation to the advised fire safety guidance and the separation that is recommended to reduce the potential for the spread of fire in the event of a fire.

Officers note that the identified level of harm to the landscape as a result of the proposed development throughout its lifetime cannot be mitigated given the constraints of the site and therefore would lead to significant harm to landscape character and visual amenity, in conflict with local and national planning policies. This harm weighs significantly against the proposal.

Therefore, officers are concerned that the identified harm arising by way of the proposed development would not adequately mitigate the significant benefits arising by way of the scheme, and furthermore, have not been presented by any clear and decisive reasons why this location is essential to the contribution towards renewable energy at a national level, which should override the identified harms.

The recommendation of officers is therefore to refuse the application.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The proposed development, by reason of its scale, visual dominance and absence of screening from Kent Street and PROW 1787/2, would result in significant localised harm to the landscape character and visual amenity of the area, contrary to Policies 2, 25, 26, 32, 33 and 36 of the Horsham District Planning Framework (2015) and Policy 7 of the emerging Horsham District Local Plan, and paragraph 163(b) of the NPPF (2023).

2. Insufficient information has been submitted to establish the protection of Great Crested Newts, and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015) and paragraph 186 of the NPPF (2023).

3. The proposed development has not demonstrated that there is a sufficient water supply to manage a fire event or that contaminants associated with such an event will be suitably mitigated to avoid an environmental hazard occurring, nor that any fire event would not spread to local vegetation given its proximity, nor that the thermal runway and toxic plume associated with any fire event would not result in a hazard to approaching emergency vehicles and local properties. As a result, the proposal would conflict with the provisions of Policies 2, 24 and 31 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0054
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Design & Access Statement		P1-02-DAS	10.01.2024
Plans	INTERNAL ACCESS ROAD DETAIL	BY-02-P04	10.01.2024
Plans	PROPOSED ELEVATIONS, FLOOR, AND ROOF PLAN (BESS SWITCHROOM)	BY-02-P05	10.01.2024
Plans	PROPOSED ELEVATIONS, FLOOR, AND ROOF PLAN (BESS CONTROL ROOM)	BY-02-P06	10.01.2024
Plans	PROPOSED CCTV ELEVATIONS	BY-02-P07	10.01.2024
Plans	PROPOSED ELEVATIONS, FLOOR, AND ROOF (BESS BATTERY CONTAINER 40FT)	BY-02-P08	10.01.2024
Plans	PROPOSED ELEVATIONS (ACOUSTIC FENCE AND GATE)	BY-02-P09	10.01.2024
Plans	PROPOSED PLAN, SIDE, AND ISO VIEW (WATER TANK)	BY-02-P11	10.01.2024
Plans	TOPOGRAPHICAL SURVEY 1 OF 3	60967BWLS-01	10.01.2024
Plans	TOPOGRAPHICAL SURVEY 2 OF	60967BWLS-02	10.01.2024

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Plans	TOPOGRAPHICAL SURVEY 3 OF 3	60967BWLS-03	10.01.2024
Location plan		BY-02-P01 REV 02	10.01.2024
Site plan	As proposed	BY-02-P02 REV 05	10.01.2024
Plans	PROPOSED ELEVATIONS AND ROOF (BESS INVERTER/TRANSFORMER)	BY-02-P03	10.01.2024
Supporting Statement	AGRICULTURAL LAND CLASSIFICATION REPORT	P1-02-ALC	10.01.2024
Supporting Statement	BIODIVERSITY NET GAIN ASSESSMENT	P1-02-BNG	10.01.2024
Supporting Statement	CONSTRUCTION TRAFFIC MANAGEMENT PLAN	P1-02-CTMP	10.01.2024
Supporting Statement	LANDSCAPE AND VISUAL IMPACT ASSESSMENT (PART 1 OF 2)	P1-02-LVIA	10.01.2024
Supporting Statement	LANDSCAPE AND VISUAL IMPACT ASSESSMENT (PART 2 OF 2)	P1-02-LVIA	10.01.2024
Supporting Statement	NOISE IMPACT ASSESSMENT	P1-02-NIA	10.01.2024
Supporting Statement	PREDICTED PHOTOMONTAGES	NONE	10.01.2024
Supporting Statement	PLANNING STATEMENT	P1-02-PS	10.01.2024
Supporting Statement	ARBORICULTURAL IMPACT ASSESSMENT	P1-02-AIA	10.01.2024
Supporting Statement	HERITAGE STATEMENT	P1-02-HS	10.01.2024
Supporting Statement	PRELIMINARY ECOLOGICIAL APPRAISAL	P1-02-PEA	10.01.2024

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 18.07.2024

Authorising Officer sign/initial Adrian Smith Date: 19/07/2024