

**Location** **Land Adjacent To The National Grid Sub-station Partingdale Lane London NW7 1NS**

**Reference:** **23/2598/FUL** Received: 15th June 2023  
Accepted: 15th June 2023

Ward: Totteridge & Woodside Expiry: 10th August 2023

**Case Officer:** **Dominic Duffin**

Applicant: Mr Guy Manners-Spencer

Proposal: Installation of a fibre optic cable route, hydrant connection route and drainage connection pipe for the approved Mill Hill Battery Storage Facility

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Covering Letter by Axis dated 14th June 2023
- Site Location Plan (drawing no: 2701-01-19);
- Statutory Plan (drawing no: 2701-01-20);
- General Arrangement (drawing no: 2701-01-21);
- Existing Site Plan (drawing no: 2701-01-22)
- Fibre Optic Cable Route -Typical Trench Cross Sections (drawing no: 2701-01-23)
  
- Hydrant Route -Typical Trench Cross Sections (drawing no: 2701-01-24)
- Construction Environmental Management Plan (Axis Rev 2701-01-CEMP-V6, dated 05.04.2024)
- Ecology Report (Wild Frontier, November 2023)
- Arboricultural Assessment (FPCR Environment and Design Ltd, April 2024)
- Arboricultural Method Statement (FPCR Environment and Design Ltd, April 2024)
  
- Tree Retention Plan 9600-T-06

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development shall proceed and be implemented in accordance with the ecological mitigation measures as detailed in the approved Ecology Report by Wild Frontier Ecology dated November 2023.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

- 4 The scheme shall proceed in accordance with the details contained within the approved Construction Environmental Management Plan (Mill Hill Battery Storage Facility, Construction Environmental Management Plan, Prepared for Pelagic Energy; 2701-01-CEMP-V6 dated 05/04/2024) - including the provision of a detailed ecology toolbox talk and ecological supervision of the all the Reasonable Avoidance Measuresmeasures proposed in the "Mill Hill BESS - CEMP Appendix D Reasonable Avoidance Measures (RAMS) Method Statement", and grassland turf cut/lift and placement (section 18.2) carried out by a suitable qualified ecologist or Ecological Clerk-or-Work.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G6 and in the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 5 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection detailed in the approved Arboricultural Method Statement (FPCR Environment and Design Ltd, April 2024) has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The

development shall be implemented in accordance with the approved protection plan and method statement

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and G7 of the London Plan (2021)

- 6 Any hedgerow which may need removed on Partingdale Lane or trees that may be removed or damaged owing to the works at this location (Group G2 on the Tree Retention Plan 9600-T-06), is to be replanted with suitable native trees and hedgerow species following completion of the works and within the first available planting season.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

### **OFFICER'S ASSESSMENT**

#### **1. Site Description**

The proposal site is associated with a recently approved (at appeal) planning application (20/4241/FUL) for a Battery Storage Facility (BSF) in close proximity to a National Grid substation which is located on the north side of Partingdale Lane in Mill Hill. Within the wider vicinity the site is located on the southern slopes of the Folly Brook valley which lies between Mill Hill and Totteridge.

The existing operational infrastructure at the National Grid's substation - currently comprises just under 3ha of aggregate/hard-surfacing, facilitating various installations engaged in supporting the high-voltage transformer and the associated distribution

network. The surrounding land is comprised of a series of small-medium sized green open spaces enclosed by mature tree and shrub boundaries, with pockets of woodland to the north-east, west and south of the site.

The site of the approved Battery Storage Facility is square in shape and occupies an area of circa 0.49 hectares. It lies to the west of the existing National Grid infrastructure. No works have commenced on the new facility which would consist of twenty containers housing battery storage systems, ten inverter/transformer stations and other supporting equipment. It would be enclosed by a weldmesh fence and partially by a retaining wall. The units would vary in heights, the highest being around 3.7 metres high.

This planning application, red line site, relates to a strip of land heading south from the site of the Battery Storage Facility to Partingdale Lane, adjacent to Oakfields Cottage. The red line site is approximately 4.0m wide and meanders for approximately 350 metres through grassland used for grazing.

The site falls within the Metropolitan Green Belt and within a designated Site of Metropolitan Importance for Nature Conservation (SINC) known as the Mill Hill Substation Pastures (though the existing substation aggregate or hard standing is not designated). Burtonhole Brook (a tributary of Folly Brook) flows through the wider site adding to its diversity of habitat. A Grade II Site of Borough Importance for Nature Conservation known as Burtonhole Lane and Pasture abuts the wider site to the east, stretching north-east. A Grade I Site of Borough Importance for Nature Conservation known as Folly Brook and Darlands Lake Nature Reserve is situated further to the north/north-east at the foot of the valley, around 700m away.

The eastern boundary of the wider site is peppered with trees subject to Preservation Orders, with Area Orders in place to the west and south and just over 200m to the north. The site lies entirely within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding). However, with regard to the LB Barnet: Surface Water Management Plan, the site forms part of an identified critical drainage area for surface water (Group 2\_015).

## **2. Site History**

Reference: 23/2606/FUL

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Approved subject to conditions.

Decision Date: 25.09.2023

Description: Installation of a grid connection cable route for an electrical connection between the approved Mill Hill Battery Storage Facility and National Grid Mill Hill Substation

Reference: 23/3315/CON

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Approved.

Decision Date: 25.09.2023

Description: Submission of details of condition 12 (Tree protection plan) pursuant to planning appeal APP/N5090/W/22/3298962 dated 13/03/2023 (planning ref 20/4241/FUL)

Reference: 23/5118/CON

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Approved.

Decision Date: 28.02.2024

Description: Submission of details of Condition 4 (Construction Management Environmental Plan) pursuant to planning appeal APP/N5090/W/22/3298962 dated 13/03/2023 planning ref 20/4241/FUL

Reference: 20/4241/FUL

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Refused.

Decision Date: 07.04.2022

Description: Installation of a battery storage facility including inverter and transformer stations, battery storage containers, other associated infrastructure works, security fencing and lighting.

Reason for Refusal;

The proposed development would constitute inappropriate development within designated Metropolitan Green Belt land and very special circumstances do not exist such as to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), Policy CS7 of the Barnet Core Strategy (2012) and Policy DM15 of the Barnet Development Management Policies (2012)

Appeal: APP/N5090/W/22/3298962

Decision: Allowed.

Decision Date: 13.03.2023

Reference: 19/6641/FUL

Address: Land Adjacent to National Grid Sub-station, Partingdale Lane, NW7 1NS

Decision: Withdrawn

Decision Date: 26/04/2021

Description: Installation of a gas peak power facility generating up to 49.9MW of electricity including Electrical Transformer Units; Electrical Sub-Station; Gas Kiosk; Oil Storage Tanks; Compressed Air Building; Associated works and provision of parking bays and security fencing and lighting.

### **3. Proposal**

Consent is sought for the installation of a fibre optic cable route, hydrant connection route and drainage connection pipe for the approved Mill Hill Battery Storage Facility. The route of the fibre optic cable and hydrant installations would run for circa 350 metres from the site of the proposed BSF to the Partingdale Lane carriageway, adjacent to Oakfields Cottage. The drainage pipe would run for circa 60 metres between the consented development and the side of the existing access road adjacent to the substation and under a track approved under application 20/4241/FUL to link the battery storage facility to the main entrance track.

The submitted plans outline that the drainage and hydrant pipes would be buried in a trench 750mm deep x 300mm wide. The fibre optic cable would be buried in a trench 300mm deep x 300mm wide. The trenches containing apparatus would be backfilled following installation.

The applicant advises that it has been determined that the fibre optic cable would need to be laid in a separate channel to the hydrant route but in the same trench. This is required to separate the fibre optic cable from the water utility component.

The applicant outlines the requirement for the works as below;

*These utility services would consist of a fibre optic cable connection, a hydrant pipe and a drainage connection pipe. The fibre optic cable is necessary to connect the Mill Hill BSF to the wider network for communicative purposes and enable the remote operation of the consented development. The hydrant pipe is required to connect the Mill Hill BSF to a water hydrant point for safety purposes in the event of a fire breakout onsite. The drainage connection pipe is required to connect the surface water drainage system of the BSF compound to a suitable discharge point. This discharge point would be a ditch at the side of the existing substation access road.*

Fibre Optic Route - The Proposed Development comprises c.353m fibre optic cable between the Mill Hill BSF site and the adopted highway at Partingdale Lane. The fibre optic cable would be laid within a mechanically dug trench. The trench would be approximately 300mm deep x 300mm wide. Where necessary to protect the cable route, the trench would consist of a pre-cast concrete channel. This is to prevent damage being caused to the cables by activities above ground. The trench would be backfilled and the existing surface reinstated. Where the proposed fibre optic cable route meets the adopted highway, connection to the network would be carried out by BT Openreach under their statutory undertaker powers.

Hydrant Connection - The Proposed Development includes a c.353m water hydrant pipe which is required to serve the consented development to provide a connection to a water source in case of a fire breakout. A hydrant connection point would be established within the Mill Hill BSF compound and an underground pipe is necessary to connect this to a suitable water source. The trench would be approximately 750mm deep x 300mm wide. The hydrant connection pipe would be laid in the same trench as the fibre optic cable.

Drainage Pipe - The Proposed Development includes a c.63m drainage pipe between the consented development and the side of the existing access road adjacent to the substation. The drainage pipe would be laid within a mechanically dug trench beneath the access road of the consented development. The proposed drainage connection pipe route (shown on drawing 2701-01-21) is required to connect the surface water drainage system of the BSF compound to a suitable discharge point. This discharge point would be an existing ditch at the side of the substation access road. The trench would be approximately 300mm deep x 300mm wide. Where necessary to protect the cable route, the trench would consist of a pre-cast concrete channel.

#### **4. Public Consultation**

Consultation letters were sent to 91 neighbouring properties.  
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Not appropriate to excavate several hundred metres of greenbelt land in the position proposed.
- This will disturb the wildlife in an area which is a Metropolitan Site of Importance for

Nature Conservation and it will take some time for the land to be fully restored to its pristine condition.

- Why should the applicant be allowed to excavate greenbelt land when they are perfectly able to go quite easily go down the existing road to the substation and then under the proposed new access road to the Battery Storage Facility.
- Why was this supplementary planning application not included in the original (main) application?
- It would be a tragedy to dig up the top field where the horses graze (next to Oakfields Cottage) not to mention the inconvenience, noise etc.
- Newly planted turf is dangerous to horses causing laminitis, bloat and sometimes colic and death.
- Digging up green belt should not be able to take place in an area of natural beauty enjoyed by so many people where horses peacefully graze.
- The Council needs to carefully consider this request in the light of evidence that the works can be carried out via a different route, with much less devastating impact on Green Belt land and grazing pastures for horses, as well as habitats for other wildlife.
- It should be just as easy and much more appropriate for the applicant to take the other services referred to in application 23/2606/FUL along the same route at the same time, thus not disturbing large amounts of pristine Green Belt land at all.
- Any extended period of excavation and associated activities in the next door field will significantly impact the peaceful surrounding for working from home.
- The houses directly to the south side of Partingdale Lane opposite the entrance track already have a supply of fibre optic cable, so it is likely the applicant can find a suitable solution accessing from there. This will minimise the impact to Nature, the disturbance to residents, and still supply the connectivity required by the applicant.
- It is very difficult to understand how the applicants were not aware of the need for these accompanying pieces of utility infrastructure when made their original application for the Battery Storage Facility.
- Any extended period of excavation and associated activities in the next-door field will significantly impact the peaceful surrounding for working from home.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published in December 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development", delivered through three overarching objectives; economic, social and environmental. Opportunities of the latter include protection and enhancement of the natural environment, improving biodiversity and adapting to climate

change, including moving to a low carbon economy.

The NPPF states at paragraph 157 that "The Planning system should support the transition to a low carbon future in a changing climate... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources...and support renewable and low carbon energy and associated infrastructure."

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan will require developments to contribute towards London's ambitious target to become zero-carbon by 2050 by increasing energy efficiency, including through the use of smart technologies, and utilising low carbon energy sources.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9
- Relevant Development Management Policies: DM01, DM04, DM15, DM16, DM17

### Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.



## 5.2 Assessment

The main issues for consideration in this case are:

- Planning History/Previous determinations including appeal decisions
- Whether harm would be caused to the designated Green Belt
- Impacts on the amenity of neighbouring residents
- Whether the proposal will result in the harmful loss of protected trees
- The impact of the proposal on ecology/SINC
- The implications of the scheme on traffic and highways
- All other matters

### Planning History/Previous determinations including appeal decisions

As detailed above, this planning application follows the approval of a Battery Storage facility in connection with the adjacent Mill Hill National Grid site. The Inspector agreed that this proposal would be inappropriate in the Green Belt and therefore in line with paras. 147 and 148 of the NPPF (now under December 2024 revisions paras. 152 and 153) such development should not be approved except in very special circumstances. It continues that very special circumstances will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, would be clearly outweighed by other considerations.

As part of the Green Belt balance the Inspector concluded that the appeal scheme would result in harm to the Green Belt from inappropriateness, through encroachment and due to a moderate loss of openness, to which he afforded substantial weight.

However, he also considered that natural (depression in the land) and man-made features (existing sub-station) enable the area to accommodate a degree of change without causing harm to the character and appearance of the area. Also, the BSF requires a transmission station that has a connection capacity to both export and import the requisite amount of electrical energy which are rare within the UK, but which this site had. As such, this requirement places a locational restriction on site selection that severely limits the number of appropriate sites.

Furthermore, the Inspector stated that the "benefits of the proposed BSF raise substantial public benefits that weigh in favour of the proposal. These benefits are recognised in the London Plan, in seeking increased energy efficiency and utilising low carbon energy sources, and guidance and national policy in accordance with the Climate Change Act of 2008. There is also clear support, in Section 14 of the Framework, to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects, and those that would support them, is fundamental to facilitate the country's transition to a low carbon future in a changing climate".

In the end the Inspector concluded "The benefits identified attract very significant weight in favour of the scheme. These are of sufficient magnitude to outweigh the substantial harm found to the Green Belt. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies".

The proposed works are to provide essential infrastructure so that the site can be developed for the BSF and to bring forward the benefits identified by the Inspector and repeated above. The issues around the additional works required are discussed below.

### Whether harm would be caused to the designated Green Belt

The application site is wholly sited within the Green Belt. Consequently, a key consideration is the principle of development within the Green Belt.

The scheme proposes essential infrastructure for a fibre optic cable route, hydrant connection route and drainage connection pipe to serve the approved Battery Storage Facility. There is also a twinned application (23/606/FUL) for a grid connection cable route for an electrical connection between the Mill Hill Battery Storage Facility and the adjacent National Grid Substation. This was approved on 28.02.2024 subject to conditions.

Section 13 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 143 that the Green Belt serves the following principals: 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.

Barnet Local Policy DM15 states as follows:

Policy DM15: Green Belt and open spaces Green Belt/Metropolitan Open Land

- i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.
- iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
  - a. Agriculture, horticulture and woodland;
  - b. Nature conservation and wildlife use; or
  - c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- v. The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL.

The NPPF at para.155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial

construction; e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and  
f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Framework paragraph 142 advises that openness is an essential characteristic of the Green Belt. In terms of the purposes of the Green Belts, the Framework at paragraph 138(a) and (c) outlines this includes to seek to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

Para. 156 of the NPPF states that "when located in the Green Belt, 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".

The battery storage element of this renewable energy project has already been determined to be inappropriate development, but that very special circumstances exist to overcome this harm. It should be stated that the approval of the BSF was settled at appeal and the Green Belt issues around that application cannot be revisited on this application, which is essentially for ancillary underground apparatus.

This aspect of the proposal is an engineering operation and therefore is not an inappropriate form of development - the NPPF test being as long as this proposal preserve its openness and not conflict with the purposes of including land within it.

The applicant advises that "the whole length of the proposed utilities infrastructure would sit below ground within a shallow trench which would be backfilled with the existing grass surface reinstated".

The fields that will accommodate the infrastructure are currently used for grazing by horses and do make a weighty contribution to Green Belt openness at this location. Whilst there will be the temporary intrusion of the digging of trenches, and the associated machinery involved in the process of installation, the impact of the work on Green Belt openness is entirely reversal. The trenches, which will be very modest in width, can be backfilled, using the existing materials extracted and with further sowing of grass the works would in time be inconspicuous.

Officers consider the essential character of the Green Belt is not offended by this proposal. It is considered that once the trenches are backfilled and the ground reinstated, including the translocation of the grass, the proposal would preserve Green Belt openness and not conflict with the purposes of including land within it.

The applicant has demonstrated the works are necessary for the future operation of the BSF, which the Inspector has deemed to bring substantial public benefits and to meet the very special circumstances test for inappropriate development in the Green Belt. Officers consider the proposal is acceptable from a Green Belt perspective.

#### Whether harm would be caused to the living conditions of neighbouring residents

With regards to the impact on neighbouring residential amenity it is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the

amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

There are residential properties in the wider area, the closest to the development site being on the northern side of Partingdale Lane. Apart from some level of disturbance, which would be temporary, when the works were being implemented it is not considered the proposal would cause any issues which would cause serious harm to the living conditions of neighbouring residents. A Construction Mgt Plan can be agreed by condition.

#### Whether the proposal will result in the harmful loss of protected trees

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible.

Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible, and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

There are a number of TPO trees around the site and the applicant has advised that none of these trees would be removed, or require works close to the roots of trees such to endanger their well-being and ultimate retention.

The council's Trees Officer had requested further details and an Arboricultural Assessment (FPCR Environment and Design Ltd, April 2024), Arboricultural Method Statement (FPCR Environment and Design Ltd, April 2024) were provided. The Trees Officer is content this provides sufficient information to ensure that the principal trees on the site can be retained. This can be secured by condition.

#### The impact of the proposal on ecology

Policy DM16 requires that when considering development proposals, the council will seek the retention and enhancement, or the creation of biodiversity.

The council's ecologist has been consulted and requested the submission of more information. A Construction Environmental Management Plan (Axis Rev 2701-01-CEMP-V6, dated 05.04.2024) and Ecology Report (Wild Frontier, November 2023) has subsequently been submitted and assessed by the ecologist.

The applicant has provided further clarity around various measures to ensure limited impact on the site, and its ecology, and the many ecological considerations associated with this proposal.

#### *Metropolitan SINC*

The facilities etc and access will follow the Indicative Construction Layout Plan at Appendix H of

the Construction Environmental Management Plan (CEMP) for the BESS site. It is anticipated that the utilities works will be carried out at the same time as construction of the main BESS site and the measures set out within the CEMP will be equally applicable to the utilities route construction. Accordingly, it is proposed that a condition is applied to any Decision Notice the LPA are minded to grant for the utilities works to accord with this CEMP.

Wherever possible, preparation activities for the utilities works shall be carried out within the BESS site to reduce disruption along the utilities route. Furthermore, reptile, amphibian and small mammal Reasonable Avoidance Measures are set out in Appendix D of the CEMP for the BESS site. This CEMP and the measures within it will be equally applicable to the utilities application and could be secured via planning condition.

It is stated that construction time for the utilities works would be very brief -possibly within just 2 weeks for the whole route if there are no unforeseen issues (eg. weather). As such, any disruption caused to the natural environment within the SINC would be very short.

It is proposed that the construction methods involved would be low-key; a small excavator and dumper would be used to dig sections of the trench and transport the material along the route. The cables would then be laid and material back-filled. Dug soils would be temporarily stored on the main BESS site at the allocated materials storage areas (see Appendix H of the attached CEMP). The cables / pipes for the utilities would be stored on the BESS site until required. Overall, the level of disruption to the SINC would be minimal.

### *Reptiles*

The Ecology Report (Wild Frontier, November 2023) acknowledges that "There is some suitable habitat for reptiles on the site, particularly in scrub areas, woodland edge habitats and longer grassland present on the wider site. Small areas of such habitats are present within the red-line boundary. There are records of slow worm within 500m of the site (although the location is unknown), and it is possible that this species occurs on site." and "Reptiles may occur locally, and the closest records are within 500m (for slow worm). Minor negative impacts during construction are possible if individuals were to be killed after coming into contact with machinery, which would also constitute a legal offence. This impact is reduced because much of the work's area is on already compacted, poached ground where reptiles are not likely to refuge. Mitigation measures are advised to minimise risks to individual animals during construction".

As mentioned above, a CEMP has been approved for the main BESS site to the north, which the associated utilities construction works would also follow Reasonable Avoidance Measures for Amphibian, Reptile and Small Mammals are set out in Appendix D of the CEMP. As previously suggested, a condition could be applied for the utilities to secure conformity with the RAMS measures of the CEMP (along with other measures within).

### *Bats*

The sensitive light strategy measures outline within the mitigation section of the Ecology Report (Wild Frontier, November 2023) can be secured by way of planning condition to ensure that the risk of artificial light spill impacting on foraging and commuting bats, and

tree noted as having the potentials to support roosting bats.

### *Hedgerow*

According to the Ecology Report (Wild Frontier, November 2023) "Where the utilities connections meet Partingdale Lane there is a small section of species-poor defunct hedgerow (h2a hedgerow: Priority Habitat), of which a very small length may need to be removed

(maximum 1-2m)." The section of priority species poor hedgerow will need to be replanted to the same or greater ecological value; this will need to be secured by way of planning condition. The Trees Officer has also advised it could be the case that some of the quality trees of limited merit (G2 in the report) at this location could become damaged by construction traffic, and ultimately need removing. Any necessary replacement can also be covered by a planning condition.

### *Revision 6 - CEMP*

The submitted CEMP has been amended to include the Reasonable Avoidance Measures relating to reptile, amphibians, and badgers, and nesting birds and whilst the council was comfortable with the proposed location of the parking, site set up and welfare facilities and movement of vehicles within the consent battery storage facility, it was necessary to agree good-quality semi-improved grassland turf. in order to maintain the botanical integrity and health of the grassland turf, its roots and soil along the roots.

This is much preferred to simply excavating, dump the soil, roots and plant matter adjacent to the trench and then back filling with the soil once the cable has been installed as the latter method would not provide sufficient mitigation of impact to the SINC rather. This method of turf lift and replacement following completion of works will help to reduce the likelihood of grassland species along the utilise route failing and the healthy and quality of the priority good-quality semi-improved grassland within the metropolitan SINC become deteriorated and increase overall recovery time for the turf to regenerate.

The final revision (version 6) includes a section on turf translocation working practices on the utilities route (page 34).

The ecologist reviewed the latest (6th) revision of the construction and environmental management plan and sufficient detail has been given to require cut, lift and reinstatement of the turf within the good quality semi-improved grassland to be confident that the proposed utilities cable installation works will result in the stated temporary disturbance of the SINC and its priority grassland habitats as opposed to the soil being excavated put to one side and refilled at the end of the cable installation.

The ecologist advised that no further amendments to the CEMP will be required and a suitable worded planning condition for the strict adherence to the details outlined within the CEMP

including the provision of a detailed ecology toolbox talk and ecological supervision of the all the

Reasonable Avoidance Measures (Appendix D) and grassland turf cut/lift and placement (section 18.2) by a suitable qualified ecologist or Ecological Clerk-or-Work should be included subject to planning permission.

There are therefore no ecological objections to the planning application, subject to suitably worded planning conditions.

## The implications of the scheme on traffic and highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The council's Highways Officer has commented on this submission. Highways would raise no objection to the proposal, subject to a condition securing the Construction Management Plan.

### **5.4 Response to Public Consultation**

- It would be a tragedy to dig up the top field where the horses graze (next to Oakfields Cottage) not to mention the inconvenience, noise etc.
- Not appropriate to excavate several hundred metres of greenbelt land in the position proposed.
- It would be a tragedy to dig up the top field where the horses graze (next to Oakfields Cottage) not to mention the inconvenience, noise etc.
- Digging up green belt should not be able to take place in an area of natural beauty enjoyed by so many people where horses peacefully graze.
- It would be a tragedy to dig up the top field where the horses graze (next to Oakfields Cottage) not to mention the inconvenience, noise etc.

Officer Comment: It is considered that the works are necessary to provide the BSF which would bring substantial public benefits and impact on Green Belt openness would be very modest.

- This will disturb the wildlife in an area which is a Metropolitan Site of Importance for Nature Conservation and it will take some time for the land to be fully restored to its pristine condition.

Officer Comment: The council's ecologist is content the scheme would not cause serious harm to local wildlife and a suitable scheme to oversee the works and a suitable reinstatement scheme can be secured by condition.

- Why should the applicant be allowed to excavate greenbelt land when they are perfectly able to go quite easily go down the existing road to the substation and then under the proposed new access road to the Battery Storage Facility.
- The houses directly to the south side of Partingdale Lane opposite the entrance track already have a supply of fibre optic cable, so it is likely the applicant can find a suitable

solution accessing from

there. This will minimise the impact to Nature, the disturbance to residents, and still supply the connectivity required by the applicant.

Officer Comment: National Grid (NG) are required to keep the access road open 24/7 for health and safety reasons, in the event access is required to the site in an emergency. Therefore, NG won't consent to the utilities/cables running down this road due to the disruption caused during construction. National Grid themselves have instructed the applicant to undertake the works using the proposed route and the grass surface would be reinstated once the trench is backfilled.

- Why was this supplementary planning application not included in the original (main) application?

- The Council needs to carefully consider this request in the light of evidence that the works can be carried out via a different route, with much less devastating impact on Green Belt land and grazing pastures for horses, as well as habitats for other wildlife.

- It should be just as easy and much more appropriate for the applicant to take the other services referred to in application 23/2598/FUL along the same route at the same time, thus not disturbing large amounts of pristine Green Belt land at all.

- It is very difficult to understand how the applicants were not aware of the need for these accompanying pieces of utility infrastructure when made their original application for the Battery Storage Facility.

Officer Comment: The applicant advises that the location and details of these utilities were unknown at the time of the application for the consented development. The Applicant has now identified a suitable route for these services. The location and details of the utilities were not known at the time of the application for the consented development back in 2020, hence why they were not addressed in the original application for the BSF. It has only been through the detailed design process that these details have been understood. Furthermore, it was originally anticipated that the utilities / grid connection would be undertaken by statutory undertakers through their Permitted Development rights.

- Newly planted turf is dangerous to horses causing laminitis, bloat and sometimes colic and death.

Officer Comment: The same turf can be replaced in situ and there is no substantive evidence provided that this proposal could seriously harm any horses grazing in the site.

- Any extended period of excavation and associated activities in the next-door field will significantly impact the peaceful surrounding for working from home.

Officer Comment: It is considered that any level of disturbance once the initial works are complete would be negligible.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.



## 7. Conclusion

In light of the above appraisal, it is considered the proposed scheme is deemed acceptable and impacts on the ecological value of the site can be minimised. Following significant discussion between the applicant and the LPA's ecologist, suitable agreement has been reached. The proposal is therefore recommended for APPROVAL subject to conditions.

