



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 1 April 2026

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Patrick Adams

Telephone: (01353) 616298

Email: patrick.adams@eastcambs.gov.uk

Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Mark Goldsack (Vice Chair)
Cllr Bill Hunt (Chair)
Cllr Alan Sharp

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Lucius Vellacott

Liberal Democrat and Independent members

Cllr Chika Akinwale
Cllr Christine Colbert
Cllr James Lay
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan (Lead Member)

Liberal Democrat and Independent substitutes

Cllr Lee Denney
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: David Morren, Strategic Planning and DM I Manager

10:30 am Planning Committee members meet at The Grange reception for site visit.

AGENDA

1. Apologies and substitutions

[oral]

- 2. Declarations of interests** **[oral]**
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **Page 5**
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 4 March 2026.
- 4. Chair’s announcements** **[oral]**
- 5. 25/00303/FUM – North of Church Road, Wicken** **Page 25**
Location: Land North of Church Road, Wicken, Cambridgeshire
Applicant: GSC Church Road Wicken Limited
Public access link: [25/00303/FUM | Installation of up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years | Land To The North Of Church Road Wicken Cambridgeshire](#)
To install up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years.
- 6. 25/01320/FUL – 31 Ten Mile Bank, Littleport** **Page 73**
Location: 31 Ten Mile Bank, Littleport, Ely
Applicant: Mr Aaron Dakin
Public access link: [25/01320/FUL | Change of use from agricultural land to builders yard - retrospective | 31 Ten Mile Bank Littleport Ely Cambridgeshire CB6 1EE](#)
Change of use from agricultural land to builders’ yard – retrospective
- 7. TPO/E/07/25 – Tree Preservation Order - Sutton, Ely** **Page 91**
Location: 15 Sutton Park, Sutton, Ely
Proposal: To confirm Tree Preservation Order (TPO) E/07/25 for one Chanticleer Pear and one Cedar.
- 8. Planning performance report – February 2026** **Page 121**
-

Notes

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking-) (<https://www.eastcambs.gov.uk/parking->

open-spaces-and-toilets/car-parks/car-parks-ely). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available [on the committee meeting’s webpage](https://www.eastcambs.gov.uk/node/2657) (<https://www.eastcambs.gov.uk/node/2657>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting) (<https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 31 March**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Ward Councillor
 - Parish/Town Council
 - County Councillors
 - National/Statutory Bodies
3. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
 - the fire assembly point is in the front staff car park by the exit barrier
 - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
 - the Committee Officer will sweep the area to ensure that everyone is out
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”





East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 4 March 2026

Present:

Cllr Chika Akinwale
Cllr Christine Colbert
Cllr Lavinia Edwards
Cllr Martin Goodearl (Vice-Chair)
Cllr Keith Horgan
Cllr Julia Huffer
Cllr Bill Hunt (Chair)
Cllr James Lay
Cllr Alan Sharp
Cllr John Trapp
Cllr Christine Whelan

Officers:

Patrick Adams – Senior Democratic Services Officer
Kevin Breslin – Locum Planning Lawyer
David Morren – Strategic Planning and Development Management Manager
Juleen Roman – Planning Enforcement Team Leader
Christopher Smith – Environmental Health Officer
Gavin Taylor – Major Projects Officer

In attendance:

Cllr Christine Whelan, as local member
ECDC Comms
Members of the public

49. Apologies and substitutions

Apologies for absence were received from Cllr Christine Ambrose Smith, Cllr Mark Goldsack and Cllr Ross Trent. Cllr Keith Horgan substituted for Cllr Ambrose Smith and Cllr Julia Huffer substituted for Cllr Goldsack.

50. Declarations of interest

Cllr Alan Sharp stated that with regards to agenda item 6, he was an observer on the Board of the East Cambs Trading Company. He was coming to the Committee with an open mind.

51. Minutes

The Minutes of the meeting held on 14 January 2026 were agreed as a correct record.

52. Chair's announcements

The Chair thanked officers for their work in bringing the application 25/00639/FUM back to the Committee so promptly.

53. 25/00639/FUM – Hightown Drove, Burwell

Gavin Taylor, Major Projects Officer, presented a report (AA148, previously circulated) recommending approval for the erection of a battery energy storage facility and associated infrastructure on land south west of Hightown Drove, Burwell. He stated that Planning Committee on 14 January 2026 had voted to defer this application.

The Committee received the following statement from an objector, Julia Rogers:

“Despite amendments, we will lose the last non-industrialised view in the area. We will lose our peace and tranquillity and the community cricket pitch, riding arena, woodland walks, memorial benches and turtle dove pond. The amendments place the battery closer to the family dwellings, and we are more likely to lose lives in the event of a fire because critically there is only one entrance to Hightown Drove for vehicles. If the wind direction is across Hightown Drove, or towards the entrance, the Fire Service cannot access the site at all. This increases the risk to humans and wildlife, due to the inhalation of fumes that cause pulmonary edema and respiratory distress. As a nurse I have seen how dying with respiratory distress will be to those who inhale the fumes. Please protect us.”

The Committee received the following statement from an Objector, Sara Phipps of Burwell Energy Awareness Team (BEAT):

“Councillors, our question to you is: ‘do you have enough reliable information to conclude that this development is safe and that it is appropriately located?’

“First, safety. Planning is the only stage where risks can be fully evaluated and in this case, we feel that key assumptions remain unresolved. The risk assessment of the applicant assumes a single container failure, yet the proposal includes 144 of these containers. Planning permission is not a safety approval, and no single authority can ensure safety after consent. National policy mandates that decision makers must anticipate and address potential malicious threats to public safety, as outlined in paragraph 102 of the NPPF. This BESS will rely heavily on digital connectivity for trading and the industry acknowledges that cyber initiated loss of control scenarios are credible. You only have to look at what happened in the UK last year. Land Rover, Marks and Spencer and the Co-op. Having no food on the shelves of Burwell Co-op made

it very real to us. But a cyber threat in this case is not about food, it could be about fire. This surely demonstrates that a worst case scenario should not be limited to a single container fire. Grenergy's position that one battery container fire represents a worst case scenario does not reflect the reality of an increasingly sophisticated and coordinated cyber threat. This totally underestimates the potential scale of harm. Therefore, we ask of you, please ensure that Grenergy have assessed cyber threats and that the fire safety strategy for Hightown Drove is adequate. Councillors, you are not being asked if battery storage is good policy, but whether this specific proposal, with unresolved safety concerns and an uncertain environmental impact, is acceptable. We believe that there is strong evidence to refuse this application on grounds of safety, but if you are minded to approve, we strongly request that condition 11 is strengthened. Please ensure that the role of DNV includes ongoing safety oversight throughout the lifetime of the facility. We request this to ensure that conditions are indeed implemented and as we know at Weirs Drove, BESS conditions are still outstanding, four years after being operational.

"Low frequency noise concerns are next. We are deeply concerned that the applicant's assessment of the noise impact relies mainly on the LA90 background level. This is an average figure, which does not reflect how intrusive low frequency noise can be, especially at night. Residents already report that low frequency noise from Weirs Drove Bess is highly disturbing. It is the persistent hum that penetrates our homes, even with the windows closed. This is an everyday lived experience. I know, I live there. We have been concerned about Grenergy's noise assessment, particularly as they have excluded the very thing that has affected residents, which is low frequency noise at night. Residents organised an independent baseline noise survey, which has been submitted to planning. The residents' survey highlights how quiet this area truly is and emphasises the importance of properly assessing low frequency noise, especially at night, which Grenergy quite simply haven't done.

"Councillors, please reconsider this, so that the same mistakes are not repeated as at Weirs Drove BESS. The consequences of which, we experience every day. Our complaints reflect our lived experience. We have the reliable evidence. So, in conclusion, again, our question to you is 'do you have enough reliable information to conclude that this development is safe and that it is appropriately located?'"

Councillors were invited to ask questions to Julia Rogers and Sara Phipps.

In reply to Cllr Keith Horgan, Sara Phipps confirmed that she lived on Weirs Drove, she was already bothered by low frequency noise but was not aware that the Council had offered residents noise monitoring equipment. The Environmental Health Officer confirmed that noise monitoring equipment could be offered to residents who had made complaints about the noise.

In reply to Cllr John Trapp, Julia Rogers confirmed that Hightown Drove only had one access point and she believed that the development threatened the amenities that could only be accessed via Hightown Drove.

The Committee received the following statement from Jonathan Cooper, Head of Development for Grenergy:

“As the scheme was discussed at length at the Committee meeting in January, I will use my time to go over the key discussion points. Members may have seen that we shared a briefing note ahead of the meeting, addressing how we have responded to queries about the need case, safety matters and concerns of public amenity. Regardless, I will talk through these points now. Firstly, whether we need this proposal and in this location. Whilst the national planning policy is clear, that applicants are not required to demonstrate a need, we feel it is important that we make our case for this. Batteries play a critical role in securing a clean, cheap and abundant supply of energy. Given current geopolitics, it has never been more critical to ensure that the UK has a resilient and self-reliant energy security strategy. In terms of cost, UK taxpayers pay the highest in Europe due to our reliance on natural gas, a fossil fuel. This causes pains for domestic and industrial users alike, hurting economic and social growth. Energy storage fits in by playing a pivotal role in harnessing our natural resources of wind and solar capacity, reducing reliance on fossil fuels and imports. National Grid predict that if deployed, energy storage will save UK taxpayers up to £40 billion by 2050. As for the location, renewable energy developers are limited, with few places to link into the electrical network, where physical connections must be made. For utility stage projects, such as this proposal, this is typically limited to major substations, such as Burwell and there is not another suitable location for 25 miles in any direction. Once a point of connection is confirmed, developers must find land that meets commercial, practical and planning requirements, which limits options further.

“The next major debating point is fire safety. The Case Officer has made clear the national policy position on this point in their report and additionally has highlighted the stringent regulations and legislation that the technology is governed by outside planning controls. We also highlight that the Government targets and the deployment of this technology internationally is an endorsement of the safety standards. Regardless, we acknowledge the members’ concerns at the previous Committee meeting and we have sought to address these in several ways. We have provided a site specific risk management and emergency response plan. We have moved battery units further from overhead lines and we have added water tanks on site to ensure an adequate supply of water in the unlikely event of an emergency.

“The next key discussion point is noise impact, which has drawn focus due to another storage scheme located significantly closer to residential properties. On the Grenergy proposal, the audible impact of the plant has been thoroughly assessed by qualified and experienced professionals, against British Standards, on behalf of ourselves and by the Council’s Environmental Health Officers. The officer has reviewed our assessment as well as the assessment delivered by local residents, of which they are clear, they do not anticipate any adverse impact by way of noise of the plant on the residents. A planning condition is proposed, which includes regular noise monitoring and a noise

complaint action plan, which can be found in the officer's report. It is of the officer's opinion that noise should not be a deciding factor in this proposal.

"Lastly, we recognise concerns regarding visual screening of the site, brought primarily by the National Trust. We have sought to address these by providing an additional hedgerow, with scattered trees on our western boundary, which will provide an enhanced visual buffer to the Wicken Fen. To conclude, the application before you has been thoroughly put together, with detailed plans including technical assessment into environmental and social considerations, which have been produced by qualified professionals, against national guidance, who have given their advice to the Case Officer. After considering this and weighing the planning balance, they recommend that the scheme be approved and we ask that you support your officer's conclusion."

Councillors were invited to ask questions to Jonathan Cooper.

In reply to Cllr Julia Huffer, Jonathan Cooper explained that the national guidance stated that there should be at least 30 metres between the battery and residential properties, as toxic chemicals would be limited to within 20 metres of a container if there was a fire. The application complied with this guidance. He added that he would live 30 metres away from such an installation, providing the data showed him that it was safe.

In reply to Cllr Alan Sharp, Jonathan Cooper reported that noise consultants had been employed by Grenergy and they had found the noise levels to be acceptable, according to British Standards. He also explained that in the unlikely event of a fire, the plant could be closed down and the Fire Service notified. The nearest fire station was only a mile away.

In reply to Cllr Chika Akinwale, Jonathan Cooper explained that each container could be managed separately and the power turned off if overheating, smoke, heat or light was detected. Consultants had been employed to ensure that if there was a fire it would be isolated. If necessary, an operational team could turn up to the site, but it was standard practice not to have workers on site. He further explained that the frequency of fire drills would be agreed with the Fire and Rescue Service, but he expected them to be annual or bi-annual.

In reply to Cllr Keith Horgan, Jonathan Cooper confirmed that the purpose of the water was to stop any fire from spreading, that the system would automatically shut down in the event of a fire and if necessary, a team could arrive promptly to make the site operational again.

In reply to Cllr Christine Whelan, Jonathan Cooper stated that the Fire and Rescue Service had looked at the design of the site and the battery safety plan. They had confirmed that the plans met the national guidance.

In reply to Cllr John Trapp, Jonathan Cooper explained that 100,000 litres of water would be available on the site, the tank would be supplied by rainwater and the fire hydrants would be capable of delivering 15,000 litres of water per second. The system would be enclosed and so the runoff would be contained.

Jonathan Cooper added that the battery was 30 metres from the nearest overhead powerline and UK power network had raised no objections. There were two access points to the site for vehicles, although only one point of access from the main road onto Hightown Drive.

In reply to Cllr Christine Colbert, Jonathan Cooper confirmed that there was an integral, aerosol based, fire safety system that would remove power to any affected container.

In reply to Cllr Martin Goodearl, Jonathan Cooper explained that whilst power to the battery could be turned off remotely, power could only be restored manually, when it was safe to do so. There was a battery management plan.

In reply to Cllr James Lay, Jonathan Cooper reported that it was impossible to predict how long a battery fire would last and the key factor was to ensure that it was safely contained whilst the fire burnt itself out.

Cllr Julia Huffer expressed concern regarding the risk to residents from toxic fumes in the event of a battery fire. Jonathan Cooper reiterated that the proposed distance between the installation and the nearest residents met the national guidance.

The Committee received the following statement from John Hughes of the National Trust:

“The National Trust opposes the proposed development.

“The development sits within Burwell Fen, an area with significant solar schemes both in place and those with planning permission awaiting construction. These sites form a block of approximately 140 hectares or 350 acres, which stops at Hightown Drive. By permitting the proposed development, this block of industrialised landscape will move into a new, distinct section of the fen, one that still maintains its character. Policy ENV 1 of the East Cambridgeshire Local Plan requires proposals to ‘conserve and enhance local landscape character’. This development will do the opposite. I don’t agree that this is moderate or negative weight to what you can see to the left of Hightown Drive, where there is no solar development and the right where there is hundreds of acres of solar development. This is moving that development across Hightown Drive to a completely different section of the fen.

“The development sits adjacent to land managed as part of Wicken Fen National Nature Reserve’s ‘Wider Wicken Fen Vision Project’. We are undertaking species recovery work here for turtle doves and other protected species and have, working with Reach parish Council, delivered trails and other well used community spaces. This work is aligned with East Cambridgeshire Climate and Nature Strategy. It has become a valued space for both wildlife and people, providing access that allows an immersive experience in nature away from the noise of urban areas and into one dominated by wildlife. Policy ENV 9 protects this tranquillity. It states that

'proposals should ensure no deterioration in air and water quality and not harm the natural environment, general amenity and the tranquillity of the wider rural area'. This development, and its industrial infrastructure with noisy fans will undoubtedly damage the amenity of the wider rural area and have significant effects on the land that lays adjacent to it.

"The National Trust has a duty to protect and care for special places, so people, nature, and culture can thrive. We believe that climate change poses one of the greatest threats to them. We understand that decision makers will increasingly need to give weight to the importance of reaching net zero, and that this could result in some effects to landscape and places of significance. However, we believe this should be avoided where possible and this development would be better placed in a more suitable location. We urge you to reject the application."

Councillors were invited to ask questions to John Hughes.

In reply to Cllr Keith Horgan, John Hughes confirmed that the National Trust had objected to this application when it was considered by the Committee on 14 January 2026 and were objecting a second time to the amended application that was being considered by this Committee.

In reply to Cllr John Trapp, John Hughes explained that the National Trust objected to the cumulative effect of the development on this site.

In reply to Cllr James Lay, John Hughes stated that the proposed fencing would have a detrimental effect on wildlife in the area.

The Committee received the following statement from Nick Acklam of Reach Parish Council:

"I am representing both Reach and Burwell Parish Councils. Both parish councils oppose this application. Thank you for your persistence with this application. I imagine that this is one of the tougher applications that you have had to tackle. From my perspective, it is tough because the guidance in the National Planning Policy Framework is insufficiently precise or detailed, there are no national health and safety guidelines to proscribe acceptable locations for BESS and East Cambridgeshire Local Plan is silent on green energy developments, especially in the vicinity of the substation at Burwell. Yet the decision today is hugely significant and has ramifications way beyond most of the planning applications determined at local level. The developers have said that it is only through planning approval that they can seek a connection from the National Energy System Operator (NESO) to access the national grid. This seems to me to be the wrong way round and you are being asked to give approval for a BESS that will bring much harm to our communities, as previous speakers have demonstrated and you are being asked to do this without an independent assessment of the business case, demonstrating the benefits of this scheme. To some extent you are restricted by the National Planning Policy Framework. One assumes that the developer sees benefit in this scheme, but who else benefits? Notwithstanding the generalised nature of what the

developer said today about the benefits of electricity supply, where is the hard evidence in front of you that this BESS is needed by the electricity supply industry? In what is termed a rebuttal letter of 18 February, the developer's agent states that there is a grid connection, but it can only be secured when planning permission is granted. No evidence is produced to support this assertion. Certainly, there is no evidence in the public domain that NESO can provide a connection for Grenergy. In December of last year, NESO published its connections reform report, which showed that there is a huge oversupply of BESS schemes in the pipeline. The pipeline includes schemes such as this, all the way through to schemes that have planning permission, approval from NESO and a confirmed connection date. The assessed level of oversubscription varies, but some industry insiders have suggested that it might be eight times what the country needs up until 2035. Congestion is particularly acute in our region, T6 in NESO terms. It is clear that many BESS schemes are ahead of this application in the queue and will need to be withdrawn if this scheme is to be connected to the grid. In light of what I have said, you might say that this doesn't really matter, but I would argue that it very much does. Approval of this scheme will blight the land and will require the local authority to commit resources to prepare for the possibility of it being built. So that's where I see the lack of benefits in respect of this scheme. The two parish councils see no benefit to the community or the wider country for this application, but we do see major harms, which have been touched on in more details by the previous speakers and I reiterate that the scheme is simply in the wrong place. It is too near homes in Reach and Burwell, given the low frequency noise that the scheme will produce and the manifold shortcomings in its safety provisions. Mr Morren mentioned earlier the national fire chief's recent report. That requires a cyber assessment to be included and as far as I can tell that doesn't exist for this scheme. Members of this Committee have already started to consider the implications of a cyber attack and where it might lead in terms of being able to manage thermal runaway at this site and I think that this is a massive issue and we have already seen a catalogue of Russian sponsored cyber crime against critical national infrastructure in eastern Europe. Who knows how that will change in the 40 years of the lifespan of this scheme. So it seems to me that there is a huge gap there. The scheme is the tenth energy development on Burwell Fen in the last six years. The accumulative impact of this proposal, alongside the other nine is not adequately assessed in the paperwork in front of you, in my view. You have heard others saying how the Hightown Drove is a Rubicon and crossing it will prejudice all of the land so valued by our communities. The land adjacent to this forms a key element of Reach Parish Council's nature recovery plan, which has been endorsed by East Cambridgeshire District Council and as Mr Hughes has already said it is also a fundamental part of the National Trust's wider Wicken vision project, which also enjoys strong support from the County Council. In conclusion, I urge you to stick with the instincts that you showed at the previous meeting, as representatives of local people first and foremost and reject this scheme, which is bad for our community and brings not benefit to our community or the wider country."

In reply to Cllr Keith Horgan's question on whether any form of fire prevention measures could be introduced that would address his concerns regarding the

scheme, Nick Acklam stated that the scheme was simply too close to local residents to be viable.

In reply to Cllr John Trapp, Nick Acklam explained there was a consensus that there were far more BESS schemes being planned than the country needed and there was no strategic plan.

In reply to Cllr Chika Akinwale, Nick Acklam reported that he was unaware of any fire safety plan and the way in which residents, livestock and pets could be evacuated needed to be considered.

The Chair invited comments from officers.

The Strategic Planning and Development Management Manager explained that under the National Planning Policy Framework, fire safety was not the responsibility of the planning authority. The original National Planning Policy Framework was broadly supportive of BESS schemes and this support was strengthened in the new draft Framework. Planning authorities needed to give substantial weight to the benefits of new zero, energy security and economic development. Applications outside development areas should be acceptable as the need for renewable energy does not need to be proved.

Councillors were invited to ask questions to the officers.

In reply to Cllr Alan Sharp, the Environmental Health Officer explained that using British Standard 8233 as guidance, sounds exceeding 35 decibels during the day and 30 decibels at night in a home were seen as unacceptable. In reply to Cllr Julia Huffer, the Environmental Health Officer stated that sound emissions would be measured with the home windows open. In reply to Cllr Christine Colbert, the Environmental Health Officer explained that these regulations were assessing the impact on humans and not on livestock or pets. It was noted that accurately measuring sound emissions was challenging.

The Committee moved into debate.

Cllr Alan Sharp reported that he was concerned about the detrimental effect of noise on residents and the impact on the landscape. He was also concerned about development on agricultural grade 2 land and the fire risks that it would pose to residents.

Cllr James Lay opposed development outside the village framework and he had concerns about the safety of residents.

Cllr Julia Huffer opposed the development on the grounds that it would mean the loss of five hectares of farming land, the loss of an amenity for local people, it would create a noise nuisance for residents with a continuous low frequency humming and there was a safety risk from fire and the resulting toxic fumes. The sight of 5 metre by 3 metre containers would also have a negative visual impact on the area.

Cllr Lavinia Edwards noted the concerns of the residents from Reach and Burwell and did not consider the safety issues had been resolved. She also opposed the development.

Cllr John Trapp recognised the need for the BESS but was not convinced that the development was in the right location. The concerns of residents needed to be considered, and he stated that there had been occasions in the past where the Committee had disagreed with the advice of the statutory consultees, usually due to local knowledge.

Cllr Keith Horgan thanked the Major Projects Officer for providing the Committee with all the evidence and incorporating the views expressed at the meeting in January in his well-written report. He understood the concerns from residents; however, the Fire and Rescue service were the experts and were satisfied with the measures in place. He explained that that policies in the National Planning Policy Framework were weighted in favour of renewable energy technology applications and he warned that if the Committee voted to refuse this application it could go to appeal and the reasons for refusal would be tested against these policies. He also understood why more battery storage units for renewable energy were required.

Cllr Chika Akinwale stated that she would be voting to refuse this application due to the noise nuisance and the risk of fire and resulting fumes. She also considered that concerns regarding the storage capacity of the BESS had not been addressed.

The Strategic Planning and Development Manager reminded members that none of the statutory consultees had objected to the application and that developments of this type could be built outside a village's framework, according to national planning guidance.

Cllr Christine Whlean was concerned about the impact that the development could have on the biodiversity of Wicken Fen and the fire risk. She was resolved to vote against.

Cllr Alan Sharp explained that he was concerned about the impact the development would have on the landscape in accordance with National Planning Policy Framework ENV1 and noise and fire pollution in accordance with National Planning Policy Framework ENV9. He stated that he heard the noise on that morning's site visit. He agreed with Cllr Trapp that there had been times when the Committee had objected to matters when the statutory consultees had raised no concerns. He was resolved to vote against the application.

Cllr Christine Colbert said that she was unhappy with the application but respected the advice of officers.

Cllr Julia Huffer asserted that the application contravened National Planning Policy Framework ENV1, due to the visual impact of the development, ENV2, due to the detrimental impact of the amenity for residents and ENV9, due to the

noise and toxic fumes. In conclusion, the development would make it impossible for residents to enjoy the quiet in their homes. It would spoil the nature of the area and there was a potential fire hazard.

Cllr Julia Huffer proposed and Cllr Lavinia Edwards seconded that the application be refused. A vote was taken and with 9 votes in favour, 0 votes against and 2 abstentions the Committee

resolved to **refuse** the application, on the grounds that it contravened the following policies in the East Cambridgeshire Local Plan 2015 (as amended 2023):

- (i) ENV 1 Landscape and settlement character, due to the visual impact of the development in a rural area;
- (ii) ENV 2 Design, due to the loss of an amenity for public recreation; and
- (iii) ENV 9 Pollution, due to noise pollution and the risk of toxic fumes in the event of a fire.

54. 25/00717/F3M – Land South of Princess of Wales Hospital

Gavin Taylor, Major Projects Officer, presented this report (AA149, previously circulated), which recommended that the application for 13 new homes with access parking and landscaping be approved.

Objector Michael Judkins made the following statement:

“My objection today relates to the inadequate provision of vehicular access to the intended site. You have seen there is a pedestrian footway. It is recognised as such within the applicant’s transport assessment. The nature of the footway, which serves three houses, is entirely consistent with non-vehicular usage. The applicant acknowledges a 4.8 metre width at maximum, but it narrows at the intended development site to barely the width of two small cars adjacent to each other, and if this development goes ahead there will be hundreds of journeys over many months by construction vehicles taking up the whole of this width and of course there is no pavement. You will be aware that continuing on towards Williams Close this footway is a through route, a regular passage, not only popular, but for many people a necessity. So, what is the usage of the pedestrian footway which has to be accounted for? Well cyclists, dog walkers, young and old, the elderly, the disabled, some in wheelchairs and very significantly school children. In one direction there is the Isle of Ely Primary School and in the other two schools, Spring Meadows and St Mary’s. The crucial time for conflict between pedestrians and vehicles will be half an hour before the start of the school day. At the moment, one sees many mothers with pushchairs and other mothers with children 7-8 years of age. The children ride on scooters ahead of the parent. Now one could imagine the vulnerability of a child in that situation to a driver from this new estate, coming out into the roadway or footway as it now is, without due care, not seeing the child and a

huge safety risk rises from that potential scenario. Opposite, there is proposed development for eight units, with two parking spaces each, so 16 cars. If this development goes ahead as intended, there will be 22 parking spaces that we didn't have before. The wider area is not compatible with such an increase in vehicular traffic. It's not just that it is 140 metres from the proposed site entrance to the junction of Redman Close and Heaton Drive, it is also another 0.2 miles from there to any footpath, a total distance of almost 500 metres, which is carrying a very significant increase if this goes ahead, along which pedestrians are also having to walk, again with no pavement. Every Monday and Thursday evenings, marching army cadets, with accompanying parental traffic, have to be parked and driven there to pick them up. As I advised the Planning Officer, on Sunday, between 11am and 12 noon, not a particularly busy period, between 40-50 pedestrians were observed using the footway beside the site entrance. Whilst the transport assessment has attempted to predict traffic density, which to some extent must be speculative, no attempt at all has been made to survey, research or look into actual pedestrian and non-vehicular usage and I am sorry, but I think that this is disgraceful. It should have been done and should be done. It is important in this context to look at important areas of reference for those involved in the making of planning decisions and I would suggest that there are three. We have the National Planning Policy Framework, which in fact is acknowledged with the transport assessment and that emphasises the needs of people with disabilities and reducing the scope for conflict between pedestrians, cyclists and vehicles. Secondly, the Cambridgeshire Highway Development Management General Principles for Development, January 2023, in paragraph 2.7, headed Generic Adoptable Street Standards, talks of a shared surface street, which is what this is, to be 6 metres in width and this applies to streets to be adopted, but surely that document gives a yardstick and a standard of acceptability for a street of this nature. Thirdly, we have the national manual, which I don't have time to refer to, but what I'm asking you to do is dismiss this application on these grounds and if not, defer to a new date to allow discussion between the applicant and the Princess of Wales Hospital regarding a route of access to the north, particularly at the point of construction and secondly, if the Princess of Wales Hospital will not agree that, to have a proper consultation with all those affected by the development."

Councillors were invited to ask questions to Michael Judkins

In reply to Cllr John Trapp, Michael Judkins explained that the road narrowed at Redman Close to something less than 4.8 metres. He also reported that pedestrians would have to walk along a road with no pavement to the nearest bus stop.

In reply to Cllr Chika Akinwale, Michael Judkins stated that the problem was not pedestrians crossing the road but walking along the footway, which had no pavement.

In reply to Cllr Bill Hunt, Michael Judkins confirmed that whilst vehicles could not turn right out of the proposed site, pedestrians could.

In reply to Cllr Alan Sharp, Michael Judkins understood that the road would remain narrow after construction work had finished.

The agent, Sam Robinson, waived his right to speak but explained that he was happy to answer any questions.

In reply to Cllr James Lay, Sam Robinson estimated that 40-50 cars had used the site, which had been a car park, but they had accessed the site from the hospital side. This car park had been replaced by a multi-story car park to the north of the hospital.

In reply to Cllr Bill Hunt, Sam Robinson stated that pedestrians could turn right out of the site, but bollards prevented vehicles from doing so.

In reply to Cllr Chika Akinwale, Sam Robinson explained that there was a shared surface for cars and pedestrians, but he believed this to be safe due to the small volume of traffic, and it had been deemed acceptable by Highways. He also reported that following an acoustic assessment, units 12 and 13 had been turned 90 degrees to protect the rear gardens, which were closest to the site used by the hospital. In addition, the windows had been redesigned, and mechanical ventilation would be installed.

In reply to Cllr John Trapp and Cllr Chika Akinwale, Sam Robinson explained that the narrow road was outside the area of development and it would be up to Highways to widen it. Strategic Planning and Development Management Manager confirmed that this road was outside the area of development being considered as part of the application and in any case, could not be widened without encroaching on residents' front gardens.

In reply to Cllr Christine Colbert, Sam Robinson stated that 8 homes were being built opposite the construction site.

In reply to Cllr Keith Horgan, Sam Robinson stated that he understood that when construction was completed there would be no pedestrian access to the hospital site.

The Mayor of the City of Ely, Mike Banyard, made the following statement:
"I am the Chair of the City Council and sat in their Planning Committee in August last year and we are a consultee of the district council, and we recommended refusal due to the loss of amenity, the loss of green space that is used by local people and overdevelopment. There are three points that I wish to make. The NPPF and the importance of public rights of way. I visited on Sunday and saw the enormous numbers of pedestrians using the footway, which is not a road, it is a footway and it is only 4.8 metres, which is not wide enough according to the planning rules. An enormous numbers of parents use the road, because the air cadets and army cadets meet up there on Mondays, Tuesdays and Thursdays, and there are some 70-80 cadets who are taken there by car, sometimes parking there when they can't park anywhere else. Your own Council's transport assessment states that the footway is significantly less than 4.8 metres wide, so less than the minimum permissible according to the

planning officer's report. Secondly, there is public safety. A large number of people walk that way on their way to school and certainly if you turn right out of the proposed development you will not meet any cars because it is not wide enough. I have to thank the Council for cleaning the street for the last two days, so that your site visit could be without the mud, which is there normally. Thirdly, overdevelopment. We objected on this basis, in accordance with the East Cambridgeshire District Council's Local Plan 2015 as amended in 2023, paragraph 4.31, which states that whilst higher densities may be appropriate in major developments in town centre locations, where public transport is good and urban form is dense, lower densities may be appropriate in established sub urban areas, in villages, in areas with an open character or on the edge of settlements. It is quite clear that this is not a town centre location, suitable for high density development. That are the main points that the City Council wants to put before you and recommend refusal of this particular development. It looked to me to be impossible to access the hospital site from the new development, when I was there on Sunday and the new car park that has been put there is certainly helping enormously, but it needs another footway.

Councillors were invited to ask questions to Mike Banyard.

In reply to Cllr John Trapp and Cllr James Lay, Mike Banyard explained that another footpath was needed that went northwards and allowed hospital access. The Strategic Planning and Development Management Manager reported that this was outside the development area and so beyond the scope of the application under discussion.

In reply to Cllr Alan Sharp and Cllr Bill Hunt, Mike Banyard stated that the City Council wanted the green space to remain and were against the application, which was not suitable for an area outside the town centre.

The Committee heard the following statement from Cllr Alison Whelan, District Councillor and County Councillor for the area:

"I welcome affordable housing in our city as there are far too many residents who are being outpriced by market forces, but the Committee must determine whether this application for 13 dwellings meets the policy for safe access, walkability and neighbourhood amenities. The application's own design and access statement confirms that there is a footpath and a cycleway from Redman Close to the south and along the south edge, which connects towards Williams Close. Another minor detail is the confining restraint that the access strategy relies on a place that already functions as pedestrian and cycle infrastructure. This narrow stretch of highway will bring motor vehicles into conflict with existing pedestrian and wheelchair users. NPPF paragraph 105 requires that planning decisions protect and enhance public rights of way and access. Separately, NPPF paragraph 115 requires that the decision maker ensures that safe and suitable access can be achieved for all users. Paragraph 117 states that applications should give priority first to pedestrians and cyclists and should create places that minimises conflict between pedestrians, cyclists and vehicles. This route is heavily used on foot by families, dog walkers, elderly people and disabled people with carers. The brain injury unit regularly takes people round that route. I also draw members' attention to the Equality Act

public sector equality duty section 149, which requires councils to have due regard to advancing equality of opportunity for disabled people. In practice that means the Committee should treat safe pedestrian routes as a priority and conflict minimisation, as more than a box ticking exercise. The core problem here is the safety aspects that have been discussed due to the pinch point on that road and the lack of a separate footway there. What it comes down to is that the NPPF is showing that there is that conflict. You cannot give priority first to pedestrians and cyclists and minimise conflict if the design forces pedestrians into the same narrow corridor used by construction vehicles and resident traffic. The cleaning of the street has been mentioned, this happened because residents contacted me to complain that it was getting dangerous due to the state of those roads. That 4.8 metres that has been talked about is not the minimum along there. The Highways Authority has raised no objection but they do not have a direct connection to that site onto the adopted highway, so they would not be putting in an objection. If that was an entrance onto an adopted road you would be getting a completely different response from them. It is a real pity that more thought was not put into this because the properties on the southern side of that road could have been pushed back a little bit, widening the road and actually giving the space that they need. So, with those uncertainties I would say first, if you are not satisfied on the evidence that the access arrangements deliver safe, suitable access for all users, then this should be refused. Secondly, as a minimum, the decision should be deferred to allow time for a revised access strategy, including an independently verified width survey of the entire corridor, a pedestrian cycle safety audit at peak times and a clear confirmation of the route's legal status and protections and a construction management plan that prevents construction and delivery vehicles from using the pedestrian cycle corridor. This is about safety. Please think about the safety that has not been taken into account on this application."

Members of the Committee were invited to ask questions to Cllr Alison Whelan.

In reply to Cllr Keith Horgan, Cllr Alison Whelan stated that she would support affordable housing on the site if pedestrian safety could be assured. Deferring a decision could allow the Committee time to give that assurance.

In reply to Cllr John Trapp, Cllr Alison Whelan confirmed that there was no footway between Heaton Drive and Redman Close.

Officers were invited to make any additional comments.

The Major Projects Officer explained that the consultant who provided information on transport had been employed by the applicant not the Council and 13 dwellings on a site of half a hectare was not considered to be high density.

Members of the Committee were invited to ask questions to the officer.

In reply to Cllr James Lay, the Major Projects Officer explained that the site had been used as a car park and there had been a through route to the hospital, not a vehicular route to Redman Close. Currently the hospital was allowing

pedestrian access from the site, but this matter was outside the scope of the application.

In reply to Cllr Christine Colbert and Cllr John Trapp, the Major Projects Officer explained that the land north of the proposed development was not owned by the applicant.

In reply to Cllr John Trapp, the Major Projects Officer stated that infiltration testing had been carried out, and surface water management was the subject of a condition.

In reply to Cllr Christine Whelan, the Major Projects Officer explained that if approved, the impact of construction vehicles would be subject to a standard condition that would be added to the decision. The Strategic Planning and Development Management Manager requested that the Committee give delegated approval to officers to ensure that this condition be added to the decision.

In reply to Cllr Julia Huffer, the Major Projects Officer confirmed that the land being considered for development was a brownfield site, previously owned by the hospital.

In reply to Cllr Keith Horgan, the Major Projects Officer confirmed that the development would achieve at least a 10% biodiversity net gain, but due to its location and the current number of trees on site it would be likely to achieve more than this statutory minimum.

In reply to Cllr John Trapp, the Major Projects Officer explained that additional car parking spaces would be provided for visitors and EV chargers would also be on site.

The Committee moved into debate.

Cllr Bill Hunt expressed his support for development on a brownfield site that had previously been a car park, as it would deliver much needed affordable homes.

Cllr Keith Horgan supported the officer's recommendation, as the site seemed quiet and safe. He was confident that the homes would be of sufficient quality and he himself would be happy to live there.

Cllr Christine Colbert expressed her support for the development but was concerned about the safety of pedestrians wanting to walk to Lynn Road. She stated that she would abstain.

Cllr Julia Huffer supported the building of affordable housing on a brownfield site. She understood safety concerns but construction traffic was currently driving on the roads in question and she was unaware of any incidents.

Cllr James Lay wished that all development sites were as beautiful as this one and he supported the application.

Cllr Christine Whelan stated that she could not support the application due to her safety concerns for the pedestrians and wheelchair users on the shared road space.

Cllr Alan Sharp considered the site to be suitable for housing and did not agree with the suggestion that it amounted to overdevelopment. However, he did have safety concerns for pedestrians. Cllr John Trapp agreed and suggested that more careful planning in the past could have prevented the current access and safety concerns.

Cllr Bill Hunt stated that there was a desperate need for small, affordable homes. He believed that officers could enforce the necessary conditions.

Cllr Chika Akinwale proposed that the application be deferred. Cllr Christine Whelan seconded this. Cllr Bill Hunt stated that the recommendation for approval had already been proposed and seconded and so the Committee would vote on this first.

Cllr Bill Hunt proposed and Cllr Keith Horgan seconded the recommendation in the report, with delegation to the Strategic Planning and Development Management Manager to finalise the conditions, including a construction management plan and other pertinent conditions. A vote was taken and with six votes in favour, three against and two abstentions the Committee agreed

to resolve to **approve** the application in accordance with the following terms:

- (i) The Committee delegates authority to finalise the pre-commencement conditions and terms and completion of the S.106 legal agreement to the Strategic Planning & Development Management Manger; and
- (ii) To delegate authority to the Strategic Planning & Development Management Manager to finalise the wording of the standard pertinent conditions; and
- (iii) Following the completion of the S.106, application 25/00717/F3M be approved subject to the planning conditions at Appendix 1; or,
- (iv) The Committee delegates authority to refuse the application in the event that the applicant does not agree to any necessary extensions to the statutory determination period to enable the completion of the S106 legal agreement.

Cllr Chika Akinwale and Cllr Julia Huffer left the meeting at 6 pm.

55. Planning Performance Report – December 2025

David Morren, Strategic Planning and Development Management Manager, presented a report (AA150, previously circulated) summarising the performance of the Planning Department in December 2025.

Cllr Keith Horgan asked why 66% of major applications had been determined on time, missing the target of 90%. The Strategic Planning and Development Management Manager explained this there had been only three major applications in December 2025 and one had not been determined within 13 weeks. He stated that it was not appropriate to ask for a time extension if the officer was minded to refuse an application.

Cllr Bill Hunt informed the Committee that an appeal regarding the application on Cambridge Road, Stretham was being heard that day and the day after. The Strategic Planning and Development Management Manager explained that he would inform the Committee of the Planning Inspector's decision, which could be expected in approximately six weeks.

The Committee agreed

to resolve:

to **note** the report.

56. Planning Performance Report – January 2026

David Morren, Strategic Planning and Development Management Manager, presented a report (AA151, previously circulated) summarising the performance of the Planning Department in January 2026.

The Committee agreed

to resolve:

to **note** the report.

57. Planning Performance Annual Report

David Morren, Strategic Planning and Development Management Manager, presented a report (AA152, previously circulated) summarising the performance of the Planning Department for 2025. He highlighted the fact that the number of determinations had increased since 2023. It was noted that the number of applications receiving time extensions had decreased.

The Committee resolved:
to **note** the report.

58. Exclusion of the Press and Public

The Chair proposed that the meeting should go into private session. It was resolved unanimously:

that the press and public be excluded during the consideration of the remaining item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, 2 and 7 of Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

59. Quarterly performance in resolving planning enforcement cases

The Committee considered a report (AA153, previously circulated) which considered the Quarterly Performance in Resolving Planning Enforcement Cases. Officers replied to a number of queries from councillors regarding specific sites. The Strategic Planning and Development Management Manager explained that local members were not routinely informed of planning enforcement cases in their area, as this information was not in the public domain and, if challenged, it could prove difficult to justify that the sharing of this information was in the public interest.

It was resolved that:

the Quarterly Performance in Resolving Planning Enforcement Cases be noted.

The meeting concluded at 6:32 pm.

Chair.....

Date.....

25/00303/FUM

Land to the North of Church Road

Wicken

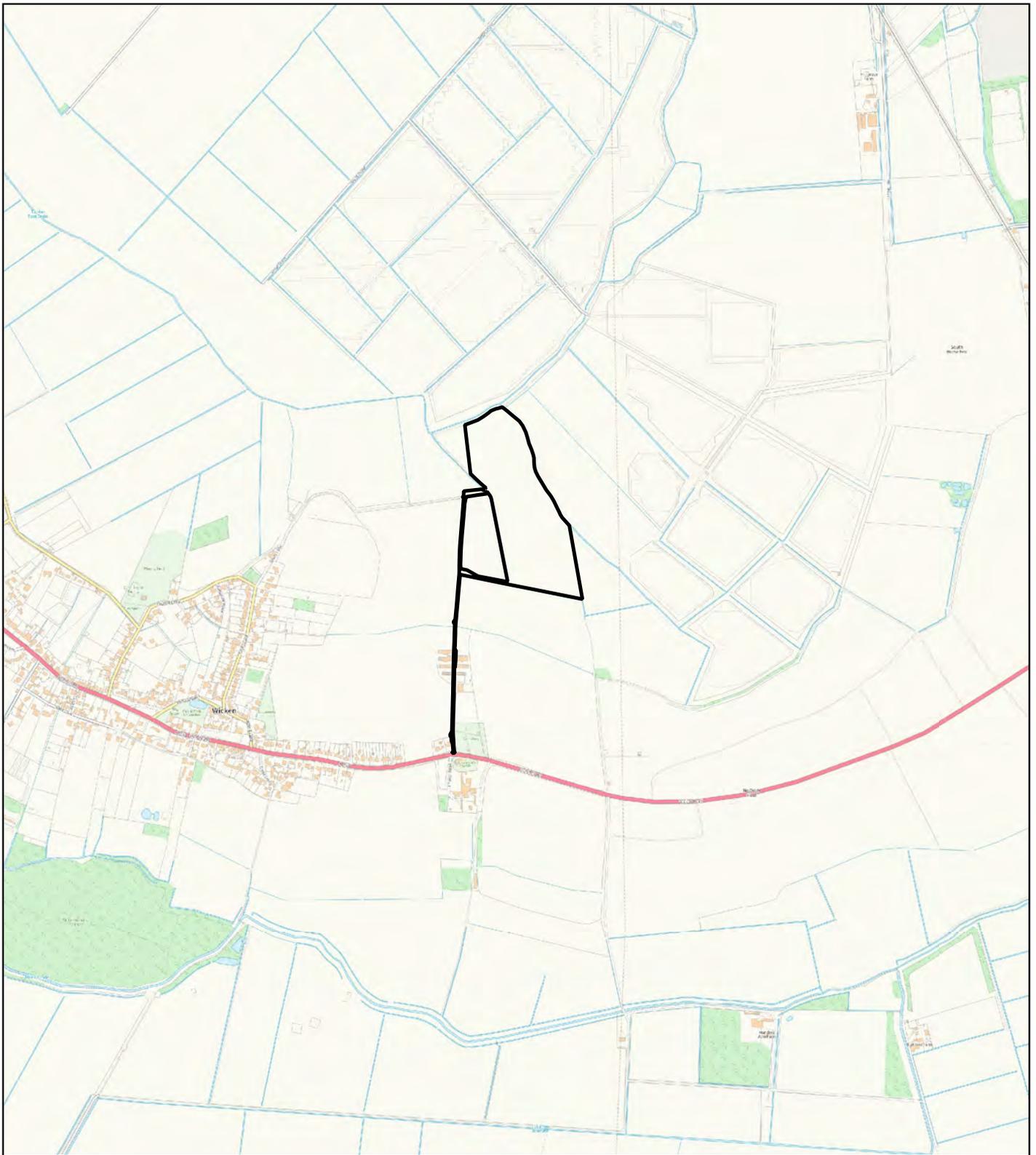
Cambridgeshire

Installation of up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years.

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

[https:// pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do?action=firstPage](https://pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do?action=firstPage)





25/00303/FUM



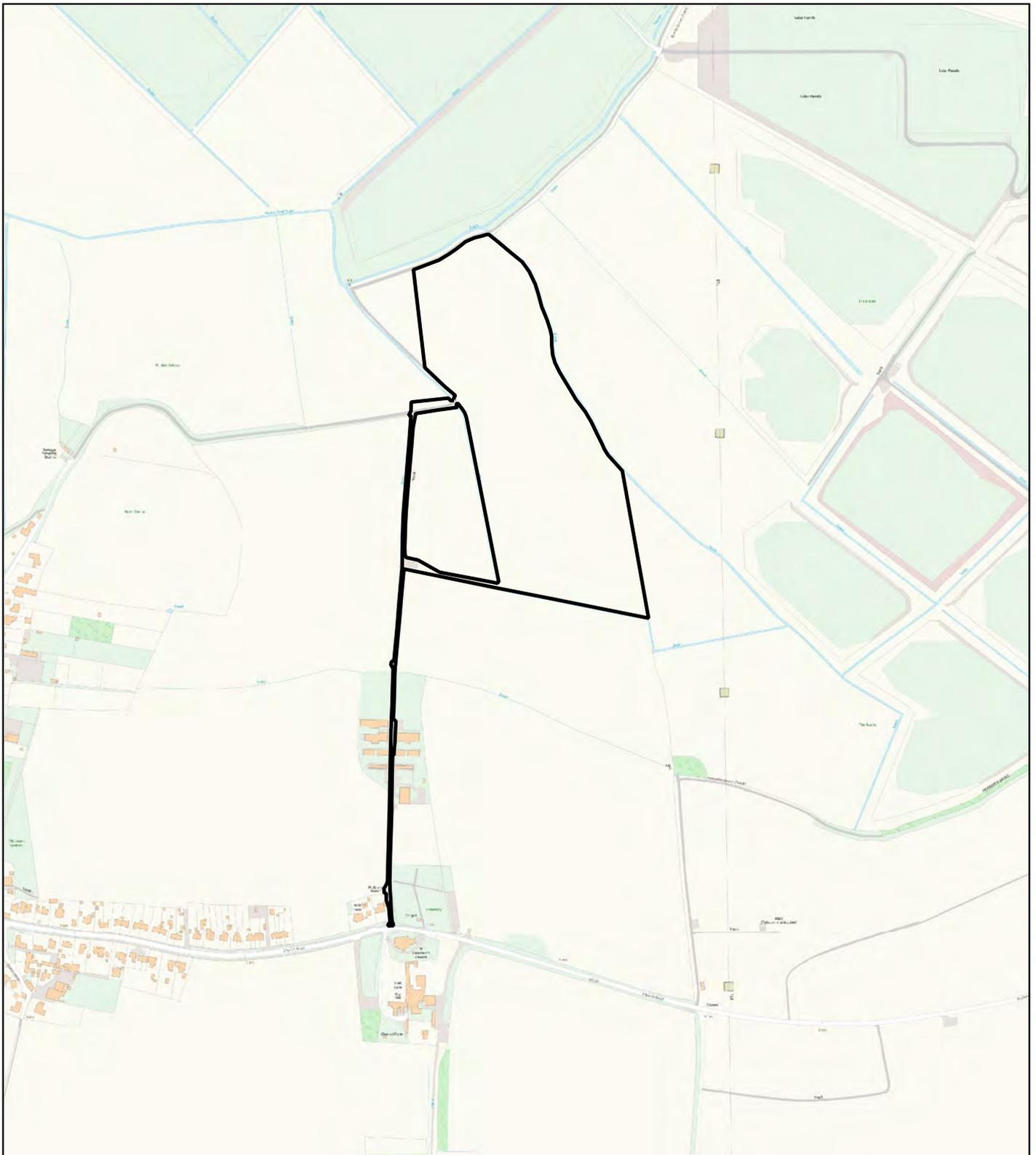
Land To The North Of Church
Road
Wicken

East Cambridgeshire
District Council

Date: 18/03/2026
Scale: 1:15,000



© Crown copyright.
All rights reserved 100023279 (2026)



25/00303/FUM



Land To The North Of Church
Road
Wicken

East Cambridgeshire
District Council

Date: 18/03/2026
Scale: 1:7,500



© Crown copyright.
All rights reserved 100023279 (2026)

TITLE: 25/00303/FUM

Committee: Planning Committee

Date: 1 April 2026

Author: Major Projects Officer

Report No: AA183

Contact Officer: Gavin Taylor, Major Projects Officer
Gavin.Taylor@eastcambs.gov.uk
01353616348
Room No 011 The Grange Ely

Site Address: Land to the North of Church Road Wicken Cambridgeshire

Proposal: Installation of up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years

Applicant: GSC Church Road Wicken Limited

Parish: Soham

Ward: Soham South

Ward Councillors: Ian Bovingdon
Lucius Vellacott

Date Received: 25 March 2025

Expiry Date: 6 April 2026

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1.

1.2 The application is being heard by committee because it was called in by Councillor Vellacott for the following reasons;

Given intense public interest, to provide opportunity for the views of all interested parties to be heard before members and officers in public session before a determination affecting local residents is made in line with material planning considerations, citing concerns over; impacts on the landscape and character of the area; ecology; loss of agricultural employment; access; loss of best and most versatile land; fire risks; noise impacts, and impacts on Wicken Fen.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the installation of up to 400MW of a Battery Energy Storage Systems ('BESS'), comprising battery containers, power conversion systems, transformer enclosures, and a substation building. The BESS is proposed to be operational for a temporary 35-year period and as such a temporary permission is being sought.
- 2.2 The development is proposed to be accessed via an existing access track from Church Road to the south. The track extends approximately 500m where it meets the main development area at an area of hardstanding before continuing right for approximately 150m, to serve the BESS compound. The BESS compound is served by 2 points of access; at the south-west (main access) and at the north-east. The BESS compound would occupy approximately 2.1ha of land, running parallel with existing adjacent field margins and watercourses.
- 2.3 The underground cable route for connection purposes will be installed via the existing access road and will connect to the grid at Church Road. This will include excavation trenching / drilling to allow for the installation of underground cables between BESS units, the substation, and the grid connection point.
- 2.4 The key components of the proposal will include:
- up to 170 no. Batteries with integrated power conversion system units (Power Control Systems which includes both an inverter and transformer grouped into blocks of 4).
 - up to 85 no. 5140kVA field transformers (2 per block of 4 no. batteries).
 - 2 no. 200MVA grid transformers (situated within the on-site substation).
 - Welfare facilities.
 - Cabling and connection to the compound and cabling connecting to Church Road.
 - Foundation platforms to support the energy storage systems along with the reinforcement of existing and new access roads equating to an overall development footprint of around 2.17ha of land.
 - Cut and fill earthworks to enable landscaping and drainage mitigation.
 - Fencing erected around the site boundary to restrict access to the site, with CCTV at regular intervals.
- 2.5 The development is proposed to incorporate soft landscaping around its perimeter to assist with screening and net gains in biodiversity. A pond is proposed to be formed at the north of the application site. This is intended purely to assist with further biodiversity net gains and would not be directly connected to the BESS infrastructure e.g., for drainage purposes. In this regard, the development would rely on underground surface water attenuation, prior to controlled discharge to the IDB drain to the west.
- 2.6 Amendments have been sought through the assessment of the application in respect of; biodiversity, access, fire safety, rights of way impacts, boundary treatments and landscaping.
- 2.7 The application is supported by the following key plans and documents.
- Site Location Plan 1076-RPC004-PL02-FG01 REV V1.0

- Site Layout Plans 1076-RPC004-PL02-FG03 V2
- Switchroom Elevation 1076-RPC004-TE01-FG01
- 32kV Substation Elevation 1076-RPC004-TE01-FG02
- DNO Control Room Elevation 1076-RPC004-TE01-FG03
- BESS Container Elevation 1076-RPC004-TE01-FG06
- BESS Transformer 1076-RPC004-TE01-FG07
- Site Access Fencing and CCTV Column 1076-RPC004-TE01-FG04
- Flood Risk Assessment and Drainage Strategy 316414 V4.0
- Transport Statement Rev B
- Highways Technical Note - P24073
- Footpath Strategy 1076-RPC004-LA014 V2.1
- Planning Statement V0.3
- Noise Impact Assessment NP-011562 Revision 7
- Ecological Impact Assessment (EclA) RPC004-EC02 v6.0
- Landscape Ecological Management Plan RPC004-EC03 V6.0
- Landscape Strategy Plan 1076-RPC004-LA03 V3
- Planting Plan 1076-RPC004-LA07 V3.1
- BNG METRIC V4.0
- Tree Constraints Plan 241119-1.1-CF-TCP-SH
- Water Storage Tank 1076-RPC004-TE01-FG08 V1
- Detailed Safety and Emergency Management Strategy (Rev C)

2.8 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <https://pa.eastcambs.gov.uk/online-applications/>

3.0 PLANNING HISTORY

3.1 24/00883/SCREEN

Screening Opinion - Battery Energy Storage Scheme
Concluded by officers not to be EIA development. 11 October 2024

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located approximately 2km south-west of Soham and 600 to the east of Wicken. The site straddles the parish boundaries of Wicken and Soham – however the main physical development is located within Soham parish.

4.2 Whilst the site location captures around 18ha of land, the majority is intended for landscaping or access, with the main BESS infrastructure comprising around 2.1Ha, with a further 1.1Ha for the wetland area to the north.

4.3 Existing solar farms are located approximately 250m east of the main BESS infrastructure, and approximately 350m north. Cumulatively these solar farms occupy an area approximately 121 Ha in area.

- 4.4 Wicken Fen SSSI, SAC and Ramsar site lies approximately 1.3km south-east of the site.
- 4.5 The access from Church Road meets at a right angle with a public right of way (footpath 258/27) approximately 355m along the track. The right of way continues along the track where it meets with a bridleway (258/38) at the area of hardstanding. A further bridleway (205/26) runs along the north-west and northern boundary of the application site. Byway (205/113) abuts the north-eastern extent of the application site, extending eastwards through the solar farms. National Cycle Network (NCN) route 11 extends north-west from Chapel Lane towards Barway to approximately 950m west of the application site (at its closest point at Chapel Lane).
- 4.6 The site lies in high risk (Flood Zone 3) and medium risk (Flood Zone 2) of flooding and in an area benefiting from flood defences.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Soham Town Council - 25 February 2026

Soham Town Council agree and support Wicken Parish Council comments regarding proposal. Fire risk - although the risk of a fire is low, the application does not demonstrate the processes with which a fire would be dealt with, neither does it give any assurance that the infrastructure is in place to deal with a large-scale thermal runaway fire if it occurs. Concerns are raised over the potential toxicity of a fire and its effect on the local community and its residents. Soham Town Council is not against solar or battery storage perse, but the applicant in this case must demonstrate that they have fully assessed the risks associated with battery storage and that proper processes have been put in place to mitigate these.

Wicken Parish Council – 17 April 2025

Objects

Would like to point out that although we are the neighbouring Parish Council we have not been included in the neighbours list.

Concerns are:

Noise

The model used to calculate noise pollution is incomprehensible and it is impossible to replicate the calculation and, therefore understand the noise impact and spread. The noise pollution will affect a large number of residents in our village, especially along Church Road and Drury Lane but will be more widespread. References problems at Weirs Drove.

Biodiversity

The site is an important foraging ground for barn owls who have foraged within the field for many years, and the loss of suitable foraging ground for them, together with the disturbance created by noise and lights, would be significant. It is further noted that the habitat creation plan replaces suitable foraging ground with unsuitable (arable field replaced by wetland). Hares are not included in the ecological survey although they are frequently seen within the development site.

Fire Risk and Health and Safety

Local fire stations are at least 20 minutes away from the site and are not currently geared up to tackle any potential BESS fire which can present toxic exposure risks. Need to also understand how the batteries will be disposed of safely after use and how the land will be used after the 'temporary' 35 years. Clear safety regulations are needed.

Infrastructure and Location

Government guidance advises that BESS should be located as close to the Grid as possible. We suggest an area near to the Burwell substation would be a more beneficial location.

Concerns over adequacy and safety of the access.

Conflicts with Soham Neighbourhood Plan policy SBNP19-Renewable Energy;

- i. Safeguarding the best and most versatile agricultural land
- ii. Safeguarding agricultural land used for food production.

Conflicts with ECDC Local Plan

EMP1: Retention of existing employment sites and allocations

EMP2: Extension to existing businesses in the countryside

EMP3: New employment development in the countryside

EMP4: Landscape and settlement character

ENV2: Design

Renewable Energy Development

The views across to Ely Cathedral and the surrounding landscape will be severely impacted by this development.

If the development is approved requests a condition applied that any development money (CIL) is provided to Wicken Parish Council due to the disruption to the residents of Wicken.

Ward Councillor (Cllr Vellacott) - 21 April 2025

Objects for the following reasons;

- Does not accord with Policies ENV1 and ENV2 due to landscape harm
- Adverse impact on the character of the rural area, contrary to ENV6
- Insufficient ecological surveys contrary to ENV7
- Does not retain existing employment on the site for arable farming purposes, contrary to EMP 1
- Unsuitable access roads for construction contrary to COM7
- Does not accord with Policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024, as the site does not safeguard the 'best and most versatile agricultural land'.
- Significant fire and safety risk - the response time from fire services is not sufficient.
- Significant and constant noise issues for residents in Wicken
- Adverse effect on Wicken Fen protected wildlife area

There is no acceptable mitigation against the proposal to make the application acceptable to the residents of Wicken.

ECDC Environmental Health (contaminated land) – 7 April 2025

Accepts the findings of the Phase I Geo-Environmental Desk Study report dated 4th October 2022 prepared by EPS - that no plausible contamination risks have been identified and no further site investigation work is required. Advises that a condition requiring site investigation, etc. is not required.

ECDC Environmental Health – 2 April 2025

Has reviewed read the Outline CEMP dated November 2024.

Agrees with the construction hours in the CEMP as they are more restrictive than what we usually attach.

Requests the CEMP include prohibiting the burning of waste on site.

Notes there is no intention to utilise artificial lighting during the construction phase.

Requests a planning condition in respect of potential piling (if required).

Requests a planning condition in respect of a lighting strategy.

Has reviewed the NIA dated November 2024 which finds that noise impacts at nearest sensitive receptors will be at a No Observed Adverse Effect Level (NOAEL). No concerns to raise with regard to the methodology or findings of the report and welcome the consideration of NANR45 which considers low frequency noise.

Makes the following observations and recommendations;

1. Data is not available on two of the grid transformers and so noise limits have been defined. Recommends a Condition which stipulates that - "The BS4142 rating level noise limits and NANR45 limits seen in Section 3.4 should be adhered to".

2. If there is a change of proposed plant between this application and any future application, would request that a revised NIA is submitted to account for this.

The applicants are advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

ECDC Conservation Officer - 28 March 2025

The application is supported by a heritage assessment by RPC Ltd which complies with Historic England's guidance 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.' Its conclusions on the scheme's likely impact on the setting of above ground designated heritage assets are accepted. Recommendation: no objection

East Cambs Ecologist - 23 January 2026

Supports the proposal on the basis of the information provided for protected species and habitats.

On the basis of the proposals, and taking account of Natural England advice dated 17/4/25, it is agreed that a likely significant effect on Wicken Fen SSSI, SAC and Ramsar site can be ruled out. No further appropriate assessment is needed

From the information provided the Senior Ecologist has reviewed this application and, as of 23/01/26 agrees with the BNG baseline conditions. On the basis of BNG/ecology matters, the application can therefore proceed to consent. Some aspects of the scheme, particularly the post-intervention habitats to be created, are not presently agreed, but agreement on such can be secured via S106 and via the BNG condition.

ECDC Trees Team - 14 January 2026

The revised soft landscaping scheme is an improvement and although it's disappointing that only one species of Willow has been included, the scheme is acceptable and its compliance should be conditioned.

Natural England - 22 April 2025

No objection

Re: Wicken Fen SSSI, SAC and Ramsar site

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Cambridgeshire Archaeology - 7 April 2025

The development lies in an area of archaeological potential to the north of the historic core of Wicken on the edge of a low lying area of Fenland known as Soham Mere. Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. A pre-commencement condition is recommended.

CCC Local Highway Authority (Development Management) – 18 March 2026

Has reviewed the Transport Technical Note, which addresses most of the previous concerns (regarding access widths and visibility, and passing places). No objections subject to conditions securing the following;

- Prior to the first use, visibility splays to be provided and maintained.
- Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only via the A1123 east (via Soham/A142)) and only between the hours of 9:00hrs -15.30hrs, seven days a week.
- No development shall take place until details of the junction widening works have been delivered as per plan reference: P24073-001B Revision B.

Further comments;

Whilst the section of the access track between the A1123 and Public Footpath No. 27 where it heads west is not recorded as public highway, it does appear to be well used by members of the public and therefore, irrespective of its legal status the applicant will need to appropriately consider how they manage either the safe

interaction of construction vehicles and non-motorised users or the total closure of this route to non-motorised users.

CCC Local Highway Authority (Transport team) - 22 April 2025

The Transport Assessment team raise no objections to this application. With regards to issues surrounding access and visibility, the applicant is referred to the response by the Highways Development Management (HDM) team.

CCC Definitive Mapping Team - 11 April 2025

The application proposes to use Public Footpath 27, and Public Bridleways 37 and 38, to access the development.

The Definitive Map Team objects to the above application proposals, on the basis that the development will detrimentally impact the above Public Rights of Way (PROWS).

1. Whilst the Planning Statement states that any impact on the Public Right of Way will be "localised", Public Bridleway 37, Wicken is part of the Soham Wicken NMU route which is being created and advertised, potentially drawing increased use to the network in this area.
2. The document 1076-RPC004-LA03_V1.21 LANDSCAPE STRATEGY PLAN references the Public Right of Way but does not provide further details on proposed widths or surfacing of the PROW affected by the application.

Should planning permission be granted, The Definitive Map Team request that as a condition, prior to commencement of development, a meeting shall take place between the developer, The Definitive Map Officer and the Public Rights of Way (PROW) Officer to agree the final PROW mitigation strategy.

The final PROW mitigation strategy shall include provision for signage, managed crossings, managed safe access coincident with PROWs and any proposals for temporary stopping up and diversions. A record of the meeting held and the agreed final PROW mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

We welcome any contact from the developer with any additional information or proposals regarding the access to the application site,

CCC Lead Local Flood Authority – 29 September 2025

Have reviewed the following documents:

- Flood Risk Assessment and Drainage Strategy, Arthian, ref: 316414, 16th September 2025

Based on these, no objection in principle to the proposed development. Requests the following conditions are imposed:

- A detailed design of the surface water drainage of the site to be agreed, based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy: Church Road Farm BESS prepared by Mabbett (ref: 316414) dated 19th February 2025.

- Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works to be agreed.

N.B The requested for storage and management of surface water on each parcel was subsequently confirmed to be an error and is not required.

Advisory comments and informatives also provided.

Environment Agency - 2 February 2026

No objection to the proposed development.

Flood Map for Planning shows the site lies within fluvial Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for 'Installation of up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years', which is classified as an 'essential infrastructure' development, as defined in Annex 3:Flood Vulnerability classification of the National Planning Policy Framework.

Considers the FRA to be acceptable for the scale and nature of the proposed development. We have no objection, provided that the development is carried out in line with the submitted FRA, '316414' (Arthian, dated 16/09/2025, issue 04), unless otherwise approved. We recommend that any electrical equipment is raised as high as practicable to reduce the risk of damage during an extreme flood event. Flood

Provides advice in respect of;
Sequential and Exception Test for flood risk
Consideration of any other sources of flooding

Advises that the site is located within the operational area of the Middle Fen and Mere Internal Drainage Board (IDB) and the IDB should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

The Ely Group of Internal Drainage Board (IDB) - 14 January 2026

The site is within the Middle Fen and Mere Internal Drainage District.

The applicant is aware of the Board's requirements for obtaining bylaw consent, for planting within the bylaw distance. Consent needs to be obtained before any works commences on site.

Historic England - 15 April 2025

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

UK Power Networks - 19 February 2026

There is no equipment on the land and so we have no objection

National Grid - Electricity - No Comments Received

Cambridge Ramblers Association - 14 April 2025

Objects.

Primary concern is with the impact of the development on the public rights of way adjacent to the site. In particular, the construction phase, estimated by the applicants to take 12 months, involves very heavy traffic on a public footpath and a public bridleway. 12 times two trips a day of HGV traffic for a year will require the construction of a roadway.

Access via a 'private track' from the main road soon becomes Wicken Public Footpath 27 and then joins Wicken Public Bridleway 38. Both these paths are well used and will be subjected to extremely heavy use by HGVs. Close to the village and linking to a network of public rights of way. A totally separate route is required for the construction traffic.

No environmental mitigation measures appear to have been included as a 'pay back' to the local population for the disruption caused and loss of amenity. The site sits within the Wicken Fen Vision area where environmental issues are of great significance.

Cambridgeshire Fire and Rescue Service - 22 April 2025

Provides generic advice on BESS schemes and fire safety in respect of

- Effective identification and management of hazards and risks specific to the siting, infrastructure, layout, and operations at the facility.
- Site Access and maneuverability
- Provision of adequate water supply and firefighting infrastructure
- Vegetation sited and managed to avoid increased bushfire and grassfire risk
- Provision of accurate and current information for emergency responders during emergencies.
- Effective emergency planning and management, specific to the site, infrastructure and operations.
- Areas for Fire and Rescue Consideration - Consultation with Local Fire and Rescue Services.

HSE (Nationally Significant Infrastructure Projects) - 28 March 2025

Confirms that the application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

British Horse Society - 10 April 2025

Objects on the grounds that equestrian access on the public rights of way is not safeguarded during and post construction and that no attempt has been made to improve equestrian access despite both national and local policy requirements to do so.

Cambs Police - Designing Out Crime - 7 April 2025

Supportive of changes to the fencing (further to comments dated 28th August 2024 provided as part of the screening opinion consultation 24/00883/SCREEN).

Comments under 24/00883/SCREEN included advice in respect of the following;

- Considers this to be an area of low/medium risk to the vulnerability to crime
- Fencing (initially deer-fencing was proposed and deemed unsecure)
- Requirements for CCTV
- Lighting design
- Security alarm systems
- Battery Storage Container security
- Signage informing any dangers

Anglian Water Services Ltd - 27 March 2025

Notes there is no connection to the Anglian Water sewers, therefore has no comments to make.

S.Green c/o/ National Trust – 10 April 2025

Does not object or support.

Supportive of renewable energy but has concerns regarding;

- 1) the impact of noise on breeding birds.
- 2) cumulative landscape impacts and baseline creep

CCC Minerals and Waste Development Control Team - No Comments Received

Network Rail - No Comments Received

5.2 The most recent site notice was displayed near the site on 2 February 2026 and a press advert was published in the Cambridge Evening News on 3 April 2025.

5.3 Neighbours – over 200 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Impact on visual amenity and landscape
- Overbearing
- Risk to amenity from fire event
- Noise
- Contrary to policy
- Impact on amenity of properties (noise impact)
- Loss of agricultural land
- Impact on residential amenity
- Impact on views
- Impact on highway safety
- Impact on wildlife, ecology and trees
- Loss of agricultural land
- Loss of employment land
- Flood risk
- Impact on rights of way
- Pollution

- Impact on Wicken Fen
- Lack of consultation/ engagement

6.0 THE PLANNING POLICY CONTEXT

- 6.1 *East Cambridgeshire Local Plan 2015 (as amended 2023)*
 GROWTH 2 Locational Strategy
 GROWTH 3 Infrastructure requirements
 GROWTH 5 Presumption in favour of sustainable development
 ENV 1 Landscape and settlement character
 ENV 2 Design
 ENV 4 Energy efficiency and renewable energy in construction
 ENV 6 Renewable Energy Development
 ENV 7 Biodiversity and geology
 ENV 8 Flood risk
 ENV 9 Pollution
 ENV 14 Sites of archaeological interest
 COM 7 Transport impact
 COM 8 Parking provision
- 6.2 *Soham and Barway Neighbourhood Plan 2024*
 Policy SBNP1 - Spatial Strategy
 Policy SBNP11 - Soham's Commons (South Horse Fen)
 Policy SBNP12 - Biodiversity and Wildlife Habitats
 Policy SBNP13 - Landscape Character
 Policy SBNP17 - High Quality Design
 Policy SBNP19 - Renewable Energy
 Policy SBNP21 - Flood Risk
 Policy SBNP22 – Road Safety and Parking
 Policy SBNP23 – Pedestrian, Cycle and Bridleway Priority Routes
 Policy SBNP24 - Millennium Walks, Green Lanes and Public Rights of Way
- 6.3 *Supplementary Planning Documents*
- Developer Contributions
 - Design Guide
 - Flood and Water
 - Natural Environment
 - Renewable Energy
 - Climate Change
- 6.4 *National Planning Policy Framework (December 2024)*
 4 Decision-making
 8 Promoting healthy and safe communities
 9 Promoting sustainable transport
 11 Making effective use of land
 12 Achieving well designed places
 14 Meeting the challenge of climate change, flooding and coastal change
 15 Conserving and enhancing the natural environment

6.5 On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. Regard has therefore been had to the NPPF published in December 2024 in assessing the current application

6.6 *Planning Practice Guidance*

7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

The main planning considerations relevant to the determination of this application are considered to relate to:

- Principle of Development
- Loss of agricultural land
- Landscape/ Visual impacts
- Residential Amenity
- Fire Safety
- Highways, Access and Movement
- Historic Environment
- Biodiversity and Trees
- Flood Risk and Drainage
- Other material matters

Principle of Development

7.1 The proposed development would allow electricity from the Grid to be stored in batteries at times of low demand and then exported back to the Grid at time of high demand. The proposed development would provide a 'balancing service' essentially assisting in balancing grid capacity at times of stress. The proposed development would support an increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the grid at times of high energy demand, contributing to ensuring a reliable energy supply across the Grid. The application proposal is considered to comprise renewable energy; notably where in August 2023 the PPG was updated to include reference to BESS systems within the renewable and low carbon energy sections and the National Policy Statement for energy discusses the need for storage as part of the energy infrastructure.

7.2 Neighbourhood Plan Policy SBNP1 sets out that land outside the Development Envelopes of Soham and Barway is defined as countryside where development will be strictly controlled. Development may be permitted as an exception in accordance with Local Plan Policy Growth 2 of the Local Plan and National Planning Policy Framework (NPPF) paragraph 80 (isolated homes in the countryside – now para. 84)

7.3 The principle of the development is established through development plan policies GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) which allows for renewable energy developments, in line with policy Local Plan policy ENV 6 and Neighbourhood Plan policy SBNP19, which accepts such developments unless their wider environmental, social and economic benefits would be outweighed by

significant adverse effects that cannot be remediated and made acceptable in relation to:

- The local environment and visual landscape impact
- Impact on the character and appearance of the streetscape/buildings
- Key views, in particular those of Ely Cathedral
- Protected species
- Residential amenity
- Safeguarding areas for nearby airfields; and
- Heritage Assets

7.4 As such, only where significant adverse effects result from the development, is there a policy requirement to weigh the environmental, social and economic benefits of the proposal against these effects, taking into account mitigation.

7.5 Furthermore, policy GROWTH3 of the East Cambridgeshire Local Plan 2015 states that key infrastructure requirements relevant to growth within the district includes upgrading electricity infrastructure.

7.6 The latest government agendas set out clear support for energy infrastructure schemes such as BESS, with an ambition to deliver 23-27 GW of battery storage, needed by 2030 to support its Clean Power 2030 Action Plan targets, up from 4.5 GW it said was installed in December 2024 (House of Commons research briefing: Battery Energy Storage Systems, 23 June 2025). In respect of national planning policy, in August 2023 the PPG was updated to include reference to BESS systems within the renewable and low carbon energy sections and the National Policy Statement for Energy discusses the need for storage as part of the energy infrastructure. In this regard therefore, there is clear local and strong national planning support for the principle of BESS schemes.

7.7 It is considered there is strong support for the principle of development of this nature both through both local and national policy.

Loss of agricultural land

7.8 The development would accommodate around 5.3Ha of Best and Most Versatile Land (BMVL), with around 2.1Ha comprising the perimeter access road, substation and battery plant and equipment and 1.1Ha for the wetland area. Whilst paragraph 168 of the NPPF indicates applicants should not be required to demonstrate need for renewable energy developments, the footnote to paragraph 188 requires that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

7.9 There is no locally or nationally derived figure for what amounts to 'significant development' or significant loss of BMVL, but recent appeal decisions have concluded that 20 hectares is a sensible assumption of what constitutes 'significant', given that Natural England, the government's statutory advisor, does not need to be consulted for proposals on lesser areas of agricultural land. (see appeals 3365001, 3347424 and 3278065).

7.10 The main rationale for avoiding BMVL is to ensure that the nation's food security is not compromised. It is considered that, in view of the approach and explanation set out in the planning appeal examples and lack of evidence indicating food production would be adversely affected, it is not necessary in this instance to justify loss of BMVL, notwithstanding that the loss would only be generational, for 35 years until such time that the planning conditions would require reinstatement of the land back to agricultural use.

Landscape/ Visual impacts

7.11 Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Neighbourhood Plan policy SBNP13 require new development to complement the existing built form and relate sympathetically to its surroundings in terms of location, layout, scale, massing, materials, and colour. Proposals must respond positively to local context and architectural traditions, enhance the character and quality of the area, and contribute to the public realm. Local Plan policy ENV 6 requires development to avoid significant adverse visual landscape impacts.

7.12 The application site comprises an open parcel of land used for agriculture. To the east and north of the site, around 120Ha of solar PV array extends across the land, with nearby pylons also visible across the landscape. Whilst the general assumption or perception of the site and wider area may be of open countryside, it is clear that the landscape, particularly to the east and north of the site has been significantly altered through the energy infrastructure that currently exists.

7.13 The application is supported by a Landscape and Visual Appraisal ('LVA') which has considered the proposed development's landscape effects on the physical and perceptual characteristics of the surrounding environment during different phases; construction, operation, and decommissioning. The LVA considers the landscape will experience medium-level changes during the construction phase. The operational phase is anticipated to result in a minimal yet noticeable alteration to the existing landscape character, but with the overall impact on key landscape characteristics remaining limited. Decommissioning will bring about negligible changes, as the site is restored to its original state.

7.14 The LVA sets out that the landscape receptors, including the site itself, the Fens National Character Area, and the Fenland Local Character Area, have been assessed to have low to medium sensitivity to the proposed changes. The agricultural landscape surrounding the site is of medium value and lacks unique or rare features. The flat topography and existing human activity, such as nearby roads and overhead pylons, reduce the landscape's susceptibility to change. Consequently, the landscape is expected to endure the development with only slight to moderate adverse effects during the construction and operation phases, and imperceptible effects during decommissioning.

7.15 In respect to visual effects, these have been appraised by analysing its impact on various visual receptors, including users of Public Rights of Way (PRoW), road users, cyclists, pedestrians, and residents in the vicinity. The visual receptors adjacent to the site, particularly PRoW users, will experience moderate to substantial adverse effects during the construction phase, as the development will be highly visible due

to minimal existing vegetation for screening. The operational phase is anticipated to continue to exert substantial adverse visual effects, particularly during the first year, as the large-scale structures introduced will dominate the view (the highest element being the substation at around 6.8m in height). However, these effects will reduce slightly over time, as landscaping matures.

- 7.16 For road users along the A1123 and those on the National Cycle Network (NCN) 11, the visual effects are less pronounced due to the greater distance from the site and existing screening vegetation, anticipated to result in only slight adverse effects. Similarly, residents and train passengers within the Soham Conservation Area will experience only slight adverse visual effects due to the partial and distant views of the development, notwithstanding the aforementioned intervening energy infrastructure from these views.
- 7.17 In this regard, the LVA also considers the cumulative impacts of the development and the nearby solar farms of existing on the landscape and visual environment. It concludes that nearby developments, such as Wicken, North Angle, and Triangle Farm Solar Farms, have been designed with consideration for the existing landscape, integrating features like field hedgerows to reduce visual intrusion. While these solar farms have modestly altered the landscape by introducing industrial elements, the overall character remains consistent with the area's pre-existing industrial features, like pylons. The cumulative visual effects are most noticeable to pedestrians using nearby public paths, where repeated views of solar infrastructure diminish the scenic quality. However, the addition of the proposed Battery Energy Storage System (BESS) is expected to have a minor cumulative impact, blending into the existing landscape.
- 7.18 In summary, the LVA considers that the development will have noticeable effects on both the landscape and visual aspects of the area. The construction phase will bring about temporary changes, with medium impacts on the landscape and moderate to substantial adverse visual effects for those closest to the site. During the operational phase, while the landscape effects will remain slight to moderate, the visual impact will be more significant, particularly for nearby PROW users. However, these effects are expected to diminish over time and become imperceptible during the decommissioning phase, as the site is restored to its original condition. Mitigation strategies, such as preserving existing vegetation and enhancing screening through additional planting, are recommended to minimise these impacts.
- 7.19 The change to the character of the area would result in some conflict with policies ENV1, ENV 2 and SBNP13 and in this regard carries negative weight. In addition, there would be some short-term disruption during construction and then during decommissioning which also carries a degree of negative weight albeit this is very limited given its temporary nature. Whilst the development would bring about adverse visual impacts to users of nearby rights of way, the degree of impact is anticipated to reduce during the lifetime of the development. Notwithstanding that these impacts are likely to be confined to only a relatively short distance around the site. As such it is not anticipated that the development would result in 'significant' adverse visual or landscape impacts during its lifetime. As such, there is no conflict with policies GROWTH2 or ENV6 when considering visual landscape impact of the development.

Residential Amenity

- 7.20 Policy ENV2 of the Local Plan seeks to protect residential amenity. Local Plan Policy ENV 9 seeks to protect residents from noise, smell, vibration and other forms of pollution. ENV 6 and SBNP17 requires renewable energy developments to avoid significant adverse effects on residential amenity.
- 7.21 It is noted that the nearest residential properties are in Wicken; around 490m (0.3miles) away to the south along Church Road, and around 650m (0.4miles) away at Drury Lane to the west. Nearest properties to the east and north are over 1Km away. It is considered that the location and layout of the BESS infrastructure, would not be significantly close to the nearest residences so as to incur any adverse visual amenity impacts. It is noted that the access from Church Lane does run in relatively close proximity to residential properties adjacent to it. It is likely that some impact will arise from the construction of the development using this access point and in this regard the Council's Environmental Health team (EH) has recommended a Construction Environmental Management Plan (CEMP) is secured via condition, with recommendations of construction and delivery operations taking place during sociable hours, to reduce undue interference. The construction engineering itself may give rise to amenity harm, for example where piling may be required. Whilst the applicant has confirmed if this will be necessary at this stage, the EH team has recommended a condition requiring further details if this is required, in advance of said construction methods taking place.
- 7.22 As such, the construction process may give rise to adverse amenity impacts through noise, vibration and air pollution, but the severity of this can be reduced via appropriate safeguards, which can be secured via planning condition, as is standard across many developments currently underway across the district.
- 7.23 A number of concerns raised centre around potential noise nuisance during the operational phase of the development. In this regard, the application is supported by a noise impact assessment. The NIA has taken a precautionary approach and has modelled the noise outputs as a 'worse-case' scenario in that all cooling equipment is working at full rate at all times, whereas in reality this may only occur during short periods of the day.
- 7.24 The NIA concludes that, based on the modelled specification, the daytime BS4142 rating sound level is anticipated to only marginally exceed the background sound level as a 'worst-case' scenario. Consequently, the daytime noise impacts at the nearest receptors are thought to be more akin to 'low impact' in accordance with BS4142 and would be classed as a 'No Observed Adverse Effect Level' ('NOAEL') when assessed in accordance with the NPSE and NPPF. It does conclude that at this level it can slightly change the acoustic character of the area but not such that there is a change in quality of life for residents. The daytime noise impacts at all other receptors are negligible and classed as 'No Observed Effect Level' ('NOEL') when assessed in accordance with the NPSE and NPPF. Night-time noise levels are also considered to be acceptable based on the likelihood of people being indoors but with taking into account windows may be open e.g., for natural ventilation. The NIA also takes into account the low-frequency Moorhouse curve criteria and concludes that levels at receptors would be below levels that would otherwise cause disturbance.

- 7.25 It should be noted that given the bespoke nature of the 2 no. grid transformers, data is not yet available and technical noise guidance requires specification details that are yet to be determined. Consequently, the NIA sets out that noise limit levels have been defined to ensure that the cumulative noise emissions do not exceed the adopted criteria at the closest sensitive receptors. The BS4142 rating level noise limits and NANR45 limits set out in Section 3.4 of the NIA should be adhered to and the EH has recommended that planning conditions are secured to ensure this.
- 7.26 The noise impacts on bats flying above and foraging at the site boundaries has also been considered. It is thought that the proposed development poses a low risk of adverse noise impacts upon bats.
- 7.27 Concerns have also been raised regarding potential light pollution. In this regard, details are yet to be finalised, but it is considered that a suitable scheme could be secured via planning condition, taking in the need to ensure site security, but also the impact of lighting on the wider character of the area, dark skies and nocturnal wildlife. Notwithstanding, it is unlikely that, given the distances to the nearest dwellings and the proposed site boundary landscaping, light interference on residential properties would be significant.
- 7.28 In summary, it is not anticipated that the development would have any significant adverse impacts on residential amenity, subject to the development satisfying relevant conditions in respect of noise management, lighting and construction nuisance.

Fire Safety

- 7.29 Linked with residential amenity concerns, many comments received referred to concerns over fire safety and risk of fire from faulty or damaged batteries, with concerns over fire, smoke and ground/ watercourse pollution as a result.
- 7.30 The applicant has submitted a submitted a Detailed Safety and Emergency Management Strategy (DSERS) Revision C, which seeks to demonstrate that the site layout would comply with latest guidance in respect of fire separation, battery cabinet design and mitigation measures in the event of failure and/or fire breakout, and an emergency response plan would facilitate emergency services to intervene to contain/ control fire spread as well as on-site suppressants and alarm systems. The document sets out that the developer has engaged with the Fire and Rescue Service (FRS) to ensure that the most appropriate methods are employed and will continue to do so during the final design stages. Whilst the Cambridgeshire Fire and Rescue Service has not responded to the latest consultation on this document, the document itself, when compared against other planning approvals for this type of development, appears robust and an appropriate framework against which final details can be secured via planning condition.
- 7.31 The latest DSERS has been produced following the latest NFCC advice on BESS development, which was updated in February 2026 (<https://nfcc.org.uk/our-services/building-safety/grid-scale-energy-storage-system-planning-guidance-for-fire-and-rescue-services/>).

- 7.32 The latest site layout plan denotes two 240,000L water storage tanks at either end of the compound. This ensure that Fire and Rescue Services would have access from any wind direction/plume scenario and with sufficient water supply (exceeding NFCC requirement of 180,000L). Furthermore, in respect to ground/ water pollution, the fire water and potential contaminants are managed via a hydraulically isolated drainage system discharging to an on-site, lined attenuation basin of sufficient capacity to contain the full fire water volume together with runoff from a 1-in-100-year storm event without overtopping. The basin outfall is fitted with an automatically actuated, fail-safe containment valve interlocked with the fire detection system, closing on alarm and failing closed on loss of power, to ensure that the water does not continue through the drainage infrastructure into the nearest watercourse.
- 7.33 The DSERS sets out that all sensitive receptors within the NFCC V2 required 1 km radius have been considered with the nearest dwelling 490m from the BESS compound. Published data from large-scale BESS tests indicate that IDLH (Immediately Dangerous to Life or Health) gas concentration zones are typically limited to the immediate vicinity of the incident unit (of the order of tens of metres), with no off-site impacts reported from recent real incidents. The 490m separation therefore provides a substantial margin beyond these zones.
- 7.34 Some comments received refer to generalised concerns over regular failure of lithium batteries. In respect to the UK and statistics, the government's 'Renewable Energy Planning Database' (<https://www.gov.uk/government/publications/renewable-energy-planning-database-monthly-extract>), identifies that currently there are 136 operational BESS sites in the UK, ranging from standalone schemes to ones supporting renewable energy and fossil fuel schemes.

Recorded Incidents

- 7.35 In respect of recorded incidents, the government has set out that there is no reliable, publicly accessible record of the number of BESS fires that have occurred in the UK or elsewhere. The House of Commons recent research briefing on BESS (<https://questions-statements.parliament.uk/written-questions/detail/2021-07-07/29036>) does however cite the Electric Power Research Institute (EPRI) as a source for information, although caveats this with advising that the EPRI database relies on news articles and does not verify their validity, so the list may not be accurate or exhaustive. Notwithstanding, this source is cited in the government document and is therefore material to understanding where incidents may have occurred and the specifics of each incident.
- 7.36 The EPRI database (accessed 09.02.2026) identifies three documented incidents of BESS fires in the UK: a fire at a BESS site in Liverpool in September 2020; a fire at a BESS project under construction in Essex in February 2025, and one at a site in Cirencester in March 2025: (https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database)
- 7.37 A research paper on the Liverpool incident by EPRI (also referred to in the government's briefing and the latest NFCC advice) opines that BESS design has improved since the Liverpool BESS was installed in 2018: Some newer system designs use smaller, modularized cabinets with a few racks of batteries. The system layout limits damage because of thermal runaway and allows a more targeted first responder approach in the event of a fire. Indeed, whilst the Liverpool incident (the

first recorded in the UK) took two days until the site could recommence operations, the Essex incident took one day, and Cirencester incident, seven hours until operations could resume, indicating a more controlled incident, therefore broadly supporting EPRI's findings.

7.38 Many battery fires recorded in the EPRI database occurred in South Korea. It estimates 38 fires between 2017 and 2022. The South Korean Ministry of Industry found that the fires were caused by errors during installation, a lack of protection from the environment and a lack of safety systems.

7.39 Despite this number of fires, reports by EPRI states that the global failure rate for grid-scale BESS has decreased significantly since 2018, from almost 10 failure events per GW of storage per year, to less than one failure event per GW per year since 2020. For context, this development proposes 90MW of storage (1000MW=1GW). As such, based on this evidence, risks of fires have decreased and can be reasonably considered to be uncommon, particularly in the UK. There is no reliable, publicly accessible record of the number of BESS fires that have occurred in the UK or elsewhere.

Planning Appeals

7.40 Notwithstanding the above statistics, fire risk is a common concern with BESS schemes across the country and recent appeal decisions (appeals determined in 2025/ 2026) are helpful in understanding how the Secretary of State approaches this matter. Whilst appeal decisions do not necessarily set any precedent, they are capable of carrying material weight and in some instances, significant weight where clear comparisons are found. In a recent appeal for a BESS scheme in North-west Leicestershire (ref: APP/G2435/W/25/3370481) the Inspector acknowledged concerns over fire risk but concluded that conditions securing submission of a Battery Safety Management Plan, incorporating a risk reduction strategy and an Emergency Response Plan before the site became operational, would be reasonable and necessary to make the development acceptable.

7.41 In an appeal against the decision of Hertsmere Borough Council (APP/N1920/W/25/3368845), the Inspector concluded that evidence indicated that fires at BESS sites were rare and also concluded that a Battery Safety Management Plan and an Emergency Response Plan could be controlled by planning condition. The Inspector here notes that The NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes), citing NPPF paragraph 201 which sets out that "Planning decisions should assume that these regimes will operate effectively".

Regulatory Regime

7.42 On the matter of regimes, the Health and Safety Executive has a Grid-scale battery energy storage systems webpage (<https://www.hse.gov.uk/electricity/battery-energy-storage-systems.htm>), which sets out relevant health and safety legislation for BESSs in Great Britain as including:

- The Health and Safety at Work Act 1974, which places legal duties on employers to manage risks to employees, other workers and the public.

- The Management of Health and Safety at Work Regulations 1999, which requires employers to identify potential risks to employee health and safety and appropriately manage them.
- The Electricity at Work Regulations 1989, which requires all work activities that uses or might be affected by electricity to be done safely. All foreseeable risks must also be assessed and minimised as far as possible.
- The Dangerous Substances and Explosive Atmospheres Regulations 2002, which requires employers to identify the risks posed by dangerous substances (which are substances that may be explosive, flammable or oxidising) in the workplace. Employers must put in place measures to remove risks to the safety of employees and others or, if it is not possible to fully remove risks, mitigate them and limit the effects of potential incidents involving the dangerous substances.
- The Construction Design and Management Regulations 2015, which sets requirements to ensure construction projects are carried out in a way that secures health and safety, from conception to completion.
- The Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (NAMOS), which requires the operators of sites that hold 25 tonnes or more of a dangerous substance to notify their local fire and rescue service in writing, and to display signs.

7.43 The website states that “If you comply with these regulations you will manage the health and safety risks of BESS”. The Health and Safety Executive considers that the current regulatory framework is sufficient and suitably robust in relation to lithium-ion batteries and battery energy storage systems, as set out in the aforementioned House of Commons research briefing.

7.44 Furthermore, the government published guidance: Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems in April 2024. Notwithstanding, the government’s Clean Power Action Plan (December 2024) stated that Defra would consult on including grid-scale batteries within the Environment Agency’s review of ‘Environmental Permitting Regulations’. This consultation was initiated in August 2025 and closed in October 2025, with feedback expected to be used to shape detailed proposals, which will likely be subject to further consultation.

7.45 It is clear that BESS developments and the technology within them is evolving and the government are seeking to review regulatory regimes to ensure that the safety of such operations is maintained as it evolves. Notwithstanding, at this present time, the current regimes and regulations as set out above, are considered to be sufficient in accordance with the Health and Safety Executive advice. Therefore, in accordance with NPPF paragraph 207, it should not therefore fall to the planning regime to control every aspect of BESS schemes safety. The LPA should assume that the regimes will operate effectively. This is also relevant where the matter of potential cyber-attacks could undermine the safety of the site which has been raised during the recent consultation. In this regard, the applicant would be expected to ensure that their systems are safeguarded as other potentially vulnerable operations. It is not for the planning system to address such matters and no evidence of such attacks undermining BESS systems has been presented.

7.46 A condition can be secured which sets out a requirement for the developer to submit an Detailed Safety and Emergency Management Strategy, which would build on and finalise the outline DSERS to establish the final battery design and containment and,

in the event of a fire; potential chemical hazards; isolation of electrical infrastructure and measures to extinguish or cool batteries in the event of a fire; management of toxic gas release, and; measures to minimise environmental damage e.g., ground contamination, water run-off, toxic gases. The plan would also establish handling and disposal of damaged batteries and details of regular on-site emergency training exercises. The condition would be expected to be considered by the Local Fire and Rescue Service, to ensure that it meets with their standards and guidance set out within the 'National Fire Chiefs Council: Grid scale energy storage system planning - Guidance for fire and rescue services' (February 2026) and would likely be informed by the government's aforementioned Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems. There is no reason, based on the submission, that the development could not meet these standards.

- 7.47 Paragraph 56 of the NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is considered that in this regard, the aforementioned planning appeals carry significant weight in advising the Local Planning Authority that planning conditions securing final details of fire risk mitigation and management are appropriate. As such, a refusal on grounds of fire risk is not one that could be robustly defended based on the details submitted thus far, and where the development could otherwise be made acceptable through planning condition(s) and would be capable of avoiding conflict with Local Plan policies ENV 2, ENV 6 and ENV 9.
- 7.48 Notwithstanding the above and for completeness, officers have commissioned an independent review of the fire safety strategy proposed by the applicant, the costs for which the applicant has agreed to cover. The findings of this will follow as an update to this report.

Highways, Access and Movement

- 7.49 Local Plan policy ENV 2 requires development proposals to incorporate the highway and access principles set out in Policy COM 7, ensuring safe and convenient access for all users, minimising conflict between vehicles, pedestrians, and cyclists, and providing permeability to walking and cycling routes while protecting public rights of way. Neighbourhood Plan policies SBNP22 and SBNP23 and SBNP24 echo this and reinforce the need to protect and enhance public rights of way including bridleways. Paragraph 115 of the NPPF requires "safe and suitable access for all users." Paragraph 116 of the NPPF states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the network would be severe.
- 7.50 The proposal utilises the existing access off Church Lane and a transport technical note demonstrates that adequate visibility splays can be achieved at the access. The access itself, whilst serving an agriculture use, was also used as a construction access for a County Council planning permission for underground cabling, whereby the access was used by construction vehicles CCC/22/083/FUL, with no improvements required to the access track itself, aside from some hedge cutting. This indicates that its use for both short-term construction/decommissioning and in the longer term e.g., for maintenance and, where necessary, emergency access is

achievable. Furthermore, the applicant has agreed to make slight improvements to the access radii which requires works within the highway. Separate consent would be required from the Local Highway Authority in this regard, but the LHA raises no objection.

- 7.51 The Highways officer in their response refers to local public rights of way (PRoW), noting that some are close by and are regularly used and that there will need to be carefully managed during construction, to avoid any pedestrian/ equestrian vs. construction vehicles conflict. Indeed, this is a matter of concern for a number of residents and users of the PRoWs, including for equestrian uses.
- 7.52 Whilst no further comments from the County Council's Definitive Mapping team have been received following their initial objection and further to re-consultation on the applicant's footpath strategy plan (1076-RPC004-LA014 v2), nonetheless the Definitive Mapping team implied that a planning securing further details as to how the PRoWs would be safeguarded and or temporarily diverted during construction, could be secured. In this regard a Construction Traffic Management Plan (CTMP) could be secured via condition. This would seek to establish details of the proposed routes for construction vehicles and including mitigation and notification measures for users of the highways and rights of way (including pedestrian and equestrian users) during the construction and decommissioning phases. The aforementioned CEMP, would also ensure that construction materials storage did not impede any PRoW.
- 7.53 In summary, the development, subject to the aforementioned conditions raises no concerns in respect of access and highway safety.

Historic Environment

- 7.54 Whilst there are no listed buildings, scheduled monuments or conservations areas who's setting could be affected by the development, Cambridgeshire County Council's Historic Environment team has identified that the site lies in an area of archaeological potential. A pre-commencement condition, securing a strategy for further investigation is therefore necessary to ensure that appropriate works are undertaken to establish the presence of any artefacts of historic relevance before construction works proceed.

Biodiversity and Trees

- 7.55 Local Plan Policy ENV 7 and Neighbourhood Plan policy SBNP12 recognise the importance of habitats such as trees, hedgerows, wetlands, and ponds in supporting biodiversity and ecological connectivity. Paragraphs 180 and 187 of the NPPF require development to minimise impacts on biodiversity, deliver measurable net gains, and contribute to resilient ecological networks. Policy NE6 of the Natural Environment SPD also requires applicants to provide clear evidence of how biodiversity impacts will be avoided, mitigated, and managed, supported by pre-and post-development biodiversity assessments.
- 7.56 The application is supported by an Ecological Impact Assessment (EclA) which seeks to establish the potential impacts of the development and enhancement opportunities

for species and habitats. The application is also supported by a Biodiversity Net Gain metric, which establishes the baseline biodiversity value of the site and sets out how the development will achieve 20% net gain in biodiversity (rather than the statutory 10%), as per the requirements of Neighbourhood Plan policy SBNP12.

- 7.57 In respect of general biodiversity impacts, the site is currently generally a mixture of hardstanding, arable agricultural field and grassy tracks and is considered to currently have relatively low biodiversity value. The proposed development targets arable land of low biodiversity value for habitat creation whilst retaining habitats of higher value such as woodland, hedgerows, and off-site ditches to minimise losses and maximise gains. The application is also supported by a Planting Plan which is considered to coincide and is complementary with the habitats identified in the local vicinity, including those within designated sites and Priority Areas, as well as local priority habitats, providing measurable gains and expansion of ecological networks. The Landscape Strategy plan, Planting Plan and Landscape Ecological Management Plan include the creation of new wildlife corridors and networks through woodland, hedgerow, and tree planting, as well as grassland and wetland features.
- 7.58 In respect to birds; Habitat creation occupies around two-thirds of the overall application site area and comprises the replacement of monoculture perennial rye with meadow grassland and a wetland area, woodland, and the creation and extension (both on and off-site) of hedgerows and tree planting. These measures are considered by the applicant to represent a substantial improvement of habitats and therefore will benefit a wide range of breeding bird species (including ground nesting birds), both through increased foraging and nesting opportunities.
- 7.59 In respect to bats, the EclA considers the impacts of construction and operational phases, taking into account noise, vibration, lighting and building in the vicinity that may be suitable roosting habitat. Whilst the construction phase does not identify any significant impacts, nonetheless the applicant's ecologist has recommended that works are undertaken with oversight by a suitably experienced Ecological Clerk of Works (ECoW) who will also need to carry out regular pre-works inspections of the buildings and features beside the access track. Mitigation by way of the ECoW, as well as restricting hours of construction, and restricted lighting both at construction and operation phases of the development are identified recommendations.
- 7.60 The EclA also considers other mammals, reptiles, amphibians and invertebrates and opportunities to enhance habitat for these groups is identified. Noting resident's concerns raised over the presence of Hares at the site, the EclA concludes that the proposals are unlikely to benefit or cause detriment to this species.
- 7.61 Two statutory designated sites for nature conservation were scoped into the detailed assessment, which included Wicken Fen and Soham Wet Horse Fen. The proposal also fell within the Impact Risk Zone of these two sites, with water discharge and the construction of underground cables being highlighted as potential impact pathways on these sites. Three non-statutory designated sites for nature conservation were scoped into the assessment, which included New River and Monk's Lode CWS, Burwell Brick Pit CWS and Moat Closes CWS. The greatest identified impact to these sites is in respect of construction, where surface water could enter into the watercourses linked to these sites. In regard, the applicant's ecologist has

recommended that a Construction Environment Management Plan is secured, to ensure that surface water is managed and pollutants prevented.

7.62 The EclA also identifies that the northern proportion of the Site falls within the Soham and Barway Neighbourhood Plan area, where two biodiversity policies are outlined; SBNP11 Soham's Commons and the aforementioned SBNP12 Biodiversity and Wildlife Habitats. The survey notes that SBNP11 refers to the protection of the Soham Commons, the nearest parcel of which to the Site being South Horse Fen (850m northeast) and considers that the proposal aligns with this policy through the creation of comparable habitat that acts as a stepping stone for biodiversity within the green network, outlined as L01 in Soham Design Guidance. In conclusion, the EclA opines that no significant effects on designated sites and irreplaceable habitats are anticipated.

7.63 The EclA sets out recommendations for further details to be secured by planning condition which are summarised as;

- Precautionary Method of Working (PMW) – as an annexe to the CEMP
- Sensitive Lighting Strategy (as already noted above)
- Landscape Ecological Management Plan (LEMP)
- Biodiversity Gain Plan and Habitat Management and Monitoring Plan
- Decommissioning Strategy

7.64 The Council's Ecologist and Tree officer has engaged proactively with the applicant which has led to amendments and clarifications on a number of biodiversity and soft landscaping matters associated with the development. They have concluded that the latest surveys and proposals are acceptable, subject to conditions.

Local Nature Recovery Strategy (LNRS)

7.65 The LNRS is a statutory document which plans, maps and creates priorities for nature in a given area. The LNRS identifies on a map (the 'habitat map') "areas that could become of particular importance for biodiversity" (ACB sites), which have been determined to offer the potential to become important if measures were taken to improve the habitats on that particular site.

7.66 For this particular application, a small parcel of land west of the BESS compound and east of the access track (but outside of the application site) is identified a LNRS ACB site, and which is currently of the same agricultural status of the application site. In this instance, the ACB site is located immediately adjacent to land proposed to be enhanced through the landscaping and planting plan, incorporating linear native hedgerow and it is considered that the development would complement the opportunities identified through the LNRS. As such, this carries some positive weight.

Biodiversity Net Gain (BNG)

7.67 The applicant's BNG metric identified that through both on and off-site mitigation and enhancement, 129% habitat units, 97% hedgerow units and 14% watercourses units can be achieved. In respect to habitat and hedgerow units, this is far in excess of statutory and Neighbourhood Plan policy requirements. Whilst the watercourse units fall shy of the 20% target, this is understood to be largely due to limitations resulting from the need to maintain riparian access to the watercourses. Nonetheless, the total

gains achieved across all three habitat units are considered to satisfy the policy requirements.

- 7.68 The final Biodiversity Net Gain Plan and detailed 30-year habitat management strategy will be required to be agreed prior to commencement of development, in accordance with the Environment Act 2020.

Flood Risk and Drainage

- 7.69 Local Plan Policy ENV 8 and Neighbourhood Plan policy SBNP21 requires all developments to avoid flood risk and contribute to an overall reduction in flood risk where possible. Development should normally be located in Flood Zone 1 and will not be permitted where it would increase the risk of flooding on-site or elsewhere, compromise flood defences, or create unsafe access during flooding events.

- 7.70 The application site lies in an area at high risk (Flood Zone 3) and medium risk (Flood Zone 2) of flooding but in an area benefitting from flood defences. At the time of the application submission (March 2025), the site was identified through Environment Agency (EA) mapping as lying wholly in Flood Zone 1. However shortly after submission, the EA revised their wider mapping which now places the site across Flood Zones 2 and 3, with the access from Church Road in Flood Zone 1.

- 7.71 The Council's adopted Flood and Water SPD follows the requirements of the NPPF which sets out that where development is proposed in higher areas of flood risk, the applicant should undertake a sequential test analysis, to demonstrate that other land at a lower risk of flooding, that is reasonably available to accommodate the development has been considered but has been scoped out, with evidence as to why. Following successful completion of the sequential test, the exception test must demonstrate that the development carries wider sustainability benefits that outweigh the flood risk and that the development can be made safe for its lifetime without increasing flood risk elsewhere.

Sequential Test

- 7.72 Due to the post-submission change to the EA's flood mapping, the applicant has not undertaken a sequential test, mainly due to the prior connection agreement with the network operator, which will naturally restrict the scope of where the BESS can viably go having regard to the necessary infrastructure e.g., cabling required to make the connection.

- 7.73 It is noted that there are areas within a similar range to the connection point that are at a lower risk of flooding. These areas however would bring the BESS closer to residences or the highway and therefore may yield significant adverse impacts in respect to visual or residential amenity harm.

- 7.74 Notwithstanding, a recent High Court judgement decided that the NPPF does not direct that failure to undertake the sequential test ought to lead to an automatic refusal of planning permission, particularly where there are associated material considerations. In this instance, the location of the development is obviously restricted by the agreed connection point and potential adverse impacts of alternative locations.

As such, whilst the failure to undertake the sequential test carries negative weight, this weight is tempered by these material considerations.

Exception test

- 7.75 The development by its very nature in respect of its contribution toward a more sustainable and stable energy network would yield wider sustainability benefits that would outweigh the flood risk.
- 7.76 Furthermore, the development is classed as 'essential infrastructure' and the Planning Practice Guidance sets out that essential infrastructure should be designed and constructed to remain operational and safe in times of flood, having regard to the exception test.
- 7.77 The application is supported by a Flood Risk Assessment (FRA) which was updated following the EA's mapping update and considers the impacts of flooding at the site, setting out that due to flood defences, in a flood event the site would not be significantly exposed. Furthermore, having regard to two modelled defence breach scenarios the site would also not be at risk. Notwithstanding, the mitigation proposed is to raise the infrastructure above predicted flood heights that have been modelled based on a complete failure of defences and worse-case scenario, the risk of which is considered to be low. Access in the event of flooding would still be achievable by emergency vehicles if required, notwithstanding that the infrastructure can be controlled remotely e.g., turned off.
- 7.78 The Environment Agency has raised no objection to the development, subject to it being constructed in accordance with the design as set out in the FRA.
- 7.79 The Lead Local Flood Authority has considered how the development would address surface water. The site itself is generally in an area of low surface water flood risk and does not appear to lie across any surface water flow paths. As such, it is not anticipated that the development would displace surface water to the detriment of adjacent land and property. Furthermore, the development proposes to attenuate its surface water underneath the BESS infrastructure via a permeable sub-base, whereby once reaching, it will then discharge via pipework to the nearest drain on the western boundary. The outfall is intended to be fitted with a toggle switch that would activate automatically in the event of a failure e.g., fire, whereby the surface water would be shut off from discharging into the drain to prevent pollution. The freeboard of the attenuation infrastructure has been designed to accommodate maximum modelled rain event plus the volume of water necessary to tackle a fire outbreak, as per NFCC guidance. The LLFA raises no objection subject to conditions securing a detailed drainage strategy, and; a strategy to avoid pollution during construction.
- 7.80 In conclusion, the development demonstrates that it would be safe for its lifetime and would not increase flood risk. Furthermore, the development demonstrates that it can adequately manage surface water and would not cause risk of pollution to nearby watercourses.

Other material matters

Employment land policies

7.81 Reference has been made to the development failing to comply with local Plan policies EMP 2 and EMP 3. These policies deal with existing business in the countryside and new employment in the countryside which, based on the preamble to these policies is not relevant to the development at hand.

Site Security

7.82 Cambridgeshire Police has provided advice in respect of ensuring that security measures are built into the scheme e.g., lighting, CCTV, alarms. A suitable planning condition securing such measures can be reasonably imposed.

8.0 Planning Balance

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The application site lies outside of the development envelope and within the countryside. Policy ENV6 and SBNP19 states that proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated. The proposal has been assessed to not have a significant adverse impact on the prescribed criterion listed under ENV 6 and SBNP19 and spatially, such schemes are supported though policy GROWTH 2. As such, no policy conflict in this regard occurs. This carries neutral weight.

8.3 The scheme has demonstrated that, subject to appropriate mitigation secured through planning conditions, it would not result in unacceptable harm to the amenities of nearby dwellings e.g., through pollution or visual harm, protected species, key views or upon the landscape. This also carries neutral weight.

8.4 Naturally with all development, the character of an area will change. In this instance, the change to the character of the area will be notable, mainly in shorter-range views and only partially once the landscaping matures. Furthermore, the scheme is appreciated with the backdrop of the solar farm and substation which has already affected the rural character of this area. The change to the character of the area during the lifetime of the development, particularly localised visual impacts from users of nearby rights of way, would result in some conflict with policies ENV1, ENV 2 and SBNP13 and in this regard, officers consider this carries moderate negative weight. In addition, there would be some short-term disruption during construction and then during decommissioning which also carries a degree of negative weight, albeit this is limited given its temporary nature. Furthermore, the application of the sequential test for flood risk has not been undertaken, albeit the development in any case demonstrates that it will not be unduly exposed to flood risk and would not increase flooding elsewhere. This therefore which carries minor negative weight.

8.5 The scheme would provide battery storage for electricity, lessening the pressure on the grid given the recent rise in demand for renewable energies and would assist toward energy security and management. The PPG identifies that Battery Energy Storage Systems enable the use of energy more flexibly and de-carbonise the energy system cost-effectively, deferring or avoiding the need for costly network upgrades

and new generation capacity. The NPPF at paragraph 168(a) states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposals contribution to a net zero future.

- 8.6 The proposal would cause some harm to the character and appearance of the immediate surrounding area to the site resulting, with visual effects highly noticeable, particularly to those using the public rights of way adjacent to the development, until the landscaping matures which will reduce this effect over time. Therefore, there is some conflict with the development plan. This harm, however, would be limited both in respect of its localised nature, and that the development is temporary in nature. As such, these conflicts do not indicate conflict with the development plan as a whole. Furthermore, having regard to the significant weight that is to be afforded to the benefits of renewable energy development, this is considered to outweigh the identified but limited conflicts with the development plan.
- 8.7 In applying the planning balance, the proposal is considered to comply with the development plan when taken as a whole. Notwithstanding, the identified benefits outweigh any limited adverse impacts identified. The application is therefore recommended for approval.

9.0 Human Rights Act

- 9.1 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

10.0 Equalities and Diversities

- 10.1 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

11.0 APPENDICES

APPENDIX 1 - Recommended Planning Conditions

APPENDIX 1 - Recommended Planning Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version	Date Received
Site Location Plan 1076-RPC004-PL02-FG01	1.0	17.03.2025
Site Layout Plans 1076-RPC004-PL02-FG03	2	10.02.2026
Switchroom Elevation 1076-RPC004-TE01-FG01		17.03.2025
32kV Substation Elevation 1076-RPC004-TE01-FG02		17.03.2025
DNO Control Room Elevation 1076-RPC004-TE01-FG03		17.03.2025
BESS Container Elevation 1076-RPC004-TE01-FG06		17.03.2025
BESS Transformer 1076-RPC004-TE01-FG07		17.03.2025
Site Access Fencing and CCTV Column 1076-RPC004-TE01-FG04		17.03.2025
Flood Risk Assessment and Drainage Strategy 316414	4.0	19.09.2025
Highways Technical Note - P24073		
Footpath Strategy 1076-RPC004-LA014	2.1	19.09.2025
Noise Impact Assessment NP-011562	7	17.03.2025
Landscape Ecological Management Plan RPC004-EC03	6.0	19.09.2025
Landscape Strategy Plan 1076-RPC004-LA03	3	19.09.2025
Planting Plan 1076-RPC004-LA07	3.1	19.09.2025
Water Storage Tank 1076-RPC004-TE01-FG08	1	10.02.2026

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP17 of the Soham and Barway Neighbourhood Plan 2024.
- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase and a Waste Minimisation Plan. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, site compound, waste and proposed phasing/timescales of development etc, The CEMP shall be adhered to at all times during all phases.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers and the local environment, in accordance with policies ENV 2 and ENV 6 of the East Cambridgeshire

Local Plan 2015 (as amended 2023) and Policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.

- 5 Prior to the commencement of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The Noise Management Plan (NMP) shall include the following details;
- A Noise Verification Assessment detailing the specification of all plant equipment to be installed within the development and evidence to demonstrate how the installed plant equipment does not exceed the predicted noise levels as set out in the submitted Noise Impact Assessment ref NP-011562 Revision 07 dated 21 November 2024 ('the NIA').
 - A schedule detailing how regular noise monitoring will be conducted and recorded for the lifetime of the development. Records of the noise monitoring shall be made available to the Council on request.
 - A noise complaint action plan which shall include details of how the operator will investigate and record any noise complaints received and the contact details of who noise complaints can be made to.

The development shall thereafter be carried out in accordance with the approved noise management plan.

- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV 2 and ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.
- 6 Notwithstanding Condition 5, the level of sound emitted from any fixed plant, infrastructure and/or machinery associated with the operational element of the development shall not exceed:
- i) the daytime and night-time noise rating levels, measured at the nearest sound-sensitive premises as set out in Table 9, of the Noise Impact Assessment ref NP-011562 Revision 07 dated 21 November 2024 ('the NIA'); and,
 - ii) the maximum low frequency levels as set out within the NANR 45 low frequency criteria within Table 10, of the NIA.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV 2 and ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 7 Prior to the commencement of the development, a full schedule of all soft landscape works, which follows the principles set out in the submitted Landscape Strategy Plan 1076-RPC004-LA03 V3, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include tree protection and planting plans, a written specification; schedules of trees and plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme and long-term management strategy for the lifetime of the development, including a replacement planting strategy where planting is removed, uprooted or destroyed or dies. It shall also indicate

all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details.

- 7 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1, ENV 2 and ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policies SBNP13 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 8 No development shall take place including any site clearance works until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timings of sensitive works to avoid harm to biodiversity features.
 - e) The times during which construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs if applicable.
 - i) The location for the storage of materials.

The approved CEcMP shall be implemented in accordance with the approved details.

- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and policies SBNP12 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 9 No development, including vegetation/site clearance, shall commence on site until a detailed 'Landscape and Ecology Management & Monitoring Plan' (LEMMP) for all soft landscaping and habitat creation within the application site has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover the operational lifetime of the development and include long term objectives, management responsibilities, creation timescales and maintenance schedules for all landscaped areas of the development site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority for the duration of the development's lifetime. The Plan shall include, as a minimum, the following:
 - a) Details on the creation and management of target habitats identified within the Biodiversity Net Gain Assessment Report and Metric for on-site net gain.
 - b) Monitoring details for all target habitats identified within the Biodiversity Net Gain Assessment Report and Metric, including targeted review years.
 - c) Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report.

- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and policies SBNP12 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 10 Prior to works proceeding above ground level and notwithstanding the plans submitted, a method statement and plan for enhancing biodiversity throughout the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 10 Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the landscape value of the site in accordance with policies in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and policies SBNP12, SBNP13 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 11 Notwithstanding the plan submitted, no development shall commence until a detailed Fire Mitigation, Verification and Compliance Report and updated Battery Safety Management Plan has been submitted to and approved in writing by the local planning authority. The submitted strategy shall:
- Confirm the battery technology intended to be utilised and identify how any specific risk associated with this technology will be intended to be mitigated against.
 - Confirm the protection measures which will be implemented within the design of battery cabinets to mitigate against the risk of contaminant release to sensitive environmental receptors, notably underlying ground.
 - Provide details of water supply/hydrants to be utilised in the event of a fire.
 - Detail the specification fire detection system intended and its operation, including the specific operating parameters of the detectors and how they will be monitored.
 - Detail the specification and duration of fire protection provided by the partitions between battery cabinets and by the enclosure of the battery unit, offering justification as to why this is appropriate relative to risk posed.
 - Detail the intended fire suppression system specification and its operation, including detail of the suppression technology intended and product to be utilised for the purpose of suppression.
 - Detail the design methodology for the deflagration vents and/or explosion prevention measures.
 - Provision of an Emergency Response Plan (to include details of the emergency, environmental and recovery plan which would be enacted in the case of emergency event occurring, and details demonstrating how it will be ensured that potential release of adverse contamination to the surrounding environment, including through any drainage strategy will be prevented and mitigated against effectively, considerate to emergency water supply and discharge requirements). The Emergency Response Plan shall be maintained and reviewed on a regular basis (at least once every 2 years) and any material changes notified to Cambridge and Suffolk Fire and Rescue.

The development shall be undertaken strictly in accordance with the approved details.

- 11 Reason: To ensure proper infrastructure for the site in the interests of public safety in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP17 of the Soham and Barway Neighbourhood Plan 2024.

- 12 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has first been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a. the statement of significance and research objectives;
 - b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c. The timetable for the field investigation as part of the development programme;
 - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.
- 12 Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with policy ENV 14 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 13 The development hereby permitted shall not be commenced until such time as a scheme to contain and dispose of surface water in the event of a fire has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be implemented as approved.
- 13 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 14 Prior to the first use of the development a scheme of hedgehog recovery measures has shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first use and maintained for a minimum of 10 years following their installation.
- 14 Reason: This is to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and in accordance with policy SPD HR1 of the Hedgehog Recovery SPD 2024.
- 15 Prior to the commencement of use, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan reference P24073-001B Revision B. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 15 Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP22 of the Soham and Barway Neighbourhood Plan 2024.

- 16 Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only via the A1123 east (via Soham/A142)) between the hours of 9:00hrs -15.30hrs, seven days a week.
- 16 Reason: In the interests of highway safety in accordance with policies ENV 2 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP22 of the Soham and Barway Neighbourhood Plan 2024.
- 17 No development shall commence other than access works, until the junction widening works have been completed as per plan reference: P24073-001B Revision B.
- 17 Reason: In the interests of highway safety in accordance with policies ENV 2 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP22 of the Soham and Barway Neighbourhood Plan 2024.
- 18 Any gate or gates to the vehicular accesses shall be set back a minimum of 20 metres from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards.
- 18 Reason: To prevent obstruction of the highway in the interests of highway safety in accordance with policies ENV 2 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP22 of the Soham and Barway Neighbourhood Plan 2024.
- 19 Prior to the installation of any permanent plant or equipment serving the battery energy storage scheme hereby permitted, a scheme of security measures shall be submitted to an approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the development and thereafter retained and maintained in operation for the lifetime of the development.
- 19 Reason: In the interest of reducing the risk of crime in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP17 of the Soham and Barway Neighbourhood Plan 2024.
- 20 Notwithstanding the approved plans, no external lighting shall be erected within the application site until details of the proposed lights, their specification, location, the orientation/angle of the luminaries, predicted light spill and hours of proposed use, have been submitted to and approved in writing by the Local Planning Authority. Any external lighting that is installed shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 20 Reason: In the interests of residential amenity protection, landscape character and to manage the impacts on nocturnal species, in accordance with policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and policies SBNP13, SBNP12, SBNP17 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 21 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation

strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

- 21 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 22 No works involving piling shall take place until a report/method statement has been submitted to and approved in writing by the local planning authority, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. The development shall thereafter be carried out in accordance with the approved details.
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV 2 and ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 23 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy: Church Road Farm BESS prepared by Mabbett (ref: 316414) dated 19th February 2025 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- h) Full details of the maintenance/adoption of the surface water drainage system;
- i) Permissions to connect to a receiving watercourse or sewer;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

- 23 Reason: To prevent an increased risk of flooding and protect water quality in accordance with Policy ENV 8 and ENV 9 of the East Cambs Local Plan 2015 and Policy SBNP17 of the Soham and Barway Neighbourhood Plan 2024.
- 24 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
- 24 Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself in accordance with Policy ENV 8 and ENV 9 of the East Cambs Local Plan 2015 and Policy SBNP17 of the Soham and Barway Neighbourhood Plan 2024; recognising that initial works to prepare the site could bring about unacceptable impacts.
- 25 The development hereby approved is for a period of no more than 35 years from the date when electricity is first exported from the Battery Energy Storage Scheme to the electricity network (the First Export Date). Written confirmation of the First Export Date shall be given to the local planning authority within 14 days of the First Export Date.
- 25 Reason: To safeguard the character and appearance of the area and to reinstate the land to its original appearance following the expiration of the temporary consent applied for on the site, in accordance with policies ENV2 and ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP13 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024.
- 26 Decommissioning of the Battery Energy Storage System, comprising discontinuance and removal of all buildings, works, uses of land and other development hereby permitted and the restoration of the land to its former condition shall take place within 12 months of the expiry of this permission. At least 6 months before the planning permission is due to expire, a Decommissioning Method Statement (to include a timetable for implementation and a scheme to restore the land to its former condition) shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned and restored in accordance with the approved Statement.
- 26 Reason: To safeguard the character and appearance of the area and to reinstate the land to its original appearance following the expiration of the temporary consent applied for on the site, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SBNP13 and SBNP19 of the Soham and Barway Neighbourhood Plan 2024. In addition to ensure that the development is decommissioned out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 27 Prior to any work commencing on the site and notwithstanding the plans submitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing with the Local Planning Authority, regarding the proposed routes for construction vehicles and including mitigation and notification measures for users of the highways and

public rights of way (including pedestrian and equestrian users) during the construction and decommissioning phases. The approved CTMP shall be adhered to at all times during all phases of construction and decommissioning.

- 27 Reason: To safeguard the amenity and safety of other users of the highway and rights of way, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policies SBNP22, SBNP23 and SBNP24 of the Soham and Barway Neighbourhood Plan 2024. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.

PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

25/00303/FUM

557500E

558000E

558500E

Copyright Renewable Planning Consultancy Ltd. All Rights Reserved. Ordnance Survey © Crown copyright and database rights 2024. Emapsite Licence No. 0100031673.

Renewable Planning Consultancy Ltd (RPC) accepts no liability for any use of this document other than for its original purpose, or by the original client, or following RPC's express agreement to such use. www.rpc-ltd.uk | info@rpc-ltd.uk

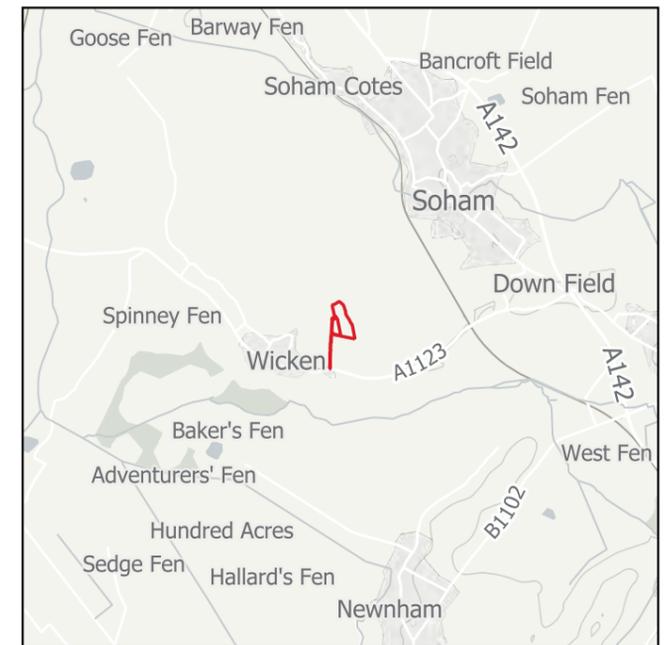
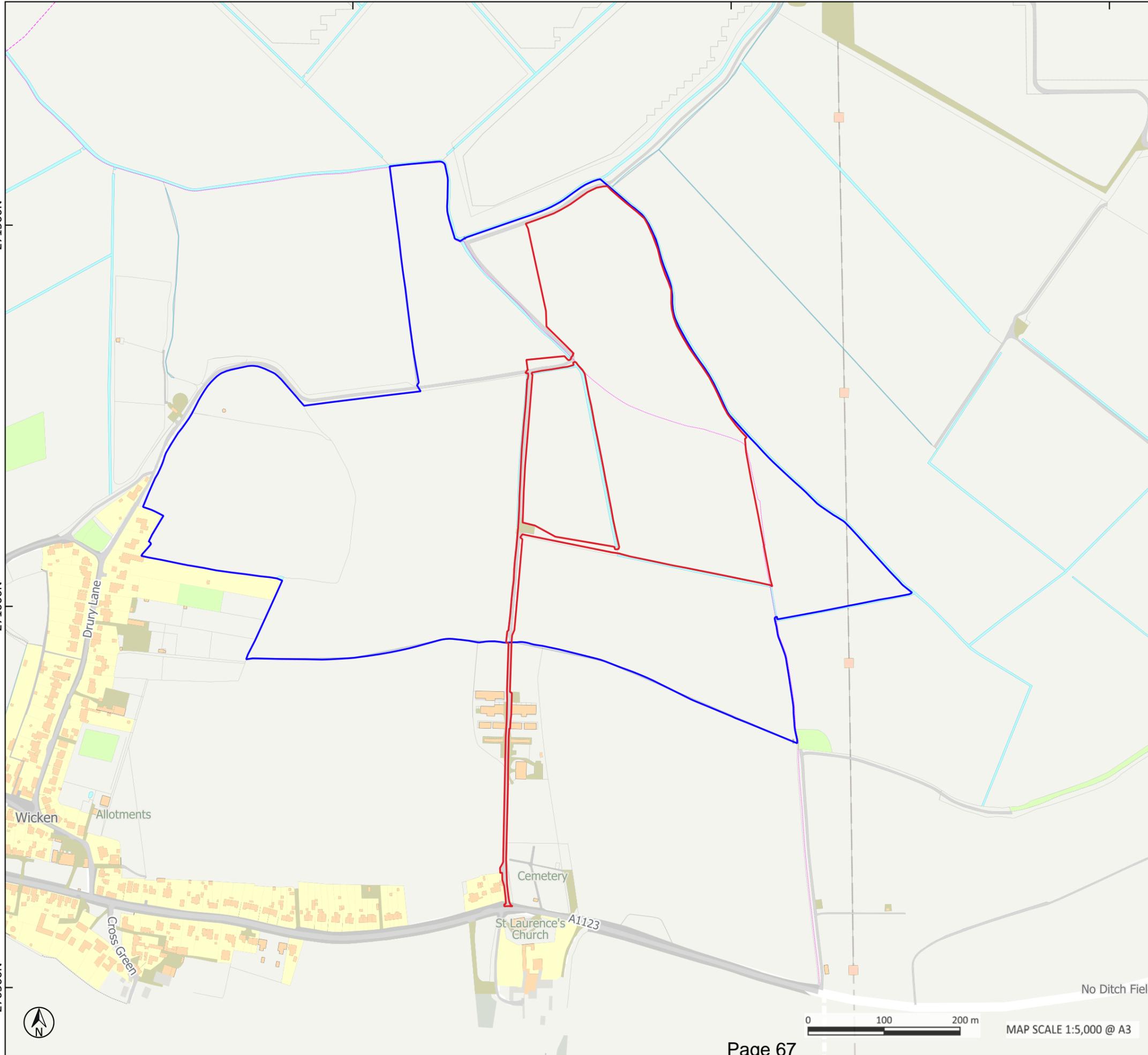
Key

- Application Boundary
- Ownership Boundary

271500N

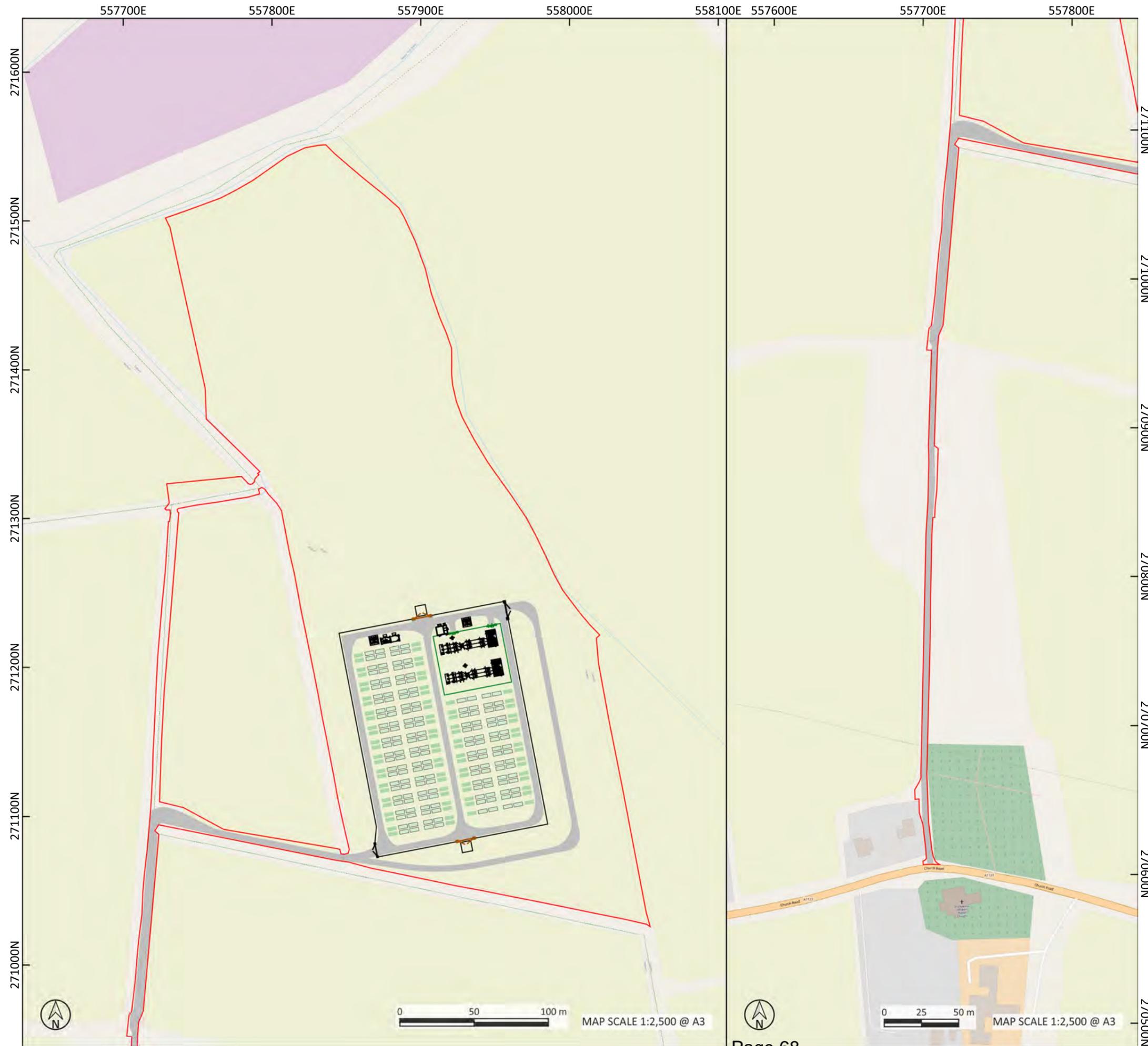
271000N

270500N



V1.0	FINAL SUBMISSION	KTH	JS	PD	29/11/2024
REV	DESCRIPTION	DR	CH	AP	DATE

CLIENT: GSC CHURCH ROAD WICKEN LIMITED
 PROJECT: CHURCH ROAD BESS
 FIGURE NO.: 1076-RPC004-PL02-FG01
 FIGURE TITLE: Site Location Plan



Key
 — Application Boundary

V2.0	UPDATED SITE LAYOUT	GJH	VK	VK	06/02/2026
V1.0	FINAL SUBMISSION	KTH	JS	PD	29/11/2024
REV	DESCRIPTION	DR	CH	AP	DATE

CLIENT	GSC CHURCH ROAD WICKEN LIMITED	
PROJECT	CHURCH ROAD BESS	
FIGURE NO.	1076-RPC004-PL02-FG02	
FIGURE TITLE	Proposed Site Layout Plan, 1 of 2	

557700E

557800E

557900E

558000E

271300N

271200N

271100N

Copyright Renewable Planning Consultancy Ltd. All Rights Reserved. Ordnance Survey © Crown copyright and database rights 2024. Emapsite Licence No. 0100031673.
Renewable Planning Consultancy Ltd (RPC) accepts no liability for any use of this document other than for its original purpose, or by the original client, or following RPC's express agreement to such use. www.rpctd.uk | info@rpc-ltd.uk

Key

- Application Boundary
- Perimeter Fence
- Battery Container
- Inverter / Transformer
- 1 Client Control Building
- 2 Client Parking
- 3 DNO Control Building
- 4 DNO Parking
- 5 Site Main Access
- 6 Site Emergency Access
- 7 Grid Transformer
- 8 Firewater Tank

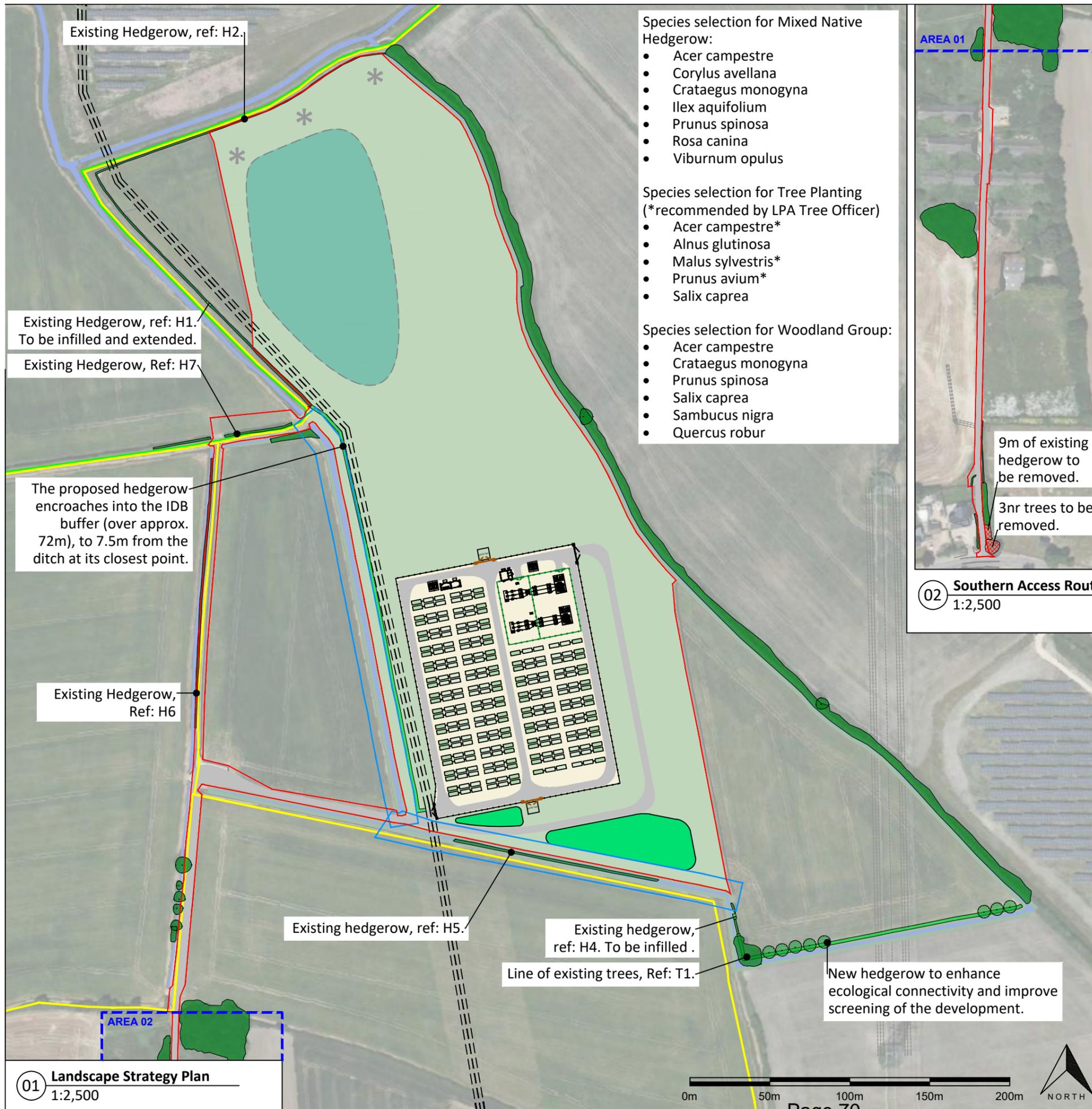


V2.0	UPDATED SITE LAYOUT	GJH	VK	VK	06/02/2026
V1.0	FINAL SUBMISSION	KTH	JS	PD	29/11/2024
REV	DESCRIPTION	DR	CH	AP	DATE

CLIENT GSC CHURCH ROAD
WICKEN LIMITED
PROJECT CHURCH ROAD BESS
FIGURE NO. 1076-RPC004-PL02-FG03
FIGURE TITLE Proposed Site Layout Plan,
2 of 2



0 25 50 m MAP SCALE 1:1,250 @ A3



- Species selection for Mixed Native Hedgerow:**
- Acer campestre
 - Corylus avellana
 - Crataegus monogyna
 - Ilex aquifolium
 - Prunus spinosa
 - Rosa canina
 - Viburnum opulus
- Species selection for Tree Planting (*recommended by LPA Tree Officer)**
- Acer campestre*
 - Alnus glutinosa
 - Malus sylvestris*
 - Prunus avium*
 - Salix caprea
- Species selection for Woodland Group:**
- Acer campestre
 - Crataegus monogyna
 - Prunus spinosa
 - Salix caprea
 - Sambucus nigra
 - Quercus robur



- Key**
- Red Line Boundary
 - Drainage Ditches
 - IDB 9m ditch buffer
 - Vegetation
 - Public Right of Way
 - Cable Easement 2.5m buffer zone
 - Soham to Wicken Cycleway (indicative location).
- Proposals**
- Development Area.
 - BESS Unit. To be painted green.
 - Access routes - Tarmac
 - Weldmesh fencing around development area. 2.4m high.
 - Palisade fencing
 - Vehicle Gate
 - Pedestrian Gate
 - Mixed Native Hedgerow
 - Existing vegetation to be removed
 - Tree Planting.
 - Woodland Group.
 - Meadow Grassland.
 - Wetland Area.
 - Arisings pile.

Hedgerow Improvements
Enhanced hedgerows to be maintained to a height of 3.5m and any gaps to be filled using native plant species that match or complement those found on site.

Soil Storage
Excavated soil is to be distributed across the site in low mounds, not exceeding 0.6m in height, with slope gradients no steeper than 1 in 5. Mound locations will be agreed on-site with a Landscape Architect and must be offset by a minimum of 2m from the 10m ecology protection buffers.

DO NOT SCALE FROM THIS DRAWING

© COPYRIGHT RESERVED. This drawing, including the design and technical information contained on it, is the property of Renewable Planning Consultants. The drawing may only be used for the specific purpose for which it has been intended and may not be reproduced or copied without prior permission.

ALL COORDINATES RELATED TO LOCAL GRID LOCATED TO OS NG BY BEST FIT TO DETAIL, EXTRACTED FROM OS DIGITAL DATA.

This drawing is to be read in conjunction with the following:

- 1076-RPC004-LA07 Planting Plan
- RPC004-EC03 LEMP
- 241119-1.1-CF-TCP-SH Tree Constraints Plan

Site Boundary
The Site Boundary illustrated is for planning purposes only. Proposals outside of the boundary are to be conditioned as part of the application

REV	DESCRIPTION	DR	CH	AP	DATE
V3	UPDATED POST PLANNING COMMENTS	GJH	JS	VK	08/12/2025
V2	UPDATED POST PLANNING COMMENTS	GJH	JS	PD	02/06/2025
V1	INITIAL SUBMISSION	GJH	JS	PD	13/01/2025

CLIENT
GSC CHURCH ROAD WICKEN LIMITED

PROJECT
CHURCH ROAD BESS

DRAWING TITLE:
LANDSCAPE STRATEGY PLAN

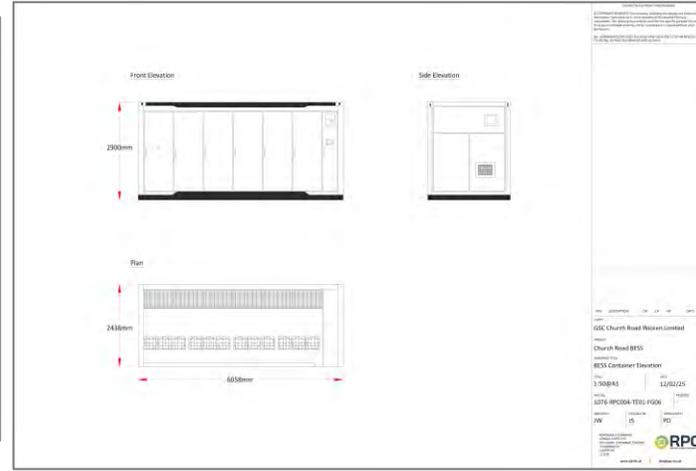
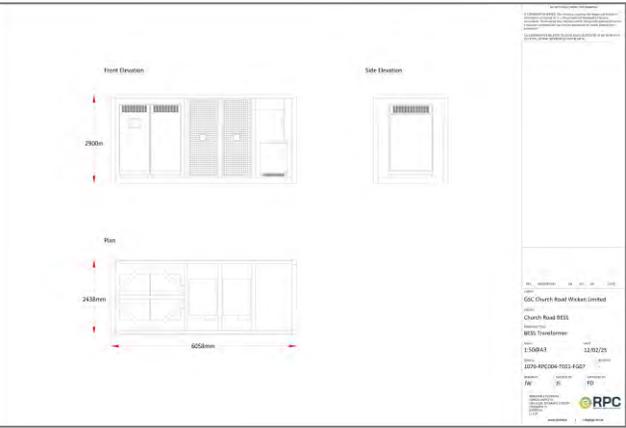
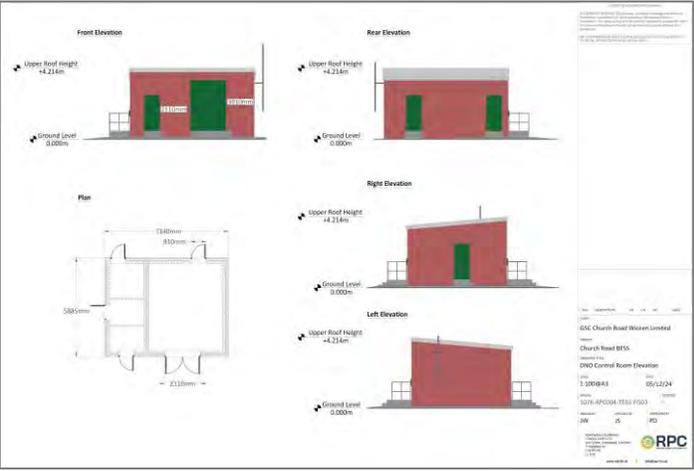
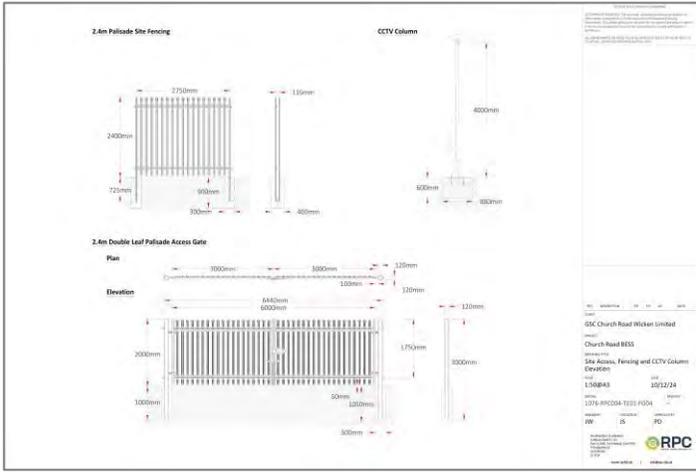
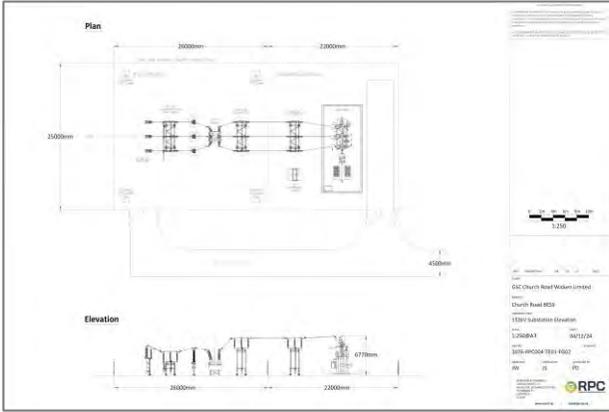
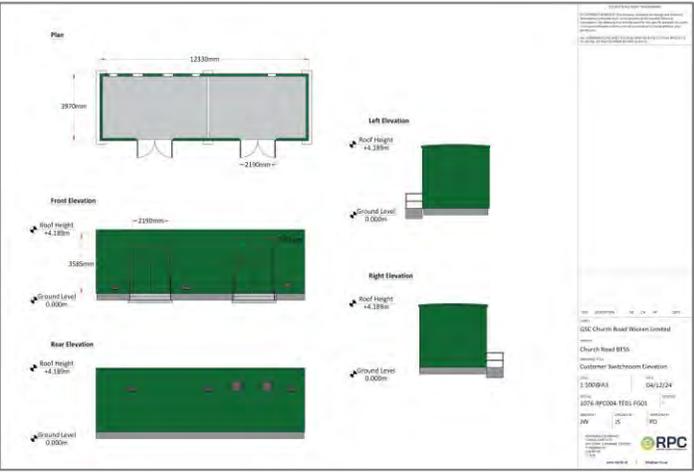
SCALE: 1:2,500@A3
DATE: 08/12/2025

DRG No. 1076-RPC004-LA03
REVISION V3

DRAWN BY: GJH
CHECKED BY: JS
APPROVED BY: VK

RENEWABLE PLANNING CONSULTANTS LTD
5th FLOOR, EXCHANGE STATION
TITHEBARN ST.
LIVERPOOL
L2 2QP

www.rpctd.uk | info@rpc-ltd.uk



25/01320/FUL

31 Ten Mile Bank

Littleport

Cambridgeshire

Change of use from agricultural land to builders yard - retrospective.

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>





25/01320/FUL

31 Ten Mile Bank
Littleport



East Cambridgeshire
District Council

Date: 18/03/2026
Scale: 1:4,000



© Crown copyright.
All rights reserved 100023279 (2026)



25/01320/FUL

31 Ten Mile Bank
Littleport



East Cambridgeshire
District Council

Date: 18/03/2026
Scale: 1:1,250



© Crown copyright.
All rights reserved 100023279 (2026)

TITLE: 25/01320/FUL

Committee: Planning Committee

Date: 1 April 2026

Author: Senior Planning Officer

Report No: AA184

Contact Officer: Daisy Hill, Senior Planner
daisy.hill@eastcambs.gov.uk
01353 616499
Room No 011 The Grange Ely

Site Address: 31 Ten Mile Bank Littleport Ely Cambridgeshire CB6 1EE

Proposal: Change of use from agricultural land to builders' yard - retrospective

Applicant: Mr Aaron Dakin

Parish: Littleport

Ward: Littleport

Ward Councillors: Christine Ambrose Smith
David Miller
Martin Goodearl

Date Received: 04 December 2025

Expiry Date: 03 April 2026

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reasons:

1. The proposal does not fall within any of the exception policies listed in GROWTH 2 and therefore would be unacceptable in principle. The proposal is therefore considered to be contrary to GROWTH 2 of the East Cambridgeshire Local Plan, 2015 (as amended) and Chapter 2 of the National Planning Policy Framework (2024).
2. Insufficient information has been provided to demonstrate that the development would be safe throughout its lifetime and would not lead to increased flood risk elsewhere, contrary to the requirements of the Government's Planning Practice Guidance, Policy ENV 8 of the East Cambridgeshire Local Plan 201 (as amended 2023), and guidance within Section 14 of the National Planning Policy Framework.

1.2 The application is being heard by the committee because it was called in by Councillor Goodearl and Councillor Ambrose Smith for the following reasons:

- Whilst the application is outside of the development envelope, it is still within the wider Littleport area and therefore, is in the spirit of Policy Growth 2, which requires the majority of development to be focused on the market towns of Ely, Soham and Littleport.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for the change of use of a parcel of agricultural land to that of a builder's yard. The site is situated between the defined residential curtilage for 31 Ten Mile Bank and a further parcel of agricultural land to the South. All three areas of the site are under the same ownership and collectively form 31 Ten Mile Bank. The site has been operated as a builder's yard by the applicant and site owner, Mr Dakin, to store materials and machinery related to his occupation as a groundworker/builder. This is being done through a collection of outbuildings, shipping containers, and open storage areas.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link: [Simple Search](#).

3.0 PLANNING HISTORY

3.1 20/00384/FUL - Construction of 1 no. three bedroom, two storey detached replacement dwelling. **(Approved - 14.08.2020)**

3.2 19/01251/FUL - Replacement dwelling and make good neighbouring property. **(Refused - 06.01.2020)**

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located approximately 2.4km (1.5 miles) away from the settlement of Littleport.

4.2 The site itself comprises approximately 0.08 hectares and is viewed as having three distinct sections. The southern section is a parcel of agricultural land, the northern section is the defined residential curtilage, and the section in between (linking the northern and southern sections) forms the basis of this application. It is this section (the middle section), currently identified as agricultural land, that is being used as a builder's yard, and permission is being sought to regularise this change of use.

4.3 Specifically, the application site is located on the north-western edge of Ten Mile Bank. Akin to several other plots along Ten Mile Bank, number 31 is long yet narrow.

4.4 The highway runs along the northeastern side of the site, and this boundary is enclosed by 6ft fencing. Open countryside abuts the northwestern boundary with low-level fencing marking the distinction.

- 4.5 The Great River Ouse and principally its western bank is the dominant feature along Ten Mile Bank, standing above in elevation to the application site and the highway.
- 4.6 The parcel of agricultural land at the most southern end of the site extends to meet the entrance of Poplar Drove. At the northernmost end of the site, within the defined residential curtilage, stands the host dwelling (31 Ten Mile Bank). The dwelling has fallen into a state of disrepair and is, as such, uninhabitable.
- 4.7 There are a few small residential dwellings in the immediate vicinity, including the adjoining dwelling (number 32 Ten Mile Bank), but overall, the area remains open to the countryside. The host dwelling has a small front garden, with the majority of the curtilage to the side.
- 4.8 The site is not located within proximity to a Listed Building or monument or within a Conservation area.
- 4.9 The site is located within Flood Zone 3 of the Environment Agencies 'Maps for Planning'.
- 4.10 The site falls outside of the development envelope of Littleport and is therefore considered to be within the countryside
- 4.11 The application proposes the regularisation of the use of the site as a builder's yard, which includes the existing outbuildings, shipping containers and open storage areas as shown on the submission documents.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees:
- Local Highways Authority
 - Internal Drainage Board
 - Environmental Health
 - Town Council
 - Ward Councillors

These are summarised below. The full responses are available on the Council's website.

Local Highways Authority - 17 February 2026

Reservations in respect of the proposed development in relation to the turning, in view of the established use of the site, it is considered that a recommendation of refusal could not be substantiated with due regard to Para 115 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety".

It is not evident from the submitted application that an adequate turning area can be accommodated within the site. Proposals of this nature typically require provision for vehicles to enter the site, turn safely, and exit in a forward gear. However, given that the site has operated in this nature for approximately eight years without any

recorded incidents related to vehicle ingress or egress, the Local Highway Authority is unable to substantiate an objection in this instance. It should be emphasised, however, that any future development proposals for this site will be expected to include a formalised turning area. Without such provision, it is highly likely that the Local Highway Authority would raise an objection.

Littleport and Downham Internal Drainage Board – 09 February 2026

No objections provided that soakaways form an effective means of surface water disposal in this area. If soakaways are found not to be an effective means of surface water disposal, the Board must be reconsulted as consent of the Board would be needed to discharge into any watercourse within the district.

Environmental Health - 29 January 2026

Notes the retrospective nature of the application. No history of complaints concerning this site. Recommends a condition which prevents any external lighting without prior approval from the LPA.

Littleport Town Council - 27 February 2026

In support of the application.

Ward Councillors – 09 March 2026

Cllr. Martin Goodearl and Cllr. Christine Ambrose Smith: Requested application to be determined by the Planning Committee.

- 5.2 A site notice was displayed near the site on 3rd February 2026.
- 5.3 Neighbours – Two neighbouring properties were directly notified by letter. No responses have been received.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015 (as amended 2023)*

GROWTH 2 Locational Strategy
GROWTH 5 Presumption in favour of sustainable development
ENV 1 Landscape and settlement character
ENV 2 Design
ENV 8 Flood risk
ENV 9 Pollution
COM 7 Transport impact
COM 8 Parking provision

6.2 *Supplementary Planning Documents*

Design Guide
Flood and Water

6.3 *National Planning Policy Framework (December 2024)*

2 Achieving sustainable development
4 Decision making

- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 *Planning Practice Guidance*

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 The main planning considerations relevant to the determination of this application relate to:

- Principle of Development
- Design and Character
- Residential Amenity
- Highways, Access and Movement
- Flood Risk and Drainage

Principle of Development

7.2 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.3 The application site is located wholly outside of the defined development envelope for Littleport.

7.4 Furthermore, although Policy GROWTH 2 allows exceptions, the proposal does not fall under one of the exceptions listed within the policy.

7.5 In summary, the proposal relates to a site outside the development envelope. It is not an exception listed within the policy and therefore conflicts with the aims of Policy GROWTH 2 East Cambridgeshire Local Plan 2015 (as amended 2023).

Visual Amenity

7.6 Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) require new development to complement the existing built form and relate sympathetically to its surroundings in terms of location, layout, scale, massing, materials, and colour. Policy ENV1 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. Proposals must respond positively to local context and architectural traditions, enhance the character and quality of the area, and contribute to the public realm. Policy ENV2 specifically requires all development proposals to be designed to a high quality, enhancing and complementing the local distinctiveness

and public amenity by relating well to existing features and introducing appropriate new designs.

- 7.7 Due to the proximity of the site to The Great River Ouse, public views from the river and its banks are likely to be negatively impacted by the introduction of this incongruous form of development. This conflicts with the aims of Policy ENV 1, which calls for development to enhance character and quality and contribute to the public realm.
- 7.8 Notwithstanding, the applicant has taken steps to reduce the immediate harm to the visual amenity of the area by containing the use within the middle section of the site. Previously, the southern section of the site was also being used to store materials.
- 7.9 The relocation of the materials to the middle section is noted and is an improvement. Consequently, this has lessened the harm regarding visual amenity, certainly for the closest neighbours and observers as the 6ft fencing provides screening
- 7.10 Due to the elevated position of The Great River Ouse in relation to the site, the containment and screening of the development that limit visual impacts from the highway do not mitigate the harm as effectively from viewpoints on the river. Consequently, by virtue of the introduction of an uncharacteristic use in this location, a level of harm to the visual amenity, both from the public and private realm, with specific regard to The Great River Ouse, is evident. However, it is considered that the impact is unlikely to cause an unacceptable level of harm owing to the visual containment of the development and its proximity to the existing adjoining residential development, and, on balance, this matter does not constitute a reason for refusal despite some degree of conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Residential Amenity

- 7.11 Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. Policy ENV 9 of the East Cambridgeshire Local Plan 2015 seeks to protect residential occupiers from noise, smell, vibration and other forms of pollution.
- 7.12 There is an adjoining residential property to the north (number 32 Ten Mile Bank), with the next closest neighbour (number 33) set back with access alongside number 32. These would be the nearest receptors of noise and associated activities that may impact their amenity.
- 7.13 In terms of the positioning of the existing structures and outbuildings, although undomesticated in appearance and scale, they are not considered to cause harm by being overbearing, by overshadowing or through the loss of privacy by overlooking. The separation distances to the nearest neighbours are significant enough for there to be virtually no impact in this regard.
- 7.14 The Environmental Health Officer (EHO) was consulted on this application and concluded that, due to the retrospective nature of the application, they could confirm

that there was no history of complaints concerning this site. If this application were approved, they have recommended a condition that requires any external lighting to be approved by the LPA in advance. It is pertinent to note that whilst the lack of complaints on the site is encouraging, this does not preclude future issues arising from continued use.

- 7.15 In summary, the proposal is considered to comply with Policy ENV 2 and Policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Highways, Access and Movement

- 7.16 Policy COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development should be designed to reduce the need to travel particularly by car and should promote sustainable forms of transport appropriate to its particular location. Development proposals shall provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) seeks adequate parking provision, while Paragraph 115 of the NPPF requires “safe and suitable access for all users.” Paragraph 116 of the NPPF states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the network would be severe.
- 7.17 The proposal seeks the regularisation of one access for the operation of the site as a builder’s yard.
- 7.18 The Local Highways Authority was consulted on this application and put forward reservations in respect of the proposed development in relation to the turning. Whilst it is considered that a recommendation of refusal could not be substantiated with due regard to Paragraph 115 of the NPPF, where “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety”, in view of the established use of the site, they have advised that any future proposals would need to demonstrate turning areas.
- 7.19 The proposal is therefore considered to align with Policies COM7 and COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Ecology and Biodiversity

- 7.20 Due to the application being retrospective, a preliminary ecological assessment (PEA) was not required as part of the submission
- 7.21 The development does not fall under the statutory duty to secure at least 10% biodiversity net gain (BNG), and therefore, a BNG metric was not required as part of the submission. This is due to the retrospective nature of the proposal.

Trees

- 7.22 The development does not include any works to trees on or around the site, and therefore an Arboricultural Impact Assessment was not required as part of the submission. This is due to the retrospective nature of the proposal.

Historic Environment

- 7.23 As noted above, the site does not affect any buildings or land of above-ground heritage value.

Flood Risk, Drainage & mitigating impacts of climate change

- 7.24 Policy ENV 8 of the East Cambridgeshire Local Plan (2015) requires all developments to contribute to an overall reduction in flood risk and to strictly apply the sequential and exception tests. Development should normally be located in Flood Zone 1 and will not be permitted where it would increase the risk of flooding on-site or elsewhere, compromise flood defences, or create unsafe access during flooding events.
- 7.25 Paragraph 176 of the NPPF states that the sequential test does not need to be applied for applications for Change of Use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) nor the exception test, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63.
- 7.26 Footnote 63 goes on to say that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.
- 7.27 The site is situated within Flood Zone 3, an area with a high probability of flooding. A site-specific Flood Risk Assessment has therefore been submitted in support of the proposal, in accordance with the requirements of NPPF footnote 63.
- 7.28 Annexe 3 of the PPG on Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of general industry and is classified as 'Less Vulnerable'.
- 7.29 Paragraph 014 of the PPG on Flood Risk and Coastal Change states that 'A Change of Use may involve an increase in flood risk if the vulnerability of the development is changed. As changes of use are not normally subject to the sequential or exception tests... the local planning authority will need to consider what changes of use will be acceptable... This is likely to depend on whether developments can be designed to be safe... and that there is adequate emergency planning provision.'

- 7.30 Whilst officers agree the proposal is for a change of use and therefore accept that a sequential test is not needed, the PPG is silent on whether this includes change of use applications that include physical structures.
- 7.31 Paragraphs 004 and 005 of the PPG on Flood Risk and Coastal Change state that any residual risk remaining should be managed after avoidance, control and mitigation have been utilised through further management measures, **along with** providing safe access and escape routes. Furthermore, consideration of whether adequate flood warning would be available to people using the development, and of the need to safely manage residual risks to ensure people are not exposed to hazardous flooding.
- 7.32 Information submitted as part of the Flood Risk Assessment through the Environment Agency Flood Hazard Map shows there is a residual risk to the site should there be a breach of the flood defences. In the event of multiple breaches during an extreme event, the site would be flooded to a depth of up to 0.25m.
- 7.33 The Flood Risk Assessment has not been successful in providing sufficient information about managing residual risk. Whilst it has identified the site as benefiting from flood defences, the recommendations provided for mitigation (flood resilience and the use of flood warnings) fail to address how residual risk will be effectively managed.
- 7.34 The Internal Drainage Board (IDB) were consulted and raised no objections, provided that soakaways are used as a means of surface water disposal in this area. If, however, soakaways are found not to be an effective means of surface water disposal, the Board must be reconsulted, as consent of the Board would be needed to discharge into any watercourse within the district. This matter would be resolved outside the planning application between the applicant and IDB.
- 7.35 Officers do note that the nature of development upon open land would give rise to increased hardstanding and built form, which in turn increases the need for sustainable drainage. A lack of information has been submitted to address how the applicant proposes to deal with this matter.
- 7.36 In summary, the proposal conflicts with Policy ENV 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023), as insufficient information has been provided as to how the proposal would meet the requirements for the NPPF and PPG in relation to managing flood risk and drainage.

Human Rights Act

- 7.37 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council

is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

- 7.38 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

Other Matters

- 7.39 The residential curtilage also includes an extended and improved mobile home. The mobile home is being used as a dwelling in the short term because the existing dwelling is uninhabitable. East Cambridgeshire District Council's Enforcement Team do not have any concerns over the short-term use of the mobile home, but should an application be approved for a replacement dwelling in the future, the removal of the mobile home along with its extensions would be conditioned as part of any such permission, as only one residence would be permitted on the site. The mobile home is located on land within the same ownership but is not within the application site and therefore is not a matter under consideration as part of this application.

Planning Balance

- 7.40 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.41 The proposal causes a degree of conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) due to harm it causes to visual amenity. The harm, however, has been assessed as acceptable; this matter carries limited weight.
- 7.42 Officers do acknowledge that the development falls within the wider Littleport area and that the Policy GROWTH 2 does provide a hierarchy for the location of development. That hierarchy seeks to focus the majority of development in the market towns, one of which is Littleport. Despite this, the development is 2.4 km (1.5 miles) away from the main settlement of Littleport. Development in the countryside that does not align with the policy's exceptions accrues substantial weight in the planning balance.
- 7.43 Officers also acknowledge that the site benefits from a level of wider flood resilience measures in relation to managing flood risk. However, the Flood Risk Assessment has not provided sufficient information on managing residual risk. The recommendations provided for mitigation (flood resilience and the use of flood warnings) are inadequate

as they fail to address how residual risk will be effectively managed. This matter subsequently accrues substantial weight in the planning balance.

- 7.44 On balance, it is considered that the cumulative harms arising from the identified conflicts with policies GROWTH 2 and ENV 8 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) outweigh the planning benefits, on which basis the application is recommended for refusal.

8.0 APPENDICES

Appendix 1 – Refusal reasons

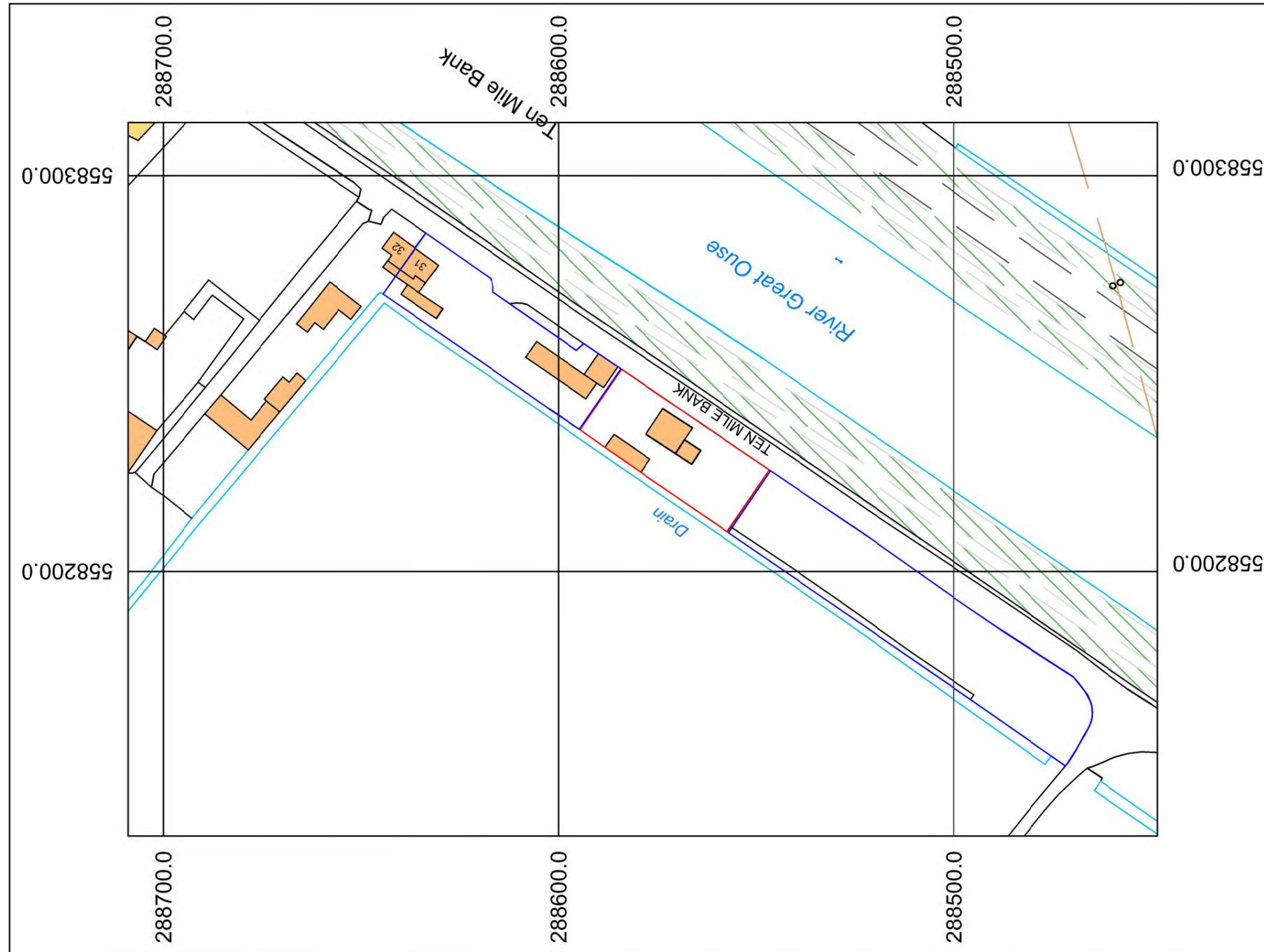
Appendix 2 – Plans

Appendix 1 – Refusal reasons

- 1- The proposal does not fall within any of the exception policies listed in GROWTH 2 and therefore would be unacceptable in principle. The proposal is therefore considered to be contrary to GROWTH 2 of the East Cambridgeshire Local Plan, 2015 (as amended) and Chapter 2 of the National Planning Policy Framework (2024).
- 2- Insufficient information has been provided to demonstrate that the development would be safe throughout its lifetime and would not lead to increased flood risk elsewhere, contrary to the requirements of the Government's Planning Practice Guidance, Policy ENV 8 of the East Cambridgeshire Local Plan 201 (as amended 2023), and guidance within Section 14 of the National Planning Policy Framework.

Appendix 2 – Plans

Stanfords Planning Map Data

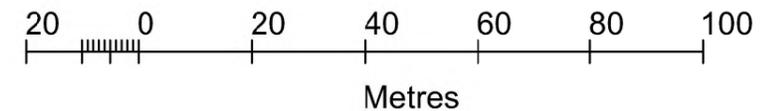


Production Date: 28 April 2025

Top Left: 558133.17 288708.83 Bottom Right: 558313.408 288448.63

© Crown copyright and database rights 2025 Ordnance Survey OS100035409.

Reproduction in whole or in part is prohibited without the permission of Ordnance Survey



Contract :
CHANGE OF USE FROM FIELD TO
BUILDERS YARD, 31, TEN MILE
BANK, LITTLEPORT, ELY, CAMBS.

Title :
LOCATION PLAN

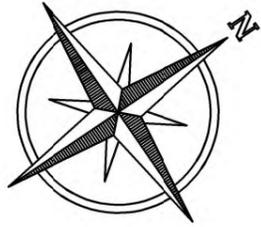
These drawings are the
COPYRIGHT of Greg
Saberton Design.
Unauthorised
copying is not permitted.

Revisions :

Page 88

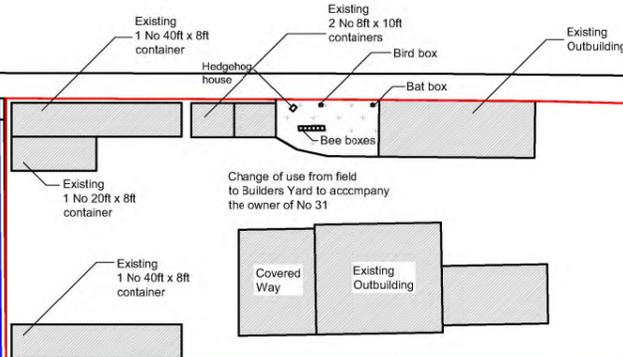
Scale : 1 : 1250
Date : NOV 2025
Drawing Number : 01 / 3442 / 25

GREG SABERTON DESIGN
ARCHITECTURAL DESIGN CONSULTANCY
Tom's Hole Barn, Branch Bank, Prickvillow, Ely, Cambridgeshire, CB7 4UR
Tel : 01353 687999
Email : greg@sabertondesign.co.uk



Drain

Existing field



Previously approved Domestic Plot for Replacement detached dwelling (20/00290/FUL)

31 32

TEN MILE BANK

River Great Ouse

Contract :
CHANGE OF USE FROM FIELD TO BUILDERS YARD, 31, TEN MILE BANK, LITTLEPORT, ELY, CAMBS.

Title :
SITE PLAN

These drawings are the COPYRIGHT of Greg Saberton Design. Unauthorised copying is not permitted.

Revisions :

Page 89

Scale : 1 : 200
Date : NOV 2025
Drawing Number : 02 / 3442 / 25

GREG SABERTON DESIGN
ARCHITECTURAL DESIGN CONSULTANCY
Tom's Hole Barn, Branch Bank, Prickvillow, Ely, Cambridgeshire, CB7 4UR
Tel : 01353 687999
Email : greg@sabertondesign.co.uk

TITLE: TPO/E/07/25

Committee: Planning Committee

Date: 1 April 2026

Author: Kevin Drane Trees Officer

Report No: AA185

Contact Officer: Kevin Drane Trees Officer
Kevin.drane@eastcambs.gov.uk
01353 616332
Room No 011 The Grange Ely

Site Address: Highfield House 15 Sutton Park Sutton Ely Cambridgeshire CB6 2RP

Proposal: To confirm Tree Preservation Order (TPO) E/07/25 for one Chanticleer Pear and one Cedar

Parish: Sutton

Ward: Ely

Ward Councillors: Lorna Dupre
Mark Inskip

Date TPO Made: 27/11/2025

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE the confirmation of the tree preservation order for the following reason(s) The trees are prominent features, visible from the public realm, in good health, offering significant visual contributions to the amenity of the local landscape in this part of Sutton.
- 1.2 This order is being heard by the committee because it triggers the Council's Constitution in respect of an objection to the TPO being received from the tree owner within the statutory consultation period.

2.0 Costs

- 2.1 If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made costing more than £500 to repair.

3.0 THE SITE AND ITS ENVIRONMENT

3.1 The Order was made following receipt of a section 211 notification for the trees to be removed and the resulting visit to site by the trees officer.

3.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 27 November 2025 because:

The trees assessed were considered to be of high public amenity value in this part of Sutton, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.

4.0 RESPONSES FROM CONSULTEES

4.1 One objection to the serving of the TPO was received in writing from the property owner. The entire statement of objection is attached in full in Appendix 1.

4.2 The main objections were as follows:

T1 Chanticleer Pear

- The tree is unsuitable due to health and safety risk from heavy autumnal leaf fall onto the footpath and associated slip hazard, falling branches due to poor condition, leans towards the house, restricting daylight and outlook and it being a fire risk.
- Present and future nuisance, outgrowing context and negating potential of other trees.
- The fruit is toxic to humans and pets with it smelling strongly of rotting fish.
- The trees' visibility is limited.
- The tree has poor form and is unsuitable for the location, being 10ft (3m) from the property, restricting the outlook view and daylight into rooms (see Right to Light Act 1959)
- The tree restricts the effective enjoyment of the home.
- Risk of damage to property due to overhang and blocked gutters.
- The crown restricts the effectiveness of street lighting.
- The tree conflicts with planning policies, causing demonstrable harm to the occupiers.

T2 Cedar

- Wholly unsuitable for the location being too close to the property and non native.
- Health and safety risk due to surface roots being a trip hazard and they restrict mower use.
- It is a nuisance tree due to its proximity to the house, restricting daylight via shading, and blocking the outlook from the living room.
- Its future possible size is an additional risk to the property.
- Risk of damage to mains water and drainage utilities as well as risk of subsidence due to species and soil conditions.
- The tree has a poor form.
- Being nonnative and potentially growing large, it will prevent native species from growing.
- Its needle mulch repels pollinators and beneficial insects.

- The tree conflicts with planning policies, causing demonstrable harm to the occupiers.
- There is a risk the tree will be toppled in high winds due to its shallow rooting and soil conditions.
- The TPO on this tree causes mental anguish and inflicts ongoing costs and responsibility to the owner

5.0 **RESPONSES TO POINTS RAISED BY CONSULTEES**

T1 Chanticleer Pear

- Autumnal leaf fall is a seasonal maintenance issue that is minor in nature. The tree appears healthy, with only the expected amount of minor deadwood in its crown. The tree has grown with a form typical for the species and no significant defects. Consent has already been given for pruning works to reduce the trees' perceived impact on the property and daylight. The property faces north, which is the greatest cause of reduced light and shade. Live trees contain water, which makes them naturally fire-resistant; only sustained high temperatures could cause them to burn, such as sustained exposure to fire.
- The tree is a relatively small-scale tree suited to this location due to its ornamental qualities and low water demand. Suitable pruning will maintain separation from the dwelling. There are no other trees in proximity to this tree, just some shrubs growing in proximity to the base.
- Barcham trees state, "This Callery pear has been known to produce very small fruits on occasion; however, this should not cause concern as it is not a regular or indeed impactful occurrence." The Horticultural trade association gives the fruit of the ornamental Pear the lowest risk of toxicity, stating that the fruit should not be eaten by humans or pets, which is the same for crab Apple. The Van Den Berk UK nursery states, "The plant is generally safe, although ingestion of large quantities of fruit or leaves might cause mild discomfort." This is mirrored by other nurseries. I can find no reference to the fruit of this tree smelling badly.
- The tree is highly visible as can be seen in the site photographs.
- The RHS states, "The Rights of Light Act 1959 states that if a property has received daylight for the last 20 years (the minimum prescribed period), they may be entitled to continue to receive that light. This means that if your neighbour builds a large fence which restrict the daylight your property receives (for example by blocking daylight reaching a window), you may be able to apply to the courts for your daylight to be restored, or for any injunction to prevent a proposed fence being built. In theory the same case can be made for large trees blocking light but trees are rarely implicated because they grow slowly and it is difficult to be precise about when the loss of light occurred. Trees restricting light that fall within the terms of the High Hedges Act might be contested on these grounds rather than the Right to Light Act. In all other cases, there is no inherent 'right to light' in relation to trees or hedges. The High Hedges Act applies only to evergreen or semi-evergreen species, not to deciduous trees.
- The trees' location is offset from the windows by approximately 2.5m to the east, so they would only obscure views at an acute angle.
- The potential risk of property damage due to contact between the canopy any the building can be mitigated via the approved tree work. Clearing gutters is normal home maintenance.

- The nearest streetlight is set forward of the tree's location beyond the extent of the crown spread, making it unlikely that the tree is responsible for any perceived lighting issue. The street lights in this area are approximately 60m apart, and if inadequate, this is the responsibility of Cambridgeshire County Council.
- This species of tree would still be regarded as the right tree in the right place and is commonly located in similar positions on planning applications.
- The quoted policy is a Cambridgeshire County Council one and relates to land owned by them and their own development project linked to highways, schools, corporate and community buildings, their Farmland and nature reserves. This is not an ECDC policy. It is the tree officer's opinion that there is no demonstrable harm to the occupiers from this tree.

T2 Cedar

- This tree is located adjacent to the front boundary with sufficient separation from the dwelling that it has ample space to grow without impacting the property. This tree, being non-native, isn't relevant to this garden location; this isn't a nature reserve and the road is dominated by other mature non-native trees.
- The extent of root exposure can be lessened via adding soil if desired; the trip hazard posed is minimal due to its location on private land without public access. There are alternative methods for controlling grass other than mowing, such as strimming, mulching with woodchip or ornamental gravel. The desire to cut grass is not a justification for removing a tree.
- The property faces north, which is the greatest cause of reduced light and shade. The previously approved tree pruning would increase visibility by creating clearance under the tree's canopy.
- This tree won't reach its mature size for around another hundred years, but this would be based on the tree not being pruned, which could limit the tree's eventual size.
- Trees will coexist in proximity to services without incident, though they will make the most of any failures, particularly water leaks and damaged pipes. The risk of tree-related damage to utilities depends heavily on the quality of installation. At this stage, no information or evidence has been provided linking the tree to any damage or impact on utilities in the area.
- The trees' form can be corrected via pruning, as already approved.
- The tree is located in a garden; the only potentially native plants affected by it are the grass species in the lawn and any weeds.
- The repellent capacity of the needle mulch is limited to the area under the tree's canopy where this could build up.
- The quoted policy is a Cambridgeshire County Council one and relates to land owned by them and their own development project linked to highways, schools, corporate and community buildings, their Farmland and nature reserves. This is not an ECDC policy. It is the tree officer's opinion that there is no demonstrable harm to the occupiers from this tree.
- This species of tree does not have shallower roots than any other, with the roots from most trees being in the top 500mm of soil. This is also not a species of tree known for root plate failure in strong winds. The risk of this tree failing in the quoted 100mph winds is no greater than that of any other tree and will be less than that of some.

- The presence of any tree at a property will always result in some additional costs, but trees generally only require minimal attention every 5 years or so, depending upon their condition and species. This tree is unlikely to require work that often, as it is still relatively young.

6 OTHER MATERIAL MATTERS

- 6.1 Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this tree is clearly visible from the public footpath, roads and neighbouring properties. The Trees Officer remains of the opinion that tree T1 and T2 make a significant visual contributions to the local landscape, the amenity and character of the area.
- 6.2 Amenity is a subjective term open to some individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case, the tree is mature and visible from the public footpath and road, as well as neighbouring gardens, and is considered to benefit the area through its contribution to the street scene and locality; it is therefore a significant public amenity.
- 6.3 If the Planning Committee decide not to confirm the TPO, the TPO will lapse, and the owner can then remove the trees without any permission required from the Council. If the committee confirms the TPO, it ensures that suitable arboricultural evidence is provided before a decision to remove the trees can be made and that suitable replacement planting is undertaken.

Human Rights Act

- 6.4 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

- 6.5 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected

characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.0 APPENDICES

Appendix 1 Statement of objection to the TPO from the consultee/neighbour.

Appendix 2 Photographs of the trees and their situation.

Appendix 3 Documents:

ECDC TPO Assessment Sheet & user guide

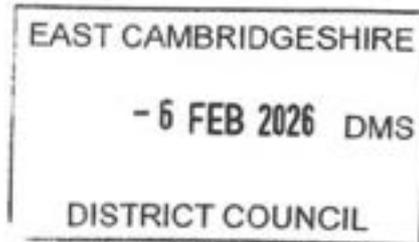
Copy of the TPO/E/02/25 document and plan

8.0 Background Documents

Town & Country Planning Act 1990

Town & Country Planning (Tree Preservation) (England) Regulations 2012

National Guidance -Tree Preservation Orders and trees in conservation areas from 6th March 2014 <http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>



15 Sutton Park
Sutton
Ely
Cambridgeshire
CB6 2RP

Mr. D. Morren MRTPI
Strategic Planning & Development Management Manager
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

5th February 2026

Dear Mr. Morren,

Re:- Your Ref: 25/01161/TRE & Trees/Sutton/CA

Please find enclosed my response and my appeal documents numbered 1 - 13 against the recently imposed TPO's and the TEMPO refusing consent for the removal of trees as set out in my Section 211 application dated 17th October 2025, to be heard by the Planning Committee on Wednesday 4th March 2026 at 2pm.

Would you please provide me with copies of any reports that you will be presenting to the Planning Committee in good time prior to the 4th March in order that I can address any points raised.



Enc.

Paginated list of documents

- | | |
|--------------|--|
| Document 1. | TEMPO from E.C.D.C - 2 pages |
| Document 2. | Homeowners response to TEMPO for T1 Chanticleer Pear |
| Document 3. | Homeowners objections to TPO - 2 pages |
| Document 4. | Homeowners response to TEMPO for T2 Cedar |
| Document 5. | Homeowners objections to TPO - 2 pages |
| Document 6. | Photograph of T1 |
| Document 7. | Photograph of T1 |
| Document 8. | Photograph of T1 |
| Document 9. | Photograph of T2 |
| Document 10. | Photograph of T2 |
| Document 11. | Photograph of T2 |
| Document 12. | Photograph of T2 |
| Document 13. | Copy of Section 7, original 211 application |



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO
SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		Highfield House 15 Sutton Park Sutton Ely Cambridgeshire CB6 2RP	
Date:	25/11/25	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Chanticleer Pear 12m in height, 4m from building, some tight unions (typical for species) no included bark evident or any other structural weaknesses visible, good health and vigour evident.	As per plan
T2	Cedar 10m in height, 6m from building, 1.5m from path, no structural weaknesses visible, good health and good vigour evident.	As per plan
T3	Multi stemmed Himalayan Birch 8m in height, 2m from building, previously pruned away from roof, good health and good vigour evident.	Tight of property to front of garage adj boundary.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes

T1= 5, T2= 5, T3 = 3
T1 & T2 in very good condition with no structural or health issues evident.
T3 multi stemmed poor union at ground level uneven sizes of stems

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes

T1= 4, T2= 4, T3 = 2
T1 likely to outgrow space within 50-60 years.
T2 likely to outgrow space within 60-100 years.
T3 likely to outgrow space within 20 years max.

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

T1= 3, T2= 3, T3 = 2
T1 & T2 clearly visible to public from road and path but small to medium in size.
T3 small tree located behind larger more visible trees.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

T1= 1, T2= 1, T3 = 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
T1= 5, T2= 5, T3 = 5 Section 211 notification received for the removal of all three trees

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

Add Scores for Total:
T1= 18, T2= 18, T3 = 13

Decision:
Serve TPO on trees T1 & T2. Allow removal of tree T3

Response to: Tree Evaluation Method For Preservation Orders - TEMPO

T1 Chanticleer PearPart 1 Amenity Assessmenta) Condition and suitability for TPO

Score:- 0. Unsuitable due to the health and Safety risk through heavy autumnal leaf drop onto public footpath causing the footpath to be extremely slippery, when wet. Falling branches, tree in poor condition. Leans toward house, restricts daylight and outlook. (See Docs. 6, 7 & 8)

b) Retention span (in years) and suitability for TPO

Score:- 0. Due to present and future nuisance, outgrowing its context and negating the potential of other trees. The fruit is toxic to humans and pets and it has a strong odour of rotting fish. Overhangs house, public footpath and the road. (See docs. 6, 7 & 8)

c) Relative public visibility and suitability for TPO

Score:- 2. Limited visibility from one side

d) Other factors

Score:- -1. Tree of poor form and wholly unsuitable for its location, i.e. 10 feet from house. Poses a significant fire risk.

Part 2 Expediency

Score:- <1. There has never been a threat to the tree and the appropriate section 211 form was submitted as required. (See Doc. 13)

Part 3Decision Guide

Score:- <1. Do not apply TPO due to accrual of more than two zeros.

Reasons for appealing against the recently imposed Tree Preservation Order's (TPO's) on T1 Chanticleer Pear and T2 Cedar, and for the removal of both trees, at 15 Sutton park, Sutton, Ely CB6 2RP

T1 Chanticleer Pear

A balance needs to be struck between public benefit and the need for safety. A balance between societal and environmental benefits of trees should be considered against the risks to people and houses from individual trees. The objective should be to adequately protect individual home owners emotionally, physically and financially from risks that they have no control over or grounds for avoiding the obligations placed on them by TPO's. Homeowners have a legitimate expectation of obtaining effective enjoyment of their home which the TPO denies.

The tree is 10 feet from the house, leaning toward the house (See Doc. 6), blocking the outlook view and restricting daylight to rooms (See Doc 8). The Right to Light is a legal entitlement protected under common law and the Rights to Light Act 1959. The tree overhangs the house roof and guttering with high risk of causing damage to the house (See Doc. 7). Heavy leaf drop to gutter at high level causing blockages. The leaf drop to the footpath and roadway from overhanging branches pose a high Health and Safety risk to walkers using the footpath (See Doc. 7). The tree is in poor condition showing signs of deterioration and branch loss. The fruit from the tree is toxic to humans and pets and exudes an odour likened to rotting fish, hence adjacent bedroom and study windows cannot be left open. When in leaf the tree severely limits the already poor street lighting to the extent that a torch is needed to walk the street after dark as the public footpath is in a very poor condition. The shading and heavy autumnal leaf drop affect ongoing care of the front garden and future planting.

The Chanticleer Pear is in direct conflict with planning policies as it "causes significant and demonstrable harm to the occupiers". It fails to give a high level of amenity through natural light and outlook. (See Doc. 8). The East Cambridgeshire District Council (E.C.D.C.) "Cambridge Tree and Woodland Strategy" under "A Modern Approach" section states as Council guiding principle "The Right Tree in The Right Place". In an unrelated case in 2025 E.C.D.C. District Planners refused a planning consent due to concerns that a lack of natural light would cause 'significant and demonstrable harm' to the occupier. A report said the plans failed to provide a 'high level of amenity through natural light and outlook' which would be in 'direct conflict' with planning policies.

The Tree Officer has taken no account of the effect of the imposition of the TPO on the occupiers of the property, Government Guidance notes Ref., para. 022 Ref:ID 36-022-20140306 (Guidance notes on what information the Tree Officer needs to consider including the land owner).

Response to: Tree Evaluation Method For Preservation Orders - TEMPO
T2 Cedar

Part 1

Amenity Assessment

a) Condition and Suitability for TPO

Score:- 0. T2 is wholly unsuitable in the location it is in. Royal Horticultural Society (RHS) guidance states this non-native species should be no closer than 35-40 feet from a building. T2 is 20 feet from the house. There is also a Health and Safety (H & S) risk due to the 7 foot surface root across the front lawn toward the house causing a tripping hazard and difficulty in mowing and management of grass (See Doc. 11) and a further surface root toward the public footpath (See Doc. 12).

b) Retention span (in years) & suitability for TPO

Score:- 0. T2 presents as a nuisance tree due to its close proximity to the house (20 feet from house). Shading, restricting daylight, outlook to the living room (See Doc. 9) and bedroom (See Doc. 10). It is 35 feet high with a branch spread of 13 feet toward the house. Its further nuisance potential increases as it grows to a height of 130 feet. There is also a risk to adjacent mains water and drainage utilities from subsidence due to the tree's large rooting system and growing on blue clay.

c) Relative public visibility and suitability for TPO

Score:- 2. Although the tree is publicly highly visible, it is also highly visible and severely restricts the outlook from the living room (See Doc. 9) and the bedroom (See Doc. 10).

d) Other factors

Score:- <1. The tree is of poor form and is wholly unsuitable for its location. i.e. for a small front garden, 20 feet deep from door to public footpath and proximity to the living room window (See Doc.9) and bedroom windows (See Doc. 10).

Part 2

Expediency assessment

Score:- <1. By awarding 5 points Mr. Drane suggests that the tree is in imminent danger and under threat of destruction. However, the correct and appropriate procedure of the Section 211 notice request was duly sent as required and until permission was granted no such action would have been taken (See Doc. 13).

Part 3

Decision Guide

Total score:- Do not apply TPO due to accrual of more than two zeros.

Reasons for appealing against the recently imposed Tree Preservation Order's (TPO's) on T1 Chanticleer Pear and T2 Cedar, and for the removal of both trees, at 15 Sutton park, Sutton, Ely CB6 2RP

T2 The Cedar

The Cedar is a tall resinous tree, containing natural oils and resins. It is non native, will grow to 130 feet in height with a root spread of three times its height, and will spread aggressively, crowding out other native plants, dominating the landscape and threatening biodiversity. Shrinkable clay soils are most at risk of subsidence. Cedar water uptake is considerable, when planted on blue clay (as this one is) can cause subsidence to the adjacent drains, sewers and mains water pipes which in turn can cause pipes to fracture. The Royal Horticultural Society (RHS) recommend Cedars are not planted any closer to buildings than 35 - 40 feet. Cedars natural occurring biochemical properties having allelopathic effects that inhibits the growth of grass and other nearby plants. Its needle foliage does not benefit climate conditions. Cedar mulch repels pollinators and beneficial insects, this is the flip side of its pest control qualities, it will also affect the ecosystem negatively, especially if you want plants to fruit or produce seed. As a non native species it does not benefit wildlife or amenity value. At around 20-25 years since planting, the Cedar has no heritage or historical value,

A balance needs to be struck between public benefit and the need for safety. A balance between societal and environmental benefits of trees should be considered against the risks to people and houses from individual trees. The objective should be to adequately protect individual home owners emotionally, physically and financially from risks that they have no control over or grounds for avoiding the obligations placed on them by TPO's. Homeowners have a legitimate expectation of obtaining effective enjoyment of their home which the TPO denies.

The Cedar is in direct conflict with planning policies as it "causes significant and demonstrable harm to the occupiers". It fails to give a high level of amenity through natural light and outlook. It is 20 feet from the house, blocking the outlook view and restricting daylight to rooms (See Docs. 9 & 10). The Right to Light is a legal entitlement protected under common law and the Rights to Light Act 1959.

The East Cambridgeshire District Council (E.C.D.C.) "Cambridge Tree and Woodland Strategy" under "A Modern Approach" section states as Council guiding principle "The Right Tree in The Right Place". In an unrelated case in 2025 E.C.D.C. District Planners refused a planning consent due to concerns that a lack of natural light would cause 'significant and demonstrable harm' to the occupier. A report said the plans failed to provide a 'high level of amenity through natural light and outlook' which would be in 'direct conflict' with planning policies.

The trunk of the Cedar is sited 20 feet from the front of the house. It already has a visible above ground projecting surface root of 7 feet across the front lawn toward the house and poses a serious health and safety tripping hazard. It also prevents mowing and care of the front garden. (See Doc. 11 & 12). The tree is currently approximately 35-40 feet high and has an overall branch spread in excess of 20 feet, with branches extending 13 feet directly toward house from the trunk 20 feet away.

If the Cedar remains in situ and continues to grow to its full height of 130 feet the root spread of three times its height is likely, as well as increased branch spread. The subsidence will become a reality and the light to the house even further diminished along with severe and increasing restrictions to natural light to house and outlook. This particularly effects north facing front living room and bedroom. With the United Kingdom recently experiencing intense storms and high winds of up to 100 mph, there is a very real danger of the Cedar being toppled due to a shallow root system on heavy blue clay soil.

The imposed TPO on a non native tree in such a position does not add to the amenity value and devalues the property on which it is planted.

When Sutton Park was developed there were no TPO's on plot No. 15, however, several TPO trees were allowed to be removed elsewhere on the area of the development. No other property on Sutton Park has a tree directly in front of its living room window that would interfere with the enjoyment of their homes or right to light. The two objections to the removal of the Cedar come from properties that do not have large trees directly in front of a window. Neither of the objectors objected to the trees bordering the boundary of No.16 being removed even though they were more beneficial to wildlife and the environment, only the two that inhibit the enjoyment of No.15.

The poorly sited Cedar with a TPO imposed causes a great deal of mental anguish and inflicts ongoing costs and responsibility to the owner. The owner has the responsibility to mitigate against all health and safety issues to the general public and for the ongoing care of the tree and any damage caused by it with branches and roots extending directly toward the house. The E.C.D.C impose the TPO but has little responsibility. However, legislation states Councils are responsible for any foreseeable damage as pointed out in the application for removal of the Cedar.

The Tree Officer has taken no account of the effect of the imposition of the TPO on the occupiers of the property, Government Guidance notes Ref., para. 022 Ref.ID 36-022-20140306 (Guidance notes on what information the Tree Officer needs to consider including the land owner).

T1 Chanticleer Pear

Tree overhanging roof.



T1 Chanticleer Pear

Tree overhanging roof.



T1 Chanticleer Pear

View from bedroom window.



T2 Cedar

Outlook from living room.



T2 Cedar

Outlook from bedroom window.



T2 Cedar

Surface root growing toward house.



T2 Cedar

Surface root growing toward public footpath.



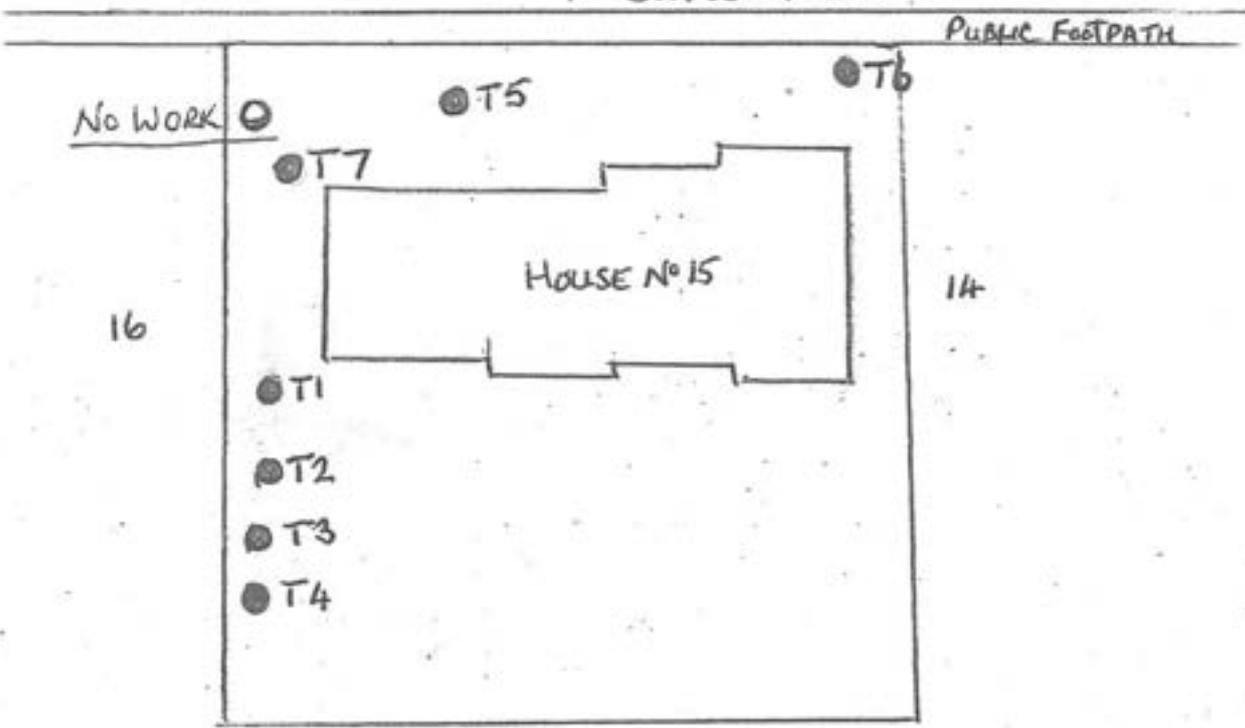
Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

T	Species	Height (app)	Dist from house	Dist from neighbour	Comments Reasons
1	Crow apple	6mts	3mts	0.5mts	Tree has an 8° lean toward house. Shade from overhang canopy. Possible fire hazard. Leaves frequently blocking gutters. Building insurance declaration within 5mts.
2	Maple	6mts	5mts	0.5mts	22° lean toward house, fall hazard, fire hazard & as above
3	Maple	9mts	7mts	0.1mts	Lean over garden with 5mt canopy spread, surface root over lawn, unsuitable for small garden, shade, leaf drop.
4	Supanore	9mts	8.5mts	1.0mts	Height, leaf & seed drop, unsuitable for garden
5	Spruce	9mts	5mts	5mts	Unsuitable for small front lawn, surface root of 2.5mts toward house, previous owner ignored advice of nurseryman to not plant as unsuitable. Difficulty mowing grass.
6	Beech	12mts	3.5mts	2mts	Very large tree overhangs roof & gutters of house, shade. Leaf drop, large root system near house
7	Silver Birch	8mts	2mts	2mts	Overhangs gutters, leaf drop, roots, possible fire hazard

CONSENT SOUGHT TO REMOVE TREES T1-T7 (7 TREES) & PLANT TREES MORE SUITED TO SMALL GARDEN (I.E. PAPERBARK MAPLE, MOUNTAIN ASH, SILK TREE, 5 VARIOUS FRUIT TREES OR DWARF STOCK. N NEW TREES TO PLANT IN DIFFERENT LOCATIONS. ↑ SUTTON PARK





T1



T2

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location	Highfield House 15 Sutton Park Sutton Ely Cambridgeshire CB6 2RP
Date:	25/11/25
Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Chanticleer Pear 12m in height, 4m from building, some tight unions (typical for species) no included bark evident or any other structural weaknesses visible, good health and vigour evident.	As per plan
T2	Cedar 10m in height, 6m from building, 1.5m from path, no structural weaknesses visible, good health and good vigour evident.	As per plan
T3	Multi stemmed Himalayan Birch 8m in height, 2m from building, previously pruned away from roof, good health and good vigour evident.	Tight of property to front of garage adj boundary.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
T1= 5, T2= 5, T3 = 3 T1 & T2 in very good condition with no structural or health issues evident. T3 multi stemmed poor union at ground level uneven sizes of stems

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
T1= 4, T2= 4, T3 = 2 T1 likely to outgrow space within 50-60 years. T2 likely to outgrow space within 60-100 years. T3 likely to outgrow space within 20 years max.

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|--|---|
| <ul style="list-style-type: none"> 5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size | <ul style="list-style-type: none"> Highly suitable Suitable Suitable Barely suitable Probably unsuitable |
|--|---|

Score & Notes
T1= 3, T2= 3, T3 = 2 T1 & T2 clearly visible to public from road and path but small to medium in size. T3 small tree located behind larger more visible trees.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
T1= 1, T2= 1, T3 = 1

Appendix 3

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
T1= 5, T2= 5, T3 = 5 Section 211 notification received for the removal of all three trees

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

Add Scores for Total:
T1= 18, T2= 18, T3 = 13

Decision:
Serve TPO on trees T1 & T2. Allow removal of tree T3

Part 1: Amenity Assessment

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

FAIR Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

POOR Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

DEAD Tree with no indication of life

DYING Trees showing very little signs of life or remaining vitality, or with severe,

DANGEROUS irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

b) Retention span

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

Appendix 3

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

Sub-total 1

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

d) Other factors

Only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

Sub-total 2

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

Appendix 3

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Planning Performance – February 2026

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Determinations	101	1	12	27	16	19	26	9
Determined on time (%)		100% (90% within 13 weeks)	92% (80% within 8 weeks)	96% (90% within 8 weeks)	100% (90% within 8 weeks)	90% (80% within 8 weeks)	100% (100% within 8 weeks)	n/a
Approved	92	0	11	26	13	17	25	n/a
Refused	9	1	1	1	3	2	1	n/a

Validations – 88% validated within 5 working days (E CDC target is 85%)

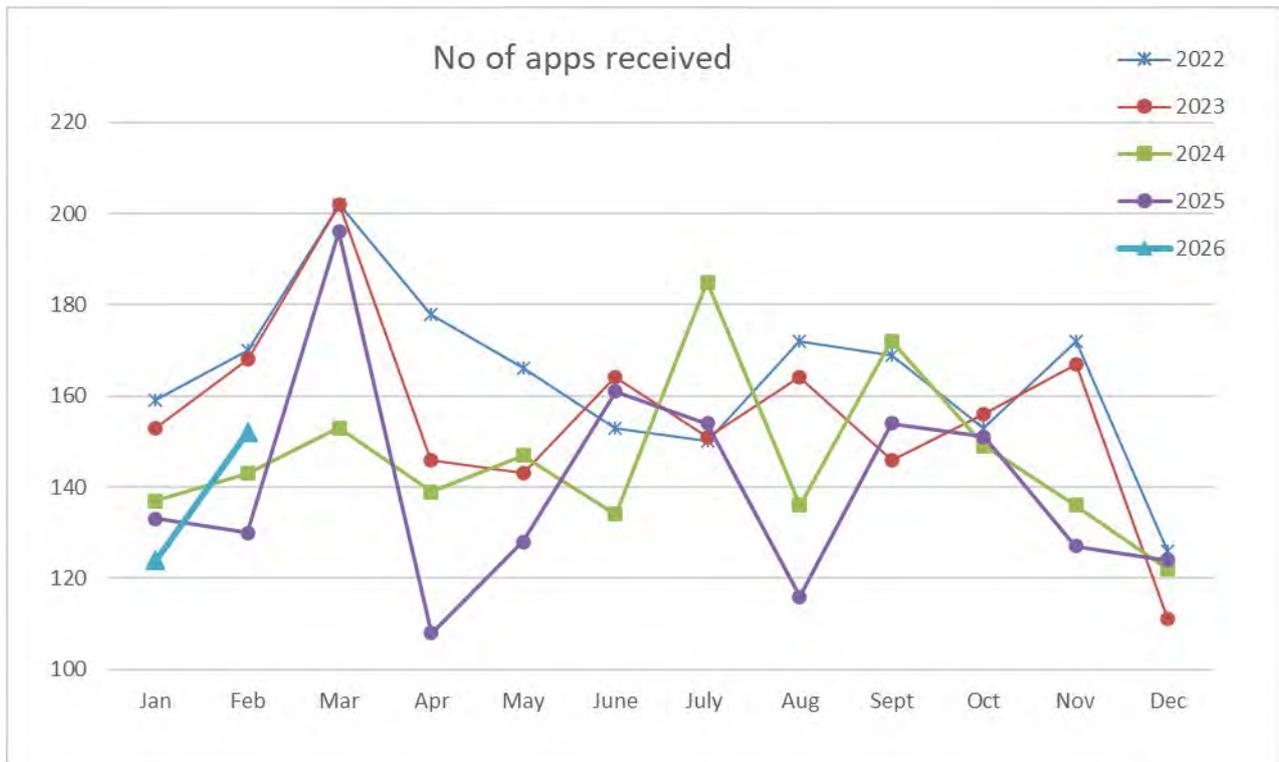
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Validations	143	4	22	27	20	22	32	11

Open Cases by Team (as at 04/02/2026)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Team North (5 FTE)	147	14	27	25	28	34	0	19
Team South (6 FTE)	155	15	35	15	37	43	0	10
No Team (3 FTE)	42	0	1	1	4	1	35	0

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 152 applications during February which is a 17% increase of the number received during February 2025 (130) and a 23% increase to the number received during January 2026 (124).



Valid Planning Appeals received during January 2026 – 0

Appeals decided – 4

Appeal reference	Site address	Decision Level *	Outcome
25/00030/REFAPP	Possenhofen 21D Cannon Street Little Downham	DEL	DISMIS
25/00033/REFAPP	82 Isleham Road Fordham	DEL	DISMIS
25/00028/REFAPP	Nerries Farm Norwich Road Kennett	DEL	DISMIS
25/00032/REFAPP	Woodditton View Woodditton Road Kirtling	DEL	DISMIS

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 28 (7 Proactive)

Cases closed – 15 (0 Proactive)

Open cases per Officer (2.6fte) – 142 (15 Proactive)/2.6fte = 54 FTE

Notices served – 0

Comparison of Enforcement complaints received during November

Code	Description	2025	2026
ADVERT	Reports of unauthorised adverts		
COND	Reports of breaches of planning conditions	1	5
CONSRV	Reports of unauthorised works in a Conservation Area		
DEM	Reports of unauthorised demolition in a Conservation Area		
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act		
HEDBR	High hedges breach	3	
LEGOB	Legal Obligation monitoring		
LEGOR	Legal Obligation report		
LISTED	Reports of unauthorised works to a Listed Building		
MON	Compliance Monitoring		
OP	Reports of operational development, such as building or engineering works	3	6
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home		1
PLAN	Reports that a development is not being built in accordance with approved plans	1	4
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions		7
TRECON	No notice of tree works in a Conservation area		
TREHDG	Hedgerow Regulations breach		
TRETPO	Unauthorised works to TPO tree	1	1
UNTIDY	Reports of untidy land or buildings harming the visual amenity	3	
USE	Reports of the change of use of land or buildings	1	4
TOTAL		13	28

* Code descriptions:

DIS	Discharge of Condition	DISMISS	Appeal Dismissed
NMA	Non material Amendment	ALLOW	Appeal Allowed
COMM	Committee Decision	NONDET	Appeal for non determination
DEL	Delegated Decision	APPWIT	Appeal withdrawn