

Ben Glover
North Hertfordshire District Council
Planning Control & Conservation
Council Offices, Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Our ref: NE/2025/138513/01
Your ref: 25/01947/FP

Date: 15 September 2025

Dear Ben

**Land South of A507 Near Cumberlow Green, Clothall Road, Clothall,
Hertfordshire**

**Battery Energy Storage System (BESS), ground mounted solar farm,
associated infrastructure, access and landscaping.**

Thank you for consulting us on the above application on 27 August 2025. As part of the consultation, we have reviewed the following documents:

- Flood Risk Assessment and Sustainable Drainage Strategy, for Westfield Energy Conservation Park, prepared by JPG, reference 6437-JPG-XX-XX-RP-D-0620-S2-P07, dated 7 March 2025
- Geoenvironmental Desk Study Report, for Westfield Energy Conservation Park, prepared by JPG, reference, 6437-JPG-XX-XX-RP-G-0601-S2-P02 dated 26 February 2025

Environment Agency Position

Based upon a review of the above information, we have **no objections to the proposed development subject to the inclusion of the following conditions on any grant of planning permission.**

Without these conditions **we would object** to the proposal in line with paragraph 187 of the National Planning Policy Framework (NPPF) and Policy NE9 of the North Hertfordshire Local Plan (2011-2031), because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources, or be adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

Groundwater is particularly sensitive at this site as:

- The site is located within Source Protection Zone 3 (SPZ3)
- The site is located atop Principal Chalk Bedrock
- The site is located within two Water Framework Directive Groundwater water bodies with “poor” overall classification (Upper Bedford Ouse Chalk GB40601G603000 and Upper Lee Chalk GB40601G602900)

Please include the following conditions on any grant of planning permission.

Condition 1 – Firewater

The development hereby permitted shall not be commenced until such time as a scheme to 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.

Reason

The submitted planning application includes Battery Energy Storage. Highly polluting chemicals in batteries could enter groundwater in firewater or rainfall should battery containers become exposed in the event of a fire. The local planning authority should ensure mitigation is in place to ensure containment of this water.

While in the event of a fire at a BESS, it is accepted best practice to let the containers on fire burn out, it is likely water will be used to cool neighbouring containers. This water could enter burning containers through surface water run off or directly from spray cooling neighbouring containers. Furthermore, during or following a fire at a BESS development, water could enter exposed containers through rainfall during the period of time it takes to remove or cover burnt out containers. This is in line with paragraph 187 of the NPPF and Policy NE9 of the North Hertfordshire Local Plan (2011-2031).

Additional Note

Further information regarding the containment of surface water in the event of a fire event is required. We note the proposal to store firewater in lined areas beneath the site. Further investigation regarding the capacity of these areas and the expected runoff rate of firewater in the event of a fire is required. It should be indicated what the contingency plans are should the volume of firewater runoff be greater than the capacity of the proposed storage areas.

Condition 2 – Infiltration of Surface Water onto the Ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the NPPF and Policy NE9 of the North Hertfordshire Local Plan (2011-2031).

Additional Note

It is noted that the full drainage scheme has not yet been fully defined however may include proposals for an infiltration basin via a treatment train. We are concerned that runoff from the Substation and BESS areas may contain contaminants that could be mobilised to pollute groundwater in the Principal Chalk Aquifer. It is recommended that an alternative drainage strategy to infiltration is sought for these areas of the site.

Condition 3 – Unidentified Contamination

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 to the local planning authority 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.

Reason

No investigation can completely characterise a site. This condition ensures that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the NPPF and Policy NE9 and NE10 of the North Hertfordshire Local Plan (2011-2031).

Without these conditions **we would object to the application**. We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Advice to Local Planning Authority

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO_x), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM₁₀ and PM_{2.5}). Use of low emission technology will improve or maintain air quality and support Local Planning Authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Advice to applicant

Water Resources

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the [BREEAM 'excellent' standard](#) for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your Local Planning Authority for more information.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at;
<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Lauren Clayton-Spencer
Planning Advisor

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