

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

8th June 2023

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| Application No: | SMD/2022/0548 | |
| Location | Land Adjacent Cellarhead Substation Rownall Road Wetley Rocks Staffordshire | |
| Proposal | Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment | |
| Applicant | Sirius Renewable Energy Ltd | |
| Agent | Sirius Renewable Planning | |
| Parish/ward | Cheddleton | Date registered 6/10/22 |
| If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffs Moorlands.gov.uk | | |

REFERRAL

This is a Major application and the Committee determined a similar scheme on this site in June 2022

1. SUMMARY OF RECOMMENDATION

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| Approve with conditions |
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The main site consists of two agricultural fields with a new access through a third field to the south. The site is said to be approximately 5.4 hectares. It lies immediately adjacent to the eastern boundary of the Cellarhead substation and to the west of Rownall Road. It is within the Green Belt.

2.2 Two existing accesses are proposed to serve the site. The existing track from Rownall Road to the east (also line of Public footpath, Cheddleton 53) leading to the farmyard, buildings and fields is to be used once the site is operational by the DNO (District Network Operator) who will have access to the substation compound to the north eastern corner of the site. The existing substation access road to the south (also the route of Public Footpath 60) will be used during the construction phases and for routine maintenance checks once the site is operational. A new length of access track approx. 180m in length and 5m in width is proposed between the south east corner of the site and this existing access running in a straight line. The site access drawing show this to be a gravelled surface with central grass strip.

2.3 The site is bound to the north by partial hedging, trees and fencing, beyond which is a farm track (also a continuation of Public Footpath Cheddleton 53). To the north east is a collection of agricultural buildings. To the west the site is bound by hedging. Beyond this is a

narrow strip of woodland through which Public footpath Cheddleton 47 runs and the Cellarhead substation. To the south and east the site adjoins agricultural land with hedging/fencing and trees forming the boundaries.

2.4 The site gently falls gently in a westerly direction towards the existing substation

2.5 There are two high voltage overhead electricity pylons in the north western portion of the site.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a re submission of SMD/2022/0047 a similar battery storage proposal which was refused for two reasons as follows:-

1. The site lies outside of a settlement boundary in the open countryside. It is within the Landscape character type of Ancient plateau farmland. The overall landscape character is of rural pastoral fields with also influence of the Cellarhead sub-station to the west albeit that it is relatively well screened. It is considered that introducing what is effectively an industrial compound into this landscape would result in a significant and harmful landscape and visual change. No details are provided of the substation compound and therefore it is impossible to judge the impact of this part of the scheme. The site is visible from a number of public rights of way. From these public routes views of the development would be readily available until the extensive planting put forward begins to provide any effective screening which could take many years. However there will never be total screening of the proposals. Rather there will be an ability to see and perceive the presence of an extensive facility set in the proximity of the existing Cellarhead sub-station. The proposal does not respect and enhance local landscape character and would result in significant harm to the character and appearance of the area. For these reasons there is conflict with Policy DC3 of the Staffordshire Moorlands Local Plan and the NPPF which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside.

2. There are a number of residential properties close to the site. Although the predicted noise levels are low, this is a rural area with low background noise levels and it is considered that the predicted noise levels set out in the Noise Assessment could potentially adversely impact on the amenity of nearby residents in conflict with Policy SD4 of the Staffordshire Moorlands Local Plan and advice in the NPPF

3.2 The current application seeks to address these reasons for refusal. The main changes are:-

- a) Bunding is introduced to the northern, eastern and southern boundaries of the site to help screen views. It is generally 3m in height but rises to 4m for part of the southern edge under the transmission lines. The bunds are mono slope, facing out to the wider landscape with gabion baskets retaining the inner side. There are two gaps set in the bund to the north and south to allow the access routes into the Site. These appear to be set with security gates. The bund is landscaped with native tree and scrub species with the southern bund receiving a higher percentage of evergreen plant species, particularly holly and privet in its proposed mix. Presumably this is to increase its screening value even in winter.
- b) The provision of the bunding has reduced the requirement for extensive acoustic fencing which was proposed in the previous application. There are now two short sections of 3m high acoustic fencing provided within the BESS compound on the eastern side (see Noise Assessment for exact location)

- c) Tree planting is shown on the eastern edge of the proposed access road
- d) The substation is shown sunken into the ground. The plans show significant excavation to depths of between approx. 7.6m and just under 10m. At these depths the substation equipment would protrude above ground level by between 1.65m and 3.01m but these would be below the top of the bund sight line – see drawing SRE1144 03 19 RO

3.3 It is a full application for an Battery storage facility. The proposed facility consists of

- 112 battery container units – 12.15m x 2.43m x 2.89m (extends to 14.69m with air colling units added at either end)
- 112 invertors and 56 transformer
- Switchgear cabins 12.15m by 2.43m by 2.59m
- Containers – 12.15m by 2.43m by 2.59m
- Paladin fencing 2.4m high encloses the substation compound
- Palisade fencing 2.4m high encloses the battery containers
- Inward facing infra-red CCTV
- 3m Acoustic fencing in two short sections
- Substation (transformer room, GIS building and switchgear panels) This area sits largely below ground within an excavated area. It also includes Developer and Distribution Network Operator (DNO) substation compound
- 2 spare storage cabins
- Underground cabling to point of connection which is to the west within the Cellarhead substation compound
- Internal service road and vehicle turning area
- 13 car parking spaces

3.4 The switch room and battery containers are to be painted in a dark green colour to help assimilate the development into the landscape.

3.5 Construction is expected to take 9 months to complete. It is said that the site will connect into the point of connection located within the adjacent Cellarhead substation compound via underground cabling.

3.6 An area of off-site land, 3.84 ha, to the south west of the application site in control of the applicant (edge blue on the application) is proposed for biodiversity gains. This will be planted with additional native hedgerows, trees and the grassland managed and improved to enhance its ecological value.

3.7 The facility will provide 280 MVA to store and export to the local distribution network

3.8 The application is accompanied by a Planning, Design and Access Statement, Transport Statement, FRA and Drainage Strategy, a Landscape and Visual Impact Assessment, Arboricultural Assessment, Ecological Appraisal, Biodiversity Impact Assessment, a Noise Assessment and Heritage Assessment. Members are advised to study these documents and the application submission prior to the meeting

4. RELEVANT PLANNING HISTORY

On this site

SMD/2022/0047 Erection and operation of a Battery energy storage system and associated infrastructure and equipment. Refused

SMD/2021/0413 Request for screening opinion proposed battery storage facility. Negative opinion issued 25th August 2021

On nearby sites

SMD/2022/0444 - Battery storage facility (resubmission of SMD/2021/0695), Land of Rownall Road. Approved

SMD/2022/0180 Newfield's Farm Battery storage facility. Application withdrawn

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SS10 Rural area strategy
- SD1 Sustainable Use of Resources
- SD2 Renewable/low carbon energy
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD5 Flood risk
- DC1 Design Considerations
- DC2 Heritage
- DC3 Landscape and visual impact
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: Expired

Site Notice expiry date: Expired

Local residents have been notified by letter.

One letter of objection raising the following matters:-

1. Your own local Planning Officer considers this to be an inappropriate development within our protected Green Belt which does not meet the criteria of exceptional circumstance
2. The Agricultural Access Track /PROW footpath Ref: Cheddleton 53, proposed as the only access to the battery storage site sub station on the north side of the proposed development, leads from the most dangerous blind bend along the stretch of largely single track section of Rownall Road between Mill Lane and Rownall Hall Farm, directly opposite the double entrance into Rownall Ridge and Rownall Stables. No Construction or Operating traffic should be ever permitted to use this the most dangerous route.
3. All Construction and Operating traffic should be permitted to access the site via the existing private National Grid access road but no traffic should be permitted to access the proposed site during weekday commuting times or, any time at weekends
4. NOISE - Reassuring to see a detailed specific location Noise Modelling Assessment undertaking but the residential noise receptors A and R in the attached noise report are in fact positioned in the middle of a working farm which, of course generates its own considerable noise! Surely this position does not provide a realistic baseline for noise comparison. BS4142 Clause 11 state sit essential to place sound in context, the context

here, is not urban nor a busy noisy farm but a rural, hitherto protected peaceful Green Belt residential community!

Councillors might support this application feeling current circumstances exceptional, given the present economic, political and energy crisis facing the whole of Europe this winter. Nonetheless, even if, for these reasons, a decision is reached to consent in principle to the construction of a massive intrusive industrial Complex within our own local Green Belt, surely we have a duty of care to do it most sympathetically with the minimum of damage.

I cant imagine any circumstances ever, in which it would be acceptable in this Green Belt, for councillors to consent to all 3 separate applications in which the Landscape and Visual Appraisal Report attached to application SMD/2022/0444 also confirms that the additional noise levels and the damage to the local landscape and environment would be major and considerable.

The quality, character and openness of the Green Belt landscape, must be protected for all living residents, human and animal but, most importantly for our future generations!

Furthermore, any planning consent granted within our Green Belt surely must represent the easiest and quickest possible means of returning the landscape to its original state and appearance after this period of exceptional circumstances ends?!

In a further move to discourage these highly invasive developments inside the Green Belt, local authorities might consider awarding licences of less than the standard 40 year term?! Shorter term licences would encourage developers seeking 40 year licences to focus their major undertakings outside the Green Belt?! The justification for this is so clear, in view of the enormous profit potential of these energy companies and their appreciably faster return on investment, far greater and much faster than conventional businesses!!

Councillors wishing to support this race for sustainable energy irrespective of the Green Belt consequences, have a duty to choose the best location which involves the least incursion in terms of acreage and landscape damage to our Green Belt.

This site location identified in application SMD/2022/0548 is no doubt, the very best of the 3 current separate locations, the others being, application SMD/2022/0444 and SMD/2022/0180 because:

- a. This is the only location furthest away from both the closest residential properties along Rownall Road and Thorney Edge Road.
- b. Being furthest away from the closest residential properties will assist greatly in muffling the additional noise generated.
- c. The Sirius BESS land proposal SMD/2022/0548 immediately borders the neighbouring National Grid transformer station and allows direct access/connection into it. i.e. no intermediate fields sandwiched in between.
- d. The location facilitates direct connection into the National Grid avoiding lengthy underground cabling routes and associated safety and security measures.
- e. The land at the Eastern point of the proposed Sirius BESS site (west of the agricultural buildings at the end of the farm track leading from Rownall Road), falls naturally from a height East to West down to towards the lower level of the National Grid transformer station which sits in a natural land depression (part of the original 1960s National Grid site consideration)! This would greatly assist in reducing the visual intrusion from all sides and the need for costly landscape mitigating measures. Little or no earth moving and/or excavation would be involved as the battery compound would in all probability not need to be submerged?
- f. The fields sacrificed, are already partially compromised by the existing grouped pylon entry into the National Grid, are and have always been and can only be, pastoral meadow

grazing land and could never be improved over years and conditioned expressly for arable crop growing rotation as for location SMD/2022/0444

g. This is the furthest possible location from Rownall Road and Thorney Edge Road therefore much safer for all 5 of the closest dwellings in Rownall, namely, Rownall Ridge (formerly Rownall Hall), Rownall Stables, Home Farm House, Dove Cottage and Rownall Lodge

h. The present rural quality of life enjoyed by these 5 residences along Rownall Road as well as those along Thorney Edge Road would be largely maintained as construction and operational disturbances together with the considerable risks of collateral damage from explosion, fire, noise would be greatly reduced being that much further away from Rownall Road!

i. The Sirius BESS plan completely avoids construction and operational traffic using the very dangerous largely single track section of Rownall Road between Mill Lane and Rownall Hall Farm since the National Grid have now consented by way of wayleave grant, access along their private entrance road!

In conclusion, the authors of the Landscape and Visual Appraisal Report dated July 2022, which accompanied application SMD/2022/0444 were asked to include the cumulative landscape impact of this resubmitted application SMD/2022/0548 together with the other 2 resubmitted under refs: SMD/2022/0180 Newfields BESS and SMD/2022/0444 C&S BESS in anticipation that all three applications will be considered concurrently in November 2022.

Of course, this information can only be comparatively judged and decided upon individually according to which is least environmentally harmful, least landscape intrusive and which is least noise damaging to local residents! Planning regulation of course, empowers local authority Councillors to only judge and decide on each application according to its individual merits So in this instance, Councillors should they wish to consent to this application can only decide if this represents the most suitable location and delivers the best overall outcome???

One letter of support – Moorlands Climate Action

The previous application was turned down solely on grounds of landscape impact, with members of the committee clearly indicating that should the applicants return with a plan that met their specific concerns they would be minded to approve.

We believe that the applicants have done just done that, and delivered a scheme that, together with its location immediately adjacent to the existing substation, minimises the landscape impact.

The compelling reasons for location of battery storage at Cellarhead advanced by us and others in relation to the previous application (and accepted by the committee) stand for the revised version; indeed, international events and the increasingly rapid transformation of the National Grid make these still more urgent.

Arguments on renewable energy projects were advanced at a recent committee meeting (and elsewhere) to the effect that if you approve one scheme you will have to agree to them all.

We respectfully suggest that is not the case.

While the principle that battery storage can be placed in the Green Belt has now been granted, in no sense has the committee ceded its right to exercise judgement on the question of cumulative landscape impact.

While even opponents might find it hard to turn down this revised application on landscape grounds (the applicant having been so diligent in addressing specific concerns voiced at a

previous meeting), at any point in the future the committee remains wholly free to exercise its judgement on the point of cumulative landscape impact with respect to completely new applications.

In effect, to say: thus far and no further.

We believe that point is not in view in the near future, but that question will be for the committee to decide at that time.

We suggest that if the committee is (justifiably) concerned with the issues that the national drive for renewable energy raises for the Staffordshire Moorlands, it might usefully suggest to the council that it brings forward its commitment under section 4.2 of part 2 of its Climate Action Plan to identify areas suitable for renewable energy and produce guidance.

As it stands this commitment to review policies falls due in September 2025 (and any changes would come into force many years later); transformation in the energy sector and recent shifts in national policy already make that timetable look dangerously complacent.

Any resulting changes in local policy on renewable energy could only ever have a limited effect on future decisions on projects that came before this committee, but they might conceivably provide a cohesive local framework for members, and so improve the current ad-hoc, first-come first-serve nature of the process at Cellarhead and elsewhere.

One other point of relevance to this decision was raised in the December 2022 planning committee meeting: that of post-approval noise monitoring.

While we understand the position of the planning officers that it is not in their powers to impose monitoring requirements above and beyond those already to hand, we sympathise wholly with the position of the affected resident who raised this issue and note the comment of one planning committee member that Enforcement is not our strong suit.

Cheddleton Parish Council

Object. This was refused on the previous application by SMDC, and no additional information or exceptional circumstances have been provided to change the Council's recommendation for refusal.

Environmental Health Officer

No objection subject to conditions

Landscape consultant

Recommends approval subject to landscape and visual mitigation measures to address net landscape harm and adverse visual effects

Regeneration Officer

The proposed development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.

The application will create one additional part time job, hours unspecified.

Between 4.5 and 9% of employees overall household spend is spent within 2-3 miles of their place of employment. In Staffordshire Moorlands this would equate to £1394 per annum. Based on creation of one part time employment role this has been assessed as 0.5 FTE for the purpose of this response. The proposed scheme could generate an additional £697

uplift per annum for local shops and traders. Additionally the council would benefit from an increase in NNDR from the scheme.

Local Highway Authority

No objection subject to conditions

Local Lead Flood Authority

No objection subject to condition

Staffordshire Wildlife Trust

No objection subject to conditions to secure the following:-

- a) Updated biodiversity metric using metric 3.1 and including current site landscaping, metric to be supplied.
- b) Detailed habitat creation methods including soils, seed mixes and including additional features in the off-site mitigation area where possible such as wetland scrapes, bare ground invertebrate features etc
- c) . Detailed drainage design, including a SUDS Operations and Maintenance Plan specifying pollution capture membranes

SCC Mineral Safeguarding

No objection

Ramblers Association

There are three footpaths follow the perimeter of the proposed development, Cheddleton 53 -60 and 47.

These are P.R.O.W and must be kept safe for the public to use during and after work has been done.

Peak and Northern Footpath Society

We note that the PROWs Cheddleton 47, 53, and 60 are within the proposed site.

Use of the PROWs, and the safety of users must not be affected by the development, nor during the work taking place.

Severn Trent Water

As the proposal has minimal impact on the public sewerage system advise no objections to the proposals and do not require a drainage condition to be applied

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 Planning law requires that applications for planning permission be determined in accordance with the Development plan unless material considerations indicate otherwise.

Principle

7.2 The application site is a greenfield site which lies within the Green belt. The proposal represents inappropriate development in the Green Belt. Officers had recommended refusal of the previous application, SMD/2022/0047 finding that the harm to the Green Belt occasioned by the proposal and other harm was not clearly outweighed by other considerations such that very special circumstances existed.

7.3 However Members took a different view, as they are entitled to do, and found that in this particular case the 'other considerations' put forward by the application were compelling and

clearly outweighed the harm. As such they accept that very special circumstances existed and found the principle of the development to be acceptable and in accordance with the relevant part of Policy SS10 and the NPPF.

Access

7.4 As in the previous application, the site will be accessed via the existing Cellarhead Substation access road which runs to the south of the site from Rownall Road. It is proposed to construct a new access to link from this road to the application site. The connection will be to the south of the site. This proposed route will be used throughout construction and once operational will be used for occasional maintenance purposes. In addition, the existing track to the west of the site (which currently serves a farm yard and buildings) will be used as a secondary access during the operational phase by the DNO (District Network Operator) who will have access to the substation compound to the north eastern corner of the site.

7.5 The application is accompanied by a Transport Statement (TS) and an outline Construction Environmental Management Plan. The application states that once operational the facility will be unmanned and that traffic generation will be minimal. The TS states that following completion of construction works, the southern access will continue to be used by one vehicle a month visiting site for maintenance and repair reasons. It goes on to say that the northern access point will be utilised by the DNO (District Network Operator) who will have access to the substation compound and that it is expected that once the site is operational this access will be used once a month for maintenance and repair works by the DNO.

7.6 The TS also confirms that the proposal does not involve the diversion or closure of any public rights of way, which are to remain fully operational for the duration of the construction works and during the operational period.

7.7 The application has been carefully assessed by the Local Highway Authority (LHA). They comment that current records show that there were no personal injury collisions on Rownall Road within 215m either side of the access in the last 5 years. They say that the access routes defined in the Transport Assessment are acceptable and that the swept path included on drawing SRE1144/03/15 D shows that vehicles can negotiate the site access. They raise no objection to the application subject to a condition to secure a Construction Method Statement to include monitoring of the condition of the highway with remediation where required. A further condition is recommended to secure various matters in the Transport Statement including but not limited to construction traffic route para 3.2.4 – 3.2.5 and the mitigation measures set out at para 4.8. With these conditions in place there is compliance with relevant parts of DC1 and T1

Residential amenity including consideration of noise

7.8 The previous application was refused on grounds that the predicted night time noise levels set out in the submitted Noise Assessment would exceed current night time background noise levels in this rural area and that this would potentially adversely impact on the amenity of nearby residents in conflict with Policy SD4. The current application seeks to address this reason for refusal.

7.9 There are a number of residential properties in the vicinity of the site and the protection of their amenity is a material consideration.

7.10 The application is accompanied by a Noise Assessment dated September 2022. The assessment uses the closest residential property to the site (Dove Cottage). It says that this location is also representative of other residential properties in the Rownall Hall area to the east of the site. Other properties to the north and south of the site are further away and

therefore the noise impact will be lower than at the location assessed. The conclusion of the assessment is that with the mitigation proposed, which includes bunding to the north, east and south of the plant and 2 short lengths of 3m high acoustic fencing that noise emissions can be satisfactorily controlled and that noise impact would be low both during the day and night with no adverse impact.

7.11 The Environmental Health Officer has carefully considered the application. He says that the scheme offers improved mitigation for noise emission and that the predicted noise levels now comply with the Council's standard condition. As such he raises no objection to the application subject to a number of conditions including securing noise limits on all fixed plant/machinery within the development and controlling construction activity and times of work. With conditions in place there is compliance with Policy SD 4 and the NPPF which says that planning decisions should mitigate and reduce to a minimum potential adverse noise impact resulting from new development. The previous reason for refusal for refusal is therefore considered to be addressed.

Flood risk

7.12 The site lies within Flood zone 1 which is land at lowest risk of flooding. A Flood Risk Assessment and Drainage Strategy (FRA) has been provided, as required, because the site area exceeds 1 hectare. It proposes a Sustainable Urban Drainage Strategy (SuDS). Infiltration testing has been carried out and has been found to be suitable for managing surface water. An infiltration basin is proposed to the north west corner of the site with infiltration trenches either side of the proposed access track

7.13 The Local Lead Flood Authority have considered the submitted FRA. They raise no objection to the application subject to a condition. With this in place there is compliance with Policy SD5 and the NPPF.

Heritage

7.14 There are a number of Listed buildings within the vicinity of the application site however none will be directly affected by the proposed development. The application is supported by an Archaeological Desk Based and Heritage and Assessment. It identifies 5 Listed buildings within 1 km of the application site. It concludes that no registered Historic Landscape, Conservation Area, scheduled Monument or Historic Park & Garden will be directly or indirectly affected by the proposed development. It also concludes that no Listed building will be directly affected by the proposed development. It considers that there may be a minor to negligible indirect impact on the setting of Rownall Farmhouse, Rownall Farm Barn, Ivy House Farmhouse and Ivy House Barn and the Grade II Stables to Rownall Hall. It says that the proposed extensive landscaping will lessen any impact and actually improve the setting of the heritage assets in relation to the existing Cellarhead substation. No harm to the significance of the assets is found.

7.15 One non-designated site of archaeological interest has been identified within 1km of the proposed development area that may be indirectly impacted upon, Rownall Hall Park noted as a Landscape Park but any indirect impact will be low/negligible. The submitted report says that there is a low potential for sub-surface archaeological remains surviving on site. Whilst this indicates that the overall impact of the proposed development on sub-surface archaeological remains will be minor, a condition to secure an Archaeological watching brief is recommended

7.16 The submitted Assessment which has been prepared in accordance with Historic England Guidance is considered to be a thorough and proportionate assessment of designated and non-designated heritage assessments. No harm to heritage assets has been identified and as such there is no conflict with Policy DC2 or the NPPF.

Landscape and Visual impact

7.17 The previous application was refused on grounds of harm to the character and appearance of the area. The current application seeks to address this reason for refusal.

7.18 The application is accompanied by a Landscape and Visual Appraisal. It has been considered on behalf of the Council by Stuart Ryder, Landscape consultant.

7.19 The submitted LVIA includes a series of photomontages (Figures 17-30) illustrating the existing view, the view at completion and the view at year 15. For Viewpoint 2 an additional visualisation has been prepared for year 5.

7.20 The LVIA concludes that for the site and immediate context the effect on landscape character once operational would be moderate/minor adverse at completion reducing to minor adverse at Year 15 once the mitigation planting has taken effect. The operational impact on the closest visual receptor groups identified would range from Moderate/minor (adverse) for nearby residents (Dove Cottage, Home farm, Rownall Lodge, Rownall Farm and Rownall Hall farm) who it acknowledges may see partial views of the bund and internal structures from upper floor windows at completion but reducing to Negligible at Year 15 when the mitigation landscaping has taken effect.

7.21 For users of the public footpath 47, it concludes that open views from this path looking north will be reduced by the proposal (bundling) with the effects for users anticipated to be Moderate Adverse at completion, reducing to Moderate / Minor Adverse at year 15. From Footpaths 60 and 53 users will have reduced views north due to the proposed bunding and vehicles accessing the site from PF 60 will be visible. The effect is given to be Moderate / Minor Adverse at completion, reducing to Minor Adverse at year 15 with screening and softening provided by the bund as the shrub planting establishes. For users of Rownall Road, it assess that glimpsed views of the new bund to the east may be possible from gaps in roadside vegetation would led to Minor adverse effect. As the planting matures this would reduce to negligible

7.22 A Landscape mitigation strategy is put forward. It is shown on the revised Landscape Mitigation Plan and described in the LVIA in Section 5 and in the Planning/DAS. It refers to the provision of approx. 2.18 ha of green infrastructure including:-

- An area of grassland beneath the existing pylons to be harrowed and re-seeded with green hay methods, if possible, intended to remain as grazing land following completion, improving the ecological value of the grassland;
- Surface water drainage features including an infiltration basin in the north western corner and two drainage swales adjacent to the proposed vehicular access, planted with an appropriate wetland seed mixture;
- Retained trees and hedgerows, with gaps filled-in with a suitable mixture of native species reflective of those found on site;
- Proposed individual and groups of native tree planting with trees within sections of new hedgerows to reflect those existing on site;
- Native shrub planting along the proposed bund to the north, east and south.

As noted elsewhere a further 3.84 hectares of land south of the site, also under control of the applicant is proposed to be planted with additional native hedgerows, trees and the grassland managed and improved to enhance its ecological value.

7.23 The application site lies within open countryside outside of a settlement boundary. In the Landscape and Settlement Character Assessment (LSCA) it is within the landscape

character type Ancient plateau farmlands. Key characteristics of this landscape are given to be:-

- Gentle undulating landform with some steep slopes
- Drystone walls with remains of unmanaged hedgerows and isolated trees
- Fields often demarcated by fencing
- Dairy farming and horse grazing
- Small woodlands, broadleaf and conifer
- Isolated stone farm houses and buildings converted to residential dwellings
- Electricity power lines and substation

7.24 The LSCA refers to incongruous features in this landscape including the replacement of hedges by a variety of fence materials and dominant power lines and electricity substation

7.25 In landscape character terms there is both connectivity with and influences of the pastoral landscape to the north, east and south but also influence of the Cellarhead sub-station to the west which perceptually 'spills out' onto the sites northern field with three transmission pylons. The site is not considered to be a 'valued landscape' (para 174a NPPF), as it does not hold distinctive features or cultural links to set it above other landscapes in the area. This does not mean however that it is without value. It does contribute to the wider attractive countryside albeit at a lower level given the influence of the existing Cellarhead Sub-station.

7.26 In terms of landscape effects the proposal will effectively turn this greenfield site into an industrial compound. The Landscape consultant says that for the site itself this change can only be classified as a Major, Adverse and Permanent effect. The overall character of the main site will appear as a large power infrastructure site and the landscape effect will be compounded by the adjacent presence of the Cellarhead sub-station. The proposals are not considered in keeping with the wider pastoral landscape character of the Ancient plateau farmland even though there is the adjacent Cellarhead facility.

7.27 The ability to create a series of planted bunds around the facility (with retaining gabion walls on the inner side) is acknowledged and as the Landscape consultant says, ultimately the woodland planting belt will likely screen out all views to the facility other than through the two access points. The construction stage landscape effects of building the battery and sub-station compound as well as forming the earth bunding would be large and this adverse effect would remain until the bunds are grassed over and the planting upon them starts to establish. The Landscape consultant says that the bunds even with careful design will appear as artificial uniform features within the rural landscape until their ground form is hidden from sight by the woodland planting set upon them and ideally in front of them. He estimates that the ground forms will be hidden in approx. 6 to 8 years should the planting establish successfully but the planting would not start to appear as a woodland edge until between 12 to 15 years when more natural stratification of canopies start to occur and the planting stops looking uniform in age and structure. The Landscape consultant considers that with mitigation the change to the adjacent landscape would be Minor, adverse and permanent. He says that the woodland planting on the bunds can only be described as a minor landscape benefit because of its uniform nature. It will not appear as a traditional woodland set at the same level as the surrounding landscape. Its long-term management as a diverse broadleaf woodland would need to be secured through a Landscape Management and Maintenance Plan

7.28 In terms of visual effects, there are a number of Public footpaths nearby from which the proposal would be visible including Footpath 60 to the south, Footpath 53 to the north and east and Footpath 47 to the west. As the Landscape consultant says, ironically it will be

bunds that have been proposed to screen the works that will form the greatest visual intrusion until the plants on them establish and start to take on the form of a woodland edge. As stated above the hiding of the bank form is anticipated to occur in 6 to 8 years but the planting itself will only appear as a natural planting belt to casual observers in 12 to 15 years.

7.29 In terms of impact from the three closest public footpaths the Landscape consultant says that perhaps the greatest visual effects will be for users of CH60 who have a slight elevation, combined with distance to see further into, and more of the main complex. From Footpath 47 the open route through the southern field will allow sight to the bund. This path is influenced in part by the visibility to the Cellarhead Sub-station and the pylons in the northern field. Users of footpath 53 will experience Moderate, Adverse effects as they walk west up the track from Rownall Lane towards the Site as it is completed. This will change to a Minor, Positive effect with the established screening as it should also screen out some of the view to the taller existing structures of Cellarhead sub-station. Users on the section of the path that runs adjacent to the Site's northern boundary will lose sight across the northern and middle field to be replaced with close range views of the planted bund. The site would still be visible to some extent through the northern access point.

7.30 Overall visual effect has been assessed as Moderate, Adverse and Temporary in the first instance until the mitigation planting has established when it will decrease to Minor, Adverse and Permanent. It is still classed as Minor, Adverse as views will be to woodland whereas before the views were more open and varied. The bunds themselves will look out of keeping with the surrounding area until the planting establishes and hides their artificial landform.

7.31 Finally it is necessary to consider cumulative impact. This proposal will appear not only as partially joined to the main part of the Cellarhead sub-station but also it will be perceived jointly with the recently approved application SMD/2022/0044 because of the very limited gap between the two developments. This gap is also largely built form with the barn complex filling the field corner between the two. Simultaneous views will exist from Footpath CH53 when walked in a westerly direction whilst sequential views will exist for other footpaths in the area. The tree planting associated with both schemes is such that there will be no long views from nearby or distant where the entirety of both facilities will be seen. The presence of bunds and tree lines will not totally remove the perception of moving past a series of infrastructure facilities, but the Landscape consultant advises that they would be reasonably discrete and appear sub-divided by the boundary tree planting. He also says that the lack of vantage points on higher ground assists in not allowing the overall scale of the three facilities to be seen in one view. The mark-up of the Applicant's aerial site plan below shows the full extent of the three facilities. The application site is edged in red with the existing substation to the west and extant permission for another battery facility to the north east. The application site effectively links the two others sites to create a much larger area of development. There will be a perception of a spread of power development on the land and a greater perception of landscape change from a rural pastoral landscape to one that is being used for the power industry.



7.32 A number of design improvements to the scheme have been offered and/or secured in recommended conditions. These include:-

- Gabion baskets to be stepped and planted with native species climbers in a soil filled planting trench for visual and ecological benefits (Condition)
- Making the site access track off the Cellarhead access track appear like a rural field entrance with minimum signage and width and agricultural gates to retain the rural land character of the road (Condition)
- Making the access track appear more rural in character with a central grass strip (shown on plans)
- The regular shape of the retention pond in the north west corner has been altered to improve its wildlife value by increasing its ecotone length (shown on plans)

7.33 Policy DC3 says that the Council will protect and where possible enhance local landscape by amongst other matters, resisting development which would lead to a prominent intrusion into the countryside; support development which respects and enhances local landscape character; support opportunities to positively manage the landscape and use sustainable building techniques and materials sympathetic to the area and conserve or enhance biodiversity.

7.34 In this particular case, the conclusion that the Landscape consultant reaches is that the proposal cannot be classed as leading to a net improvement in local landscape character which in this case is an open, pastoral landscape. It will, however, add woodland and hedgerow characteristics to the area which it could be argued are features of the local landscape. Once established the mitigatory planting will present linear scrub and tree lines which although are not typical landscape features of the area will add to the sense of tree cover. The more positive landscape features he says are the proposed wildflower meadow and the hedgerow to the south of the site. The proposal would be an intrusion in terms of Policy DC3, changing pastoral fields to an 'industrial' character. However, the Landscape consultant says the mitigation proposals (primarily the planted bunds) would prevent sight to the installed battery equipment and new sub-station. The bunds will have immediate screening effects for paths that pass close to them, albeit that even with careful design they will appear very artificial features in this rural landscape. He says it will take an anticipated 6 to 8 years to screen out all sight from more distant paths such as CH60 and a longer

timeframe of 12 to 15 years before they start to appear as a more natural plantation feature within the landscape. There will also be a cumulative impact with the adjacent substation and from the recently approved battery scheme to the north west with a perception of spread of power development and landscape and visual change. The application does provide an opportunity to secure the positive management and monitoring of the proposed wildflower meadow creation, hedgerow planting, woodland belt creation and attenuation pond. There would also be a degree of physical habitat linkage between the existing screen to Cellarhead Sub-station and the planting associated with the recently consented SMD/2022/0444 battery storage scheme. The Landscape Consultant says that whilst there may be some temporary conflict with parts of Policy DC1, this will be mitigated by the proposed bunding and planting. For all of these reasons and on balance and with relevant conditions in place there is now considered to be compliance with Policy DC 3 and the NPPF. The previous reason for refusal relating to landscape and visual harm is addressed.

Tree Protection - From LIVIA para 6.21

7.35 An Arboricultural Assessment is submitted with the application. It summarises that tree cover associated with the site was formed of a good number of large, fully mature individual standard trees or smaller groups of trees distributed along the field boundaries which by virtue of their physical proportions were prominent features in the local landscape. The field boundaries also supported well-established, native species hedgerows dominated by hawthorn that had been maintained over the years through regular cutting to create consolidated, compact forms. Within some of the hedgerows there was evidence of laying.

7.36 In terms of impact from the proposal, the AA confirms that 3 category 'U' trees are proposed to be removed together with 2 category 'C' trees (T36 and T37) and one category 'C' tree group (G7) to facilitate construction of the vehicular access. The loss of these trees is replaced with new landscaping – see discussion elsewhere. The AA says that some minor tree work may be required during construction such as light lifting of crowns and removal of deadwood on safety grounds. It suggests that a condition could control this work.

7.37 With conditions in place to protect existing trees and hedges during construction and secure a schedule of minor tree works where required, there is compliance with Policy NE2 and the NPPF

Biodiversity

7.38 The application is accompanied by an Ecological Appraisal (EA) and Biodiversity Impact Assessment (BIA), the latter using the DEFRA metric 3.0 which shows a net gain in both habitat and hedgerow units of 19.85% and 58.13% respectively. The site is dominated by improved grassland which is considered to be of low nature conservation value. Hedgerows form the boundary of the site with a single hedgerow through the centre. All hedgerows comprised of at least 80% native species were therefore considered habitats of principal importance (NERC, S41). There are mature trees within the hedgerows providing features that may have the potential to support roosting bats.

7.39 The Ecological Appraisal confirms that the proposal will result in the loss of the majority of improved grassland on site, with the exception of the north-west corner where electricity pylons are located. Hedgerows along the site boundary and through the centre of the site are expected to be retained, although two very small sections of hedgerow will be permanently lost to facilitate access. Mature boundary trees are all expected to be retained throughout the proposals. Given the percentage of the site being lost to development, off-site areas are required to compensate for the loss and to deliver a net gain in biodiversity. Use of pasture fields to the south of the site have been assessed in order to provide this off-site enhancement

7.40 The BIA confirms that approx. 0.8 ha of the on-site grassland area is to be retained as it is located underneath electricity pylons. This will be enhanced to provide a biodiversity gain. Other on-site enhancement includes woodland planting along the eastern boundary, enhancement to all hedgerows and additional tree planting provided along the southern boundary. The infiltration basin will be sown with wetland grasses and swales designed along both sides of the new access track. The majority of grassland lost will be compensated for by the creation of herb rich neutral grassland on 3.91 ha of off-site land immediately to the south.

7.41 With these measures included the biodiversity net gain calculation indicates a 19.85% gain in habitat units and a 58.1% gain in hedgerow units.

7.42 The application has been reviewed by Staffordshire Wildlife Trust on behalf of the Council. They raise no objection to the application subject to conditions to secure the net gain and with these in place there is compliance with Policy NE2 and the NPPF

Mineral Safeguarding

7.43 Staffs CC confirm that the entire site falls within the Mineral Safeguarding Areas (MSA) for Bedrock Sand, as defined in the Minerals Local Plan for Staffordshire (2015 – 2030). In addition, a small part of the eastern end of the site also lies within the MSA for Silica Sand, and the eastern tip is also within the MSA for Shallow Coal and Fireclay. However they advise that the development is temporary, with the expectation that the battery packs, switch gear etc. would be removed at some point in the future. Only the concrete plinths would be fixed, and these too would be removed when the facility was decommissioned. They would not be of sufficient depth to affect any underlying minerals. On this basis they raise no objection to the application on mineral safeguarding grounds

Other issues

7.44 The applicant says that the bunding will be formed from material excavated for the sub station compound and the containers and that overall it will be a neutral operation. A Material Management Plan is recommended to control this

Planning Balance

7.45 By law this application must be determined in accordance with the Development plan unless material considerations indicate otherwise. In the previous refused application, SMD/2022/0047 Members recognised that the proposal amounted to inappropriate development in the Green Belt but they found that the very special circumstances put forward by the applicant to be compelling and that these 'other considerations' clearly outweighed the harm in this particular case. As such no conflict with the relevant part of Policy SS10 or the NPPF was found.

7.46 As discussed above the application has now addressed the previous reasons for refusal in respect of character and appearance and residential amenity. The application therefore complies with the Development plan and a recommendation of approval is made

8. RECOMMENDATION

A That planning permission be granted subject to the following conditions:-

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

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

| | |
|-------------------------------|----------------------|
| Location Plan | SRE 1144 03 01 |
| Planning application boundary | SRE 1144/03/02 |
| Site layout | SRE1144/03/03 Rev 1 |
| Site survey | SRE 1144/ 03/ 04 |
| Internal swept path | SRE1144/03/06 Rev 1 |
| Indicative set down | SRE 1144 03/07 Rev 1 |
| CCTV layout | SRE 1144 03/14 Rev 1 |
| Site access | SRE 1144 03/15 Rev 1 |
| Switch room detail | SRE1144 03/08 |
| Container detail | SRE1144 03/09 |
| Battery container unit | SRE 1144 03/10 |
| Transformer Inverter | SRE 1144 03/11 |
| Paladin mesh fencing | SRE1144 03/12 |
| Palisade fencing | SRE 1144 03/13 |
| Cable route plan | SRE1144 03/17 |
| Screen bund details | SRE 1144 03/18 |
| Substation layout | SRE 1144 03 /19 |

Landscape Mitigation strategy plan 10541-L-01F

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3.Notwithstanding the submitted details, no development shall take place until such time that full details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- Acoustic, palisade and paladin fencing
- Hard surfacing
- Facing materials including finished colour
- External lighting

The development shall be carried out strictly in accordance with the approved details

Reason:- To protect the character and appearance of the area, residential amenity, flood risk and biodiversity

Construction & Demolition Impacts:

4.During the construction phase the following must be adhered to at all times:-

a)Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;

b)No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority;

c)Any generator used during the construction phase should be suitably enclosed and attenuated so it is inaudible inside any neighbouring residential property.

d)All mitigation set out in the CEMP (Sirius Planning ref. SRE1144/CEMP) should be complied with in full.

Reason: To protect the amenities of the area during construction

Construction & Demolition works: Time of operations

5. All construction works and deliveries shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Report of Unexpected Contamination

6. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

BS4142 Limit on external noise levels produced by fixed external plant

7.The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

Maintenance of Batteries

8..All equipment and infrastructure associated with this development must be constructed and maintained throughout the life of the development so as to prevent

any discharges or spillage that may cause pollution of the surrounding land, underground strata or watercourses .

Reason: To prevent pollution of the Environment

Highways/Access

9. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities;
- vi) mechanical road sweeper for existing carriageway
- vii) Photographic survey of the Rownall Road/Access Track junction pre and post construction and proposals/commitment to rectify any damage.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and to safeguard the highway from extra wear attributable to the construction works.

10. The development hereby permitted shall be carried out strictly in accordance with the Transport Statement dated October 2022 prepared by Sirius including but not limited to construction traffic routing (para 3.2.4 – 3.2.5) and the mitigation measures set out at para 4.8

Reason:- in the interests of highway safety

Archaeology

11. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be brought into use until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved and that provision has been made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:- To protect archaeological interests

Landscape/Visual Impact

12. Notwithstanding the submitted details, no development including site clearance and levelling shall commence until such time that a detailed hard and soft landscape mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on Landscape Mitigation Plan (10541-L-01F) and be at an appropriate scale. The soft landscape proposals approved shall subsequently be implemented in the first growing season after construction has commenced and replacement of dead, diseased or dying stock should be undertaken in accordance with the Landscape Maintenance and Management to be approved under Condition 14.

Reason:- To protect the character and appearance of the area

13.No tree felling is to be undertaken on, or excavation within root protection areas, shall take place without the express written agreement of the Council's Arboricultural Officer and after consideration of tree sensitive construction processes

Reason:- To protect the remaining mature tree stock that contributes to the local landscape

14.No development including site clearance and site stripping shall take place until such time that a Landscape Maintenance and Management Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority including measures for its operation for the life of the development. The LMMP shall include for the replacement of failed stock for the first 10 years after planting. The development shall be carried out strictly in accordance with the approved LMMPs

Reason – To reflect the importance of the soft landscape mitigation proposals for the local landscape character.

15. No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP should include amongst other matters full detail of the excavation and bund formation processes including detailed drawings and method statements for the proposed raised and excavated earthworks (bunds, substation area etc) and information to demonstrate that the movement of material within the site will be a neutral operation The bunding design shall have regard to the recommendations/advice on bunding set out in Section 7 of Landscape comments, Stuart Ryder of Ryder Landscape Consultants dated 15th January 2023.

The development shall be carried out strictly in accordance with the approved details

Reason:- In the interests of the character and appearance of the area

16.No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- In the interests of the protection of important landscape features which contribute to

the character and appearance of the area, biodiversity and protected species

17. No development shall take place including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity

18. No development including site clearance and site stripping shall take place until a Schedule of Minor tree work based on the advice/recommendations in the submitted Arboricultural Assessment, dated September 2022 has been submitted to and approved in writing by the LPA. The Schedule shall include any works to trees on or off site required to facilitate the development. The development shall subsequently be carried out strictly in accordance with the approved details

Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity

19. No development shall take place until such time that full details of the proposed gabion walls have been submitted to and approved in writing by the LPA. Such detail shall include full design, construction, details of filling material and planting plans and timescale for planting. The development shall subsequently be carried out fully in accordance with the approved detail

Reason:- To ensure an acceptable finish in the interests of the character and appearance of the area

Flood risk

20. No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design shall be based upon the approved Flood Risk Assessment (Reference KRS.0297.035.R.001.C - September 2022) and must demonstrate the following: -

a) Disposal of surface waters in line with the hierarchy of discharge as stated in the approved Flood Risk Assessment.

b) Final detailed design (plans, network details and calculations where necessary) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements.

c) An acceptable management and maintenance plan for the surface water drainage system to ensure that a maintenance arrangement is in place over the lifetime of the development. A named body responsible for undertaking management and maintenance shall be included within the plan.

Reason: To prevent flooding by ensuring the satisfactory attenuation and disposal of surface waters generated by the proposed development. The management and maintenance regime shall ensure that the drainage system is managed and maintained by a named body over the lifetime of the development.

Biodiversity

21. Notwithstanding the submitted detail, no development including site stripping and site clearance shall commence until such time that a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall be based on the Biodiversity Impact Assessment January 2022, the Ecological Appraisal dated December 2021 and the Landscape Mitigation Plan 10541-L-01F. The LEMP shall amongst other matters provide

a) details of the proposed habitat enhancement, creation and management off site on the land immediately to the south of the site,

b) Details of habitat creation and species enhancements on site

- c) Updated BNG calculation using latest Defra metric and UK Habs baseline and post-intervention plans
- d) Soil preparation details.
- e) Appropriate planting/ seeding specifications.
- f) Timescale for implementation
- g) Long-term habitat management plan.

The development shall be carried out strictly in accordance with the approved LEMP
Reason:- In the interests of biodiversity enhancement and to ensure a new gain in biodiversity

22. Notwithstanding the submitted detail, no development including site clearance and site stripping shall take place until such time that a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall set out protection and mitigation measures for protected species during construction and site establishment. The development shall subsequently be carried out strictly in accordance with the approved LEMP
Reason:- In the interests of protected species

Site restoration

23. Within 25 years following completion of construction of the development hereby permitted, or within 12 months of the cessation of operational use or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored to a pasture field in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).
Reason:- In the interests of the Green Belt and character and appearance of the area

Temporary Set down area (shown indicatively on the submitted plan)

24. Prior to the commencement of development including site clearance and stripping full details of the temporary compound to be established on site shall be submitted to the Local Planning Authority for its written approval. It should include amongst other matters level information, hard surfacing, means of enclosure, earthworks/bunding and a statement ('Statement of Condition') showing the condition of the site before works begin. The development shall be carried out strictly in accordance with the agreed details and the compound provided before any work on site commences including site clearance and stripping. The temporary use of the land for the compound shall be discontinued and the land restored to its former condition on completion of the construction of the development hereby approved in accordance with a scheme of work and timescale (which shall be based on the Statement of Condition) and which has first been submitted to and approved by the Local Planning Authority

Reason:- In the interests of the character and appearance of the area, highway safety and amenity of nearby residents

Other matters

25. No development shall take place including site clearance and stripping until such time that full details of the proposed access into the site from the south have been provided. Such detail to include gates (agricultural style), signage (minimal) and

access width (minimum necessary). The development shall thereafter be carried out in accordance with the approved details

Reason:- To ensure that the rural character of the road is maintained in the interests of the character and appearance of the area

26. The development hereby permitted shall not be brought into use until such time that the bunding and acoustic fencing has been installed and in accordance with the approved details secured under Conditions TBA

Reason:- In the interests of the character and appearance of the area and residential amenity

27. Any other conditions deemed to be necessary by Officers

Informatives

1. This application has sought to address the previous reasons for refusal relating to landscape/visual impact and residential amenity. For the reasons set out in the Committee report the amendments made to the scheme together with the mitigation measures adopted have addressed the previous reasons for refusal. A sustainable form of development has been negotiated which complies with the provisions of the NPPF

2. Your attention is drawn to the comments of Ryder Landscape Consultants dated 21st October 2022 in relation to design considerations of the proposed bunding. These should be taken into consideration when applying to discharge the relevant planning conditions

3. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014

Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance

- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
 - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under

Part II (a) of the Environmental Protection Act 1990 and as such become and “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

The widened access crossing to the site from the highway shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to dropped crossings, a S184 notice is required for an access leaving the carriageway and crossing highway verge. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to trafficandnetwork@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

- B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee’s Decision.**



