

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

8th June 2023

Application No:	SMD/2022/0574	
Location	Land adjacent to Armshead Farm, Armshead Road, Werrington, Staffordshire	
Proposal	Erection of storage containers, support infrastructure and security fencing for battery energy storage facility along with landscaping and all associated works.	
Applicant	Conrad Energy (Developments) Limited	
Agent	Alder King Planning Consultant	
Parish/ward	Cheddleton	Date registered 21/11/2022
If you have a question about this report please contact: John Copestake john.copestake@staffs Moorlands.gov.uk		

REFERRAL

The proposal is for major development in the Green Belt..

1. SUMMARY OF RECOMMENDATION

Approve with conditions.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site comprises 4.07ha of agricultural land within the Green Belt, approximately 800m to the southwest of Cellarhead Substation and 420m to the northern extent of the main area of housing development in Werrington. The site is accessed via a track running east from Armshead Road which also comprises a public footpath (Public Footpath No.49 Cheddleton Parish). The site is generally flat, with the wider landscape generally featuring flat agricultural fields to the north, east and southeast with no large settlements within 5km, rising slightly across fields and up to Abbey Hulton 2.2km to the west.

2.2 The application site includes five adjacent fields, three to the north of the existing farm track and footpath, and two to the south. The main compound will be located within the southeast corner of the wider site, with a new track running parallel and to the south of the existing track providing access. The remainder of the site, which comprises approximately 90% of the total area, is to be used for extensive hard and soft landscaping.

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposed development is for a battery energy storage facility, with access and landscaping. Notably, the application seeks permission for 35 years, after which time the battery energy storage infrastructure will be removed from the site.

3.2 The battery storage infrastructure comprises:

- 64 battery units – metal box form structures with external fastenings, 2.9m high, 6.1m long and 2.4m wide;
- 32 inverter units – metal box form structures with external machinery and panels, 2.9m high, 6.1m long and 2.4m wide;
- One auxiliary transformer – metal machinery with a maximum height of 1.9m and a footprint of 2.2m by 2.1m;
- One switch room – a simple metal box building, finished in ‘holly green’ and 2.9m high, 14.9m long and 3.3m wide;
- One DNO substation – a series of metal frames with insulators, wires and machinery, up to 6m in height;
- Two welfare/storage/comms cabins – simple metal box buildings, both finished in ‘holly green’ and 2.6m high, 6.1m long and 2.4m wide;
- Perimeter fencing and gates – palisade metal up to 2.4m high;
- CCTV and lighting columns – simple vertical poles up to 4m high;
- One fire hydrant;
- Access track – a new track within southern fields running parallel to existing track/footpath, in order to allow existing track to retain its character; and,
- Hard and soft landscaping – details below.

3.3 The proposed hard and soft landscaping is extensive and intended to screen the development from view whilst also delivering significant Biodiversity Net Gain [BNG] uplift of approximately 15.53% for general habitat and 219% for hedgerows. The landscaping would comprise:

- News trees and replacement hedgerows along the southwest boundary of the wider site;
- Replanting of a previously removed hedgerow along a low earth bank running north to south through the middle of the southern half of the site, as well as another following alignment of ward boundary to reinstate historic field pattern;
- Enhancements to existing hedgerow and linear native woodland along the western, eastern and northern boundaries;
- Infilling of gaps to existing hedgerow and new trees along the eastern boundary and alongside the footpath;
- New linear woodland planting running alongside north of existing track; and,
- Pockets of woodland planting in strategic positions to screen views from nearby farm buildings.

3.4 The construction phase is predicted to last 24 weeks and will be relatively low impact, as the majority of the required equipment will be brought to site pre-assembled ready for installation. Once operational, vehicular movements will be limited to one or two staff visiting the site once or twice a week, typically in small vans. As such, additional vehicular movements to and from the site associated with the proposed development are expected to be negligible.

3.5 The application is accompanied by a range of plans and documents which notably includes a Planning, Design & Access Statement which includes a summary of the material considerations arising from the other plans and documents.

3.6 The scheme has been amended in response to comments received from Staffordshire Wildlife Trust, to make a minor extension to part of the proposed linear woodland planting.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site itself.

The following applications relate to nearby sites and for similar development:

- SMD/2022/0444: *Erection of a Flexible Energy Facility*. Approved, 22/12/2022.
- SMD/2022/0548: *Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment (resubmission of SMD/2022/0047) at Land Adjacent Cellarhead Substation, Rownall Road, Wetley Rocks*. Pending consideration
- SMD/2022/0180: *Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid at Newfields Farm, Rownall Road, Wetley Rocks*. Pending consideration.
- SMD/2022/0047: *Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment at Land Adjacent Cellarhead Substation, Rownall Road, Wetley Rocks*. Refused, 21/06/2022.
- SMD/2021/0695: *Erection of a Flexible Energy Facility*. Refused, 21/06/2022.

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
- NE2 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

The material planning matters from all consultation responses received are summarised in this section of the report. Full consultation responses can be viewed on the publicly available planning file.

Neighbour comments: Site notices were displayed close to the site, a press advert run and local residents were notified by letter. All consultation periods have expired.

Three objections were received and summarised below:

- Battery storage is dangerous, exacerbated by being closer to dwellings than other similar sites;
- The development will harm wildlife;
- The development will cause noise and light pollution;
- The site is close to the Churnet Valley Masterplan area, this being a particularly sensitive landscape; and,
- This development will contribute to the cumulative destruction of the Rownall Green Belt.

Two submissions of support were received, including from Moorlands Climate Action group:

- The landscape impacts of the development have been minimised through use of landscaping;
- Battery storage assists with reducing carbon emissions and reliance on fossil fuels;
- Renewable energy generation from wind and solar is variable and therefore requires battery storage sites;
- The location of the site close to Cellarhead is suitable; and,
- Concerns about cumulative impact should be considered on a case-by-case basis.

Bagnall Parish Council: objection. An application for similar development has recently been approved in this area. Bagnall Parish Council hopes that applications will be reviewed individually and on their own merits whilst considering cumulative environmental impacts of numerous sites.

Lithium batteries are at risk of fire, explosion and causing pollution. Therefore, risk assessments should be carried out and contingency planning should be in place. Consideration should be given to cumulative noise impacts arising from the site. The site is within the Green Belt and close to a SSSI – impacts on protected flora and fauna should be also considered.

Cheddleton Parish Council: objection. Previous applications for similar storage sites have been refused. No additional information or exceptional circumstances have been provided to mean that this application should be determined differently.

Environmental Health: no objection, subject to conditions.

A noise assessment has been submitted to support the application. It was undertaken by 'inacoustic' (Pjoj. 22-282 date 9/8/22). The assessment has considered the impact of the development under BS4142:2014 and BS8233 and concluded there will be a low risk of impact to the amenity of the nearest residential properties. The predicted impacts as set out in table 11 indicates the standard Environmental Health condition would be met. This development appears to be a significant distance from recent similar applications close to Cellarhead Sub-Station so the cumulative impact is not predicted to be a concern.

Conditions should be imposed to control: construction & demolition impacts including times of operation; reporting of unexpected contamination; limit on external noise levels produced by fixed plant; control of artificial lighting; and, maintenance of batteries.

Peak and Northern Footpaths Society: neutral submission.

It is noted that Footpath 49 is close to or within the proposed site. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers Association: neutral submission.

Cheddleton Footpath 47 may be affected if development takes place. This is a PROW and this must be addressed before work takes place.

Rights of Way: no objection, subject to conditions.

Public Footpath No.49 Cheddleton Parish runs immediately north of the application site, along an access track from the farm. The granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority. Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

If the footpath needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). In such an instance it is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

Any trees/shrubs/hedging planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form. Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

SCC Highways: no objection, subject to conditions.

Duration of works is stated as 24 weeks. Vehicles per day are estimated. Types of vehicle are stated. No abnormal loads are anticipated.

Approach routes are considered. Swept paths on the approach from A52 are provided and demonstrate that access from A52 is reasonable for the type of vehicles anticipated. Advised construction traffic routing is shown in figure 3.

A Construction Management Plan is not included. However, approach route has been considered. The access off Armshead Road is capable of accommodating the type of vehicle likely to be used in deliveries (drawing LTP/5372/T1/01 03 B). The site is located approximately 400m from the highway. It is highly unlikely that the highway would be used for unloading or parking (para 2.2.4).

There is reference to the access track being expected to be upgraded (para 2.2.3) though there are no details.

The access is existing and bound surfaced immediately adjacent to the carriageway. The track is to be upgraded but no details are provided as to what form the upgrade will take. It may be that surfacing will be such that wheel wash may not be necessary, but that is not clear at this stage.

There is no reference to or necessity to improve the track at its junction with Armshead Road.

The operational phase will have no noticeable effect on the highway.

Recommended conditions:

1. Before construction of the proposed development details shall be first submitted to and approved in writing by the local planning authority indicating upgrade of the proposed track. The track shall thereafter be improved in accordance with the approved details and used for the duration of the construction period.

REASON To comply with NPPF paragraph 110; to comply with SMDC Local Plan Policy DC1; to define the proposals in Transport Statement; in the interest of highway safety.

2. No development shall take place, until details of a wheel wash facility including means of dealing with surface water runoff and details of mechanical road sweeper for existing carriageway have been submitted to and approved in writing by the Local Planning Authority. The wheel wash and road sweeper shall be maintained and retained throughout the construction period.

REASON To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety; to ensure the development can be constructed without undue inconvenience to road users.

SCC Minerals and Waste: confirmed no comments to make.

Landscape Consultant: Comments awaited

Staffordshire Wildlife Trust: no objection, subject to conditions.

The site is covered partly by heathland, pasture and wetland Habitat Connectivity Opportunity Areas. Local priority habitats and wildlife corridors include hedgerows, dry stone walls, semi-improved grasslands and small watercourses, with Wetly Moor SSSI just to the west a focus for heathland and grassland habitats.

The site is just east of Wetley Moor SSSI. No impacts are predicted.

Policy NE1 paragraph 5 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative.

The proposal appears likely to result in a net gain, as shown in the Biodiversity Net Gain Assessment dated September 2022 and the habitats proposed are generally suitable for the area.

Due to the proximity to Wetley Moor, any meadow creation should aim for a neutral- acidic grassland community and use locally-sourced seed or green hay from an existing Local Wildlife Site or other diverse meadow, to create a locally characteristic habitat rather than introducing a commercial seed mix.

Scrub and tree planting should aim to recreate heathland type scrub and scattered trees, with species locally native to the area including bilberry, gorse and heather. Any cleared woody material from hedges trees etc. should be retained on site as habitat piles.

A Landscape and Ecology Management and Monitoring plan should be secured via condition. Including detailed landscaping plans specifying habitat creation techniques, soil preparation, seeding and planting specifications, and a 30 year management and monitoring plan, using the most up to date biodiversity metric (4.0).

No surface water drainage scheme has been provided. A well-designed, easily managed and resilient SuDS scheme is encouraged with surface retention/ infiltration features. In the event of a fire or incident, polluted water may run off from the site and therefore suitable pollution capture membranes should be included. Detailed surface water drainage scheme to be secured via condition.

The Preliminary Ecological Appraisal dated August 2022 has assessed species issues well and the recommendations in the report should be secured via condition. In addition, the site would be suitable for encouraging barn owls which have been recorded locally- a barn owl box should be provided on a tree or pole within the site.

7. OFFICER COMMENT

7.1 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Staffordshire Moorlands Local Plan (2020) which is considered to be up-to-date.

Principle of Development

7.2 The application site is previously undeveloped agricultural land within the Green Belt and is for the provision of low carbon energy infrastructure. The suitability of the overall principle of development therefore relates primarily to the following three matters:

- The impact on the Green Belt;
- The proposed use of the site; and,
- The consideration of the planning balance of these matters, effectively assessing the public benefits against any harm.

7.3 These three matters are assessed in turn below.

Impact on the Green Belt

7.4 The principle of development within the Green Belt relies primarily on the material policy, as set out in the Development Plan and the NPPF. These together set out the purposes of the Green belt and seek to restrict development, except in certain circumstances. Notably,

the Development Plan defers to the requirements of the NPPF with regards to development within the Green Belt.

7.5 The NPPF sets out in paragraph 149 the circumstances under which development in the Green Belt should be considered inappropriate.

7.6 Where development is considered to be inappropriate, Very Special Circumstances [VSC] must be demonstrated, showing that the potential harm to the Green belt is clearly outweighed by the benefits.

7.7 In order to demonstrate suitability, the proposals have therefore been considered on the following basis:

- The impact on the purposes of the Green Belt;
- The appropriateness and the impact on the openness of the Green Belt; and,
- The Very Special Circumstances.

Impact on the purposes of the Green Belt

7.8 Paragraph 138 of the NPPF specifies the five key purposes of the Green Belt, these being to: check unrestricted sprawl or large built-up areas; prevent merging of neighbouring towns; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and, assist in urban regeneration.

7.9 Any harm to the Green Belt must be understood in terms of impacts relating to these five purposes and also with reference to the openness and permanence of the Green Belt.

7.10 In this case, the assessment against all but the third purpose is very straightforward on the basis that the site is not within, immediately adjacent to or between urban areas or historic towns, and cannot be said to be significantly and directly related to urban regeneration. This assessment aligns with the Green Belt review carried out by the Council which concluded that the parcel would make limited contribution to these four criteria.

7.11 With regards to encroachment into the countryside, the Council's assessment identified that this parcel of the Green Belt would contribute towards the third purpose (but that it would not make a significant contribution). Indeed, the proposal would introduce built industrial development into a group of existing agricultural fields which currently feature no built development other than typical agricultural fences and gates. The potential for encroachment therefore exists.

Appropriateness and impact on openness

7.12 In addition to consideration against the five purposes of the Green Belt, the NPPF sets out in paragraphs 149 and 150, exceptions and types of development which would result in development being considered appropriate. The proposed development does not meet any of these exceptions.

7.13 Notably, the NPPF further clarifies in paragraph 151 that elements of renewable energy projects will comprise inappropriate development.

7.14 In terms of understanding the impact on openness, it is relevant to note that the external boundaries and internal fields boundaries are generally defined by hedges and trees in a manner which is consistent with the wider local Green Belt. The applicant's Landscape & Visual Impact Assessment and Green Belt Position Statement [LVIA] sets out that hedgerow removal and decline has been observed in this area over a period of time,

creating a steady decline in the positive rural character of the landscape. The council's Landscape and Settlement Character Assessment of Staffordshire Moorlands [LSCA] also identifies this process of decline, with the removal and decline of hedgerows significantly undermining the traditional character of the wider area. In this respect, the site appears to comprise typical agricultural fields, including boundaries which are in places weekend due to historic hedgerow removal and decline.

7.15 The development proposals include extensive soft landscaping, coupled with limited areas of landscaping, with the purpose of screening the proposed battery infrastructure (as well as delivering BNG enhancements). The application is supported by a LVIA which sets out that the proposal will have long-term benefits on the appearance of the Green Belt after approximately 15 years once vegetation and trees have established and matured, via enhanced natural landscaping including linear woodland. Furthermore, these benefits would be significantly increased after 35 years when the battery infrastructure would be removed.

7.16 The consultation response from Staffordshire Wildlife Trust specifically provides comments on the landscape impact, these comments agreeing with the findings of the submitted LVIA.

7.14 However, whilst the impact on openness would be mitigated to some extent by proposed landscaping, some harm would arise and the proposed development would be considered inappropriate. This means that the proposed development must demonstrate suitable VSC in order to be considered acceptable.

The Very Special Circumstances

7.15 There is no precise definition of VSC in the material policy and guidance. Instead, each site must be assessed on its own merits and the acceptance or otherwise of VCS is the responsibility of the decision maker.

7.16 In this case, the VSC would arise from the wider environmental benefits associated with renewable energy production. Indeed, paragraph 152 on the NPPF states that "*The planning system should support the transition to a low carbon future in a changing climate (...) and support renewable and low carbon energy and associated infrastructure.*" Furthermore, the Government has set out in its British Energy Security Strategy (2022) that "*We will ensure a more flexible, efficient system (...) (by) encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage to balance the overall system.*" Indeed, battery storage sites are a key component of systems which utilise renewable energy and improve efficiency, as they reduce waste arising from discrepancies between supply and demand. In this regard, the NPPF and Government have set out clear support for energy storage development.

7.17 The NPPF goes on to say in paragraph 155 that plans should consider setting out suitable areas for renewable and low carbon energy sources, as well as supporting infrastructure. The proposed development would be considered supporting infrastructure. The Development Plan sets out in Policies SS10 and SD2 that renewable energy schemes should be of an appropriate scale and location but does not allocate specific sites for this type of development. The applicant has explained the justification for the site selection in their Planning, Design & Access Statement [PDAS], primarily relating to the ability to appropriately connect the site to the Cellarhead Substation. In this regard, the proposed development must be located close to Cellarhead Substation. The applicant has set out that the proposed site balances proximity, whilst also allowing separation between the substation and other associated development, to minimise visual impact arising from an increasing, contiguous built form.

7.18 Relatedly, a recent appeal decision for a similar battery scheme within the Green Belt in Wolverhampton (APP/C3430/W/22/3292837) was allowed. Notably, the Inspector found that *“Although modest in scale, the appeal scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight (...) National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation and agricultural buildings, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.”*

7.19 The proposed development would support the move towards a low carbon future, by supporting the use of renewable energy and improving the efficiency of the energy network. The NPPF and recent Government statements give very significant weight to this type of development. The location of the development must naturally be close to Cellarhead Substation. It is noted that in respect of other applications for similar development in the vicinity the Planning Applications Committee has previously accepted that these factors constitute “very special circumstances” to outweigh Green Belt harm. On this basis the principle of development in the Green belt is found to be acceptable.

Landscape Impact

7.20 The application site lies within open countryside, outside of a settlement boundary. The Landscape Character Assessment (LSCA) identifies the site and surrounding area as being within the landscape character type ‘ancient plateau farmland.’ The key characteristics of this landscape comprise:

- 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 farmhouses and buildings converted to residential dwellings; and,
- Electricity power lines and substation.

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

7.22 In landscape character terms there is both connectivity with and influences of the open pastoral landscape to the north, east and south but also marginal influence of the Cellarhead sub-station to the east, with the sub-station largely separated by its eastern boundary planting. The overall landscape character is rural pastoral fields. The site is not considered to be a ‘valued landscape’ as defined by NPPF paragraph 174a.

7.23 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which provides a detailed assessment of landscape impact which has in turn been used to inform the landscaping proposals, with the overall strategy being a combination of screening, increased areas of woodland and hedgerow improvement. Indeed, the proposal includes a much larger proportion of land for planting and landscape improvement than for the hard elements of built development.

7.24 By virtue of the significant separation of the site from any other energy infrastructure, coupled with the extensive landscaping proposals, the visual impact of the development would be minimised. Within 15 years of development, the visual impact would be negligible as a result of the new planting becoming well-established. Following removal of all energy

infrastructure after 35 years, the landscaping would constitute a significant enhancement to the landscape character of the site.

7.25 The views of the Council's landscape consultant were awaited at the time of report preparation and a further update will be provided prior to the meeting. However, it is the planning officer's view that whilst some visual harm would arise from the introduction of built development on the site, this harm has been minimised. Policy DC3 requires development to respect and enhance landscape character. The development proposals would not meet this requirement in the short-term. However, it is considered that the significant public benefits, arising from the delivery of infrastructure to support renewable energy and the move to a low carbon future, considered alongside the necessary position of the site within this general area, would outweigh the harm caused.

Access

7.26 The site will be accessed from Armshead Road, in part via the existing farm track / PROW serving Armshead Farm and in part via a proposed new track which cuts south into the southern fields and runs parallel to the existing track. The rationale behind this approach is to retain the existing character of the track / PROW as much as possible, with the new track being well-screened by existing and new planting. This strategy would also reduce impacts on existing mature trees. The existing PROW would be retained.

7.27 The application is supported by a Transport Statement [TS]. This has been considered by the Local Highway Authority [LHA] and found to be suitable, subject to a range of conditions which have been included within the recommendation. The assessment includes consideration of impacts during construction, during operation and upon the wider highway network.

7.28 Subject to the proposed conditions, the development would comply with Local Plan Policies DC1 and T1. Furthermore, the NPPF clearly sets out in paragraph 111 that development should only be refused on highway grounds where it would give rise to unacceptable impacts, whether individually or cumulatively.

Residential Amenity, Including Noise Impacts

7.29 The site comprises agricultural fields, with a number of individual dwellings and farmhouses within 500m, the closest being Armshead Farm immediately adjacent to the site but with barns in the intervening space. The northern extent of the main developed area of Werrington is a minimum of 370m to the south.

7.30 The energy infrastructure will largely be a maximum of 2.4m but with the lighting and CCTV poles being up to 4m. The landscaping will largely screen the proposed development from external views, although parts of the energy infrastructure will be visible, particularly whilst the planting becomes established. The energy infrastructure will be at least 250m from any dwelling. As a result of the screening, size of the development and separation to dwellings, there will be no overbearing or overshadowing impact.

7.31 The application is supported by a Noise Impact Assessment which sets out that the development will give rise to sound impacts which do not exceed the measured background noise levels. Additionally, the assessment demonstrates that the development will not significantly alter the ambient sound in the area, when measured from the surrounding area. This means that whilst sound may be heard from some positions, it would cause any change in behaviour, attitude or other physiological responses. The Environmental Protection team has reviewed the Noise Impact Assessment and agrees with its findings, recommending a

condition to ensure the appropriate levels of noise are not exceeded, thereby protecting the amenity of the area from any changes during the lifetime of the operation of the site.

7.32 The proposal includes external lighting. A condition is proposed to secure submission of full details of the type, position and operation of all external lighting, prior to commencement of development.

7.33 For these reasons, subject to conditions, the proposed development would give rise to no significant harmful impacts on residential amenity, in accordance with Local Plan Policy SD4 and the NPPF.

Flood risk

7.34 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 on the basis that the site area exceeds 1ha. It concludes that with the proposed sustainable surface water drainage strategy, there will be no increase in flood risk to the site or surrounding areas. The strategy confirms that infiltration is not an option due to ground conditions and therefore surface water will be attenuated and discharged into the existing field ditch network, whilst foul water shall be collected in a septic tank.

7.35 The recommendation includes a condition for the submission and approval of full surface and foul water drainage details, to be reviewed by the LLFA. Subject to this condition, the proposed development would comply with Local Plan Policy SD5 and the NPPF.

Ecology and Biodiversity

7.36 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. This national guidance aligns with Policy NE1 of the Local Plan which requires biodiversity to be conserved and enhanced.

7.37 The application is supported by an Ecological Appraisal (including Phase 1 Habitat Survey), a Landscaping Masterplan and a Biodiversity Metric (which sets out the calculation for BNG). The Planning, Design & Access Statement refers to these documents in setting out that the proposed development would result in a BNG of 15.5% for habitat units and 219% for hedgerow units. An amendment to the landscaping scheme made in response to a request from the Wildlife Trust, comprising and extension of an area of linear woodland, means that the actual BNG habitat uplift will be slightly lower but still well in excess of 10% (likely to be approximately 15%). This BNG reflects the extensive proposed planting and habitat restoration and enhancement, clearly meeting and exceeding the policy requirements.

7.38 The site supports birds, bats and other wildlife. Notably, the reinstatement of hedgerows across the site will enhance connectivity and habitat conditions for a range of species within and close to the site. The submitted Ecological Appraisal includes recommendations for further surveys and construction management. This includes restricting any works to trees and hedges to outside of the nesting season. These recommendations are reflected in the proposed conditions.

7.39 Staffordshire Wildlife Trust reviewed the application on behalf of the Council and raised no objection, subject to conditions. On this basis, the proposed development would comply with Local Plan Policy NE1 and the NPPF.

Tree protection

7.40 The site layout has been designed to avoid impact on mature trees and includes planting of new trees, with only the removal of two small sections of hawthorn required to facilitate this strategy. The development would result in a significant net gain of trees. A condition is proposed to ensure protection of all retained trees. The proposed development thereby accords with Local Plan Policy NE2.

Mineral Safeguarding

7.41 Staffordshire County Council confirmed that the site does not fall within the Mineral Safeguarding Area and that the development would not give rise to any relevant impacts.

8. PLANNING BALANCE

8.1 This application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst the proposed development would be inappropriate development within the Green Belt, it is considered that Very Special Circumstances (VSC) relating to the delivery of low carbon and renewable related energy infrastructure, within a necessary location. Based on the significant weight given by national policy to the delivery of this type of development and being mindful of a relevant and recent appeal decision, it is considered that the public benefits arising from the VSC would outweigh the harm caused to the Green Belt. Furthermore, it is considered that the harmful impacts would be reasonably and practically minimised, largely through extensive and well-considered landscaping, although confirmation of this from the Council's Landscape Consultant was awaited at the time of report preparation.

8.2 In addition, the proposed development would result in significant BNG uplift and would result in a net restoration of hedgerows and expansion of linear woodland, thereby assisting in reversing landscape degradation by reinforcing these positive traits of local landscape character.

8.3 Furthermore, the proposed energy infrastructure is temporary for a period of 35 years, whilst the landscaping proposals are permanent.

8.4 Where objections have been raised to the proposals, these objections are not considered to give rise to any materially sound reasons to refuse the proposed development.

8.5 Taking the above into account, subject to the suggested conditions, the proposed development would accord with the relevant outlined policies contained within the Development Plan and would meet the requirements of the NPPF. Accordingly, the application is recommended for approval subject to no objection being raised by the Landscape consultant.

9. RECOMMENDATION

A. Grant delegated powers to the Head of Development Services in consultation with the Chairman to APPROVE subject to no objections from the landscape consultant and 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 (ref: CEL-LP-002 rev A)**
- **Proposed Site Plan (ref: CEL-PP-003 rev B)**
- **Proposed Block Plan (ref: CEL-PP-004 rev C)**
- **Substation (ref:CEL-STD-132kV-202)**
- **Amenity-WC (ref: CEL-STD-AC-500_20)**
- **Amenity-Comms Office (ref: CEL-STD-AC-510_20)**
- **Containerised Inverter (ref: CEL-STD-BATT-INV-380)**
- **Containerised Battery (ref: CEL-STD-BATT-RSU-375)**
- **CCTV Column (ref: CEL-STD-CCTV-307)**
- **Palisade Security Fence (ref: CEL-STD-PF-G-700)**
- **Palisade Security Fence (ref: CEL-STD-PF-G-701)**
- **Switchroom (ref: CEL-STD-SW-140)**
- **Auxiliary Transformer (ref: CEL-STD-TX-160-B)**

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

3. No development shall take place until a Construction Environment Management Plan (CEMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:

- **A site compound with associated temporary buildings;**
- **The parking of vehicles of site operatives and visitors;**
- **Loading and unloading of plant and materials;**
- **Storage of plant and materials used in constructing the development;**
- **Wheel wash facilities;**
- **Mechanical road sweeper for existing carriageway;**
- **Measures to control the emission of dust and dirt during construction; and,**
- **A scheme for recycling/disposing of waste resulting from construction works.**

Furthermore, 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.

The approved CEMP shall be adhered to throughout the construction period.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Local Plan Policies SS1 and SD4, and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and

engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents, the surrounding environment and the functioning of the highway network prior to commencement of any building or engineering works on site.

4. No development, including any site clearance, site stripping, site establishment and formation or improvement of site access, shall take place until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be in full accordance with and include all the indicative landscape plan and proposals measures set out in Section 9.4 and Figure 34 of the submitted Landscape and Visual Appraisal and Green Belt Statement (dated September 2022), subject to the amendment to include new woodland planting and woodland edge planting along the full length of the northern boundary of the field in which the energy infrastructure is to be located, unless otherwise agreed in writing by the Local Planning Authority. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting.

The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved.

The trees and shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of five years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason: To protect the character, appearance and biodiversity of the area in accordance with Local Plan Policies DC3, NE1 and NE2, and the National Planning Policy Framework.

Reason for pre-commencement condition: The suitability of the proposals relies heavily upon the suitability of the landscape impact on the development and therefore, full details must be agreed prior to commencement to ensure that the development will be carried out in accordance with the general principles upon which the decision has been based.

5. No development shall take place until such time that a Landscape and Ecology Management and Maintenance Plan for the life of the development has been submitted to and approved in writing by the Local Planning Authority. It should include the following, although this list is not exhaustive:

- Details of habitat creation and species enhancements;
- Updated BNG calculation using latest Defra metric and UK Habs baseline and post-intervention plans;
- Soil preparation details;
- Appropriate planting/ seeding specifications; and,
- Long-term habitat management plan.

Thereafter, the development shall be carried out strictly in accordance with the approved details.

Reason: To reflect the importance of the soft landscape mitigation proposals for the local landscape character and ecology, in accordance with Local Plan Policies DC3, NE1 and NE2, and the National Planning Policy Framework.

Reason for pre-commencement condition: The suitability of the proposals relies heavily upon the suitability of the landscape impact on the development and therefore, full details must be agreed prior to commencement to ensure that the development will be carried out in accordance with the general principles upon which the decision has been based.

6. No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) that defines the excavation and bund formation processes and provides detailed drawings of the proposed raised earthworks has been submitted to and approved in writing by the Local Planning Authority. 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, in accordance with Local Plan Policies DC3, NE1 and NE2, and the National Planning Policy Framework.

Reason for pre-commencement condition: The suitability of the proposals relies heavily upon the suitability of the landscape impact on the development and therefore, full details must be agreed prior to commencement to ensure that the development will be carried out in accordance with the general principles upon which the decision has been based.

7. Notwithstanding the submitted details, no development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. It should include the following albeit this list is not exhaustive:

- **Detailed Drainage Design:** a detailed version of the surface water drainage layout. The layout should include all pump information, manhole information (manhole ID, diameters, cover levels, invert levels), pipe information (diameter, gradient), headwall information (invert levels), details of any surface water storage (i.e. top level, bank gradient, base levels etc.). Any use of a pumped systems in the drainage design must conform to the requirements of Local Standard N of the SCC SuDS Handbook.
- **Management and maintenance Plan:** Provision of a management and maintenance plan and regime for the site. The plan should include the maintenance arrangement and schedules for the pumping system, the drainage network, control devices and any attenuation. The plan should include a named body responsible for undertaking the management and maintenance of the drainage system over the lifetime of the development.

In addition, the plan should detail the management and maintenance regime for any pumps, including the use of alarms and emergency procedures. The plan should include a named body responsible for undertaking the management of any pumping system to ensure any emergency requirements are undertaken should any pump fail.

Thereafter, the development shall commence strictly in accordance with the approved surface water drainage scheme.

Reason:- To ensure that a satisfactory Surface water drainage scheme is in place and to minimise flood risk and in the interests of biodiversity, in accordance with Local Plan Policies NE1, SD4 and SD5, and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

8. No development shall take place until details of any works to the existing track have been submitted to and approved in writing by the Local Planning Authority. The track shall thereafter be maintained in accordance with the approved details for the operational lifetime of the battery infrastructure.

Reason: In the interests of highway safety and to comply with Local Plan Policy DC1 and the National Planning Policy Framework NPPF.

Reason for pre-commencement: In order to ensure that the existing track is suitable or otherwise made suitable for the proposed construction and operation phases of the development.

9. No impermeable surfaces shall be created until a detailed specification for the design and construction of the new track, compound area and associated parking areas, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The areas shown on the approved plans shall be shall be constructed in accordance with the approved details and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and to ensure the suitable disposal of surface water in accordance with Local Plan Policies SD4, SD5 and DC1, and the National Planning Policy Framework.

10. No development shall take place, including any vegetation, earth moving or removal of hardstanding, until a badger survey to encompass the whole site plus a 30m buffer has been undertaken and the survey report submitted to and approved in writing by the Local Planning Authority. The survey shall provide details of any changes in site usage and the need for any additional mitigation or a licence. The development shall be carried out in full accordance with the approved details.

Reason: in the interest of species protection in accordance with Local Plan Policy NE1 and the National Planning Policy Framework.

Reason for pre-commencement: No ground disturbance shall take place without this work taking place, in order to avoid potential harm to a protected species.

11. 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 and as set out in the submitted Arboricultural Report (ref: 220648-PD-11a, dated September 2022), and these shall be retained in position for the duration of the period that development takes place.

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 trees which contribute to the character and appearance of the area and biodiversity and in accordance with Local Plan Policies DC3, NE1 and NE2, and the National Planning Policy Framework.

12. Within 35 years of the site being brought in to operational use, 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 28 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, in accordance with Local Plan Policies DC3 and DC4, and the National Planning Policy Framework.

13. No external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the full lighting calculations, the position and height of means of lighting on the building or site and its lux plot and luminance, angle of installation and any hoods to be fixed to the lights. Once implemented, the approved scheme shall be retained and maintained as such thereafter.

Reason. To prevent habitat disturbance of protected species, to limit visual impacts on the landscape and to ensure a satisfactory standard of development in accordance with Local Plan Policies NE1, DC3, DC4, SD4 and SS1, and the National Planning Policy Framework.

14. 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); and,**
- No working is permitted on Sundays or Bank Holidays.**

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours, in accordance with Local Plan Policy SS1 and the National Planning Policy Framework.

15. 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, in accordance with Local Plan Policies SS1 and SD4, and the National Planning Policy Framework.

16. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in section 5 of the submitted Preliminary Ecological Appraisal (August 2022).

Reason: In the interests of biodiversity protection, in accordance with Local Plan Policy NE1 and the National Planning Policy Framework.

17. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA 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, and in accordance with Local Plan Policies DC3, NE1 and NE2, and the National Planning Policy Framework.

18. All equipment and built 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 unmitigated or harmful pollution of the surrounding land, air, underground strata, watercourses, human health, or otherwise.

Reason: To prevent pollution and health, in accordance with Local Plan Policies SS1 and SD4, and the National Planning Policy Framework.

19. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found is 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.

Reason: To ensure 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, in accordance with Local Plan Policies SS1 and SD4, and the National Planning Policy Framework.

Informatives

Footpaths

PROW: Public Footpath No.49 Cheddleton Parish runs immediately north of the application site, along an access track from the farm. The granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

If the footpath needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). In such an instance it is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

Trees/shrubs close to highway

Any trees/shrubs/hedging planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

Secure site

The responsibility for safe development and secure occupancy of the site rests with the developer.

Noise

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.

- B. It is proposed that 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.**

