

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16 November 2023

Application No:	SMD/2023/0263	
Location	Land off Draycott Cross Road, Brook Houses, Cheadle	
Proposal	Proposed Development of a Battery Storage System, associated infrastructure and access.	
Applicant	Balance Power Projects	
Agent	Axis	
Parish/ward	Cheadle	Date registered 20/06/2023
If you have a question about this report please contact: Rosie Dinnen rosie.dinnen@staffsmoorlands.gov.uk		

REFERRAL

The proposal is for major development in the Green Belt.

1. SUMMARY OF RECOMMENDATION

Delegate authority to Approve with conditions.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site comprises 1.84 hectares of agricultural land within the Green Belt. The site is situated on the western side of Draycott Cross Road, adjacent to the Hillside Industrial Estate and opposite the Brookhouse Industrial Estate. A public right of way (Cheadle 18) crosses through a small section of the site. The site falls from a high point of circa 166m AOD (south-western corner) in a north-easterly direction to circa 155m AOD (north-eastern corner). Overhead powerline cross the field with one of the lines connecting to a small electricity sub-station on Draycott Cross Road.

2.2 A hedgerow extends along the site frontage and there are two gated field access points along this boundary. A watercourse and a conifer plantation woodland lies to the north-western boundary with allotments beyond. The application site forms part of a wider field that will remain in agricultural use and is undeveloped.

3. DESCRIPTION OF THE PROPOSAL

3.1 The proposed development is for a battery energy storage system (BESS), with access and landscaping. The application seeks permission for 40 years, after which time the battery energy storage infrastructure will be removed from the site. The BESS would connect to the Forsbrook substation (a bulk supply point).

3.2 The battery storage infrastructure comprises two separate compounds:

Southern compound - site area: 3,150sqm:

- 9 battery units battery containers (19m long x 2.7m wide and 3m high) each supported inverter/transformer container (6.1m long x 2.7m wide and 3m high);
- A storage building (12.3m long x 3.9m wide and 4m high) GRP construction with double leaf doors

Northern compound - site area: 3,950 sqm:

- 7 battery containers (19m long x 2.7m wide and 3m high) each supported inverter/transformer container (6.1m long x 2.7m wide and 3m high)
- A storage building (12.3m long x 3.9m wide and 4m high) GRP construction with double leaf doors
- A control room/welfare building (17.1m long x 4.1m wide and 4m high) GRP construction with double leaf doors
- Distribution Network Operator (DNO) room (7.1 m long x 6.2 m wide and 4.0 m high) of GRP construction with double leaf doors.
- Private substation (15.6 m long x 4.0 m wide and 4.0 m high) of GRP construction with double leaf doors and high-level ventilation louvres.
- Auxiliary transformer set within a compound (4.1 m long x 3.6 m wide and 2.5 m high) secured by palisade fencing.

3.3 All the above infrastructure would be set in gravel surfaced compounds which would be secured by 2.4 m high paladin fencing, matching double leaf gates and CCTV cameras would be set on free standing poles 3.4 m high, located at various points within the compounds. A proposed height parameter plan has been submitted with the application which illustrates up to 3.5m high for the BESS/transformers and up to 4.5m high for the other infrastructure, these heights are set as maximum (i.e. worst case).

3.4 The site would be accessed by a new 6m gravel track leading to an existing field gate access on Draycott Cross Road. Within the site, an area of hardstanding will facilitate vehicles to manoeuvre and park. The track would be formed by removing the existing topsoil, laying a geotextile membrane on which a hardcore surface would be laid thus enabling a permeable surface.

3.5 Public Right of Way (Cheadle 18) crosses part of the site and the proposals include removing the existing wooden stile and replacing it with a kissing gate.

3.6 The proposals would require the removal of two trees (Hawthorn and Elder) which lie centrally within the site. The majority of the existing trees are situated around the boundary edge of the site and will be retained. Landscaping proposal are submitted with the application which includes new tree planting along the site frontage and north-eastern boundary. Around the northern compound a broad landscape area of 2,025 sqm is proposed which would be seeded with a woodland mix. Around the southern compound an extensive landscape area of 6,334 sq. is proposed which would be seeded with a wildflower grass mix. On the northern boundary an attenuation basin is also proposed which would be seeded with a marginal mix and a 1,131sqm area seeded with grass sward. A Biodiversity Net Gain Assessment has been submitted with the application.

3.7 The construction phase is predicted to last up to 52 weeks and will be relatively low impact, as the majority of the required equipment will be brought to site pre-assembled ready for installation. To avoid the need to pass through Cheadle, Forsbrook or Blythe Bridge, it is proposed that during the construction phase HGV traffic will approach the Site from the south along Draycott Cross Road. Once operational, vehicular movements will be limited to maintenance staff visiting the site once or twice a month, in vehicles no bigger than a large van. 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 plans and an overarching Planning, Design & Access Statement (PDAS) which includes a summary of the material considerations. The PDAS reviews and appends technical documentation on the following matters: Ecology, Biodiversity net gain, Trees, Noise, Drainage, Transport and Landscape. A Statement of Community Involvement was also submitted which outlines the extent of the applicant's pre-application engagement with key stakeholders and the community.

3.6 The application and supporting documentation and consultation responses can be viewed at

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=170784>

4. RELEVANT PLANNING HISTORY

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

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 and no representations were received.

Tree Officer: Provided some initial feedback on landscaping scheme which the applicant has been taken on board. Officer confirms no objection subject to the following conditions:

1. 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.

2. Other than where removal is directly required to accommodate the approved development, existing trees and hedgerows shall be permanently retained unless otherwise agreed by the LPA.

3. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees and hedgerows to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and these barriers and notices shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. 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 unless otherwise agreed by the LPA.

4. The planting scheme shown on Axis "Landscape Masterplan" Drg. No. 3302-01-L-01 Rev B 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, shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 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.

Environmental Health: no objection, subject to conditions.

1. Construction and Environmental Management Plan:

No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the method and duration of any pile driving operations (including expected starting date and completion date);

III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

IV. the arrangements for prior notification to the occupiers of potentially affected properties;

- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from earth moving and construction activities on the site,
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. 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,
- XIV. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
- XV. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area, amenity of local residents and that of the surrounding area from noise disturbance.

2. Contamination

(a) Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

(b) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

(c) Following completion of measures identified in the approved remediation scheme (b) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of

contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Importation of Soil/Material

No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 3-4):- 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

4. Artificial Lighting

Details of floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.

Reason: To protect the local amenities of the local residents by reason of excess of luminance.

5. Plant and Machinery Noise

(i) The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

(ii) Prior to first use a site specific noise assessment should be completed in compliance with section below and submitted in writing to the LPA for approval.

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

Peak and Northern Footpaths Society: neutral submission.

We note that the PROW Cheadle 18 is within the proposed site.

The applicant recognises this PROW, and we note that a temporary restriction Order may be needed. The use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

Planning Policy Officer: neutral response:

This scheme raises three broad issues: firstly the justification for additional electrical storage capacity; secondly whether the scheme can be considered as a “renewable” installation under para 151 NPPF; and thirdly the justification of the application site for this scheme. It needs to be concluded whether this scheme qualifies as ‘renewable’ under para 151 NPPF: Therefore the submitted case argued to represent VSC should be considered in this context. If not general VSC would need to be submitted to outweigh the harms of inappropriate development in the normal way.

However, it is acknowledged that BESS infrastructure do serve the purpose of improving demand and supply conciliation in the DNO network, which in turn reduces the need for overall additional energy (including renewable and other energy) installed capacity, and has other benefits such as (therefore) reducing the carbon footprint associated with providing new energy generation facilities; costs to the economy of providing additional energy infrastructure, and improving national energy security etc. The Government’s position in NPS1 (see also wider NPSs), and recent strategy documents echo this. Refer also to SMDC Policy C 3 which broadly support improved energy infrastructure (including within the countryside). A view therefore needs to be reached over whether this scheme can be considered as “renewable”, and if so, whether it either contributes to, or represents the full, very special circumstances needed to justify this scheme in this Green Belt location under para 151 NPPF. If not, VSC will be required in the normal way.

Regeneration Officer: neutral comments:

The land in question is currently in Green Belt and is undeveloped with no jobs currently on site. It lies in close proximity to Brookhouse Industrial Estate, New Haden Road, the location of Klarius Products Ltd a large employer.

It is unclear how many operatives will be located on or visit the site nor what skill level they would have. The plans mention a welfare and control room but no indication of jobs created thus it is not possible to estimate the impact of employment or employee spend in the area. Potentially there could be construction jobs but these are unquantified. Potentially there could be learning opportunities with the introduction of low carbon energy installations but these are unquantified. Potentially there could be a local supply or construction supply chain but this is unquantified. A proportion of any business rates income would be retained locally by the district.

SCC Highways: no objection, subject to conditions.

Site Visit Conducted on: 13-Jul-2023

1. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing 3302-01-D01 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
2. Before the proposed development is brought into use details of improvement of the access comprising widening, strengthening and surfacing of the access and return of access to lower standard access once construction period is over, have been first submitted to and

approved in writing by the Local Planning Authority. The access shall thereafter be improved in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

3. Before the proposed development is brought into use, the turning area shown on the approved drawing shall be provided. The turning area shall thereafter be retained for the purposes of turning of construction vehicles for the duration of the construction works.

4. No development shall take place, until a Construction Environmental Management Plan 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 including means of dealing with water runoff;
- vi) mechanical road sweeper for existing carriageway;
- vii) Construction Traffic Management Plan

SCC Minerals and Waste: confirmed no comments to make.

Coal Authority: No objection and they confirm that they concur with the recommendations of the Stage 1 Contamination Assessment that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The following conditions are recommended:

1. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions to secure the above. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Staffordshire Wildlife Trust: no objection, subject to conditions.

The site is in the Woodland and Wetland Habitat Connectivity Opportunity Areas, and is in a semi-strategic area for habitat enhancement. Local priority habitats and wildlife corridors include: semi-natural woodland, watercourses, hedgerows, ponds and marshy grassland.

The site is directly adjacent to the Churnet Valley masterplan boundary. While it is not within a recognised ecological corridor in the Staffordshire Moorlands Green Infrastructure Strategy May 2018, it is very close to corridor 9b River Tean spur, and forms a link between the corridor and existing woodland blocks. The adjacent brook is a tributary of the Tean.

The site therefore has a role to play in enhancing ecological networks and the local landscape, with wooded and wetland habitats a priority.

The submitted Biodiversity Net Gain Assessment Rev A May 2023 by FPCR shows a net gain of 63.54% for habitats and 15.90% for hedgerows, which is welcomed.

Detailed landscaping/ habitat creation specifications can be secured via condition. A management and monitoring plan for at least 30 years should also be secured.

The SuDs solution proposed will be satisfactory from a drainage perspective, but could be designed to better reflect the natural drainage of the site.

The site has a public footpath running through it, which will be retained. Opportunities to enhance infrastructure, signage and path surface quality should be taken. Proposed replacement of the stile with a kissing gate is welcomed.

Severn Trent: No objection

Staffordshire Police Design Officer: General comments raising concerns about security, further details required about the fencing and CCTV installation.

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 The site is located just outside the settlement boundary for Cheadle, Brookhouse Industrial Estate on the opposite side of Draycott Cross Road is within the settlement boundary, as is the majority of Hillside Industrial Estate which the site lies adjacent to. In terms of the site's context, the site is on the periphery of the Green Belt, immediately adjacent to the urban edge of Cheadle, rather than a site encompassed by Green Belt in a wider countryside setting. Nevertheless, the land does meet the purposes of Green Belt tests by preventing unrestricted sprawl and safeguarding the countryside from encroachment.

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. 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, the site is reasonably well contained, with plantation woodland adjacent to the west, a line of trees along the field boundary to the north. A mature hedgerow and trees, Draycott Road and warehouses on the opposite side of the road forming the eastern boundary. The site has in parts an open aspect but it is certainly not extensively open to immediate surroundings.

7.15 Evidently, there would be an incremental encroachment on the openness as a result of the Proposed Development, however the low density, low height development will mitigate this, combined with the proposed mitigation planting as it matures help reduce visual effects results and the perceived openness of the Green Belt. The development is also time limited (40 years) so any impacts are potentially reversible.

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 Landscape and Visual Appraisal (LVA) which sets out that the proposal will have long-term benefits on the appearance of the Green Belt after approximately 10 years once vegetation and trees have established and matured, via enhanced natural landscaping including linear woodland. Furthermore, these benefits would be significantly increased after 40 years when the battery infrastructure would be removed.

7.17 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

7.18 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.

7.19 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.

7.20 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 Forsbrook Bulk Supply Point Substation.

7.21 To justify the development in this location, the applicant undertook a site search exercise and the PDAS explains that a site search criteria of 2.5km and minimum site area requirement of 0.7ha was defined. Within the search area, two non-Green Belt sites were identified:

- land north of New Haden Road (Policy EM1 / DSC4); and
- land to the east of Blythe Bridge (Policy DSR1).

7.22 Both sites have been discounted by the applicant. The New Haden Road is allocated for general employment purposes and enquiries have established that it is not available for development. The Blythe Bridge site is being promoted as premium employment space, the grid connection will require significant physical barriers to be overcome (A50 & A521) and at the present time the site is simply a series of green fields that are detached from other built-up areas. This site has been discounted.

7.23 The Applicant has sought to locate the BESS on the site, for the following reasons: (1) no particular sub-area within the area of search is identified as having a lesser contribution to the Green Belt; (2) part of the site was considered for Green Belt release, due to its limit impact on the purposes of the Green Belt; and (3) the land is reported as being visually well contained within the Review. Finally, the Applicant considers that the Site forms a logical extension to the existing industrial area on the edge of the Green Belt, rather than an isolated urbanising development in the open countryside which could result in a greater degree of encroachment.

7.24 In this regard, it is an essential requirement for the BESS to be proximate to which has the required capacity and connection to export / import the requisite amount of electricity to / from the Grid. Forsbrook is the only BSP substation in the North Staffordshire / Stoke-on-Trent area which has the capacity and connection opportunity to enable the BESS to provide specific balancing / reactive power services to this part of the Grid.

7.25 Members will recall recent planning applications for similar BESS schemes were presented to planning committee for their consideration in June 2023 (SMD/2022/0548: Land Adjacent Cellarhead Substation, Wetley Rock and SMD/2022/0574: Land adjacent to Armshead Farm, Werrington). Similar issues were considered in the determination of these applications as these sites were also in located in the Green Belt.

7.26 Moreover, 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.”*

7.27 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 Forsbrook 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 Slope and Valley Farmlands’. The key characteristics of this landscape comprise:

- Strongly undulating or sloping landscape cut by small scale steep sided stream
- valleys
- Small scale mainly ancient irregular fields bounded by trees and hedgerows
- Extensive views from higher ground
- Intimate wooded valleys
- Stone buildings and drystone walls towards uplands
- Isolated properties
- Narrow winding lanes
- Parklands
- Quarrying

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 The application is supported by a Landscape and Visual Assessment (LVA) which provides a detailed assessment of landscape impact including a Zone of Theoretical Visibility (ZTV) and six viewpoints to assess the visual impact of the proposals. Receptors that are likely to experience views of the proposed development include: local residents, users of public rights of way and road users. The LVA concludes that the proposed development would have limited visibility aside from within the Site itself, from the Public Right of Way and from road users along A521.

7.23 The LVA has 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 40 years, the landscaping would constitute a significant enhancement to the landscape character of the site.

7.25 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 would be accessed from Draycott Cross Road from an existing field access, which will be widened with a new bellmouth junction. The rationale behind accessing the site from the existing access is on the basis that it is positioned in a location that affords good visibility and sufficient distance from New Haden Road junction on the opposite side of Draycott Cross Road. Also utilising the existing access point will result in limited loss to hedgerow and vegetation along the site frontage.

7.27 The application is supported by a Transport Statement which includes traffic survey data, technical drawings detailing visibility splays and swept path analysis. The assessment includes consideration of impacts during construction, during operation and upon the wider highway network. To avoid the need to pass through Cheadle, Forsbrook or Blythe Bridge, it is proposed that during the construction phase HGV traffic will approach the Site from the south along Draycott Cross Road. Once operational, vehicular movements will be limited to maintenance staff visiting the site once or twice a month, in vehicles no bigger than a large van. As such, additional vehicular movements to and from the site associated with the proposed development are expected to be negligible.

7.28 The Transport Statement has been considered by the Local Highway Authority and found to be suitable, subject to a range of conditions which have been included within the recommendation. 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, and is adjacent to industrial uses and there are no immediate residential properties in the vicinity of the site. The nearest properties are Hayden House Farm (c.150m) and Arbor Tree Farm (c. 200m) both are understood to be business premises. Five potential noise sensitive receptors have been assessed in the noise assessment which includes these two properties.

7.30 To understand the prevailing noise conditions included daytime and night time were undertaken to inform the noise assessment. In terms of current noise levels, the ambient sound environment comprises road traffic noise from the surrounding roads. The assessment identifies that the proposal is predicted generate rating sound levels that do not exceed the measured background sound level in the area, thus giving rise to a 'Low Impact'. The assessment demonstrates that the Proposed Development will give rise to noise impacts that would be within the range of No Observed Adverse Effect Level of the National Planning Practice Guidance in England. The noise assessment recommends some mitigation measures:

- Install silencers on the inverters, or de-rating the inverters (over-size the plant design) could be used to ensure that they are never working at their maximum noise emission;
- Face the noisiest outlets on the inverters and batteries away from NSR1; and
- Install the inverters on a plinth with gravel underneath, rather than on a concrete slab, to avoid acoustic reflections

7.31 The Environmental Protection team has reviewed the Noise 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 Given the distance of the residential properties from the application site, the proposal would not result in any adverse impact on residential amenity in terms of overbearing, loss of privacy or noise nuisance. No details of lighting have been submitted with the application and it is recommended that a condition be imposed to ensure it is acceptable. Overall, the proposals are considered to be 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. The EA surface water flood map indicates that the majority of the site has a very low risk of flooding, a chance of less than 1 in 1,000 (0.1%) years. A section through the centre of the site has a low risk of flooding of between 1 in 100 (1%) years and 1 in 1,000 (0.1%) years. The areas identified as being at risk from surface water flooding are located on low spots within the site and would not impact the BESS which would be raised above ground level. As such the risk of surface water flooding poses a low risk.

7.35 At time of drafting, comments from the Lead Local Flood Authority had not been received, any comments received will be provided to Members. It is generally standard practice to include a condition requiring 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, Biodiversity Net Gain Assessment and landscaping plan which details the landscaping and biodiversity improvements. The proposals include new tree planting and extensive landscape areas which would be seeded with a woodland and wildflower grass mix, collectively it would result in a biodiversity enhancement of +61 % gain in habitats and a +15 % gain in hedgerows.

7.38 The Ecological Assessment determined that the majority of the site, comprising improved grassland, is considered to be of low value to the local bat population, although, the hedgerow, scrub and mature trees offer commuting and foraging potential to bats. Seven trees were assessed as possessing features suitable for roosting bats, and the boundary trees, scrub and hedgerow would be habitat for breeding birds. The Ecological Assessment reviewed the site's habitat potential for other species including reptiles, Great Crested Newts, Badger, Water Vole and Otter and concluded that there is no need for any additional surveys.

7.39 The Ecological Assessment recommended a number of biodiversity measures which have been incorporated into the proposed landscape scheme. The majority of the existing green infrastructure, hedgerow, scrub and trees will be retained and will be supplemented by additional planting. Other biodiversity measures installation of bat and bird boxes on existing mature trees.

7.40 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

7.41 The site layout has been designed to avoid impact on mature trees and includes planting of new trees, only two trees will be removed which the tree officer has confirmed is acceptable.

7.42 Conditions are proposed to ensure protection of all retained trees and installation of tree protection measures during construction. The proposed development thereby accords with Local Plan Policy NE2.

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.

8.2 In addition, the proposed development would result in significant BNG uplift and would result in a net restoration of hedgerows

8.3 Furthermore, the proposed energy infrastructure is for a fixed period of 40 years, whilst the landscaping proposals are permanent.

8.4 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.

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 Lead Local Flood Authority 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 (059-PL-ST101UD-001 REV C)**
- **Proposed Plan (059-PL-ST101UD-101 REV C)**

- Proposed Heights Parameter Plan (059-PL-ST101UD-101 REV C)
- Micro siting plan (059-PL-ST101UD-102 REV C)
- Proposed Elevations (059-PL-ST101UD-201 REV C)
- Welfare and Control Room 2 (1:100 dated 19.06.23)
- Storage Room 2 (1:100 dated 19.06.23)
- Private Substation (1:100 dated 19.06.23)
- Inverter & Transformer Skid (1:100 dated 19.06.23)
- Battery Container (1:100 dated 19.06.23)
- Transformer (1:50 dated 19.06.23)
- DNO Room 2 (1:100 dated 19.06.23)
- CCTV Plan (1:50 dated 19.06.23)
- Access Gate Plan (1:50 dated 19.06.23)
- Paladin Fence (1:50 dated 19.06.23)
- Landscape Plan (3302-01-L-01)

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,
- Construction Traffic Management Plan.
- the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- the method and duration of any pile driving operations (including expected starting date and completion date);
- pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- the arrangements for prior notification to the occupiers of potentially affected properties;
- the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- a scheme to minimise dust emissions arising from earth moving and construction activities on the site,
- a scheme for recycling/disposal of waste resulting from the construction works;
- details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- 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 shall 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. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing 3302-01-D01 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: In the interests of highway safety.

5. Before the proposed development is commenced details of improvement of the access comprising widening, strengthening and surfacing of the access and return of access to lower standard access once construction period is over, shall have been first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be improved in accordance with, the approved drawings before the construction commences and returned to a lower standard prior to the development being brought into use

Reason: In the interests of highway safety.

6. Before the development commences, the turning area shown on the approved drawing shall be provided. The turning area shall thereafter be retained for the purposes of turning of construction vehicles for the duration of the construction works.

Reason: In the interests of highway safety.

7. 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 shall include the following, although this list is not exhaustive:

- Details of habitat creation and species enhancements;
- Updated Biodiversity Net Gain BNG calculation using latest Defra metric and UK Habs baseline and post-intervention plans;
- Proposals to achieve BNG
- Soil preparation details;
- Location of species habitat features

- **Appropriate planting/ seeding specifications;**
- **Footpath infrastructure**
- **Timetable for implementation**
- **Long-term habitat management plan (30 years).**

Thereafter, the development shall be carried out and subsequently managed strictly in accordance with the approved Landscape and Ecology Management and Maintenance Plan and timetable.

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.

8. No development shall commence until details of a scheme for the disposal of foul surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme of surface water disposal has been implemented to the satisfaction of the Local Planning Authority

Reason: To ensure satisfactory disposal of surface water from the development, and in the interests of ecology

9. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.

Reason: In the interests of visual amenity and biodiversity

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and biodiversity

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 (Urban Green dated February 2023), 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. Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme (b) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

13. No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by 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

14. Details of floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.

Reason: To protect the local amenities of the local residents by reason of excess of luminance.

15. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

(ii) Prior to first use a site specific noise assessment should be completed in compliance with section below and submitted in writing to the LPA for approval.

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

16. Within 40 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.

17. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

18. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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/informatives/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.

