

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

29th February 2024

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| Application No: | SMD/2022/0076 | |
| Location | Land Off Bemersley Road Brown Edge Staffordshire | |
| Proposal | Construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure. | |
| Applicant | Anesco | |
| Agent | Barton Willmore | |
| Parish/ward | Brown Edge | Date registered 4/3/22 |
| If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffs Moorlands.gov.uk | | |

REFERRAL

This is a major application which has attracted significant local interest

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is a greenfield site situated outside of a settlement boundary in open countryside. It is also within Green Belt. The site extends to approx. 1.85 hectares and is currently laid as pasture land. It lies on the lower eastern-facing slopes of the valley formed by the River Trent, between the settlements of Ball Green, approx. 250m to the south-west and Brown Edge which is approx. 1km to the east and on an elevated plateau. The site is surrounded on all sides by agricultural fields which also separate the site from Bemersley Road. Boundaries are a mix of native hedgerow and trees and post and wire fencing.

2.2 A new access is proposed to serve the site from Bemersley Road. It will require the removal of some of the existing hedging.

2.3 The main body of the site has an appreciable level change as it falls eastwards. Plans submitted show that the access road enters the main body of the site in the south west corner and from here runs north eastwards across the slope, meandering down to the substation compound. Sections show that the battery containers sit on a series of level platforms creating a terrace effect down the valley side. The containers are shown raised from the plinths by 0.4m on 'legs'. The applicant has clarified that this is due to the cable entry for the containers being at the bottom and therefore the cable trays pass under the cabinets

Public Footpaths Brown Edge 6 and 13 (part of the Staffordshire Moorlands walks) lie closest to the site to the east. Brown Edge 8 lies further to the east/south east.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full application for a battery storage facility capable of importing and exporting approx. 49.35 MW of electricity

3.2 The key elements of the proposal are as follows:

- 11 Battery containers 9.33m by 1.71m by 2.59m
- 11 MV stations 2.9m high, 6.6m long and 2.4m wide to be painted green
- A 132kV substation compound, with a maximum height of 5.5m, with a District Network operator (DNO) substation (up to a height of 3.75m),
- Customer substation (approx. 13.8m by 3,24m by 2.9m)
- DNO substation
- A new access onto Bemmersley road and access track leading to the compound
- Fencing. The battery compound will be enclosed with 2m high deer fencing which comprises of timber posts and wire mesh, whilst the 132kV substation will be enclosed with palisade fencing, 2.4m in height which is said to be required for safety and security purposes and also stock proof fencing.
- Acoustic fencing of 3.5m in height surrounds the battery compound. This is shown on the updated Noise report but not on the Site layout plan
- A security beam system will be installed around the fence perimeter. The security beams will be approximately 1.2m off the ground and will employ laser technology so no artificial lighting will be required.

3.3 The point of connection is at the Chatterley Whitfield substation which is approx. 2km to the north west. The route of the cabling from the application site to this substation is unknown. The applicant says the DNO is responsible for this part of the proposal and carries out such work under permitted development

3.4 It is said that construction of the site will take approximately 36 weeks with 4-5 commercial vehicles on average anticipated to visit the site daily. The battery banks, substations and other construction materials will be delivered to site using 16.5-metre-long articulated lorries. Once constructed, access to the BESS will typically generate one van accessing the application site twice a month i.e. two two-way vehicle movements per month. The site will be accessed during the operational phase by engineers for maintenance works including maintaining hedgerows and mowing the grass. There will be no onsite office or permanent staff on the site, and those attending will do so utilising small vehicles such as transit vans

3.5 It is intended that the BESS will have a lifespan of 40 years. At the end of its operational life, the infrastructure will be removed from the site, and the field will be returned to its previous condition.

Revised Plans

3.6 May 2023 - revised plans were submitted. These rotated the battery containers through 90 degrees albeit the containers themselves remainder similar in size. The scheme continues to occupy a similar position on site to that initially shown, although covering an overall area approx. 25% larger than previously, and extending slightly higher (west) and lower (east) over the field.

Plans Considered

| | | |
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| Location and Block plan | C0002462_03 | Rev C |
| Site Layout | C0002462_02_PL | Rev E |
| Single line diagram | C0002462_07 | Rev B |
| ESS Container and LV Substation plans and elevations | C0002462_04 | Rev B |
| Access track sections | M0002308_04 | Rev A |
| Ground levelling elevation | C0002462_10 | Rev A (To be updated) |
| 132kw Substation plan and section and fence detail | C0002462_06 | Rev C |
| Customer substation plan | C0002462_08 | Rev A |
| Typical fence detail | C0002462_09 | Rev C |
| Landscape Strategy Plan | 33489 | Rev D |

The application, supporting documents, comments and representations can be viewed at

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158884>

4 RELEVANT PLANNING HISTORY

SMD/2021/0691 Request for Screening opinion for proposed battery storage facility.
Negative opinion issued

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
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD 5 Flood risk
- DC1 Design Considerations
- DC2 Heritage
- DC3 Landscape protection
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

National Planning Policy NPPF

National Planning Policy Guidance

6 CONSULTATIONS CARRIED OUT

Press Notice expiry date: Expired
Site Notice expiry date: Expired

Local residents have been notified by letter.

72 neighbour representative received, 71 neighbour objections and 1 letter of support

Objection

- Inappropriate development in the Green Belt. The Green Belt is for the protection of flora and fauna. Will disturb a place of natural beauty. Contrary to NPPF's aim to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- Visually intrusive to walkers and horse riders.
- Not in accordance with the local planning framework.
- Impact to ecology. Natural corridor through the River Trent from Knypersley reservoir to the city. The land also has feeders that connect to the Caudon Canal.
- Traffic Management Plan inaccuracies. Norton lane has weight restriction signs 7.5ft
- No special circumstances for the proposal. The applicant claims there are no suitable sites for his development other than in the Green Belt. However, there are brown field sites surround the Chatterley Whitfield colliery site, next to the substation that this site will go to connect into. There are brown field sites situated less than a mile away (850m away from site).
- Severe impact of the local highway network. Bemersley road is a minor and narrow road with a weight restriction on vehicles. 4-5 HGV's using Bemersley road during the construction phase for 8 months will have a severe impact on the highway and vehicle users. Increase possible vehicle accidents and noise disruption. Contrary to NPPF's aim. The road serves the main village shops, children's park and doctor's surgery as such, already a well-served road. Existing road is in need of maintenance; It will add to the potholes and road works on this main road. The proposal is not needed in this area.
- Noise impact. The noise assessment states there will be adverse impact on those in the NSR2 location in the day and significant adverse impact at night as noted in Table 5.1 and 5.2. The report is misleading and unacceptable as it states no further consideration of mitigation is warranted at this time. The noise pollution will affect residents and not characteristic for the area.
- Impact on the residents of Ball Green. Proposal does not consider this village
- Flood risk management states planning permission should not be granted until a drainage strategy has been provided. This has not been addressed since March 22.
- Inconsistency of plans. Staffordshire Police are unclear with where the applicant's fence proposals. Raises concerns with accuracy of other aspects of the application. Ball Green is a suburb not a village. Chatterley Whitfield Colliery is not protected by fences, the site is regularly breached by vandals who have caused considerable damages to the building and the mining museum.
- Storage of electricity is not increasing the production of energy from renewable sources. The storage of electricity which is taken from the National Grid and then sold back to the National Grid is not increasing the production of energy from renewable sources.
- Health risks. Any serious incidents such as fire or explosions will be a danger to the public. Battery storage units and related equipment are well documented to be a fire hazard. Any fire would cause irreparable damage and pollution to the River Trent and Caudon Canal. Potential of releasing toxic gases which is a danger to the public and increases pressure on

emergency services. A permanent roadway for emergency vehicles is required to the site due to the nature of the proposal. A source of water is also required.

- There are also two primary schools within close proximity. One in Ball Green and other in Brown edge. Affect school children navigating the narrow pavements running this length of the road
- Lack of screening. Takes 15 years for planting to screen development
- Lack of risk assessment.
- Loss of hedgerows goes against Policy NE2 in the Local Plan. Development does not outweigh the loss of hedges. Native birds rely on the hedges that are to be removed.
- No appropriate level of consultation carried out. No statement of community involvement have been provided. Local residents have not been offered the opportunity to comment on the proposed development by the applicant/agent. Leaflets by developers are not acceptable
- Developer's lack of experience. Anesco has only constructed seven or eight such BESS units and therefore does not have the experience to demonstrate a record of safely maintaining and monitoring such sites. No experience of how to safely decommissioned after 40 years. The developer has not visited the site.
- BESS is not a source of green energy. Against Green Belt policy.
- No temporary. It is inevitable after 40 years that there will be irreversible damages to the land.

Support

- A form of renewable energy. Better than diesel generators that prop up the NGrid

Brown Edge Parish Council

Object to the application on the following grounds:-

- The development is proposed in the Green Belt and additionally contributes as Urban sprawl into the Vale between Stoke-on-Trent and Brown Edge on the border of the Staffordshire Moorlands. This green space identifies the start of the Moorlands District and is what makes the region special. It is start of the Staffordshire Moorlands characteristic landscape.
- The Battery Storage proposed location is in the proximity to the River Trent, which would mean the spread of any pollution which could potentially occur. This would be a serious threat to ecology along the Trent river course through Norton Green and into the Potteries and beyond.
- The location of the proposed development is of a low elevation, meaning it will be visible and unsightly for many years to come for residents in Brown Edge, as vegetation will take a long time to grow. It would be out of character with the surrounding farmland in the valley.

Environmental Health Officer

First response (May 2022)

Recommends refusal due to the significant potential for adverse noise impacts to be caused to existing residential properties in the vicinity of the development site. In addition the Council generally recommend that plant and machinery noise in new developments does not increase background sound levels. It would not be possible to comply with that advice based on the assessment predictions in the submitted Noise Assessment

Second response (October 2022; clarified March 2023) relating to Technical note from BWB ref AD/Environment/MCA2212

Recommends refusal

Advises that the applicant has provided updated information and clarification to the earlier submitted Noise report. The additional information contains mitigation to reduce noise impacts.

Advises that this development from a noise perspective is industrial in nature, it has the potential to introduce a low level industrial noise into an area with current low evening and night time sound levels. Although the nearest residential properties are reasonable distances from the site the noise impacts are predicted to be significantly adverse. The predicted operational night time noise impact levels will exceed current background sound levels by +10db at 5 Woodhouse Lane and Old Woodhouse Farm, +12 dB at 276-278 Bemmersley Road and +17dB at 1 Heather View (though our calculation indicates a +13dB at 1 Heather View). The predicted rating level when measured at Noise Sensitive Receptors which is the noise impact level plus any acoustic feature will be approx. 34 - 35dB. This could be considered relatively low for industrial noise and if this development was in an industrial estate for example then our concerns would be different. But this is a rural/residential area which as table 2.2 shows has very low background sound levels approx. 22-25dBA. If this development is granted permission then based on the predictions in Table 2.2 of the technical note 17th August 2022 the noise environment for the nearest residential properties will change in the evening and at night.

The applicant argues context should be considered for low background levels ref BS4142:2014 which could be accepted if this was a primarily mixed use industrial/residential area but it is not, it is a rural/residential area and it is our opinion these should be protected as per the Noise Policy Statement of England.

The applicant also submits this development would not compromise the internal sound levels and would be compliant with BS8233:2014 Guidance on Sound Insulation and Noise reduction for Buildings. This is correct but the primary concern here is for external areas. The nearest residents as assessed under NSRs 1-4 currently enjoy low background sound levels in their outside living spaces in the evening and at night. This development could introduce a low level background industrial noise into their outside living spaces. Background levels according to figures B1 and B2 of the main noise impact assessment show that from approx. 18:00 to 07:00 background sound levels at receptor properties reducing to approx. 30-32dBA. It is our opinion these should be protected where possible. Argument could be made that external night time levels are not relevant when so low but residents should be able to enjoy quiet evenings in their gardens as currently exist.

In consideration of the area in the immediate vicinity of the site although not a primary Environmental Health consideration it would be worth noting this is rural in nature with no commercial/ industrial units close by so our expected night time sound levels would be extremely low, as per NSRs1-4 or lower. The noise in the immediate vicinity of the site according to the noise contours will be 50-60db while operating, this is not consistent with a rural area at night and would be typical of a night time industrial unit in operation.

In summary this development does not appear appropriate for this location. It will potentially emit a noise which is not characteristic for the area. It will position loud industrial plant in agricultural fields and certainly according to the noise assessment change the noise environment for a significant number of local residents. The levels of noise will be low but would be noticeable especially on still evenings and nights.

Third response (dated 30th January 2023) responding to revised Noise Assessment MCA2212 September 2023

Recommends refusal

1. The updated Noise Assessment includes a mitigation scheme in section 6. This appears to reduce noise impacts at the boundary during night time hours to approx. 50.0-54.9 dBA. This results in the BS4142:2014+A1:2019 assessment in Tables 6.1 and 6.2. The predictions indicate daytime operational noise impact levels would not adversely impact daytime sound levels and would comply with the standard environmental health condition but significant night time exceedances remain at all NSRs and so the standard condition would not be met. This is likely to cause an audible noise outside the properties during the evening and night.
2. The assessment in 6.10 makes the point that during the night residents are likely to be inside their properties and so are less likely to be adversely impacted by noise from the site. The requirements of BS8233:2014 Guidance on sound insulation for buildings would be readily complied with.
3. It is noted there is no noise penalty applied despite the report clearly predicting noise levels exceeding background by up to 13db and the introduction of plant noise into a rural low background noise location.
4. Based on the latest acoustic report, if this development is permitted it is unlikely normal residential amenity will be significantly adversely impacted inside properties but there will clearly be a new industrial type noise audible in the vicinity of the site and outside some residential properties during the evening and night.
5. Many of the points set out in our 21st March 2023 comments remain valid especially the use of gardens in the evening and the introduction of an industrial type noise into a rural area. This does appear to be an industrial type development being placed into a rural area.

Trees and Woodland Officer

First Response dated 24th January 2023

Objects on the grounds of harmful effect on the character and appearance of the landscape and adverse visual impact. Means of connection to the P.o.C. substation do not appear to be detailed, with attendant uncertainties over any associated further landscape/visual impact.

Second response dated 20th February 2024

Maintains his previous objection to this application on the grounds of harmful effect on the character and appearance of the landscape and adverse visual impact. Amended and updated details are not considered to demonstrate that the proposed development should be considered appropriate and acceptable on landscape and visual impact grounds.

Local Highway Authority

Recommendation Summary: Conditional

Site Visit Conducted on: 16-Mar-2022

CONDITIONS

1. The development access hereby permitted shall not be brought into use until the visibility splays shown on plan 2110063 01 A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.
2. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 15m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
3. Any gates shall be located a minimum of 5m rear of the highway boundary and shall open inwards, away from the highway.
4. No development shall take place, until a Construction Traffic 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;
- vi) mechanical road sweeper for existing carriageway

5. The access to the development hereby permitted shall not be brought into use until details of the proposed access including precise location; width at channel and at 5m, 10m and 15m in; detail of interface with carriageway; construction detail have been submitted to and approved in writing by the Local Planning Authority.

Development shall thereafter be carried out in accordance with the approved details and be completed prior to use for construction.

REASONS

ALL To comply with NPPF Paragraph 109; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

IMPORTANT INFORMATIVES TO BE INCLUDED ON DECISION NOTICE

The construction of the bellmouth access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
Highways Agreements - Staffordshire County Council

NOTES TO PLANNING OFFICER

Swept path drawings show access constructed as a kerbed bellmouth. This will require Highway Works Agreement with Staffordshire County Council. These drawings also show the 'Site Access' in a different colour, but it is not clear what this represents.

Kerbed bellmouth may be appropriate for the construction phase but may be greater than required for the operational phase. Developer should consider and confirm their requirements.

Transport Statement has been submitted which reasonably addresses transport and access issues. Reference is made to a Construction Traffic Management Plan. This should be prepared and submitted.

Local Lead Flood Authority

Initially objected to the application due to lack of a detailed drainage strategy including site level information, information to demonstrate a viable point of discharge and details of the capacity of the ditch and new culvert.

Following the submission of a detailed drainage strategy from SLR dated 30th November the LLFA have lifted their objection and raise no objection subject to conditions

Environment Agency

Standing advice provided

Staffordshire Wildlife Trust

No objection subject to conditions to secure a detailed landscaping plan including soil placement/ preparation and amended habitat creation details, a minimum 25 year habitat management and monitoring plan, including updated BNG metric, a surface water drainage scheme and species protection measures as recommended in the EclA

Coal Authority

Although the site falls within a Development High Risk Area, advise that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Severn Trent Water

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

Stoke City Council

No response received

Fire Service

Comments to be reported at the meeting

7 OFFICER COMMENT AND PLANNING BALANCE

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

Principle

7.2 The application site is a greenfield site which lies within the Green Belt. The applicant agrees that the proposal represents inappropriate development in the Green Belt because it does not relate to any of the exceptions set out in the NPPF.

7.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, the NPPF says that LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.4 Paragraph 151 says that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. It says such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

7.5 In this case, in addition to definitional harm there would be harm to openness, the essential characteristic of the Green Belt. This would arise from the concentrated nature of the proposal which would appear urban and industrial amounting to a series of batteries/containers which would sit on engineered level platforms, terraced down the valley, a 132kw compound, access tracks, hard surfacing, 2.4m high palisade fencing and 2m high perimeter fencing and 3.5m acoustic fencing. The NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. There would also be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green belt harm would be significant

7.6 The applicants have set out a case for very special circumstances which in their view outweighs the harm. This is considered more fully in the Green Belt Balance And Conclusion below

7.7 For the reasons above however it is concluded that significant harm to the Green Belt would occur. The Framework states in paragraph 148 that substantial weight should be given to any harm to the Green Belt. On the face of it therefore, there is conflict with Policy SS10 and the NPPF.

Access

7.8 A new access is proposed onto Bemersley Road. The site access will be 4m in width with visibility splays of 2.4m by 78m in both directions. The access will need to be in a bound material for at least the first 15m to comply with requirements of the LHA. Beyond this the Agent advised the surface would be crushed stone/rock. A Transport Statement (TS) and Construction Management Plan (CMP) accompany the application, the latter with measures to reduce potential disturbance from HGV's on the highway network during construction.

7.9 The application documents indicate that the site access will be large enough to cater for the maximum length of articulated lorries (16.5m) using the site during construction. It is said that it will be the sole access to the site during the construction period and for the limited access required when the site is operational. It further says that a banksman will be used to help HGV deliveries arriving and departing the site when required and that no vehicle parking, loading or unloading will take place within the public highway or along the access route. An unloading/parking area is indicated in the CMP in the south west corner of the main body of the site. It is assumed that this would be a temporary arrangement but this is not confirmed. The TS concludes that the development would lead to an increase in traffic movements of 4-5 two-way vehicle movements per day. Changes of this magnitude it says would have a de minimis impact on highway capacity and no residual traffic impacts are identified.

7.10 The application and supporting documents have been reviewed by the Local Highway Authority who accept the conclusions of the applicant in terms of impact on the highway network and raise no objection to the application subject to conditions. With these in place there is compliance with relevant parts of DC1 and the NPPF

Residential amenity including consideration of noise

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

7.12 The application is accompanied by a Noise Impact Assessment (NIA). It identifies the nearest Noise Sensitive Receptors (NSR) as 276-8 Bemersley Road (NSR 1), 1 Heather View (NSR 2), 5 Woodhouse Lane (NSR 3) and Old Woodhouse Farm (NSR 4).

7.13 The Environmental Health Officer initially objected to the application. In response to these initial and subsequent concerns, the applicant has provided a number of updated documents as follows:-

- a) a letter dated 26th July 2022 from BWB
- b) a Technical Note dated 17th August 2022, also from BWB. The updated information refers to further modelling undertaken and to mitigation in the form of a 1.5m acoustic barrier around the proposed batteries (see Fig 2.2 of the Technical Note).
- c) an updated Noise Assessment dated September 2023 prepared by BWB. This includes a 3.5m acoustic barrier around the battery compound (Figure 5.1 of the NA)

7.14 The EHO has carefully considered this further information and mitigation. However he maintains his objection and recommends refusal of the application. He says that daytime noise levels are unlikely to cause significant concern. His primary concern is for external areas during the evenings and at nighttime. The nearest residents (NSRs 1-4) currently enjoy low background sound levels in their outside living spaces in the evening and at night. He refers to the updated Noise Assessment (September 2023) which includes a mitigation scheme in Section 6 to address the significant adverse impact it predicts at all NSR's at night time (see Table 5.2). The mitigation takes the form of a 3.5m absorptive acoustic barrier around the battery compound (see Fig 5.1). The EHO says this appears to reduce noise impacts at the boundary of the site during night time hours to approx. 50.0-54.9 dBA and results in the BS4142:2014+A1:2019 assessment in Tables 6.1 and 6.2. What this shows is that predicted operational noise impact levels would not adversely impact daytime sound levels and would comply with the standard environmental health condition. However significant night time exceedances remain at all NSRs and so the standard condition would not be met. In his view this is likely to cause an audible noise outside the properties during the evening and night.

7.15 The Noise Assessment in para 6.10 makes the point that during the night residents are likely to be inside their properties and so are less likely to be adversely impacted by noise from site and that sound insulation can be complied with. It concludes that with mitigation the resultant impact is considered to be 'low' and that all internal criteria can be achieved at all NSRs during the daytime and night time periods

7.16 The EHO however maintains his view that based on the updated Noise Report, if this development is permitted whilst it is unlikely normal residential amenity will be significantly adversely impacted inside properties, there will clearly be a new industrial type noise audible in the vicinity of the site and outside some residential properties during the evening and night.

He says that although the nearest residential properties are at reasonable distances from the site, the noise impacts are predicted to be significantly adverse at night time. He says that if this development was in an industrial estate, for example, then his concerns would be different. However it isn't. This is a rural/residential area which as the Noise Assessments show has very low background sound levels at night time of approx. 22-25dBA. He says this proposal will change the noise environment for the nearest residential properties in the evening and at night. The applicant says that internal sound levels would not be compromised and would be compliant with BS8233:2014 Guidance on Sound Insulation and Noise reduction for Buildings. Whilst this may be true, the primary concern here is for external areas. The nearest residents (NSRs 1-4) currently enjoy low background sound levels in their outside living spaces in the evening and at night. This development could introduce a low level background industrial noise into their outside living spaces. Argument could be made that external night time levels are not relevant when so low but as the EHO points out, residents should be able to enjoy quiet evenings in their gardens as currently exist. He also maintains his concern that the NA has not imposed a noise penalty (acoustic feature correction).

7.17 In terms of the impact on the sound environment of the area more generally, the EHO also points out that this area is rural in nature with no commercial/ industrial units close by so expected night time sound levels would be extremely low, as per NSRs1-4 or lower. The noise from the development in the immediate vicinity of the site according to the noise contours in the Technical Note would be audible This is not consistent with a rural area at night and would be typical of a night time industrial unit in operation.

7.18 In conclusion the proposal will potentially emit a noise which is not characteristic for the area. It will position loud industrial plant in agricultural fields and certainly according to the Noise Assessments change the noise environment for a significant number of local residents

because background sound levels are low. The levels of noise will be low but would be noticeable especially on still evenings and nights. Noise in outside living areas (gardens) will be likely audible based on the predictions. The increase in night time noise levels will vary from +11db to +13db. He advises that these are significant levels of noise increase although at relatively low levels.

7.19 In light of the EHO's concerns, there is conflict with relevant parts of Policy SD4 and DC1 and the NPPF which seek to protect the amenity of residents and ensure that any adverse effects from noise pollution can be adequately mitigated.

Landscape and Visual impact

7.20 The application was originally accompanied by a Landscape and Visual Impact Assessment prepared by Barton Willmore and dated February 2022. This was superseded during the course of the application by a Landscape and Visual Impact Assessment by Stantec dated October 2023 and a revised Landscape Strategy Plan (Rev D) to try and address concerns raised by the Trees and Woodland Officer and also to reflect the minor change to the layout of the site. The updated LIVIA concludes that the site has capacity to accommodate the proposed development without unacceptable long term effects on landscape character and visual amenity. It considers that the mitigation put forward will also provide some long term beneficial effects.

7.21 In terms of landscape effects, the updated LIVIA confirms that the site will require reprofiling and as such this will, it says change the topography within the southern part of the site. It concludes that for the site itself the magnitude of landscape effect would be Minor adverse at Year 1 and will remain so after 15 years. Beyond the Site it says that the scale of the development will result in barely perceptible direct adverse effects on an extremely small extent of the Landscape Character Type due to the nature and scale of the proposals with barely any change to the open rural character perceived from higher ground to the south west. The development it says has a restricted height, unsubstantial massing and emits little noise, smells or perception of activity, which further limits the potential for adverse effects. It also is provided with a degree of screening from the surrounding mature vegetation structure and this provides a strong degree of enclosure and separation from the immediate setting to the north and the local and wider landscape to the south and west, limiting the potential for widespread intervisibility. It assesses the landscape effect to be Negligible Adverse at Year 1 and once the landscape strategy has matured the influence and visuality of the proposals would further reduce. This would result in adverse effects reducing to Negligible Adverse / Neutral by Year 15.

7.22 In terms of visual effects, the applicant's updated LIVIA now includes three Site appraisal photos A – C , Site context photographs, 1-17 and 5 photomontages depicting the proposed development 15 years after completion in the five specific locations identified by the Trees and Woodland Officer in his first response. The LIVIA concludes that the visual effects as a result of the loss of the open field would be moderate adverse. However for the visual receptors considered it says these would experience minimal adverse effects, ranging from neutral to minor adverse at Year 1

7.23 The following mitigation is proposed and shown on the Opportunities and Constraints Plan, Fig 6 and Landscape Strategy Plan, Fig 7 of the LIVIA:-

- a) A comprehensive hedgerow improvement strategy including reinforcement of existing hedgerows and replanting of remnant or 'gappy' field boundaries with an appropriate species rich native planting palette.
- b) Provision of a new native hedgerow,.

- c) Native hedgerow tree planting will be established within both existing and proposed native hedgerow.
- d) Provision of an area of scrub vegetation interspersed with scattered trees within the eastern part of the Site and
- e) Creation of wildflower meadow grassland, totalling approximately 8400sqm, within and around the Proposed Development,

7.24 The site lies within the Landscape character type of Ancient slope and valley farmlands in the Council's Landscape Character Assessment. Key characteristics of this landscape type include the following

- 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

7.25 In landscape character terms the site is considered to be influenced by the surrounding pastoral valley landscape albeit that it is not considered to be a 'valued landscape' (para 174a NPPF).

7.26 The Trees and Woodland Officer has considered the application. He initially objected on grounds of harmful effect on the character and appearance of the landscape and adverse visual impact. He has considered the updated LIVA and updated Landscape Strategy Plan and maintains his objection. In his view the amended and updated details do not demonstrate that the development is acceptable on landscape and visual impact grounds.

7.27 In terms of landscape effects the proposal will effectively turn this greenfield site into an industrial compound. The proposals are not considered in keeping with the wider sloping pastoral landscape of the landscape character type of the Ancient slope and valley farmlands

The Trees and Woodland Officer comments that whilst views into the site from the west (Bemersley Road) are prevented due to the slope of the land, there are several fixed and continuous linear viewpoints to the east/north-east/south-east of the site from which clear open views of/into the site are readily available. In this respect the applicant's LIVA is considered to somewhat downplay the likely visual impact of the development. He particularly notes the following:-

Marshes Hill Common toposcope viewing point

7.28 This viewpoint is to the north east of the application site and is located on part of the Staffordshire Moorlands Walk promoted route: "Brown Edge Green Vale"). The application site is notably visible from here. Whilst the Potteries conurbation is also visible in the background, the site forms part of the attractive rural landscape of the valley. This is a local destination specifically visited to appreciate the extent and quality of the view to the west, and as a starting/finishing point for countryside walks. The development proposal itself is not particularly large scale, but nonetheless even at this distance (c.1.9km) the formally laid out massed electrical installations, palisade security fenced compound, hardstanding and site access track from Bemersley Road, all located on the sloping opposite valley side would create an incongruous feature of industrial character having a harmful impact on landscape

character and visual amenity. Due to the sloping landform of the site, the elevated viewpoint and the main development concentrated on the central section of the field, the main proposed planting area at the bottom of the field would be ineffectual in screening the development, and it would be likely to remain in view as an incongruous feature for its whole lifespan.

7.29 The updated LVIA assesses the magnitude of change on this viewpoint as being Very Small, and the visual impact as being only negligible adverse. It is considered that this downplays the sensitivity of the viewpoint receptor at this location, and the importance of the views; whilst the landscape change would affect only a small part of the wider view, that change would be notably incongruous and not significantly offset by existing urbanising influences of the conurbation and pylons beyond. The Trees and Woodland Officer considers that the high receptor sensitivity combined with a greater magnitude of change than is credited in the LVIA would result in a low-moderate adverse impact which would not reduce over time.

Church Road, Brown Edge village to the north east of the site

7.30 This is also an elevated viewpoint from the main road within the village circa 1.4km from the site. However there is a clear uninterrupted view of the site. Again the conurbation is visible in the background, with nearby pylons just breaking the skyline, but the site is clearly separated from these influences and reads as part of the rural landscape separating the city from Brown Edge village. Again due to the sloping site, lower level of the new planting area and relatively elevated viewpoint, it would be many years before the new planting began to have any noticeable screening effect on the lower parts of the development. The proposal would have an incongruous industrialised impact on the character of the site and the view.

Staffordshire Moorlands Walk (promoted route: "Brown Edge Green Vale"), on Public Footpath No. Brown Edge 13 at Woodhouse Lane directly to the east

7.31 This viewpoint is at the point where the promoted walking route crosses Woodhouse Lane, at approximately similar elevation across the valley at c.330m distant. The conurbation is hidden beyond the rising landform, so apart from the prominent pylon and three isolated dwellings this is an entirely rural scene. There is a clear view of the site, although existing mature trees along the river filter direct view of much of the developed site. This screening effect would be noticeably greater in the growing season when the trees are in leaf. In the medium term, say 10 years or so onwards after planting, the proposed new planting area at the bottom of the field would also add further density to existing screening from this perspective. Nonetheless, on the northern half of the main body of the site the meandering track would be in clear view, and the approach track from Bemersley Road coming down from the brow of the hill would also be prominent.

Staffordshire Moorlands Walk (promoted route: "Brown Edge Green Vale"), on Public Footpath No. Brown Edge 13 approx. 125m north-west of Woodhouse Lane, Grid Ref: 389664, 353216, directly to the east

7.33 Similar to the above viewpoint and approx. 250m from the site but at slightly lower elevation. The existing riverside mature trees would have a greater screening effect in this view, with new planting contributing to screening density at a slightly earlier stage. The access track off Bemersley Road, and partly within the main body of the site, would remain in prominent view for the lifespan of the development.

Staffordshire Moorlands Walk (promoted route: "Brown Edge Green Vale"), on Public Footpath No. Brown Edge 6 approx. 125m south of Woodhouse Lane, Grid Ref: 389725, 353009 – to the south east of the site

7.34 This viewpoint is approximately 285m from the site, with the slightly elevated viewpoint meaning that much of the electrical installations, together with the access track, would remain in view over the top of existing mature trees along the river, with the new planting at the bottom of the field making little screening contribution even when well-established years after planting. Again pylons are intrusive on the skyline, but otherwise this is a rural scene and the industrial character of the development would be incongruous and intrusive.

7.35 The sensitivity of these viewpoints along Public Footpaths 6 and 13 would again be higher, this being a specific countryside walk route promoted to experience and appreciate the local landscape. At such close range, despite some existing screening, the magnitude of change would affect a more significant proportion of the views, with some reduction over time as new planting gradually becomes more effective in screening some parts of the development. With the absence of conurbation visual influence, the development would be incongruous. The Trees and Woodland Officer suggests a more realistic assessment affecting these high sensitivity receptor viewpoints at perhaps minor/medium magnitude of change would be an initially moderate impact becoming minor-moderate over time (rather than the minor adverse impact becoming negligible adverse assigned in the LVIA).

7.36 In addition to the above comments the Trees and Woodland Officer raises the following points arising from the updated LVIA:-

a) He disagrees with the suggestion that existing native hedgerows are of low value in terms of landscape receptors for the assessment of effects arising from the proposed development. In his view in close range, mid-range and longer distance views existing hedgerows (on and around the site) make a very notable and fundamental contribution to the landscape structure and appearance, and should be regarded as of at least medium value along with other features as listed

b) The updated LVIA has not assessed the impact of the proposed access track. This track would ascend rising ground, in some important views extending up towards the skyline, and would be readily in view as a newly constructed feature in the landscape (see LVIA photomontage Views 2, 3 4 & 5)

c) The updated LVIA refers to urbanising features such as the Potteries conurbation, existing pylons, overhead wires and tipped soil, brick and tile adjacent to the eastern boundary and of these detracting features reducing the sensitivity of the site and in turn suggesting this as a reason for accepting the proposed development. The Trees and Woodland Officer does not agree. He says that whilst the conurbation is certainly visible from more elevated viewpoints eg Marshes Hill Common toposcope (photomontage View 1) and School Road, Brown Edge (photomontage View 2), the application site clearly forms and is seen as part of the largely undeveloped Head of Trent river valley which has a definite rural character and serves to limit the physical and visual influence of the urban area. The proposed development would clearly extend the more densely developed urban character, eroding the strong rural pastoral character, and would be notably incongruous and harmful.

7.37 From closer but still important/sensitive viewpoints at lower elevation (eg photomontage View 3 and 4) the conurbation is not visible at all and this argument therefore carries no weight. Even View 5, in which a more limited part of the urban area is visible on the skyline, there is clear separation of the site from the urban area, and the proposed development would create an isolated and incongruous built form with notably harmful visual impact.

7.38 Whilst the HV pylons are of course visible in almost all views of the site and its context, such features are a long-established presence in many rural as well as urban landscapes (even, occasionally in valued, designated landscapes such as National Parks and AONBs) but people have become accustomed to them and also partly because of their transparent qualities are often barely aware of them, instead concentrating on the landscape itself. (There may be a pylon in and wires over a rural field, but it is still viewed as an open, undeveloped field with rural character). The visual qualities of the proposed development would be very different to that of pylons and wires, taking up land area with more dense built features and adversely affecting the open rural character of the site and its immediate context.

7.39 With regard to the tipped spoil, this is only readily visible from close quarters, but due to its lower-lying location to the east of the application site and the established presence of intervening existing vegetation, the spoil is not materially visible and does not influence the visual character of the site from close or longer range public viewpoints.

7.40 As a result of the location of the proposed development on rising ground on the western side of the valley, the proposed landscaping as indicated on the Landscape Strategy Plan would have little if any worthwhile or effective screening benefit, even at some time after completion. This is borne out by the 15 year photomontages which do not illustrate additional screening above and beyond that of existing vegetation.

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

7.42 In this particular case, the conclusion for the reasons above is that the proposal does not respect or enhance local landscape character. The proposal would replace open pasture fields in an attractive pastoral valley landscape, the undeveloped Head of Trent river valley, with an industrial compound. It cannot be classed as leading to a net improvement in local landscape character. In addition the proposal would lead to a prominent intrusion into the countryside. It would be an incongruous, urbanising feature in an otherwise largely rural local landscape.

7.43 For these reasons there is conflict with Policy DC3 and the NPPF which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside

Tree/hedge protection

7.44 The application details show that visibility splays of 120m along Bemersley Road, to the north and south of the access position, would be required. To the north, the curve of the highway alignment means that the required visibility is already available. To the south the Preliminary Ecological Assessment confirmed and the Visibility splays plan (2110063-01 Rev A) and the Landscape Strategy Plan Rev D indicated that approximately 68-70m of existing roadside hedgerow along the eastern side of the highway would need to be removed. The Landscape Strategy Plan indicates a replacement native hedgerow some 8m back from the carriageway, with the newly created wide verge denoted for wildflower meadow seeding and management.

However by e-mail dated 14/2/24, the Agent says that in fact the hedge does not need to be removed. She says,

'...in consultation with the ecologist we looked at the height of the hedgerow and we can manage the height rather than remove anything beyond that needed for the site access - the wider hedgerow can be maintained to avoid the visibility splay'

7.45 it is unclear, based on the information and plans provided whether or not the hedge to the south can be safeguarded. If it has to be removed however the Trees and Woodland Officer advises that initially it would have an adverse impact on landscape character (and biodiversity). As he comments, Bemersley Road between Ball Green and Greenway Bank is generally tightly enclosed on both sides by hedges along the carriageway edges, with no verges or pavements, and so the creation of a new wide verge would be somewhat out of keeping with existing character. However, he advises that once the replacement hedgerow is substantively established (which could take around 10 years), the new visibility splay arrangements and associated landscaping in themselves would arguably not have a detrimental effect on landscape character. Due to the landform curving downhill away from the road towards the main body of the application site, the stretch of hedgerow required for removal for the visibility splay does/would not provide a screening function to that main body field, and therefore its removal would not in itself affect the visual impact of the operational structures/installations of the scheme on the wider area.

7.46 A small amount of hedgerow will also be lost where the new access road enters the main body of the site

7.47 With the exception of these stretches of hedgerow, all trees and hedgerows are retained and can be suitably protected during construction to ensure no conflict with Policy NE2

Biodiversity

7.48 The application was accompanied by an Ecological Impact Assessment (EIA) with BNG calculations using Metric 3 (Feb 2022), a Landscape Strategy Plan and Biodiversity Metric 3.0. A Supplementary Ecological information: Biodiversity net gain document with full calculations using the Biodiversity Metric 4 calculator was provided in October 2023 to reflect the updated Landscape Strategy Plan – see discussion elsewhere

7.49 The application was initially reviewed by Staffordshire Wildlife Trust on behalf of the Council. They advised that there will be a loss of low-value grassland from the site and hedgerow (a priority habitat) where the new access and visibility splays are to be provided. The submitted EIA confirms that 82 metres of existing hedgerow (5 metres of H1 and 77 metres of H5) will need to be removed to accommodate the new access track into the site from Bemersley Road, the visibility splay to the south of this and the track into the battery site itself.

7.50 In terms of biodiversity enhancement, the Supplementary Ecological Information: Biodiversity Net Gain confirms this to include:-

a) 0.9016 ha of the Site shall be sown with a meadow mixture for wet soils. It says the meadow shall be allowed to grow tall, set flower and seed each year, and shall be cut annually, in September or October, with all arisings removed to reduce nutrient input into the soil and encourage the establishment of wildflowers, and prevent the smothering of low-growing species. The creation of this habitat will it says significantly improve the value of the on-Site grassland, particularly to invertebrates, small mammals, birds and bats.

b) A new native species rich hedgerow and a new species rich hedgerow with trees shall be planted, totalling 143 metres.

c) Existing hedgerows shall be enhanced by planting standard trees, reinforced with additional planting using a species rich hedgerow mix, and any gaps infilled. The species within the proposed hedgerow mix (see Table 3-2) have been selected to improve the foraging and nesting opportunities available for birds within the Site and increase the availability and diversity of nectar sources for pollinating invertebrates.

d) A native species rich belt of mixed scrub with scattered trees, totalling 0.2745 ha shall be planted at the east end of the Site, providing valuable scrub habitat for wildlife utilising to the River Trent habitat corridor. The scrub shall be comprised of nectar, berry and nut rich species, of particular benefit to pollinating insects and birds.

7.51 In terms of the policy requirement to seek a net gain in biodiversity, the updated BNG calculation using Metric 4.0 shows that the proposal would deliver a net gain of 1.23 (15.14%) habitat units and 2.76 (89.73%) hedgerow units

7.52 SWT raised no objection to the application subject to conditions. They have been consulted on the updated BNG calculation and if they have any further comments these will be reported the meeting. However given that a clear net gain can be achieved and with conditions in placed to secure this amongst other matters there is compliance with Policy NE2 and the NPPF

Heritage

7.53 There are no designated or non-designated heritage assets within the site that could be physically affected by the proposals.

7.54 The application is accompanied by a Heritage desk-based assessment. This identifies that Grade II Listed Church of St. Anne, located c.1.2km to the northeast, was the only heritage asset with the potential to be affected by the proposals. It discounted the following on grounds of a combination of the intervening distance and lack of intervisibility; Grade II and Grade II* Listed Buildings located at the Chatterley Whitefield Colliery, the Grade II Fir Tree Farmhouse and Cottage located c.950m to the south-west; Lower Stone House Farmhouse approx. 1.3km to the north-east and the Grade II Coach House and Grade II Boardman's Bank Farmhouse located c.1.2km to the north-east.

7.55 The Heritage report assesses the significance of St Annes church in detail and concludes that there is no inter visibility with the site due to intervening landscaping, landform, and developments. It further says that there is also no material non-visual historical association between this heritage asset and the site. On this basis it judges that the proposals would therefore result in no harm to the significance of the Grade II Church of St. Anne.

7.56 In terms of archaeological interests the report concludes that whilst archaeological remains dating to earlier periods cannot be entirely ruled out at this stage, the combination of the unfavourable environmental and topographic conditions within the site and the lack of evidence in the surrounding landscape for such remains makes it unlikely that settlement or funerary remains dating to earlier periods would be present within this location and no significant impacts or impacts necessarily warranting an archaeological field response prior to determination or the commencement of works are predicted. It says that a watching brief during groundworks would be suitable mitigation for any potential surviving interests.

7.57 The conclusions of the applicant's assessment are accepted. With a condition to secure an archaeological watching brief during construction and ground works, no harm to heritage assets is anticipated and as such there is no conflict with Policy DC2 or the NPPF.

Flood Risk and drainage strategy

7.58 The site lies within Flood Zone 1 which is land with lowest probability of flooding. However as the site area is greater than 1 hectare, the application was accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy

7.59 The Local Lead Flood Authority initially objected to the application. However on receipt of further information (SLR Drainage Strategy 30th November 2022) they have now lifted their objection subject to the imposition of a number of conditions. The final drainage strategy includes a combination of two new swales to the east of the site, channels/pipes to direct surface water to the existing ditch on the southern boundary incorporating a flow control chamber to limit flows to the existing watercourse. Permeable areas within the site will be set to shed water to the existing ground.

7.60 With conditions in place to ensure that the development is carried out in accordance with the agreed drainage strategy no objection is raised on flood risk and drainage grounds and there is compliance with Policy SD5 and the NPPF

Agricultural land classification

7.61 The application is accompanied by an Agricultural land classification report. It follows survey work and sampling of soils and confirms that the majority of the site (90%) is Grade 3b land with some smaller areas of Grade 3a in the western most part of the site where better draining soils occur on gentle slopes

7.62 Advice in the NPPG and Policy SD2 is that land of poorer quality should be utilised before higher quality agricultural land (best and most versatile land defined as Grade 3a and above). In this case the majority of the site is poorer quality agricultural land and no objection is raised

Mineral Safeguarding and Coal mining

7.63 Staffs CC confirm that the entire site falls within the Mineral Safeguarding Areas (MSA) for Shallow Coal and Fireclay, as defined in the Minerals Local Plan for Staffordshire (2015 – 2030). However they advise that the development is temporary, with the expectation that the battery packs, switch gear etc. would be removed after 40 years and therefore there would be no lasting impact on any underlying mineral. On this basis they raise no objection to the application on mineral safeguarding grounds

7.64 The Coal Authority confirm that the application site falls within the defined Development High Risk Area. To this end the application is accompanied by a Geotechnical and Preliminary Coal Mining Risk Assessment (dated January 2022) from South West Geotechnical Ltd. The Coal Authority advise that the content of the report has been informed by appropriate and up-to-date coal mining information for the proposed development site. Based on this review of existing information the report confirms that there is the potential for worked coal seams to underlie parts of the site at shallow depth. Consequently, and based on the angle of dip of the strata the report has categorised the site into three levels of risk (i.e. red, green and amber). On the basis that the proposed structures now correspond with those parts of the site categorised as green, the Coal Authority advise that there would be sufficient competent rock cover above any workings to afford ground stability. On this basis they raise no objection to the application.

8. GREEN BELT BALANCE AND CONCLUSION

8.1 By law this application must be determined in accordance with the Development plan unless material considerations indicate otherwise.

8.2 The applicant has put forward a number of considerations which he considers amount to very special circumstances in this case. They are set out in detail in the Planning Statement, in an e-mail dated 12th January 2023, in a Benefits letter dated 16th February 2023 and in a further letter of support dated 5th April 2023. In summary the applicants case is:

- a) Urgent Need for battery storage - BESS are essential to supporting the influx of intermittent renewable energy generation to smooth out peak demand and power not being generated when and where necessary. BESS are a low carbon solution to meeting the 21st Century energy needs. This BESS is for 49.35MW facility which aligns with the available capacity in this location. This is not an insignificant amount of energy storage and relatively miniscule in terms of the overall requirements of NPG and the National Grid
- b) Declared climate emergency of the Government and Staffordshire Moorlands .
- c) Location - certain key selection criteria were applied, including capacity on the grid, a viable connection point to the grid and a willing landowner. We have provided an Alternative Sites Assessment (ASA) in support of this application to demonstrate that the proposed site, despite its Green Belt location is the only suitable, available and achievable site in line with the methodology agreed. The BESS must be located within a 2km radius of the Point of Connection. Anesco have an agreed Point of Connection from the District Network Operator (DNO) so the BESS has to be located around the connection. There are few areas within the identified radius which are not located within the Green Belt. Land to the south includes the Whitfield Valley Local Nature Reserve and Heritage Assets. Land to the north and east is Green Belt. The BESS cannot be located in residential areas, due to the noise impacts especially at night.
- d) Energy security - the need for a BESS is vitally important as we transition away from traditional coal fired power, to ensure that efficiencies in the grid are maintained and more importantly, to ensure that demand will be met.
- e) It is a temporary (40 years) use and reversible impact. Can be returned to agricultural use
- f) Use of components which are recyclable, thus enhancing the sustainability credentials
- g) Significant biodiversity enhancements across the site (26.75% habitat units and 189.98% hedgerow units) following the completion of development
- h) Avoiding the use of BMV agricultural land
- i) Direct employment in the construction phase, employment created in the management and maintenance of the BESS, job creation in the supply chain and related services
- j) Proposed Landscaping Strategy to help mitigate against the perceived visual impacts
- k) Available capacity within the Grid to accommodate the development – capacity is now not expected until 2028
- l) No technical reasons why the proposed development cannot look to be supported.
- m) Recent appeal decisions provide significant weight to the need for renewable energy storage in meeting very special circumstances
- n) The development is in accordance with planning policy

8.3 The applicant concludes that it is acknowledged that the proposal introduces development into an area where there is currently little, and therefore, technically there is a reduction in openness. However, he says that the harm to the Green Belt as a result of the development is very limited and outweighed by the benefits of the proposed development. The proposed development is confined to the site and its immediate context and restricted by the limited extent to which the openness of the site can be perceived. On this basis, the

applicant considers that the strategic function of the remaining Green Belt would remain intact

Green Belt harm

8.4 The proposal has been found to be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, the proposal would reduce openness. Openness has both a spatial and visual aspect. In this case the surrounding landscape is free from any significant development. It has a sense of spaciousness and openness which positively contributes to this rural area. Replacing open fields on the application site with a battery storage compound would reduce this sense of openness, providing an industrial type development where there is currently none. In visual terms the proposal will, despite the mitigation proposed, be visible and intrusive in certain viewpoints (see assessment elsewhere). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and permanence. In this case open pastoral fields would be replaced by effectively an enclosed industrial compound. The proposal would also conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green Belt harm is significant and substantial weight must be given to this harm (para 148) .

Other harm

8.5 In addition to this Green Belt harm, there would be harm to the character and appearance of the area as discussed above and conflict with Policy DC3 and the NPPF. The proposals will effectively turn this greenfield site into an industrial compound. It will neither respect or enhance local landscape character and there would also be prominent intrusion into the countryside arising from the new facility from a number of key receptors. The proposal would harm the intrinsic character and beauty of the countryside. Significant weight is given to the landscape harm

8.6 The Environmental Health Officer maintains his objection to the application as discussed above. There would also be harm to residential amenity and conflict with Policy SD4 as a result of predicted evening/night time noise levels exceeding existing night-time background noise levels in this rural area. Moderate weight is given to this harm

Benefits – other considerations

8.7 In terms of the considerations put forward by the applicant, the need for battery storage nationally as a means to assist in balancing the Grid and increasing the reliance on renewable energy is fully acknowledged. The proposal would contribute to these aims and this is a very positive benefit of the scheme. Although not generating renewable energy in its own right battery storage does have an important role to play in providing greater capacity and flexibility in the electricity network. It supports the move towards low carbon energy increasingly supplied by renewable energy which is a more variable supply as it is weather dependent. Para 152 of the NPPF says that the planning system should support renewable and low carbon energy and associated infrastructure. The proposal would also contribute towards the government's net zero target by 2050 and the Council declared climate emergency (10th July 2019) and its commitment to *making the Staffordshire Moorlands carbon neutral by 2030*. Very significant weight is given to the contribution the proposal would make to supporting renewable and low carbon energy and addressing climate change.

8.8 The applicant indicates that he has a connection agreement (albeit no evidence provided of this). However it is not demonstrated that the need for storage can only be met on this

particular site. Members will be aware that the Council has had other applications for battery storage facilities in the District in Green Belt locations. Some of these have been approved where they were considered to be well related to existing infrastructure and where the other considerations put forward were considered to outweigh the Green Belt harm. Some have been refused and some are currently pending consideration. It is also the case that a similar sized proposal for battery storage was approved by Stoke City Council in August 2023 under reference 67827. This application is located very close to the Chatterley Whitfield substation and arguably therefore a preferable location not only because the site is already heavily influenced by power infrastructure but also it does not involve lengthy cabling to connect (the impact of which is unknown for the application proposal). It is known from other battery storage applications where proximity to a substation have been raised, that long cables introduce voltage drops and unwanted energy losses, not to mention the significant cost associated with cabling and trench works and presumably any easement requirements. The cabling route and any impacts that may have are unknown factors in the application case. In addition to these points the fact that the applicant concludes that there are no alternative sites in his area of search does not in itself make this site acceptable in planning terms.

8.9 The provision of a net gain in biodiversity is welcome and attracts moderate weight. Other benefits put forward including those of employment, technical compliance, form of development, other appeal decisions are considered to be of limited weight in the overall balance. The applicant also contends that the proposal is only temporary (40 years). However, this is not a short term installation and whilst a condition could be attached to ensure that the site was reinstated to its original use (open field) after the facility has been decommissioned, this would not overcome the long-term Green Belt harm and other harm identified. The lack of any technical issue in terms of flood risk, heritage, contamination, minerals and coal mining amounts to a lack of harm rather than benefits and are neutral matters in the balancing exercise

Conclusion

8.10 Policy SS10 and the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons above in this case the harm to the Green belt to which substantial weight must be given and the landscape and visual harm and harm to residential amenity are not clearly outweighed by the other considerations put forward. A recommendation of refusal is therefore made

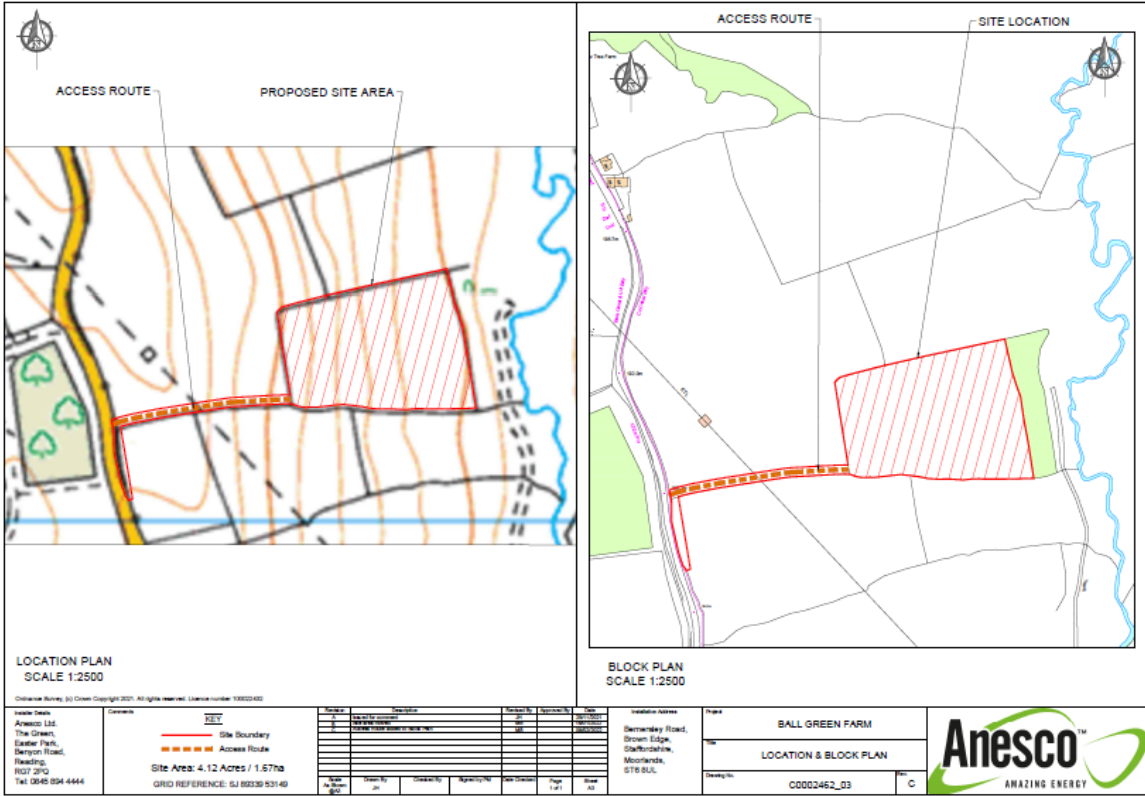
9. RECOMMENDATION

That planning permission be REFUSED for the following reasons:

- 1. This site consists of agricultural land. It is greenfield and lies within the Green Belt. The proposal represents inappropriate development in the Green Belt which is harmful by definition. The development would, in addition compromise openness by replacing open fields with a development of industrial character and appearance. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green Belt harm is significant and Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the other**

considerations put forward by the applicant amount to the very special circumstances to clearly outweigh the harm to the Green Belt and other harm. It is for these reasons that the proposal is contrary to Policy SS10 of the Staffordshire Moorlands Local Plan and advice in the National Planning Policy Framework.

2. There are a number of residential properties close to the site. The predicted night time noise levels set out in the updated Noise Assessment would exceed current night time background noise levels in this rural area. It is considered that this has the potential to adversely impact on the amenity of nearby residents in conflict with Policy SD4 of the Staffordshire Moorlands Local Plan and advice in the NPPF
 3. The site lies outside a settlement boundary in the open countryside. It is within the Landscape character type of Ancient slope and valley farmlands and part of the undeveloped Head of Trent river valley. The overall landscape character is of open rural pastoral fields. It is considered that introducing what is effectively an industrial compound into this landscape would result in a significant and harmful landscape and visual change. It would neither respect nor enhance local landscape character and would result in a prominent intrusion into the countryside. It would result in significant harm to the character and appearance of the area. For these reasons there is conflict with Policy DC3 of the Staffordshire Moorlands Local Plan and the NPPF which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside.
- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.



LOCATION PLAN
SCALE 1:2500

BLOCK PLAN
SCALE 1:2500

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Contents:
 - Site Boundary
 - Access Route
 Site Area: 4.12 Acres / 1.67ha
 GRID REFERENCE: SJ 89330 53149

| Revision | Description | Author | Checked | Date |
|----------|--------------------|--------|---------|------|
| 1 | Issue for Planning | | | |
| 2 | Issue for Planning | | | |
| 3 | Issue for Planning | | | |

Fieldbook Name:
Banyon Road,
Brown Edge,
Easter Park,
Banyon Road,
Reading,
RG7 2PG

Project:
BALL GREEN FARM
 Location:
LOCATION & BLOCK PLAN
 Drawing No:
C0002462_03

