

**Inspector’s Pre-Hearing Note**

**Appeal Ref: APP/C3430/W/24/3344658**

**Site Address:** **Land on the southwest side of Levedale Road, Penkridge, Staffordshire ST18 9AH**

**Proposal: Construction and operation of a battery energy storage facility and substation with associated fencing and landscaping**

**Appellant: Anglo ES Levedale Ltd, C/O Mr James Stone of Anglo Renewables Ltd**

**Local Planning Authority: South Staffordshire District Council**

**Hearing Date: Tuesday 22 October at 10am**

**Background**

1. The purpose of the pre-hearing note is to provide guidance to those participating in the forthcoming Hearing and to assist the Inspector in preparing for the Hearing.
2. A copy of this Pre-Hearing Note, together with any responses from the parties and any supporting documentation submitted in response to the Inspector’s requests, should be made publicly available by the Council in advance of the Hearing.
3. **Actions set out in this note should be submitted to The Planning Inspectorate and cross copied to the opposing main party by 18 October 2024 at the latest.**

**Hearing Arrangements**

1. It would be helpful for the Inspector to have access to the internet during the Hearing to access electronic documentation and evidence in relation to the appeal. Therefore, please can the Council ensure that a Wi-Fi connection is available at the venue and, on the day of the Hearing, provide any associated security credentials/passwords to gain access.
2. It would assist the Inspector if both parties could submit a list of those representing them at the Hearing. This should include full name, job title/role in the appeal and professional qualifications.
3. If available, a list of interested parties intending to appear at the event should be provided at least two working days in advance of the Hearing.
4. The Inspector requests that a separate room be made available to her for the duration of the event.

**Main Issues**

1. From the evidence submitted so far, the Inspector provisionally considers the main issues in this appeal to be:
* the effect of the proposal on the character and appearance of the surrounding area; and
* whether any harm or conflict with the development plan that may arise in respect of the proposal is outweighed by material considerations.

**Agenda**

1. An agenda for the Hearing is attached. However, this may be subject to change, and if so, a final agenda will be provided on the day of the Hearing.

**Statement of Common Ground (“SoCG”)**

1. I am in receipt of a SoCG signed by the main parties. Thank you for your timely efforts with this.
2. The SoCG states that a schedule of proposed conditions with comments from both parties will follow as a separate document. To date, this has not been received. Please can this be submitted by the above deadline to give the Inspector time to consider the information ahead of the Hearing.

**Additional Information**

1. Given the dispute around the proposal’s visual and landscape effect, please can the appellant bring with them to the Hearing colour copies of the viewpoints/photographs included within the Landscape & Visual Impact Assessment (“LVIA”) as submitted with the planning application (dated August 2023) and included within the revised LVIA submitted with the appeal (dated April 2024).
2. These should be printed on A3 sized paper to allow the Inspector to undertake an accurate assessment of the proposal, particularly during their site visit.

**Late Evidence**

1. Aside from any requests made within this Pre-Hearing Note, it is not anticipated that there will be any need for additional documents to be handed up during the Hearing.
2. There will be very limited opportunities for the Inspector (or possibly other parties) to read any late evidence submitted on the day of the Hearing. Therefore, the Inspector will not allow the introduction of new evidence by any of the parties and will only accept such evidence if there are exceptional circumstances.
3. Late evidence submitted at the Hearing raises the risk of an adjournment and/or an award of costs.

**Costs**

1. If an application for costs is to be made, the Planning Practice Guidance (“PPG”) makes it clear that they should be made in writing to the Inspector before the Hearing.
2. You are also reminded that to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the PPG.

**Site Visit**

1. The Inspector will need to visit the appeal site. This will be done once the Hearing has closed and is likely to be on the same day depending on timings.
2. At this stage, the Inspector is minded to visit the appeal site on an accompanied basis (unless access can be obtained without being accompanied) and undertake a visit of the surrounding area on an unaccompanied basis. The Inspector will review this in light of the discussions on the day.

15 October 2024