

Dear Sir/Madam,

**Re: Town and Country Planning Act (1990) – Section 78 Appeal on Behalf of Anglo (ES) Levedale Ltd for the site at Land on the Southwest Side of Levedale Road, Penkridge.**

**Consultation on Amendments to the Proposals and on an Update to the Noise Impact Assessment and on an Addendum to the Landscape Visual Impact Assessment**

On behalf of the Appellant, Anglo ES Levedale Ltd, you are being contacted as an individual or organisation because you have previously responded to South Staffordshire District Council, the Local Planning Authority (LPA) in respect of a planning application ref: 23/00145/FUL for a battery energy storage facility (BESS) and substation with new access and associated fencing and landscaping. The fill description of the application was for:

*“Proposed battery energy storage facility and substation with new access and associated fencing and landscaping.”*

The proposal relates to land on the southwest side of Levedale Road, Levedale, Penkridge. It was subject to an application for planning permission registered by the South Staffordshire District Council on 21<sup>st</sup> March 2023 and refused by the Council following a planning committee meeting on 23<sup>rd</sup> November 2023.

Anglo ES Levedale Ltd has lodged a planning appeal with the Planning Inspectorate against the refusal of planning permission. The appeal is proceeding by way of an informal hearing which has been confirmed by the Planning Inspectorate and arranged for 22<sup>nd</sup> October.

As you may be aware from the documentation submitted with the appeal, the Appellant has proposed some minor modifications to the proposed development prior to the appeal being determined by the Planning Inspectorate and will invite the Inspector to consider the Appeal on the basis of these minor amendments such that should the Appeal be upheld it will be on the basis of the modified scheme.

This letter is to notify you of these minor amendments and to invite your comments specifically upon them in advance of the informal hearing. The amendments comprise an update to the Noise Impact Assessment and an addendum to the Landscape Visual Impact Assessment (LVIA).

To illustrate the changes the Appellant has produced a revised plan and documents which have been circulated as part of the appeal.

The revised plan and documents will replace the respective previous revisions that were submitted to the Council and determined as part of the full planning application. The planning application drawings and documents, including the Landscape Visual Impact Assessment and the Noise Impact Assessment, remain available to view on the South Staffordshire District Council Website:

<https://planning.sstaffs.gov.uk/online->

[applications/applicationDetails.do?keyVal=RQE1BQOXMUS00&activeTab=summary](https://applications/applicationDetails.do?keyVal=RQE1BQOXMUS00&activeTab=summary)

The plans and documents to be substituted are:

- 05-1095-301\_P17 General Arrangement
- 22-466 50MW BESS at Levedale Road - Noise Assessment Report v3 ISSUE
- 05-1095-P02 Land on Levedale Road, Penkridge, ST19 Landscape and Visual Impact Assessment Appeal with Appendices
- 2024-06-13\_x9562.003 The\_Statutory\_Biodiversity\_Metric\_Calculation\_Tool
- 9562.006A Land on the SW Side of Levedale Rd - BNG Design Stage Report

The following is a summary of the proposed changes:

### Location of Acoustic Fencing

During the assessment of the planning application, due to the need to relocate and reconfigure parts of the proposed access road to the battery compound, alterations to the location of the proposed battery units were made, which are reflected in the proposed site layout (ref: ST5050P – SK01 – Proposed Layout) and associated plans. This has resulted in the need to update the location and arrangement of the proposed acoustic fencing, located towards the east of the proposed compound.

Figure 1 below, illustrates the initial layout which assessed the proposals with regard to the potential noise impacts of the development.

FIGURE 4: PROPOSED 3.5M HIGH NOISE FENCE (SHOWN IN PURPLE)



*Figure 1 – Extract from Submitted Noise Impact Assessment Showing Initial Location of Acoustic Fence*

Figure 2 shows the revised location of the proposed acoustic fence following the revisions to the proposed layout of the compound that were made during the planning application process.

FIGURE 4: PROPOSED 3.5M HIGH NOISE FENCE (SHOWN IN PURPLE)



*Figure 2 – Extract from Updated Noise Impact Assessment showing the revised location of the Acoustic Fence (Indicated in purple).*

As shown by Figures 1 and 2 above, the nature of the proposed amendments to the scheme in this respect relate only to the length and location of the proposed acoustic fence. They do not affect the principle that the development should be subject to the provision of such fencing.

### **Further Landscape Enhancements**

Minor consequential amendments have also been made to the proposed landscaping scheme that have been detailed in the revised LVIA (ref: 05-1095-P02 Land on Levedale Road, Penkridge, ST19 Landscape and Visual Impact Assessment Appeal with Appendices) and illustrated on the updated General Arrangement Plan (ref: 05-1095-301\_P17 General Arrangement). The extent of the amendments is limited to further infill of the existing hedgerows towards the southern boundary of the Site in order to further improve the natural screen and further enhance the biodiversity on site.

These changes are supported by an update to the BNG Assessment (ref: 9562.006A Land on the SW Side of Levedale Rd - BNG Design Stage Report) and the associated Biodiversity Net Gain Metric (ref: 2024-06-13\_x9562.003 The\_Statutory\_Biodiversity\_Metric\_Calculation\_Tool) which confirms that the proposed development will result in:

- 35.11% Net Gain in Habitat Units
- 39.13% Net Gain in Hedgerow Units

It is important that all parties with an interest in the Appeal have an opportunity to make comments on the minor modifications to the proposed development and the updated Noise Impact Assessment and Landscape and Visual Impact Assessment so that the appointed Inspector is aware of all views and information prior to determining whether to grant planning permission.

If you wish to make comments, please do so by letter or email to ensure that they are **received no**



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**later than the 21<sup>st</sup> October 2024.**

- By email to – [london@dlpconsultants.co.uk](mailto:london@dlpconsultants.co.uk)

Or

- By post to –

Anglo ES Levedale Ltd  
C/O DLP Planning Limited  
Unit 107, Clerkenwell Workshops  
27-31 Clerkenwell Close  
Farringdon  
London  
EC1R 0AT

Please ensure that all correspondence contains the Planning Inspectorate's appeal reference – APP/C3430/W/24/3344658 – Land on South West side of Levedale Road.

It is important to note that responses to this consultation are for the use of the appointed Inspector who will consider the Appeal. All comments should be received by 21<sup>st</sup> October 2024 and will be forwarded by the Appellant to the Inspector and South Staffordshire District Council prior to the opening of the hearing to be considered alongside all other consultation responses that have been received on the planning application and the Appeal so far.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Farmer', is written over a light blue horizontal line.

**Jake Farmer** BA(Hons) AssocRTPI AIEMA  
Associate Planner  
**DLP Planning Limited**

Direct Dial: 07867 171786

Email: [jake.farmer@dlpconsultants.co.uk](mailto:jake.farmer@dlpconsultants.co.uk)