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For and on behalf of
Anglo ES Levedale Ltd
c/o Anglo Renewables Ltd

APPEAL STATEMENT OF CASE

Proposed battery energy storage facility and substation with new access and associated fencing
and landscaping

APPLICATION REFERENCE: 23/00145/FUL

**Land on Southwest Side of Levedale Road,
Penkridge, Staffordshire, ST18 9 AH**

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May 2024



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1.0 INTRODUCTION

1.1 This Statement of Case (SoC) has been prepared by DLP Planning Ltd ('the Agent'), for and on behalf of Anglo ES Levedale Ltd ('the Appellant'), in support of an appeal against the decision of South Staffordshire Council (SSC) to refuse planning permission. The proposal sought to establish a battery energy storage facility and substation with new access and associated fencing and landscaping (Application Reference: 23/00145/FUL) at the land on the southwestern side of Levedale Road, Penkridge, Staffordshire, ST18 9 AH (the Appeal site).

1.2 The application was refused for the following single reason:

The proposed development, by way of its scale and location in the open countryside would create a discordant feature causing a detrimental effect on the immediate environment and the appearance and intrinsic rural character of the wider area contrary to South Staffordshire Core Strategy Policies OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) and EQ4 (protecting and Enhancing the Character and Appearance of the Landscape).

Appeal Procedure

1.3 The Appellant considers that a **public inquiry** is the most appropriate procedure in order to fully consider the complexities of the case.

1.4 As set out in the 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals' (April 2022), the Appellant considers that an inquiry would be appropriate in this instance due to there being a clearly explained need for the evidence to be tested through formal questioning by an advocate.

1.5 The Appellant considers that the decision of the Planning Committee to disregard the Planning Officer's clear recommendation in their Officer's Report to grant planning permission and, instead refuse the planning permissions has resulted in unsatisfactory reasons for refusal.

1.6 The sole reason for refusal relates to visual impact upon the site and its surroundings as well as impact upon the wider rural character of the area. This is following Officer's recommendation that the contents and conclusions reached in the Appellant's Landscape and Visual Impact Assessment (LVIA) were acceptable.

1.7 There is an urgent need for the deployment of BESS facilities, such as that which is proposed

as part of the Appeal Proposals, to drive the transition to low carbon renewable energy generation in order to tackle the declared climate crisis. The urgent need for renewable energy seeks to make a contribution to the policy confirmed Net Zero Target of 2050.

- 1.8 The Appeal Proposals comprise a Major Development. The Site’s ability to provide up to 49.9 megawatts (‘MW’) of renewable energy within the South Staffordshire district. The Appeal Proposals, in terms of it’s ability to provide a significant amount of energy storage capacity, would make a significant contribution to energy security and the National Government’s climate change objectives.

The Appellant

- 1.9 Anglo ES Levedale (the Appellant) is a wholly owned subsidiary of Anglo Renewables that was formed for the sole purpose of promoting the above mentioned, proposed battery energy storage facility. The parent company is a leading independent developer of energy projects (both solar and batter storage) who are at the forefront of the UK’s transition to a greener low carbon economy through identifying and developing sites across the country which supports the country’s legislated target of reaching Net Zero by 2050 and the global movement to tackle climate change.

2.0 APPEAL SITE DESCRIPTION AND CONTEXT

2.1 The red line part of the Appeal Site, as demonstrated in Figure 1 below, occupies an area of approximately 4.19 Ha and is a part of a wider land ownership including the adjacent field network. The area of the Site proposed for the development comprises approximately 10,300m² (1.03ha). It has a central OS grid reference of X: 390096, Y: 315653 and the nearest post code is ST18 9AH.

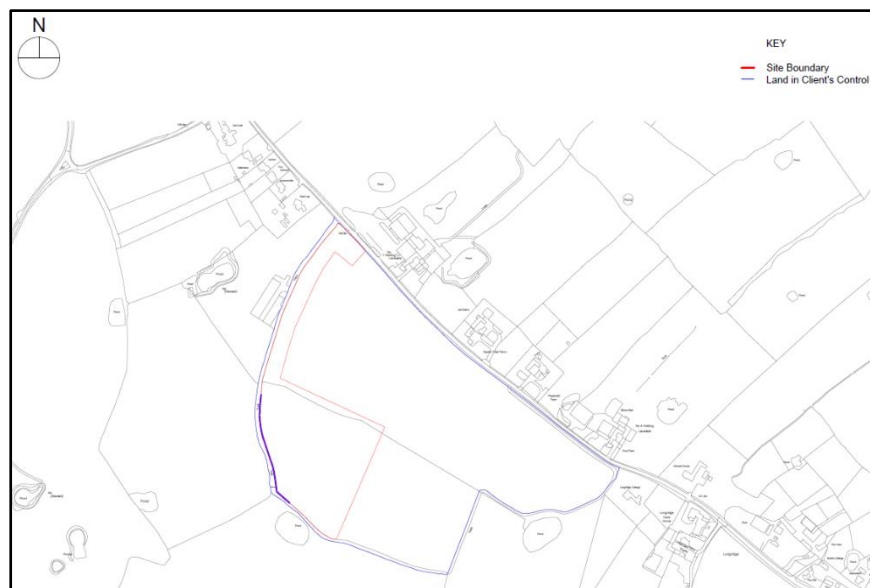


Figure 1: Indicative Plan, showing the Site Area (red outline)

- 2.2 The Appeal Site and surrounding environment is largely rural in nature, characterised by large open fields that currently operates an agricultural use. There are several residential properties sporadically located along Levedale Road, many of which support the adjoining agricultural uses within the area. Further, the Appeal Site is situated approximately 0.5 km south of Levedale Village and approximately 4.0 km north-west of Penkridge.
- 2.3 As noted above, the Appeal Site is part of a larger agricultural holding, which is currently being used for arable cultivation. The Appeal Site itself can be distinguished from the wider area by its enclosure by mature landscaping comprising well-established hedgerows and trees on two out of three boundaries providing it with a degree of self-containment and natural screening separate from the more open landscape surrounding it.
- 2.4 There is an existing track located along the western boundary of the Appeal Site that runs from Levedale Road into the open countryside. The track is not a right of way, but in any

event, it is very well screened as shown in Figure 2 below. It does not fall in common ownership with the Appeal Site and does not provide access to it and so is not included in the proposal.



Figure 2: Entrance into the Appeal Site via the established track along the western boundary.

- 2.5 The Environment Agency's online mapping records show that the Appeal Site and the wider area are located within Flood Zone 1, see Figure 3 below. This area is defined as having less than 1 in 1000-year probability of fluvial or tidal flooding and are therefore considered to be at a low risk of flooding from these sources.
- 2.6 As part of the planning application process, the LLFA were consulted on the application and, subject to conditions considered the proposals to be acceptable in terms of flood risk and drainage impacts.



Figure 3: Environment Agency’s Flood Map, with the Appeal Site outlined.

- 2.7 There are three Grade II Listed Buildings located within 600 m of the Appeal Site, comprising; Field House Farmhouse (List Entry 1039224) which is situated c. 365 m northwest, Levedale Farmhouse (List Entry 1295025) which lies approximately 510 m to the north and Longridge House (List Entry 1294998) which lies c. 500 m to the east. The Historic Environment Desk-Based Assessment which was completed in support of the refused planning application (ref: 23/00145/FUL) found that the settings of these heritage assets were considered not to be impacted by the proposed battery storage facility.
- 2.8 The Historic Environment Officer commented on the Appeal proposals and considered that the proposed battery storage facility was acceptable in heritage terms subject to planning conditions.

3.0 BACKGROUND TO THE APPEAL PROPOSALS

Relevant Planning History

- 3.1 The Site and its immediate vicinity have no relevant planning history associated with it.

Planning History of Surrounding Sites

- 3.2 Of relevance to this appeal, it is important to consider the decisions made in relation to renewable energy schemes both in the local area and within the wider South Staffordshire district.

23/00009/FUL - Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA

- 3.3 An application for the *'Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme'* was approved at a planning committee meeting on Tuesday 30th January 2024.
- 3.4 Officers undertook the approach that Policy OC1(f) was the starting point for the assessment of the application and, similar to the assessment of the Appeal proposals, found that that there were material effects upon the Open Countryside, and this was to be weighed against the benefits of the scheme within the planning balance.
- 3.5 The site at Preston Hill Farm is located in proximity to the Appeal Site and in this respect, the assessment of landscape impacts, both visually and spatially is directly comparable. The main difference between the development at Preston Hill Farm and the Appeal Site is that Preston Hill Farm is located within the Cannock Chase Area of Outstanding Natural Beauty (AONB).
- 3.6 The location of the Preston Hill Farm site in the AONB adds another layer of consideration in the planning balance in assessing the visual and spatial landscape impacts of development. The Appeal Site is not located within the Cannock Chase AONB and in that respect, the bar for assessing impacts of development upon the landscape character and appearance is lower.
- 3.7 It should also be noted that the approved LVIA considered the cumulative impacts of the

development at Preston Hill Farm and the appeal proposals and found that the cumulative impact was reduced due to the separation distance of 0.4km between the two respective sites.

3.8 Officers concluded that “*development would make a significant contribution to the production of renewable energy which is a key target from national and local government ... in this instance, is considered to be **outweighed by the considerable public/environmental benefits of the scheme.***”

3.9 A copy of the Officer’s Committee Report for application 23/00009/FUL has been enclosed in **Appendix 1.**

Pre-application Advice

3.10 On 16/08/2022, pre-application advice was sought from SSC by the Appellant for the installation of a battery storage scheme at the Appeal Site (SSC Reference: 22/00098/PREAPP. On 22/09/2022, a pre-application advice meeting was held, and subsequent written advice was provided by SSC, including the meeting minutes. These documents are attached at **Appendix 2.**

3.11 The Case Officers representing SSC, noted that national and local planning policy is supportive of renewable energy generation and associated infrastructure projects including battery storage facilities, such as the proposed, therefore, the SSC expressed support of the proposal in principle.

3.12 The Case Officers provided a list of supporting documents that would be required to validate an application. This included a Landscape and Visual Impact Appraisal (LVIA). This report was later commissioned and produced by EnPlan Ltd and submitted as part of the planning document.

3.13 In addition to the LVIA, Officers noted that additional information would be required to protect the landscape as much as reasonably possible. The requirements are listed in the pre-application meeting minutes as follows:

- *Need to strengthen existing hedgerow boundary significantly to mitigate views from receptors to north on Levedale Road.*
- *Need to show how site will deliver biodiversity net gain (BNG), using metric, and deliver this through the landscaping plan – benefits above and beyond minimum net gain could help to strengthen case for the site; and*

- *Detailed landscaping plan needed, with specification, establishment and maintenance arrangements to support landscape mitigation, BNG and SuDS.*

3.14 The Case Officers also noted that some matters could be secured via pre-commencement planning conditions following the granting of planning permission.

4.0 THE APPEAL PROPOSAL

4.1 The Appellant considered the advice provided through the pre-application process, and subsequently a planning application was submitted on 20/02/2023 and later validated on 21/03/2023. The proposal sought permission to establish a battery storage facility comprising 42 battery cabinets alongside 36 power control units which would enable the operation of battery energy storage with a capacity to deliver up to 50MW for which a grid connection has been secured by the Appellant.

4.2 The development is proposed to be connected via a Distribution Network Operator (DNO) substation to the existing 132kV powerlines that broadly run in a north-west to south-east axis, approximately 275 m east of the Appeal Site. The connection was to be made by an underground cable.

4.3 The fixed infrastructure to facilitate the development comprises the following:

- 42 Standalone Battery Cabinets;
- 36 Inverters/Transformers;
- 1 DNO Substation;
- 1 Aux Transformer;
- 1 Control Room/Storage Room;
- Paladin fencing; and
- CCTV poles.

4.4 The 42 battery cabinets would each have an approximate footprint of 30 m² and would not exceed a height of 3.1 m. The proposed equipment could emit a low level of noise whilst operating, mainly due to the cooling system that is required to maintain the temperature during both charging and discharge phases. As the Appeal Site is located a substantial distance from human habitation, including rights of way, any impact arising from noise is considered to be less than minor.

4.5 This was agreed with Environment Health Protection Officers who considered that there would be no adverse impact on the amenity of neighbouring properties in term of noise generation provided the development is carried out in accordance with the recommended mitigation measures detailed within the submitted Noise Impact Assessment.

4.6 The facility would operate automatically with no permanent human presence. All systems would be monitored remotely, however there is a small control room and a facility for the

storage of maintenance equipment. The scheme also includes an integral fire suppression system. Once operational, only irregular maintenance visits would be required thus resulting in a limited impact on the existing traffic network, and any vehicle movements on the Appeal Site will be less than that which would arise from the continued agricultural cultivation of the land.

4.7 Access to the Appeal Site is proposed to be via a track to be constructed at the western boundary of the land that lies between the Appeal Site and Levedale Road. The track would comprise bound gravel once the development is completed and used only on occasion by light maintenance vehicles.

4.8 Permeable surfacing is to be utilised as much as possible to ensure that there is minimal impact on the Appeals Sites ability to drain surface water. The Staffordshire County Council Flood Risk Management Team considered that the submitted Drainage Strategy was acceptable subject to conditions.

4.9 Given the nature of the proposal and the advice received from the SSC, the following reports were submitted in support of the application, including:

- Planning, Design and Access Statement (dated December 2022);
- Outline Battery Safety Management Plan (dated June 2023);
- Transport Statement (dated November 2023);
- Construction Traffic Management Plan (dated November 2023);
- Landscape and Visual Impact Appraisal (dated August 2023);
- LVIA Supporting Graphics (ref: 05-1095);
- Historic Environment Desk Based Assessment (dated July 2022);
- Arboriculture Appraisal Report (dated 19th July 2023);
- Tree Survey Schedule (ref: DEV220425-937);
- Tree Protection Plan South (dated 19th July 2023);
- Tree Protection Plan North (dated 19th July 2023);
- Noise Impact Assessment (dated 7th February 2023);
- Preliminary Ecological Appraisal (dated August 2022);
- Ecological Impact Assessment (dated March 2023);
- Dormouse Nut Search Report (dated 27th March 2023);
- Biodiversity Net Gain Design Stage Report (dated June 2023);
- Biodiversity Metric Calculations (dated 3rd January 2023);
- Great Crested Newt District License Report (dated 26th October 2023);
- Impact Plan for Great Crested Newt Licensing V2 (dated 27th June 2023);
- Flood Risk Assessment / Drainage Started (dated November 2023); and
- Agricultural Land Classification and Appendix 1-6 (dated 13th July 2022).

Refusal of Planning Application 23/00145/FUL

4.10 Planning application 23/00145/FUL was referred to Planning Committee with a recommendation of approval.

4.11 The Planning Committee meeting was held on 21/11/2023 where members considered that the proposals were in conflict with Core Strategy Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) which applied to the Appeal Site as it is located within the Open Countryside overlay as depicted by the SSC Policy Maps.

4.12 Paragraph 1.8.2 of the Officer's Committee Report (attached at **Appendix 3**) states:

“Policy OC1 therefore places a presumption against development except for the development types listed within the policy. One of these is C(f) ‘the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt...

...the proposal would clearly have a material effect on the appearance and character of the Open Countryside. The proposal is therefore contrary to Core Strategy Policy OC1.”

4.13 In section 1.19 of the Officer's Committee Report, the Officer concluded:

“The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the conflict with Core Strategy Policy OC1 and other harm such as the small loss of Grade 3b agricultural land. Consequently, the other materials considerations set out in this report do justify a departure from the development plan and a recommendation to approve, subject to the various conditions”.

4.14 Notwithstanding the Officer recommendation, which weighed the development plan against the material considerations in support of the development, the proposal was refused by the SSC for the following single reason:

The proposed development, by way of its scale and location in the open countryside would create a discordant feature causing a detrimental effect on the immediate environment and the appearance and intrinsic rural character of the wider area contrary to South Staffordshire Core Strategy Policies OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) and EQ4 (protecting and Enhancing the Character and Appearance of the Landscape).

4.15 The Decision Notice (DN) has been enclosed in **Appendix 4**.

5.0 NATIONAL POLICY AND STRATEGY FOR RENEWABLE ENERGY

5.1 Government support for the transition to renewable energy is a theme that runs through multiple Government publications, strategy, guidance and advice.

Climate Change Act 2008 (2050 Target Amendment) Order (June 2019)

5.2 The explicit need to introduce a step change in how the country deals with climate change was recognised by the UK Government when on 1 May 2019 an Environmental and Climate Change Emergency was declared following the finding of the Inter-governmental Panel on Climate Change. In June 2019, the UK became the first major economy in the world to pass laws to end its contribution to global warming. This requires the UK to bring all greenhouse gas emissions to net zero by 2050. Net zero means any unavoidable emissions will need to be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere, such as planting trees or using technology like carbon capture and storage.

5.3 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a legally binding target to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least 80% reduction from 1990 levels. At the time the legislation was enacted the UK had already reduced emissions by 42% while growing the economy by 72%. However, the new target requires a significant increase in renewable energy, development of carbon capture and storage technology, construction of new nuclear generation, and a transition to hydrogen and electric for heating and transport. The UK's energy mix is moving towards a greater proportion of renewable generation and a reduction in more stable and consistent fossil-fuel based generation. That means more electricity storage and flexibility is required in the network to help stabilise supply and demand, given the increasingly intermittent power generation mix.

5.4 On 20 April 2021 the UK government announced that it would set in law a more ambitious target of cutting carbon emissions by 78% by 2035 compared to 1990 levels. This was in response to the UK's Sixth Carbon Budget from the Climate Change Committee and signals the Government's acceptance of the recommendations and commitment to carbon emission reductions. This will inevitably see an increase in the development in renewable energy generation and this will need to be mirrored by similar increases in balancing services, such as the proposed development.

5.5 Two-thirds of existing traditional power stations in the UK are reaching the end of their operational lifespan and are anticipated to close by 2030. This fast-changing energy landscape coupled with an increasing reliance on renewable energy generation equates to a system of high grid frequency volatility. Providing real-time balancing services in the supply of electricity, battery storage will, without question, play a critical role in enabling this transition to renewable power, offering a way to capture surplus electricity from intermittent wind and solar power and release during times of demand.

5.6 In response to this requirement, the Government has set out clear policy for the delivery of facilities to meet the UK's future energy demands. These include:

Ten Point Plan for A Green Industrial Revolution (November 2020)

5.7 The Ten Point Plan¹ published by the Government in November 2020 builds on the Net Zero carbon targets and establishes a plan to promote investment in green technologies. The 10 steps of the 10-point plan includes:

1. *Advancing offshore wind;*
2. *Driving the growth of low carbon hydrogen*
3. *Delivering new and advanced nuclear power*
4. *Accelerating the shift to zero emissions vehicles*
5. *Green public transport, cycling and walking*
6. *Jet zero and green ships*
7. *Greener buildings*
8. *Investing in carbon capture, usage, and storage*
9. *Protecting our natural environment*
10. *Green finance and innovation*

5.8 Energy storage is first referenced within the advancing offshore wind section where it is established that:

to integrate clean technologies like offshore wind, we must transform our energy system, building more network infrastructure and utilising smart technologies like energy storage².

5.9 Storage is next referenced within the green finance and innovation section where it is clarified that the ten-point plan is a recognition of technologies to 'decarbonise our economies and transition to net zero.' It is explained that to accelerate the commercialisation of innovative

¹ <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution/title>

² <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution/title>

low-carbon technologies that a £1billion Net Zero innovation Portfolio focusing on the 10 key priority areas, including energy storage and flexibility, would be launched.

It is further clarified that £100 million of this will be provided directly towards Energy Storage and Flexibility innovation challenges for essential technology as we move towards an increasingly renewables heavy system to allow us to store energy over hours, days and even months.

Our Net Zero Future - White Paper (December 2020)

- 5.10 In December 2020 Department for Business Energy and Industrial Strategy (BEIS) published ‘The Energy White Paper’³ that outlines funding and support packages that will be implemented to help transition the UK towards a net zero economy by 2050. Additional proposed decarbonisation measures are outlined in detail. One key area is ‘Industrial Energy’ noting:

Balancing [energy] supply and demand becomes more complex because most renewables are, by their nature, intermittent” and “gas-fired power stations have traditionally provided the flexibility needed to match supply to demand at peak hours, or when renewables output is low. Increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries [among others].

Industrial Decarbonisation Strategy (March 2021)

- 5.11 The Industrial Decarbonisation Strategy⁴ published by the UK Government in March 2021 sets out how industry can decarbonise in line with net zero while remaining competitive and without pushing emissions abroad. The strategy recognises that reaching the net zero target will require extensive changes across all sectors and emphasises that the 2020s will be a crucial decade to lay the foundation to enable the switch away from fossil fuel combustion. The strategy describes that to deliver net zero a minimum of 20TWh of fossil fuel use will need to be replaced by low carbon alternatives in 2030.

The report undertakes significant modelling and summarises that electrification of industry can reduce emissions by between 5 MtCO₂e and 12.3 MtCO₂e per annum by 2050 as new technologies emerge, such as renewable technologies which will continue to drop in price

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf

over time, leading to a more attractive option for industry. These ‘new technologies’ are further discussed when stating that:

smart technologies, such as storage and demand-side response, can also provide flexibility to the electricity system, helping industrial consumers use energy when it is cheapest and cleanest.

Smart Systems and Flexibility Plan (July 2021)

- 5.12 In July 2021 BEIS published the “*Smart Systems and Flexibility Plan 2021*”⁵ in conjunction with Ofgem. The plan sets out a vision, analysis and work programme aimed toward delivering flexible electricity systems that will underpin energy security and the transition to a net zero 2050. The plan is broken down into five sections. Notably, “Chapter 2: Removing barriers to flexibility on the grid: electricity storage and interconnection” which sets out methods to addressing policy and regulatory barriers to electricity storage.

Page 37 of the plan states energy battery storage is targeted to provide:

significant flexibility to the system...and helping to address many of the challenges presented by a low carbon system, including maintaining energy security” by 2030. It continues; “It [electricity storage] is essential to a net zero system as it can store electricity when it is abundant (e.g., when it is windy or sunny) for periods when it is scarce (e.g., when demand is higher).

- 5.13 Page 5 of the plan notes that BEIS and Ofgem analysis shows around 30GW of carbon flexible capacity could be needed as early as 2030, and 60GW by 2050. There is a clear need for increased electricity storage to achieve these targets as page 40 notes a total of 4GW of electricity storage was operational in Great Britain as of the publication date, of which just 1GW was made up of lithium-ion battery storage.

The Proposed Development would help deliver the flexible energy network envisaged by the plan.

Infrastructure Planning (Electricity Storage Facilities) Order 2020.

- 5.1 Whilst the foregoing sets out the chronology of Government policy aimed at delivering a more sustainable future, for the purposes of this appeal the Infrastructure Planning (Electricity Storage Facilities) Order 2020 is relevant insofar as it formally recognised that battery

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1003778/smart-systems-and-flexibility-plan-2021.pdf

storage is an essential component of the renewable energy mix by specifically removing the technology from the Nationally Significant Infrastructure Projects (NSIPs) consent regime. It followed a Statement by the then Minister of State for Business, Energy and Industrial Strategy, Rt Hon Kwasi Kwarteng MP who stated:

Electricity storage is a key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net-zero by 2050. These changes will make it simpler for large scale storage facilities to seek planning permission, helping to bring forward larger projects supporting more efficient grid balancing and management of intermittent renewable generation.

Overarching National Policy Statement for Energy (January 2024)

5.2 The most up to date elements of advice on energy are contained in the Overarching National Policy Statements (“NPS”) that were published in November 2023 and formally brought into use in January 2024. Whilst they refer to how then Secretary of State would consider to energy infrastructure NSIP projects they provide general guidance on all renewable energy and related schemes.

NPS - EN-1

5.3 NPS EN-1 provides a general strategy for energy, detailing how the NPS should be read in the context of the Planning System, with a view to meeting national Climate Change and energy targets.

5.4 Most relevant in this instance, is ‘The Role of Storage’⁶ which notes that:

Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. (paragraph 3.3.25).

5.5 The NPS highlights that battery storage plays a key role in allowing for the maximisation of useable output from intermittent low carbon generation, reducing the total amount of generation capacity required on the system.

NPS - EN-3

5.6 Whilst NPS EN-3 does not deal specifically with battery storage schemes, but it does provide some relevant guidance as to the approach to be taken in regard to the choice of sites. Section 2.3 presages some guidance on the choice of sites for renewable energy

⁶ Overarching National Policy Statement for Energy (EN-1) Pgs. 26-27

technologies:

- 5.7 Paragraph 2.3.5 states that it is for applicants to decide what applications to bring forward, and to drive renewable energy infrastructure forward, but it may be appropriate for the Government to provide some direction to promote sites for renewable energy infrastructure.
- 5.8 In paragraph 2.3.9, the Statement considers the locational restrictions for renewable energy resources, setting out that the Secretary of State should not use a consecutive approach in the consideration of renewable energy projects, such as giving priority to the re-use of previously developed land for renewable technology developments.
- 5.9 Chapter 2.5 considers the criteria for good design that should be applied to all energy infrastructure. Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.

Other Relevant Guidance

- 5.10 In addition to Government policy and statements there is also a body of other relevant advice which lends weight and support to national policy. Key aspects of this include the following.
- 5.11 National Grid Electricity System Operator (NG ESO) publishes a suite of documents on the future of energy needs in the UK annually. Those considered to be of most relevance to the Proposed Development are the latest Future Energy Scenarios and System Operability Framework documents, both of which are considered in turn below:

Future Energy Scenarios

- 5.12 The edition of the Future Energy Scenarios published in July 2021⁷ states on page 128 that:

Electricity storage will become increasingly important as levels of renewable generation increase...while we see some increase in large-scale developments, such as pumped hydro in some scenarios, overall, we expect battery storage to make up the largest share of capacity.

Under all scenarios considered in the FES 2021 report, increased electricity storage is predicted. It concluded that by 2050 energy storage will need to increase to as much as

⁷ <https://www.nationalgrideso.com/future-energy/future-energy-scenarios/fes-2021>

39.5GW to achieve net zero.

Summary

- 5.13 It is clear from a consideration of the national energy strategy and the specific reports and statement made by government, that the strategic aim is to re balance the power generation from reliance on fossil fuels to a new greener low carbon-based grid. Battery storage technology is needed to react to demand and generation peaks within the network and is important in tempering the price of electricity. Battery storage is considered to be a key component of the future energy mix under all scenarios considered in the FES. The existing storage provision will need to increase significantly by 2030 to be on track to achieve net zero by 2050 and more ambitious targets are anticipated in light of COP26 and decarbonising the electricity system by 2035.
- 5.14 The proposed development would help provide a flexible modular energy storage system which could instantly deliver or store power in response to system stress events on the national grid transmission network. This would reduce the curtailment of renewable energy generation and reduce the need for fossil fuel generate thereby minimising climate change.

6.0 BATTERY ENERGY STORAGE

Renewable Energy Infrastructure

- 6.1 As noted above, the national objective is that the UK's energy mix must move towards a greater proportion of renewable generation and a reduction in fossil-fuel based generation, albeit that these are more stable and consistent in operation. World events have however placed still greater emphasis on the need for energy self-sufficiency and that means an accelerated role for renewables. The result is that electricity storage and flexibility is required in the network to help stabilise supply and demand, given the intermittent nature of a renewable power generation mix heavily dependent on wind and solar sources.
- 6.2 Providing real-time balancing services in the supply of electricity, battery storage has a vital role in enabling effective and most efficient use of renewable power, offering a way to capture surplus electricity from wind and solar power and its release during times of peak demand.

Towards a Decentralised Energy Network

- 6.3 In transiting from a fossil fuel-based energy system to a system more reliant on energy from renewable sources, it is important to recognise that the future of our energy system will be in a more operationally complex decentralised network.
- 6.4 The concept of a decentralised network in simple terms relies on energy that is generated and stored close to where it will be used, as opposed to energy being generated by a large-scale industrial plant and transmitted long distances through the national grid.
- 6.5 The decentralised network will be one that can better respond to the intermittent, fluctuating production of renewable power with additional power plants and storage facilities. Battery storage facilities are therefore a critical component in helping to integrate renewable power into the wider grid. By providing a system reserve, the often fluctuating and intermittent power generation of renewables can be tempered. The resulting reduction in intermittency improves the financial viability of adding more solar and wind into the energy mix.
- 6.6 The proposed battery storage facility will not only directly assist in balancing the supply and demand of energy and supporting the move towards a lower carbon future, it also is a key objective in current Government policy.

The Role of Battery Energy Storage

- 6.7 OFGEM published a white paper, Upgrading Our Energy System: Smart Systems and Flexibility Plan which outlines the various mechanism including energy storage to improving the resilience of the national electricity network in July 2017. Projects of this kind were highlighted as having a key role and it states that:

By harnessing the potential of energy storage... we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future.

- 6.8 National Grid plc echoed this in their Future Energy Scenarios 2020 paper. National Grid plc envision an 800% increase on the amount of energy storage being supplied to the grid by 2050 and have stated:

How we operate Great Britain's grid is changing, with record levels of renewable sources generating our power. Storage can help us make the most of this green energy, using it to manage peaks and troughs in demand and operate the electricity system as efficiently as possible - keeping costs down for consumers too.

- Head of Markets at National Grid Electricity System Operator, Kayte O'Neill.

- 6.9 Large-scale battery facilities can be a material part of this objective, contributing to achieving the Net Zero 2050 target and reflecting 'the importance of flexibility to manage differences in when and where energy is produced and consumed.'

- 6.10 The key recognition of the role of battery storage came in July 2020 when the Government issued a consultation on removing restrictions on the consent regime for battery storage. The then Minister of State for Business, Energy and Industrial Strategy, Rt Hon Kwasi Kwarteng MP stated:

Electricity storage is a key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net-zero by 2050. These changes will make it simpler for large scale storage facilities to seek planning permission, helping to bring forward larger projects supporting more efficient grid balancing and management of intermittent renewable generation.

- 6.11 Enactment of this change came about in November 2020 by way of the Infrastructure Planning (Electricity Storage Facilities) Order 2020. It formally recognises that battery storage is an essential component of the renewable energy mix. This was followed up by the publication of the Power Our Net Zero Carbon Future- White Paper (2020) in December of that year.

6.12 The emphasis of Government policy has subsequently been reflected by the National Planning Policy Framework (2021) and also in revised draft overarching national energy policy. The Department of Energy and Climate Change (DECC)⁸ published the Overarching National Policy Statement (NPS) for Energy EN-1⁹. The Draft states at 3.3.17 states that:

storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply.

6.13 Paragraph 3.3.18 states:

this means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside demand side response (up to £12bn per year by 2050). Storage can also reduce the need for new network infrastructure. However, neither of these technologies, as with demand side response, are sufficient to meet the anticipated increase in total demand, and so cannot fully replace the need for new generating capacity”.

6.14 Paragraphs 3.3.24- 3.3.29 of EN-1 contain a subheading on the role of storage, stating:

Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.

6.15 The cost and grid reliability benefits of energy storage is also emphasised:

Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g., solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases.

Battery Operation

6.16 The scheme will primarily operate under two scenarios, price arbitrage and frequency response.

6.17 The first strategy allows the batteries to avail of price inefficiencies in the market. For instance, the batteries can charge when there is an excess of power from renewables such

⁸ Now part of the Department for Business, Energy and Industrial Strategy .

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015233/en-1-draft-for-consultation.pdf

as wind and solar on the grid. For example, the influx of renewables can cause the minute-to-minute price to drop, allowing the batteries to cost efficiently charge at midday on a summer afternoon and then release at a peak in demand that evening. This load shifting can also take the demand off more emissions heavy plant from operating during the peak.

6.18 The national grid operates at a frequency of 50Hz, and this varies depending on the level of generation and demand on the network on a second-by-second basis. Batteries can alter the frequency on the grid to avoid electrical faults and also mitigate risk of damage to the infrastructure or black outs. Batteries can affect the frequency by exporting to the grid effectively or by importing electricity and charging up. As such, battery storage provides the perfect balancing mechanism for continuous electricity supply to the national grid.

Battery Safety

6.19 Batteries are an inherently safe technology given that each lithium-based cell is self-contained and grouped within dedicated containers separated by gravel strips. Each individual cell's performance is monitored to ensure efficient operation; key metrics are level of current and temperature. There are multiple fail-safes in place should the monitoring system identify any irregularities including;

- Should the battery exceed a targeted level of charge the cell can be isolated electrically to prevent any hazardous over charging.
- Temperature, a key indicator of a potential issue, and controlled by a cooling system, is monitored closely and current can be isolated should cells operate outside of a desired temperature range.

6.20 Industry level monitoring shows that the operation of these facilities is extremely low risk. Nevertheless, to ensure safe operation over the long term the containers are designed in line with best practice. This involves provision of a two-stage fire detection system: firstly, a Very Early Smoke Detection Apparatus (VESDA) that can detect increased levels of CO; and a standard heat and smoke detection system. Should the fire prevention system be activated then an inert gas will be pumped into the container to isolate overheating and fire risk at source. An Outline Battery Safety Management Plan was submitted as part of the application documents.

7.0 PLANNING POLICY CONTEXT

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 (The Act) requires that the determination of planning applications and appeals is undertaken in accordance with the development plan unless material considerations indicate otherwise.

7.2 The statutory development plan presents comprises the South Staffordshire Core Strategy (2012) and the Site Allocations Document (2018).

7.3 Set alongside the development plan are a series of other policy documents (and guidance) which are also material considerations, and which must be taken into account. These include:

- National Planning Policy Framework (2023);
- National Planning Policy Guidance (NPPG); and
- South Staffordshire Climate Change Strategy

South Staffordshire Core Strategy (2012)

7.4 SSC adopted the Core Strategy (Local Plan) Development Plan Document in December 2012. It sets out the spatial planning strategy for the District up to 2028. Whilst its policies provide a context for the determination of planning applications and Policy EQ6 is a policy for renewable energy, the plan predates the development of battery technology and the importance that is now placed on delivering a renewable energy strategy. Weight must therefore also be attached to national policy as noted above and in relation to the Framework.

N.B. All Policies from the Local Plan are attached at **Appendix 5**.

7.5 ***Policy OC1: Development in the Open Countryside Beyond the West Midlands Green Belt***

7.6 Policy OC1 is the sole policy on which the application was refused. It states in full:

The Open Countryside beyond the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value.

Development within the Open Countryside will normally be permitted where the proposed development is for either:

A. *A new or extended building, provided it is for:*

- a. *purposes directly related to agriculture or forestry; or*
- b. *appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or*
- c. *affordable housing where there is a proven local need in accordance with Policy H2; or*
- d. *limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD)*

B. The re-use of a building provided that:

- e. *the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the appearance or character and local distinctiveness of the Open Countryside beyond the Green Belt*

C. Changes of Use of Land:

- f. *the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt*

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

**Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, and not lead to a major increase in the developed proportion of the site*

7.7 The Appellant considers that the relevant part of the policy for the purposes of this appeal is OC1 C(f). The appeal proposals do not relate to the construction of a new or extended building, the re-use of an existing building nor does it relate to development brought forward under a Community Right to Build Order.

7.8 The key aspect to consider is whether the proposed change of use of the land would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt.

- 7.9 In accordance with the provisions of paragraph 11(d) of the NPPF (2023), the impact on the Open Countryside should be weighed against the numerous planning benefits of the appeal proposals that have been detailed within the Appellant’s Statement of Case.
- 7.10 **Core Policy 2 (Protecting and Enhancing the Natural and Historic Environment)** states that the SSC will support developments that seek to improve the natural environment where it is poor and increase the overall biodiversity of the district.
- 7.11 **Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets)** states that permission will be granted for development (alone or in combination) which would not cause significant harm to sites and/or habitats of nature conservation, geological or geomorphological value, including ancient woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan (SBAP).
- 7.12 Wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme. Development proposals should be consistent with the Supplementary Planning Documents on Biodiversity and Landscape Character and other local planning policies.
- 7.13 **Policy EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape)** outlines that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.
- 7.14 Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views. The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

- 7.15 Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.
- 7.16 **Core Policy 3 (Sustainable Development and Climate Change)** requires developments to be designed to cater for the effects of climate change, by way of enabling opportunities for renewable energy and energy efficiency. Such objectives shall be achieved by remaining in accordance with the design requirements listed in the policy.
- 7.17 **Policy EQ6 (Renewable Energy)** confirms that provision should be made for renewable energy generation within South Staffordshire to maximise environmental and economic benefits whilst minimising any adverse local impacts. However, it provides no detailed criteria for the consideration of technologies other than biomass and wind, but as noted in paragraph 4.1 of this SoC, this is due to the date the Plan became operative.
- 7.18 **Policy EQ9 (Protecting Residential Amenity)** requires all developments to take into account the amenity of nearby residents, including privacy, security, noise, disturbance, pollution, odours and daylight.
- 7.19 **Core Policy 4 (Promoting High Quality Design)** requires all developments to be established with a high quality of design in respect of buildings and their landscape settings to achieve the vision of a high-quality environment. Requirements to achieve this are listed in the policy.
- 7.20 **Policy EQ11 (Wider Design Consideration)** outlines that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects and development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points.
- 7.21 **Policy EQ12 (Landscaping)** promotes for landscaping of new development must be an integral part of the overall design, which complements and enhances the development and the wider area.
- 7.22 Overall, the environmental and local amenity impact of all renewable energy schemes (both small and large scale) including any infrastructure or buildings must be fully assessed and

development proposals will be considered in accordance with Core Policy 2 and the relevant EQ policies in terms of the impact of any development on local amenities, including environmental and landscape impacts, impact on the historic environment and impact on the amenities of local residents.

National Planning Policy Framework (NPPF) (2023)

7.23 **Paragraph 2** states that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework must be taken into account as a material consideration in planning decisions.

7.24 **Paragraph 8** sets out three dimensions to the principle of sustainable development: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- Economic Objective — The very nature of the development proposals is to underpin investment within the local economy and support local communities.
- Social Objective — The application proposal will support and enhance the vibrancy of the community by providing a low carbon energy source. The security provided to emerging availability will ensure community facilities, homes and amenities are suitable supplied with energy going forward.
- Environmental Objective — Support existing infrastructure with an energy source which can add capacity and tolerance to the network at times of spikes in use or drop in renewable resources. This is a low carbon source of energy.

7.25 **Paragraph 11** sets out a clear presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; or
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - (i) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - (ii) *Specific policies in this Framework indicate development should be restricted.*

7.26 **Paragraph 38** sets out the Framework's expectations for how Councils should approach

decision making. This paragraph states that decision making should be approached in a positive way to foster sustainable development that they should look for solutions rather than problems; and that decision takes should approve applications for sustainable development.

7.27 **Paragraph 85** states that planning policies and decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. A consistent and reliable power supply is essential to supporting the economy.

7.28 **Paragraph 88** of the Framework states that planning principles should, and decisions should enable;

- The sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- The development and diversification of agricultural and other land-based rural businesses.

7.29 **Paragraph 157** states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.

7.30 **Paragraph 161** of the Framework states when determining applications for renewable and low-carbon energy, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

National Planning Practice Guidance

7.31 The National Planning Practice Guidance (NPPG) supports the Framework, and it states that:

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking. (Paragraph: 001 Reference ID: 6-001-

20140306)

7.32 In considering planning applications, it is important to be clear of the following material considerations (Paragraph: 007 Reference ID: 5-007-20140306):

- The need for renewable or low carbon energy does not automatically override environmental protections;
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

South Staffordshire Climate Change Strategy (2020)

7.33 The 2020 Climate Change Strategy (CCS) sets out the SSC's commitments to local actions in order to tackle climate change and in turn meet its statutory environmental duties. This including encouraging renewable energy in the transition to a low carbon economy.

7.34 Page 9 of the CCS states that the SSC will minimise the climate impact of growth and encourage a low carbon economy through the planning system, by way of:

- Encouraging a sustainable pattern of development supported by low carbon transport infrastructure; and
- Encouraging renewable source of energy supply.

Emerging Local Plan (Regulation 19) (November 2022)

7.35 Whilst the preparation of the Emerging Local Plan has been delayed since January 2023 pending clarity on the Government's changes to the NPPF which were made in December 2023, draft policies are still a material consideration albeit with limited weighting.

7.36 The following draft policies are considered to be relevant to this Appeal:

- Policy DS3 – Open Countryside
- Policy NB1 – Protecting, enhancing and expanding natural assets
- Policy NB4 – Landscape Character
- Policy NB5 – Renewable and Low Carbon Energy Generation

Supplementary Planning Documents (SPDs)

7.37 SSC also provide a suite of Supplementary Planning Documents (SPDs) that provide guidance in relation to development within the Local Plan Area. The SPDs of relevance to this appeal are considered to be:

- Green Belt and Countryside SPD (2014)
- Sustainable Development SPD (2018)
- Design Guide SPD (2018)

8.0 STATEMENT OF CASE

8.1 The below sets out the Appellant’s Statement of Case, setting out a clear rationale as to why it is considered that the appeal proposals are acceptable in both planning and design terms.

8.2 The planning application was refused by SSC for the following reason:

The proposed development, by way of its scale and location in the open countryside would create a discordant feature causing a detrimental effect on the immediate environment and the appearance and intrinsic rural character of the wider area contrary to South Staffordshire Core Strategy Policies OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) and EQ4 (protecting and Enhancing the Character and Appearance of the Landscape).

8.3 Policy EQ6 of the Core Strategy, in the context of the NPPF (December 2023) is out of date. LPAs are required to have either a technology specific policy or; a general up-to-date renewable energy policy made in the context of the Climate Change Agreements (CCA, 2019). Nonetheless, policy EQ6 remains generally applicable given the first part of the policy relates to all renewable energies.

8.4 Policy OC1, seeks to protect the Open Countryside for its own sake. The policy places a presumption against development except for the development types listed within the policy, one of these is C(f) which states:

“the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance of the Open Countryside beyond the Green Belt”.

8.5 OC1 is out of date with the NPPF in terms of “protecting” countryside for its own sake. The limited class of exceptions do not make allowances for renewable projects which need to be situated where there is a requirement to be close to a grid connection .

8.6 EQ4 is a policy which could be used to support the scheme given that it has taken into account the character and sensitivities and so far as I understand it there no “important” medium or long distance views that would impacted.

8.7 It is acknowledged that, owing to the increase in the development of the Site, there will inevitably be a material impact upon the landscape. This, along with all other relevant considerations, should be weighed against the numerous benefits of the appeal proposals.

Impact on the Landscape and Open Countryside

8.8 As part of the application documents, an LVIA was prepared by EnPlan to support the application and provide comprehensive assessment of the existing landscape characteristics, identification of the effects resulting by the proposal, and recommended mitigation measures.

8.9 Notably, the LVIA found that the main landscape and visual issues associated with the proposal were:

- The visual impact on users of the public highways, public rights of way (PROW), and on nearby residential properties; and
- The character and appearance of the landscape.

8.10 The submitted LVIA found that no short, medium and long-distance views would be significantly adversely affected by the proposed development of the Site, thus deeming the impact upon all assessed views as being 'Not Significant'. Further, at paragraph 6.3 the LVIA found that the site is "very well contained in its local setting and along with the proposed mitigation strategy the proposed Battery Storage and associated buildings will be barely visible."

8.11 The recommended mitigation measures have been detailed within the submitted Landscape Strategy. The Landscape Strategy illustrates that the proposed mitigation methods that would help absorb the proposed development into the surrounding landscape, thus achieving an attractive setting. The conclusions of the Landscape Strategy can be summarised as follows:

- Retention of all boundary trees and understorey where possible;
- New tree planting along the northern boundary within or adjacent to the existing retained hedge;
- New hedge and tree planting along the south-eastern boundary to form a new hedgeline to screen views from Levedale Road receptors;
- New hedge and tree planting along the south-eastern edge of the new access road;
- New tree planting along the southern and south-western boundary to strengthen the existing hedgerow; and
- New swathes of wildflower planting along the margins to improve of the ecological value and potential of the Site. The landscape strategy highlights the use of native species of local source and the adoption of a landscape maintenance regime designed to encourage wildlife and provide a range of habitat environments.

8.12 The Landscape Strategy intensifies all existing boundary treatments to mitigate any perceived visual harm to the landscape, and to ensure the development is sufficiently

absorbed into the surrounding landscape.

N.B. The LVIA notes that during the construction phase of the development, the works are likely to be more visible, however these are temporary effects and therefore they are considered to be **'Not Significant'**.

- 8.13 In summary, the landscape design includes areas set aside for tussocky grassland (modified grassland) measuring 1.89 ha, wildflower meadow (other neutral grassland) areas measuring 0.28 ha, three additional native species-rich hedgerow with tree planting which will collectively measure 0.49 km, and sustainable drainage systems and swales that mimic natural drainage processes that will be seeded with a wetland meadow mix (other neutral grassland). All existing native species-rich hedgerows will be retained in full. Small sections of native species-poor hedgerow will be lost, but these will be compensated by the proposed additional native species-rich hedgerow with trees along the eastern side of the access track and eastern boundary of the main site. Tree planting has also been included within the landscaping both within the proposed hedgerows and around the Site. A total of 13 native trees not associated with the proposed hedgerows are included.
- 8.14 It is considered that whilst there will be a material change to the land, the visual impact of this will be negligible, given the cumulating factors including the Appeal Sites distance from roads and nearby residencies, the existing natural screening mechanisms and the proposed intensification of these through the implementation of the Landscape Strategy.
- 8.15 Given the above, it is considered that the Appellant responded to all landscape orientated concerns that were raised by the SSC in the pre-application meeting, within the planning application by way of submitting supporting detailed reports. It is therefore, considered by the Appellant that this information provided SSC with sufficient evidence to reasonably conclude, that the proposal would not have a significant adverse impact on the existing landscape.
- 8.16 Given the area of land the area of the Site proposed for development would sit within is well contained within the Site, and will be supported by appropriate mitigation measures, it is considered that there would be no detrimental impact upon the appearance of the Open Countryside.
- 8.17 The Appellant wholly disagrees with the SSC that the proposal is contrary to Policy EQ4,

which advises developers that:

'the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views'.

8.18 Further, as detailed in paragraph 1.9.8 of the Officers Committee Report, Officers considered that:

*"Along with the mitigation strategy, the details of which can be secured by condition, there is **unlikely to be a harmful impact on landscape character** as the battery units and infrastructure would be barely visible by year 15 as shown within Appendix E of the LVIA. The **proposed planting would strengthen the existing character of the area as well as screening the site from views**. Whilst there would be a visual impact during construction and a minor impact within the first years following completion, this would be temporary, and on a medium to longer timeframe the intrinsic rural character and local distinctiveness of the South Staffordshire landscape would be maintained in accordance with Core Strategy policies EQ4 and EQ12 as well as NPPF paragraph 174."*

8.19 The LVIA that was submitted in support of planning application 23/00145/FUL noted that there would be no adverse effect on the medium and long-distance views, therefore the proposed development remains in accordance with Policy EQ4.

8.20 Therefore, the Appellant considers that given the evidence provided in support of Planning Application 23/00145/FUL, and the mitigation measures implemented into the scheme, the establishment of a battery storage facility would not have an adverse impact on the surrounding landscape area or indeed, the wider open countryside.

8.21 Notwithstanding the Appellant's contention that the proposed development's impact upon the landscape and surrounding countryside would be successfully mitigated and addressed by following the recommendations of the submitted LVIA and Landscape Strategy, the Appellant has provided further enhancements to the proposed landscaping as part of this Appeal.

8.22 Under the *Wheatcroft* Principle¹⁰ and, subsequently supported the *Holborn Studios* High Court Decision¹¹, the Appellant has submitted an updated General Arrangement Plan, showing:

¹⁰ Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another, Queen's Bench Division 24 October 1980 (1982) 43 P. & C.R. 233 Forbes J. October 21 and 24, 1980

¹¹ R (Holborn Studios Ltd) v London Borough of Hackney and GHJ (Eagle Wharf Road) Ltd; Date: 10 November 2017; Ref: [2017] EWHC 2823 (Admin)

- (a) *the arrangement and location of the proposed acoustic barrier*
- (b) *The additional infill of the hedgerow along the southern boundary of the Appeal Site.*

- 8.23 In relation to a) the proposed acoustic barrier has been amended in order to accord with the updated site layout that was itself amended during the planning application process. The acoustic barrier will be located along the eastern and northern parts of the proposed BESS compound.
- 8.24 In relation to b), the revised General Arrangement Plan shows the further infill of the existing hedgerow along the southern boundary of the Appeal Site further contributing to net gain in hedgerow units.
- 8.25 The Appellant has also provided an updated LVIA and associated documents to provide further robust evidence to support the proposed development in sufficiently mitigating and enhancing the landscape impacts in and around the Site.
- 8.26 Specifically, as detailed further within the updated LVIA, the Landscaping Strategy includes the further enhancement of the hedgerows along the southern/southwestern boundary of the Site.
- 8.27 The updated LVIA finds that no short, medium and long-distance views are anticipated to be significantly adversely affected and thus, the all the views have a **not significant** effect. The updated LVIA reiterates that the Appeal Site is very well contained within its local setting and that, along with the proposed mitigation strategy, the visibility of the battery storage will be very limited.
- 8.28 Building upon the submitted LVIA, the updated LVIA considers the cumulative effect of the proposed development alongside the recently approved solar farm development at Preston Hill Farm (LPA Ref: 23/00009/FUL).
- 8.29 In this respect, the Appeal proposals seek to further improve upon the mitigation measures to provide visual relief whilst reinforcing the southern boundary of the Site.
- 8.30 As was agreed by Officers within the Planning Committee Report, the information provided by the Appellant to the Council in relation to the assessment and mitigation of Landscape Character impacts, was sufficient in demonstrating that the appeal proposals would not comprise a detrimental impact upon the Site and its surroundings nor the intrinsic character

of the wider countryside.

- 8.31 As such it is considered that the Appeal proposals as determined by SSC and indeed, as amended under the *Wheatcroft* Principle¹², subsequently supported the *Holborn Studios* High Court Decision¹³, are sufficient in demonstrating compliance with policy EQ4 (protecting and Enhancing the Character and Appearance of the Landscape) of the South Staffordshire Core Strategy (2012).
- 8.32 The proposed changes to the proposed development, namely the inclusion of the amended acoustic barrier and the additional infill of the existing hedgerow along the southern boundary, by virtue of their scale and nature are very minor and have not fundamentally altered the scheme as was determined by the Council.
- 8.33 Whilst the proposed changes to the proposed development are indeed minor, The Appellant maintains that the original landscaping proposals considered at Planning Committee are acceptable and landscaping did not constitute a reason for refusal. The additional infill planting along the southern boundary of the Appeal Site is not required for landscape character impacts, rather, it is being proposed to maximise all available opportunities for planting within the site. The overall landscaping scheme has not been changed significantly to the extent to which would deprive parties who should have been consulted on the changes of the opportunity for such consultation.

Other Matters

Biodiversity and Ecology

- 8.34 In respect to delivering a Biodiversity Net Gain (BNG), the Appellant commissioned The Environment Partnership (TEP) to produce a BNG Design Stage Report It found that the proposed development would achieve a +13.10% net gain in area habitats and a further +36.11% net gain in hedgerow habitats, therefore achieving the required BNG of 10%. The schemes' ability to provide this is largely due to the Appellant considering BNG early in the development stages of the scheme, therefore ensuring habitat creation and enhancement

¹² Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another, Queen's Bench Division 24 October 1980 (1982) 43 P. & C.R. 233 Forbes J. October 21 and 24, 1980

¹³ R (Holborn Studios Ltd) v London Borough of Hackney and GHJ (Eagle Wharf Road) Ltd; Date: 10 November 2017; Ref: [2017] EWHC 2823 (Admin)

was a priority.

- 8.35 The additional benefit of reinforcing the southern/southwestern boundary hedgerow planting is the greater gains in terms of Biodiversity. Whilst the proposals, as were determined by SSC, demonstrated a Biodiversity Net Gain of at least 10%, the minor amendments to the scheme that have been enclosed within this appeal submission provide further public benefits to the proposal.

Due the further reinforcement of the hedgerows an updated BNG Assessment has been carried out as part of this appeal. The minor amendments made have confirmed that the development will comply with the mandatory requirements relating to Biodiversity Net Gain for larger sites.

Noise

- 8.36 As part of the application submission package, a Noise Impact Assessment (NIA) was prepared in support of the appeal proposals.
- 8.37 The assessment identifies that the Proposed Development will give rise to rating sound levels that do not exceed the measured background sound level in the area during the day and night, thus giving rise to a '**Low Impact**'.
- 8.38 Part of the mitigation strategy for the proposed development included the installation of 3.5m high acoustic fencing. For completeness, this has been included in the proposed General Arrangement that has been submitted as part of this appeal under the Wheatcroft Principle which has been supported by the Holborn Studios decision.

9.0 PLANNING BALANCE

9.1 The starting point when it comes to assessing applications relating to the provision of renewable energy infrastructure is the National Planning Policy Framework (2023). Specifically, paragraph 163 states that LPAs shouldn't "*require applicants to demonstrate the overall need for renewable and low carbon development and, recognise that even small scale projects provide a valuable contribution to significant cutting greenhouse gas emissions*".

9.2 Accordingly, it is considered that **significant weight** should be given to the appeal proposals as they seek to provide infrastructure to support the delivery of renewable energy to the National Grid, and provide capacity for electricity storage to be released when demand requires.

9.3 At paragraph 1.10.6 of the Officers Committee Report, the Case Officer noted that the provision of low carbon energy contributes to the social, economic and environmental dimensions of sustainable development, that underpins the purpose of the NPPF. The Case Officer further notes that while the NPPD policy supports renewable energy, schemes shall also remedy the impacts to be acceptable.

9.4 Further at section 1.19, the Case Officer concludes the Report by stating that:

"The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and the impacts can be made acceptable, are sufficient to outweigh the conflict with Core Strategy Policy OC1..."

9.5 Building on the evident wider benefits that are associated with the provision of renewable energy infrastructure, the proposed development would also deliver other benefits including a biodiversity net gain on the Site, seeking to support new and existing habitats on the Site and the surrounding areas.

9.6 This is supported by the planting of new and enhanced landscaping around the areas of the Site proposed for development. This includes the replenishment of existing hedgerows and removal of low category trees and shrubbery to allow for the supplementary planting.

9.7 As has been demonstrated above in Section 8 of this document, the submitted LVIA and indeed, the revised LVIA that has been submitted as part of this Appeal, have proposed measures to mitigate the visual and spatial impact of the development upon the surrounding

landscape and wider countryside.

9.8 With reference to policy OC1(f), whilst it is acknowledged that, by virtue of the level of development proposed, there will be a material impact upon the landscape and wider countryside, it is considered that the benefits of the scheme, including the provision of renewable energy infrastructure and on-site landscaping and biodiversity enhancements outweigh the potential harm to the landscape and open countryside.

9.9 This was also the conclusion reached by Officers in their assessment of the planning balance.

10.0 CONCLUSION

- 10.1 This Appeal Statement has been prepared on behalf of Anglo ES Levedale Ltd against South Staffordshire Council's decision to refuse Planning Application 23/00145/FUL which sought to establish a battery energy storage facility at the land located south-west of Levedale Road, Penkridge, Staffordshire, ST18 9 AH.
- 10.2 SSC refused the planning application with one sole reason for refusal relating to potential impact upon the local landscape and wider countryside determining that the proposal was contrary to Policies OC1 and EQ4 of the South Staffordshire Core Strategy (2012).
- 10.3 BESS facilities, as evidenced within the National Policy Statement for Energy (EN-1), provide key infrastructure for supporting the transition of the country's energy provision to low carbon solutions. It has been demonstrated that BESS developments are vital in supporting the National Grid in managing both energy supply and capacity.
- 10.4 Case law has established the benefits of BESS developments and the weight that said benefits have been afforded within the planning balance. The appointed inspector at an appeal in Newark¹⁴ determined that the considerable urgency for battery energy storage schemes to come forward to enable the country's transition to low carbon energy sources, reinforced by the National Policy Statements for Energy, were "very significant benefits" of the development.
- 10.5 Again, this is reflected in a decision made at Wolverhampton West¹⁵ where a BESS facility was approved within the Green Belt and in the Open Countryside with the Inspector considering that Very Special Circumstances (VSC) did exist owing to the substantial weight given to the environmental benefits associated with renewable energy.
- 10.6 There is, in fact, a higher bar for assessing impact upon the Green Belt in comparison to the open countryside in isolation. In this respect, given that the provision of renewable energy facilities is the subject of this Appeal and, the Site is not located within the Green Belt, the benefits of renewable energy therefore, outweigh the harm to the local landscape and rural character of the area.

¹⁴ APP/B3030/W/23/3334043 - Staythorpe, Newark, NG23 5RG

¹⁵ APP/C3430/W/22/3292837 - Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton, WV4 4XX

- 10.7 It is further concluded that the supporting LVIA and associated documents have been successful in demonstrating compliance with Policy EQ4 of the South Staffordshire Core Strategy (2012). The submitted LVIA and associated documents have clearly demonstrated that the Appeal Proposals have taken into account of the characteristics and sensitivity of the landscape and its surroundings, and that the proposals would not have a detrimental effect on the immediate environment and on any important medium and long-distance views.
- 10.8 When considering the planning balance, it is considered that the benefits of the appeal proposals, comprising the provision of renewable energy infrastructure, biodiversity enhancements along with mitigation measures that have been proposed and supported by Officers demonstrably outweigh the potential effects on the appearance and character of the open countryside.
- 10.9 It is therefore, respectfully requested that the appointed Inspector allows the Appellant's Appeal.

Appendix 1 Officer’s Committee Report for Application 23/00009/FUL

**23/00009/FUL
MAJOR**

**Aura Power Developments
Limited**

PENKRIDGE
Councillor Andrew J Adams
Councillor Samuel G Harper-Wallis

Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA

Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	Yes	22 December 2023

1.0 SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1. The application site is an irregularly shaped piece of arable farmland belonging to Preston Hill Farm which extends to approximately 73.35 hectares and is situated around Longridge, a small farming hamlet found approximately 1 mile west of the main service village of Penkridge. The farmhouse is a Grade II listed property and is accessed via a single lane farm track leading from Levedale Road. There are a number of residential properties north of the application situated to the north and south of Levedale Road. The Staffordshire Way lies due west of the site and follows the boundary of the site for a small section of its route. There are a number of ponds on site as well as some established but sporadic hedges cutting across the undulating fields.

1.1.2 The proposed solar panels are located at a distance away from the farmhouse mainly to the north but also to the west extending towards Preston Vale Farm and south towards Old Preston Hill Cottages. The solar panel development would be constructed and managed via an improved access point to the North off Levedale Road.

Date of site visit – 30th March 2023

1.2 SITE HISTORY

Planning Applications

03/01181/COU Change of use of agricultural buildings to form 2 dwellings with carports and garages

Approve Subject to Conditions 31st March 2004

SS/93/00286 Land Reclamation By Waste Infilling For Agricultural Purposes **Refuse** 28th July 1993

AGR/93/00009 Agricultural Building 1st April 1993

22/00198/EIASCR Solar farm 17th March 2022

23/00009/FUL Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme.

23/00288/AGR 10 bay open fronted steel portal frame building with cantilever roof. Proposed use general agriculture in conjunction with existing farm business 2nd May 2023

Pre-apps

20/00080/PREAPP The installation of a solar farm, with substation, small battery site, inverters and associated equipment. 4th December 2020

1.3 APPLICATION DETAILS

The Proposal

1.3.1. The application proposes the installation of a solar photovoltaic electricity generating station extending to approximately 62 hectares with a rated capacity up to 49.9MW generating enough power to potentially power approximately C14,000 homes . The main components of the facility are the solar panels and frames, inverters, transformers, cabling and a sub-station. The panels would be situated in a series of rows running east/west orientation in order for the panels to face the sun to the south with a maximum height of 3m with a minimum ground clearance of 0.8m. The rows are stationed within blocks of 26 panels with a minimum space of 2.15m between frames to ensure access for maintenance and prevent shading by adjacent panels.

1.3.2. The panels generate a direct current that needs to be converted into electricity which is then transferred to the local distribution network via distribution network cables to 19 transformer units located on site and then on to a larger substation. The applicants have secured a connection via an on-site overhead line which will be facilitated by a new substation to connect to the Local Electricity Distribution Network operated by Western Power Distribution. For clarification purposes, there is no link or connection proposed to the recently submitted application for a battery storage plant nearby reference application number 23/00145/FUL submitted by Anglo Renewables.

1.3.3 In total the application details the provision of the following:

- bi-facial ground mounted solar panels within an area of approximately 62ha;
- approximately 250 String inverter units;
- 19 No. Transformer Units;
- a substation compound containing protection equipment, isolation switches, metering equipment's, client and DNO buildings and palisade fence;
- a storage unit;
- access tracks made of crushed stone over a geotextile membrane;
- perimeter and stock fencing;
- a temporary construction compound; and,
- associated infrastructure

1.3.4 The applicants have an approved connection to the Grid and, if approved, the proposal is ready to be implemented.

Agent Submission

The application is accompanied by the following:

- Agricultural Land Classification Report plus update
- Arboricultural Report

- Assessment of cumulative effects plus update
- Bat activity survey report
- Biodiversity management plan
- Biodiversity net gain metric
- Breeding bird survey report
- Dormouse survey report
- EDNA pond reference table and results
- Estimated HGV Goods movements
- Public consultation
- FRA and Surface water strategy
- Geophysical survey report
- Glint and glare assessment
- Heritage Impact Update
- Landscape and Visual Impact assessment
- Landscape character and designations/visual receptors
- Levedale Road traffic data
- Noise Impact Assessment
- Planning Statement
- Winter bird survey

3. POLICY

3.1 Constraints

Constraints

Flood Zone 2 - 1 in 1000 yr Name: Flood Zone 2 - 1 In 1000 Yr:

Flood Zone 3 - 1 in 100 yr Name: Flood Zone 3 - 1 In 100 Yr:

Newt - Impact Risk Zone Red Name: RED ZONE:

Newt - Strategic Opportunity Area Name: West Staffordshire Pondscape (North):

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Newt - Impact Risk Zone Green Name: GREEN ZONE:

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

Open Countryside

Public Right of Way Name: Penkridge 41

PROW ID: 4844

Status: FOOTPATH

Parish: Penkridge

SAC Zone- 8km Buffer Buffer Zone: 8km

3.2 Policies

- Within the Open Countryside
- Core Strategy

Core Policy 1 The Spatial Strategy for South Staffordshire

OC1 Development in the Open Countryside Beyond the West Midlands Green Belt

Core Policy 2 Protecting and Enhancing the Natural and Historic Environment

EQ1 Protecting, Enhancing and Expanding Natural Assets

EQ3 Conservation, Preservation and Protection of Heritage Assets

EQ4 Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3 Sustainable Development and Climate Change

EQ6 Renewable Energy

EQ7 Water Quality

EQ9 Protecting Residential Amenity

EQ11 Wider Design Considerations

EQ12 Landscaping

EV11 Sustainable Travel

- National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

Sustainable Development SPD 2018

- Evidence base for the Local Plan Review (Publication Plan)

Sustainable Construction & Renewable Energy Topic Paper November 2022

- National Policy and Guidance

National Planning Policy Framework (to be read as a whole)

National Planning Guidance

2015 Ministerial statement - *Solar energy: protecting the local and global environment*

Overarching National Policy Statement for Energy EN-1

National Policy Statement for Renewable Energy Infrastructure EN-3

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise and representations may be summarised.

Site Notice Expires	Press Notice Expires
23/03/2023	21/03/2023

Councillor Andrew Adams - Penkridge North & Acton Trussell

Ongoing discussions have been had throughout the course of the application.

Councillor Samuel Harper-Wallis-Penkridge North & A Trussell

No Response Received

Penkridge Parish Council

22nd November 2023

Councillors thought the proposed application was industrialisation on good agricultural land and asked when it would be connected to the Grid.

Local Plans

7th March 2023

The proposed solar farm lies within the Open Countryside. Policy OC1 indicates the Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Policy OC1 also allows for the change of use of land within the Open

Countryside where this would "have no material effect on the appearance and character of the Open Countryside". Despite its temporary nature it is unlikely that the proposed scheme will have no material effect at all on the appearance and character of the area, creating a degree of conflict with the policy, albeit this conflict might be limited by appropriate mitigation. This conflict needs to be considered alongside other material considerations, including national policy and evidence which post date the adoption of Policy OC1 in 2012.

The National Planning Policy Framework 2021 is an important additional material consideration in considering this proposal. This indicates that decisions should recognise the intrinsic character and beauty of the countryside (para 174a) and that plans should maximise the potential for suitable renewable energy development while ensuring adverse impacts are addressed satisfactorily (para 155). Applications should also conform to local policy requirements regarding decentralised energy supply, unless it can be demonstrated by the applicant that this is not feasible or viable (para 157). On this point, Policy EQ6 of the 2012 Core Strategy indicates that provision should be made for renewable energy generation within South Staffordshire to maximise environmental and economic benefits whilst minimising any adverse local impacts. It will therefore be important for the scheme to maximise environmental and economic benefits and minimise any adverse local impacts, unless the applicant can show that this is not feasible or viable. In addition to the above, December 2020 Energy White Paper ("Powering our Net Zero Future") indicates that achieving net zero rests on a "decisive shift" away from fossil fuels to clean energy and describes onshore wind and solar as "key building blocks" of the future energy generation mix. Equally, the more recent British Energy Security Strategy 2022 anticipates the need for a five-fold increase of solar capacity in the UK from 14GW to 70GW by 2035.

At a local level, South Staffordshire District Council declared a climate emergency in 2019, with a similar declaration being made by Staffordshire County Council. Evidence prepared in 2020 suggest that the gap between electricity demand and renewable energy generation is even greater in Staffordshire than it is nationally. The Staffordshire Climate Change Adaptation & Mitigation Final Report indicated that at the time renewable energy generation in Staffordshire was only able to meet just under 10% of electricity demand, with solar and onshore wind being the two feasible technologies to provide this additional capacity. Whilst the study identified some authorities (Cannock and Tamworth) as being constrained in their ability to contribute to contribute towards solar or wind generation, it concluded that across the county as a whole there was land sufficient to bridge this gap with these technologies.

In summary, whilst Policy EQ6 lends support to the principle of the development there is also likely to be at least a limited degree of conflict with Policy OC1, as it is unlikely that any solar farm could be delivered in this Open Countryside location without at least some material effect on the area's character and appearance. However, the NPPF 2021 does not contain a similar test in countryside locations, instead simply requiring that the intrinsic character and beauty of the countryside is recognised in decisions. Equally, it requires plans to maximise the potential for suitable renewable energy development, whilst satisfactorily addressing adverse impacts. Given this and the strong support lent to the principle of significantly increasing solar energy in the government's Energy White Paper and Energy Security Strategy, there are significant material considerations in support of the principle of the scheme. This is subject to the maximisation of the scheme's benefits and minimisation of local impacts.

Case officer comments – The NPPF was updated In December 2023, after the above comments were received. However, whilst the paragraph numbering noted is now out of date the wording of the relevant sections of the NPPF remain unchanged.

Landscape comments

Policy EQ4 requires the intrinsic rural character and local distinctiveness of South Staffordshire to be maintained and enhanced where possible, including the protection of trees and hedgerows. Development is also required to not have a detrimental effect on the immediate environment and on any important medium and long distance views. It is noted in the LVIA that there were no applications for solar farms at the time that assessment was undertaken. However, there is now an application for a similar style of solar farm in the District's Open Countryside (application ref. 22/00936/FUL) around 2.5km to the north of the site. The two proposals' visual impact is largely localised and there is significant intervening vegetation and topography that may limit any significant intervisibility between the schemes for visual receptors associated, but this needs to be formally confirmed through an update to the LVIA to ensure cumulative impacts are fully addressed.

The site sits in the rural area to the west of the village of Penkridge, from which it is separated by the clear delineating feature of the A449. It is not within or near to or in close proximity to a protected landscape area or designation. The site itself is comprised of an assortment of arable agricultural fields, separated by boundary tree and hedge planting and interspersed with small wooded areas. The landform slopes gently uphill towards the site's centre from Preston Vale Lane to the south and Levedale Road to the north.

The proposal will introduce ground mounted solar panels surrounded by fencing throughout 62ha of the site, with these panels being enclosed by perimeter and stock fencing throughout. The site will also be interspersed with small transformer units and associated farm tracks, with a larger connection compound being located towards the site's western edge and new tree and hedgerow planting, alongside additional wildflower meadows, will be introduced in specific parts of the site.

The site sits within the Ancient Clay Farmlands landscape character type, an area which is often characterised by arable farming fields of varying scales enclosed by tree and hedgerow planting, set within an undulating landform. In this respect the site is considered to be broadly representative of this wider landscape character type. Within such areas, critical factors limiting landscape quality include the loss of hedgerows and hedgerow trees, the poor quality of remaining features of this type and the poor survival of characteristic semi-natural vegetation, such as ancient woodland.

The proposal will introduce primarily temporary structures into the landform for a time limited period (40 years), whilst retaining the existing tree and hedgerow planting that characterise the field pattern within the site and in some cases will extend/reinforce this pattern through additional planting. Existing pond and wooded areas throughout the site will also be retained. Whilst the temporary loss of arable land will alter the character of the site itself, the majority of structures on the site will read as temporary and will retain the key elements which define the field structure and semi-natural vegetation key to this landscape character area. Therefore, whilst there will be a temporary impact on the site's arable farming character, overall the proposal will maintain the features key to the rural character and local distinctiveness of this landscape, including retaining trees and hedgerows, taking account of the distinctive qualities of the local landscape. Therefore, it is considered overall to be acceptable under the landscape character provisions set out in Policy EQ4.

In terms of visual receptors, there is a promoted long distance walking route (the Staffordshire Way) which runs west to east in close proximity to the site, running adjacent to its southern boundary in part. The applicant's LVIA correctly identifies viewpoints along this route, alongside views from the wider PRow network and rural lanes surrounding the site and potential longer distance views from the Cannock Chase AONB as the most important visual receptors to assess for this scheme.

The LVIA identifies that the greatest residual visual effects after mitigation will largely arise from users of the Staffordshire Way adjacent to the site (viewpoint 1), and users of the Congreve bridleway to the south of the site (viewpoint 5). Users of the Congreve bridleway would have a clear view of large parts of the scheme due to the lower topography on intervening land. However, given the orientation and surrounding landform it is not considered that this will significantly alter users' perception of the wider rural setting or more important longer distance views along this route towards Cannock Chase AONB. Users of the Staffordshire Way would have occasional prominent views of the site alongside field entrances but the

height of the roadside hedges would, in most instances, be sufficient to screen the proposal from users of this long distance footpath. This assumes that any final landscaping scheme successfully removes existing gaps in the hedgerow, where more prominent viewpoints are currently available. Therefore, the LVIA rightly concludes that once landscaping mitigation is in place any impacts on users of these routes will be moderate, rather than major. This will cause some limited conflict with Policy EQ4 by having a limited and temporary detrimental impact on these viewpoints.

All other viewpoints within closer proximity of the site (2.5km) will have either minor or no adverse effects after the 10 year period has allowed mitigation planting to be fully established. Views from users of the footpath by Whiston Mill south-west of the site (viewpoint 3) would only be partial and would not significantly alter users' perception of the wider countryside setting along this route. Longer distance views to the site will mainly be negligible due to intervening screening. Whilst there may be some minor or moderate impacts on visual receptors at Huntington Mound and Shoal Hill Common (within the AONB), the site would still be partially screened by vegetation and would not read prominently in views from either of these locations, particularly when compared to more prominent and visible urbanising landscape elements which sit in close proximity to these views. Therefore, the proposed scheme will not have any meaningfully detrimental effect on these longer distance views.

In summary, the proposal will result in a temporary change to the landscape character of the site but will preserve and enhance key landscape elements important to this character area, preserving the existing field pattern, retaining areas of semi-natural planting and restoring tree and hedgerow planting within the site. The proposal will also enhance the site's biodiversity and through additional semi-natural planting. There will be some limited conflict with Policy EQ4 due to the impacts on users of the Staffordshire Way and Congreve bridleway. However, these visual effects are moderate and will be temporary in nature due to the time limited form of development. Given the positive landscape character elements that would be delivered by the proposal, these impacts are not considered to be sufficiently adverse to warrant refusal on landscape and visual grounds. However, the applicant will need to update the LVIA to consider cumulative landscape and visual effects with the planning application for a similar development south of Coppenhall (22/00936/FUL). Without this, cumulative landscape and visual impacts cannot be robustly assessed so this must be addressed prior to determination.

Case officer comment – Following receipt of these comments an updated LVIA was undertaken and submitted by the planning agent. Assessment of this can be found in paragraph 5.5.9 of this report.

Senior Ecologist - South Staffordshire

8th August

No further comments.

7th August 2023

Summary of Consultee Position: No objection subject to conditions.

Introduction

Thank you for consulting me on this application. I have reviewed the following planning application documentation for the above application:

- Ecological Assessment (Wychwood Biodiversity Ltd - Feb 2023)
- DEFRA Biodiversity Net Gain Metric (Wychwood Biodiversity Ltd)
- Bat activity survey (Calyx Environmental Ltd, June 2022)
- Biodiversity management plan (Wychwood Biodiversity, Feb 2023)
- Winter bird survey report ((Wychwood Biodiversity Ltd - Feb 2023))
- Breeding bird survey report (Wychwood Biodiversity Ltd - March 2022)
- Dormouse survey report (Thomson Environmental Consultants, May 2022)

- Module Array Layout (ib vogt GmbH, June 2022)
- Noise assessment for planning (Ion Acoustics, Dec 2022)

I have not visited the site but have viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Impacts to Designated Wildlife Sites

Several designated European wildlife sites such as Motte Meadows SAC and Cannock Chase SAC are currently being negatively affected by increased nitrogen deposition, particularly nitrogen oxides and ammonia.

Increasing livestock numbers or introducing new livestock to an area may result in an increase in ammonia deposition to designated wildlife sites, either alone or in combination with other schemes.

After correspondence with the agent, it is understood that grazing animals are already present at the site, and that the proposed development will result in a decrease in stocking density. No new animals will be introduced for grazing purposes. It is also noted that fertiliser use on site will cease upon implementation of the low-density grazing regime. On this basis, it is unlikely that likely significant effects to designated wildlife sites will occur because of the proposed development, and that no further assessment in relation to Habitat Regulations Assessment (HRA) is necessary.

Furthermore, based on the results of ecological surveys undertaken at the site and taking the nature of potential impacts of the proposed development into consideration, I do not consider it likely that the proposed development will result in significant effects to other designated wildlife sites.

Protected Species

Bats

I note that both the ecological and arboricultural reports identify multiple trees on site with varying degrees of suitability to support bat roosts. Whilst no further detailed surveys of the trees have been progressed in this respect, I have taken the existing land use and habitats into consideration in relation to the low suitability of foraging habitat at the site which is broadly reflected in the results of the bat activity survey data. The proposed development includes substantial buffers from retained mature trees and will increase connectivity between trees in the long-term through the creation of hedgerows.

Based on the data presented, I am satisfied the impacts to foraging and commuting bats because of construction are likely to be short-term and minimal, and that the proposed landscaping and change of land use will result in a positive effect to foraging and commuting bats in the long-term.

Breeding and Wintering Birds

I am satisfied that the habitat created within the site and within Field 9 is likely to be sufficient to mitigate and compensate for adverse effects to breeding and wintering birds; subject to appropriate management being secured.

Hazel Dormouse

The site falls within proximity to a historical hazel dormouse record, and I welcome the increased ecological connectivity and provision of hazel dormouse boxes proposed by the applicant. I am satisfied with the assessment in relation to potential impacts to hazel dormouse and am satisfied that the likelihood of significant negative effects is negligible.

I acknowledge the avoidance, mitigation, compensation and enhancement measures detailed within the ecological reports, and providing these are fully implemented, I am satisfied that the proposed development will not result in significant adverse effects to protected species.

Great Crested Newt

I am satisfied that the risk to GCN because of the proposed development is negligible, based on the negative results of eDNA surveys of ponds within the appropriate distance from the site. I have included an informative note to be applied to the decision notice in relation to protected species in the unlikely event that GCN are subsequently found during construction.

Other Mammals (badger, brown hare, hedgehog, etc.)

I am satisfied with the approach to minimising risks to other mammal species as detailed within the biodiversity management plan, including to badger for which update surveys prior to commencement have been recommended.

I have proposed that a Construction and Ecological Management Plan (CEMP) with concise actions for the reference of site operatives be submitted and secured by condition. This will ensure that the approach to minimising impacts to ecological features as well as detail on who is responsible for ensuring appropriate actions are undertaken (i.e., toolbox talks, installation and location of protective fencing etc.) are clear prior to commencement of works on site.

Habitats and Biodiversity Net Gain (BNG)

The proposed red and white tape to denote biodiversity protection areas (i.e., ponds) as specified in the biodiversity management plan is not sufficient to preclude damage to these areas from construction traffic etc. The tape is fragile and will not withstand damage from machinery, it therefore cannot be relied upon to prevent damage as is intended. As such, the proposed CEMP must identify biodiversity protection zones and suitable fencing around

these areas to ensure that impacts will be avoided whilst maintaining connectivity for terrestrial species.

In relation to BNG, the Nature Recovery Network mapping identifies that the site falls within the following habitat connectivity opportunity areas:

- Woodland (partially at the northern extent of the site)
- Wetland (partially along the southern extent of the site)
- Arable and pastures (partially at the centre of the site)

Following liaison with Wychwood Biodiversity I proposed amendments to the submitted DEFRA metric which have been mutually agreed with Wychwood Biodiversity. I am therefore satisfied that the biodiversity net gain assessment is appropriate and acceptable.

I have reviewed the biodiversity management plan and am broadly satisfied with the management detail provided in the document. I have proposed a condition to implement the habitat monitoring as detailed within Table 2 on page 34 of the biodiversity management plan.

Whilst the management plan details the actions to be taken on site, I consider it necessary to provide a standalone management schedule (as recommended within BS42020) which can be kept on site for site management and operatives to refer to for ongoing habitat management measures. I have therefore also proposed a condition for submission of a concise management schedule which summarises the yearly management activities to be undertaken on site for the lifetime of the proposed development, ensuring management detail will deliver the stated conditions within the submitted DEFRA biodiversity metric as well as responsible bodies for undertaking those actions. This can subsequently be referred to by site management as a concise prescription of management actions as they arise on a yearly basis.

Recommendations

Should you be minded to approve the proposed development, I recommend that the following conditions and informative notes are added to any decision notice:

Condition - Compliance with submitted documents

1. All ecological measures and works, including monitoring works (as specified within Table 2 of the document), shall be carried out in accordance with the details contained in the Biodiversity Management Plan by Wychwood Biodiversity Ltd dated February 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, unless otherwise agreed in writing by the Local Planning Authority. Monitoring reports will be submitted to the Local Planning Authority within 3 months of their completion.

Reason: To prevent harm to, and to secure enhancements for habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Condition - Construction and Ecological Management Plan (CEMP)

2. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) A risk assessment of potentially damaging activities and the phases associated with them.
- b) Identification of biodiversity protection zones (i.e., ponds, trees and hedgerows) on appropriately scaled plans.
- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.
- e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).
- f) Role and responsibilities of the ECoW if appropriate.
- g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

Reason: To prevent harm to habitats of conservation value and protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Condition - Biodiversity Enhancements

3. All ecological enhancement measures as detailed in the 'Biodiversity Enhancements' section on Pages 32 and 33 of the Ecological Assessment report by Wychwood Biodiversity dated 2nd February 2023 will be implemented in full. A statement of conformity, confirming that all enhancement measures have been implemented, with photographs, must be submitted to the Local Planning Authority within 6 months of the site being operational to evidence the installation of all features at the site.

Reason: To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.

Condition - Mammal Access

4. All perimeter fencing will have mammal gates installed at 100m intervals, and fencing around ponds will have no less than five gates installed. These gates must be open to allow uninhibited passage of smaller mammals such as hedgehog and brown hare. The gates will be maintained and retained for the lifetime of the development.

Reason: To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.

Condition - Biodiversity Monitoring and Management Schedule

5. Prior to commencement a Biodiversity Monitoring and Management Schedule will be submitted to the Local Planning Authority for written approval. The Biodiversity Monitoring and Management Schedule must contain:

- Description and location plan of features/habitats to be managed.
- Aims and objectives of management, including (where appropriate) descriptions of target conditions as detailed within the approved DEFRA biodiversity metric.
- Detailed management prescriptions and a work schedule with annual plan of actions to be taken.
- Responsible bodies/organisations for the implementation of actions within the work schedule including delivery, future maintenance and monitoring.

Reason: To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Informative Notes:

Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an

ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in-use.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies. Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- Deliberate capture or killing or injuring of an EPS
- Deliberate taking or destroying of EPS eggs
- Deliberate disturbance of a EPS including in particular any disturbance which is likely to:

I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
III. to affect significantly the local distribution or abundance of the species to which they belong.

- Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species are unlikely to be affected by the proposed development. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Arboricultural Officer

27th November 2023

The revised Module Array Layout plan (ref. GBR.0009.DEV.M4.001.0.B.j) does not appear to be substantively different from previous versions in allowing extra space around retained trees on site. There

are still several locations where access routes and solar arrays are placed in very close proximity to nominal Root Protection Areas (RPAs).

Whilst I accept that there are no significant incursions into the RPAs, with those that do exist being compensated for with only minor offsets, it still creates potential issues around tree protection fencing being placed under pressure from construction activity.

I would have preferred to see greater efforts made to address the issue by reducing the footprint of the arrays etc. but, in the absence of greater space for trees, potential conflicts can be managed with a robust tree protection specification detailed in an appropriate method statement and tree protection plan.

Therefore, I am prepared to withdraw my holding objection to the development on the understanding that the following condition is attached to any consent issued:

Arboricultural Method Statement and Tree Protection

Prior to the commencement of any construction related activity on site an Arboricultural Method Statement, providing comprehensive details of all tree protection measures including a dedicated tree protection plan, protective fencing specification and construction methods within 5 metres of all Root Protection Areas, shall be submitted to the Local Planning Authority for approval. Subsequently, all measures within the approved method statement and associated tree protection plan shall be adhered to until all construction related activity has been completed.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

Environmental Health Protection

8th March 2023

The application seeks the Installation of a solar farm around Land Around Preston Hill Farm . The applicant has submitted a noise impact assessment of the site in relation to residential noise sensitive receptors by ion Acoustics. The contributor to the background noise is low frequency noise which can travel a considerable distance and potentially have a detrimental impact on residential amenity. I note the applicant has assessed the level of noise against the standard given by BS4142: 2014 and concludes that siting the inverter away from any noise sensitive receptor will obviate any significant noise on residents within proximity to the farm. It would have been pragmatic to carry a frequency analysis of the noise from the inverters proposed. However, given the site location and the distance of the site from a residential properties, I will accepted the methodology used subject to the following condition:

Plant Noise condition

The combined rating levels of sound emitted from all fixed plants and/or machinery associated with the development at the use hereby approved shall be less than or equal to the background sound levels between the hours of 07.00 - 23.00 (Taken as a 1 Hour LA90 at the site boundary) and 23.00 - 07.00 (taken as a 15 minutes LA90 at the site boundary) All measurements should be made in accordance with the methodology of BS4141:2014 (Method for rating and assessing industrial and commercial sound) and / or its subsequent amendments.

Any deviation from the LA90 time interval stipulated shall be agreed in writing with the local planning Authority.

Condition - Construction Management Plan

Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

County Highways

1st September 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 31-Aug-2023

1. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been reconstructed in a suitable stable material for a minimum distance of 20.0m.
2. The development hereby permitted shall not be commenced until the visibility splays identified on the submitted proposed site entrance plan have been provided and maintained.

Reasons.

1 & 2. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Notes to Planning Officer.

- i). The proposed development is located in a rural area with an existing field access off a road subject to a speed limit of 40 mph. There are no recorded vehicular accidents within the visibility splay of the existing access in the last 5 years.
- ii). The information submitted by KMR is noted but the standards contained within this document from the various design guides are more appropriate for the construction of new roads. The majority of the vehicular movements associated with this development are for the construction period only which is a relatively short period of 4 to 6 months.
- iii). The contents of the e-mail dated 27th March with regards to an incident with an HGV, horse and rider has been noted. Unfortunately this can not be included as a statistic as it has not come from an official source. Accident data can only be used from an official Police report.
- iv). The additional information provided does not alter previous highways response and the swept path analysis is acceptable on the presumption of the lorries used for deliveries.
- v). This Form X supercedes previous dated 28th April 2023.

Staffordshire County Council Flood Risk Management Team

24th August 2023

Staffordshire County Council Flood Risk Management position

We are now satisfied with the submitted proposals and have no objection to the granting of full planning permission.

The LLFA would however like it to be noted that any works on or around any of the Ordinary Watercourses on or in proximity to the development site may require Ordinary Watercourse Consent from the LLFA. This is a separate matter to planning permission.

Conservation Officer

21st November 2023

Amended plans have been submitted following on from previous comments. There have been some amendments made to the scheme following on from discussions and panels have been removed from the field closest to Preston Hill Farm and Preston Hill Cottages. The proposed tree planting which would have potentially been damaging to the potential archaeology has been omitted.

There is more space in the immediate vicinity of the listed buildings. Whilst these changes have been made and the scheme has been improved, it is still felt that there is a level harm caused to the setting of the designated heritage assets. Having assessed this it is felt that this harm is less than substantial and will need to be considered in the planning balance.

Historic England

15th November 2023

We refer you to our advice and concerns as set out in the previous letter of 09/03/23.

9th March 2023

Thank you for your letter of 21 February 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

We note that the proposed development lies in particularly close proximity to three listed buildings:-

ListEntry 1188122
Name PRESTON HILL FARMHOUSE
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1188122>

ListEntry 1039194
Name PRESTON VALE FARMHOUSE
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1039194>

ListEntry 1188124
Name BARN AND ATTACHED ENGINE HOUSE APPROXIMATELY 30 YARDS NORTH OF PRESTON VALE FARMHOUSE
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1188124>

Surviving ridge and furrow earthworks comprising the remains of medieval and later arable cultivation (long ago it appears laid to grass) can be seen lying in Field 7.

In following the methodology for the robust assessment of setting impacts set out in our GPA3 Setting of Heritage Assets, <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/> these earthworks, which comprise historic landscape setting to the listed buildings form part of the context in which the assets are experienced moving around in that historic landscape (kinetic views). The setting impact of installing a solar array in field 7 and thereby transforming the experience of those ridge and furrow earthworks as historic landscape setting to the listed buildings appears under-addressed in the application. The significance of the listed buildings is rooted in their farmed landscape and agricultural community context and as such the obscuring of the earthworks in Field 7 and the transformation of that historically structured space between the listed buildings should be regarded as harm (at a considerable - less than substantial level) to their significance.

These are matters of the setting of grade ii listed buildings where we would generally refer you to the advice of your Conservation Officer, our concerns are therefore focused on the strategic need that matters are well assessed further to NPPF paragraphs 194 and 195 and for your authority to seek to resolve areas of conflict between conservation and development. Refinement of the scheme submission is needed so that your authority can address the requirements in NPPF paragraphs 199, 200 & 202 for all harm to designated heritage assets to be clearly and convincingly justified and afforded great weight in balancing against public benefits. NPPF para 158 addresses the overall need for renewable energy and that schemes whose impacts are (or can be made acceptable) should be consented. In this instance we note the scheme is drawn to 49.9MW capacity, the upper end of the range for an LPA application, we urge you to look at the justification for field 7's inclusion critically and seek to address the significance of the listed buildings in their shared setting through revision to the scheme in that area (and thereby potentially make the impacts of the scheme acceptable) in line with statute and local and national policy and guidance in which context our GPA2 <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/> will be of assistance.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 158, 194, 195, 199, 200, 202 of the NPPF, in which contexts we refer you to the expertise of your conservation officer and your archaeological advisors (also in relation to paragraph 205).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic Environment Officer Archaeology

13th March 2023

Thank you for your consultation request regarding the planning application for installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme at the above site. This letter outlines the response of Staffordshire County Council's Historic Environment Team regarding the historic environment implications of the proposals.

We had detailed conversations with the applicant's archaeological consultant (AC) at the pre-application stage and had an opportunity to review and comment on the submitted Historic Environment Desk Based Assessment (HEDBA) and Geophysical Survey (GS) reports at that point. In terms of the archaeological potential of the application site, we are generally supportive of the conclusions of the HEDBA, and have advised the AC that further evaluation, in the form of archaeological trial trenching will be required as a condition of planning consent.

With regards to the potential impact of the proposals on the historic environment, I am happy to defer to your Conservation Officer colleague and Historic England in relation to the impact on listed buildings and other designated heritage assets.

Archaeological Recommendations

Taking the above into account with regards to the archaeological potential of the site, and considering the potential impact of the scheme, it is advised that, whilst I do not wish to raise any archaeological objections to the proposed development, should permission be granted, a further stage of archaeological evaluation, in the form of an archaeological evaluation, should be carried out across the site. This evaluation should be undertaken in advance of any groundworks in order for the results to inform the need for further staged works and to inform the scale and extent of these further archaeological works (such as excavation, watching brief etc.), and indeed assist the applicant in developing alternative design or installation options, should the results deem it necessary.

In addition, given the presence of earthworks relating to medieval ridge and furrow within the application site (as identified in the HEDBA and GS), it is recommended that a Level 2 earthwork survey (as outlined in Historic England's Understanding the Archaeology of Landscapes: A Guide to Good Recording Practice (Second Edition), 2007) should be carried out in order to record these and any less visible associated features such as plough headlands or trackways) in advance of the proposed development.

Policy and Standard and Guidance

The above approach, i.e. evaluation, is supported by NPPF (2021) para 194, while any works which stem from the evaluation and the earthwork survey are supported by NPPF (2021) para 205.

All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) or historic environment professional/ archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct (or equivalent) and to a level commensurate with the relevant CIfA Standards and Guidance.

Suggested Condition

The above works* could be most satisfactorily secured via a condition attached to any planning permission for the scheme. This condition should read:

"A) The archaeological site work shall be implemented in full in accordance with the approved written scheme of archaeological investigation submitted in support of the application

B) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

Ramblers Association

31st August 2023

Thank you for your letter of 15th August 2023 and the accompanying plan.

I write to inform you that the amended plans for the above mentioned proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane.

Therefore The Ramblers Association has no objections to it.

AONB Officer

25th September 2023

Thank you for consulting the AONB on the above application. I wish to make the following comments on behalf of the Cannock Chase Area of Outstanding Natural Beauty (AONB) Joint Committee. The status of the AONB in relation to the national legislation and guidance and the local planning and decision-making context is set out in the annexe.

AONB Conclusion: No Objection

The following comments include:

- Planning Context;
- A review of the Existing Site;
- An Appraisal of Proposed Development; and
- AONB Review

Planning Context

- National Planning Policy Framework (NPPF) 2019

The need for well-designed places is covered in Section 12 'Achieving well-designed places' which states:

"The creation of high-quality buildings & places is fundamental to what the planning & development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live & work and helps make development acceptable to communities..." (para. 124).

Also: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area & the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents..." (para. 130).

Section 15 covers 'Conserving and enhancing the natural environment' with paragraph 172 giving AONB's the highest status of protection:

"Great weight should be given to conserving & enhancing landscape & scenic beauty in National Parks, the Broads & Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation & enhancement of wildlife & cultural heritage are also important considerations in these areas, & should be given great weight in National Parks & the Broads.

The scale & extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, & where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, & the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, & the extent to which that could be moderated." (para. 172)

- The National Design Guide 2019

The National Design Guide forms part of the Government's planning practice guidance & sets out the characteristics of well-designed places through ten identified characteristics. These characteristics reflect the Government's priorities & provide a common overarching framework. The ten characteristics of well-designed places are:

- Context: enhances the surroundings
- Identity: attractive and distinctive
- Built form: a coherent pattern of development
- Movement: accessible and easy to move around

- Nature: enhanced and optimised
- Public spaces: safe, social and inclusive
- Uses: mixed and integrated
- Homes & buildings: functional, healthy and sustainable
- Resources: efficient and resilient
- Lifespan: made to last

- Local Policy: South Staffordshire District Council (SSDC)

The importance of Cannock Chase AONB is highlighted within the South Staffordshire Core Strategy (2012) which acknowledges its statutory obligation to protect and manage this landscape.

Core Policy 2: 'Protecting and Enhancing the Natural & Historic Environment' notes that the LPA will "support development & initiatives which protect, conserve & enhance the District's natural & heritage assets", including the AONB. The strategy underlines the importance of partnership work to implement this policy with regard to the AONB.

Policy EQ4: 'Protecting & Enhancing the Character & Appearance of the Landscape' notes that design of "new development will need to take full account of the nature & distinctive qualities of the local landscape" retaining & strengthening local distinctiveness, & that thorough scrutiny will be particularly vital for development within the AONB "in order to conserve and enhance the landscape, nature conservation & recreational interests of the area".

Existing Site

- At its nearest point the development site is 5.4km west of the Cannock Chase AONB boundary, at Buxtons, adjacent to the A34;
- The development site is sufficiently far away from the AONB that 'Cannock Chase AONB Design Guide' does not identify its Landscape Character Area;
- The development site is sufficiently far away from the AONB that the 'Cannock Chase AONB Views and Setting Guide' does not identify its Setting Zone;
- The site is not in the Green Belt;
- The site is not in a Conservation Area;
- The 62ha site (red line boundary) is accessed from Levedale Road, Penkridge.

The attached 'Landscape Designations & Visual Receptors' produced & submitted as part of the application by 'Viento Environment' clearly identifies the spatial relationship between the proposed 'Preston Hill Solar Farm' development site (red line boundary) & Cannock Chase AONB (yellow boundary). It also identifies the proposed 'Littywood Solar Farm' (blue line boundary):

Appraisal of Proposed Development

The application to SSDC (Ref: 23/00009/FUL) has been made by Aura Power Developments Limited.

The proposed development is for a solar farm that would be located on farmland 1km northwest of Penkridge between Levedale Road & Preston Vale Lane in Staffordshire. The proposed site is within a rural setting, with isolated dwellings to the southwest, Stafford Road & the Stafford to Wolverhampton railway to the east. Small settlements set within an agricultural context extend westwards along the Whiston Brook valley.

The development proposal consists of a solar farm to include the following:

- Bi-facial ground mounted solar panels within an area of approximately 62ha;

- Approximately 250 String Inverter Units;
- 19 No. Transformer Units;
- A substation compound containing protection equipment, isolation switches, metering equipment, client & DNO buildings, & palisade fence;
- A storage unit;
- An access tracks made of crushed stone over a geotextile membrane;
- Perimeter & stock fencing;
- A temporary compound;
- Associated infrastructure; and
- A planting scheme.

It is anticipated that the proposed development would be generating electricity for a period of thirty-five (35) years. The proposed solar farm would have a rated capacity of up to 49.9MW. The panels would be ground-mounted to a maximum height above ground of up to 3.0m angled at around 10-15 degrees facing south.

Cumulative Effect

In addition to the Preston Hill Solar Farm application (23/00009/FUL) there are additional planning applications that have been validated by SSDC but are yet to be determined, including:

- Levedale Road Battery Energy Storage System (BESS), planning reference 23/00145/FUL, validated by the Council in March 2023 & located c.0.4km at its closest point to the northwest of Preston Hill Solar Farm; and
- Littywood Solar Farm, planning reference 22/00936/FUL, validated by the Council in December 2022 & located c.2.2km to the northwest of Preston Hill Solar Farm.

There is the potential that the combined visual impact of two or three of the potential developments could be great than the sum of two or three of the proposed development when assessed individually.

As a result, the Council's Landscape and Planning Officers have requested that a cumulative reviews of these two proposals (Preston Hill Solar Farm and Levedale BESS) & have identified in the case of Preston Hill Solar Farm, three development scenarios:

- Development Scenario One (DS1) is set out within the main LVIA report for Preston Hill Solar Farm & assesses the effects of the proposed Preston Hill development on the existing baseline containing no solar farms & no battery storage developments;
- Development Scenario Two (DS2) assesses the combined effects of the two proposed solar farms on the existing baseline, & its findings are described in the March 2023 report 'Assessment of Cumulative Effects with Littywood Solar Farm'.
- Development Scenario Three (DS3) assesses the combined effects of the Preston Hill Solar Farm proposal & the Levedale Road BESS proposal on the existing baseline, & its findings are described in the July 2023 report 'Assessment of Cumulative Effects with Levedale Road BESS'.

The complex inter-relationship of the various aforementioned applications, assessments & development scenarios associated with assessing the impact & cumulative effect of potential developments near to Preston Hill Solar Farm are outlined in the image below:

AONB Review

The AONB considers the submitted design proposals provide adequate information & detail in order to make a comment regarding the application.

'Cannock Chase AONB Views and Setting Guide' identifies Viewpoint Locations 15, 16 & 18 as being significant & relevant viewpoints from within or near the AONB towards the proposed Preston Hill Solar Farm, Littywood Solar Farm & Levedale Road BESS sites:

- Viewpoint 15: 158m AOD, inside AONB, looking northwest from Bridleway Hatherton.
- Viewpoint 16: 180m AOD, adjacent to AONB, looking northwest from Huntington Mound, Huntington; and
- Viewpoint 18: 173m AOD, inside AONB, looking west from the Staffordshire Way, west of Camp Road.

DS1: Landscape & Visual Impact Assessment

'Landscape & Visual Impact Assessment (Nov 2022)' identifies 14 viewpoints for consideration, including the AONB's 'Viewpoint Locations 15, 16 & 18' as 'Viewpoints 13, 12 & 14' respectively, & describes the 'Effects on Landscape Character & Visual Amenity' within 'Appendix LV2 - Viewpoint Analysis' with further detail provided in 'Table B3' of the same document. The highlights of the relevant analysis includes the following:

L VIA Viewpoint 12: Huntington Mound (AONB Important View 16)
Assessment of Effects on Landscape Character: Moderate / Minor Adverse
Assessment of Effects on Views: Minor +

L VIA Viewpoint 13: Bridleway across Shoal Hill (AONB Important View 15)
Assessment of Effects on Landscape Character: Moderate / Minor Adverse
Assessment of Effects on Views: Minor +

L VIA Viewpoint 14: Staffordshire Way west of Camp Road (AONB Important View 18)
Assessment of Effects on Landscape Character: No effects
Assessment of Effects on Views: No effects

DS2: Assessment of Cumulative Effect of Preston Hill and Littywood Solar Farms

'Assessment of Cumulative Effects with Littywood Solar Farm (March 2023)' assesses 8 viewpoints, including the AONB's 'Viewpoint Locations 15, 16 & 18' as 'Viewpoints 13, 12 & 14' respectively, & describes the 'Effects on Landscape Character & Visual Amenity'. The highlights of the relevant analysis includes the following:

L VIA Viewpoint 12: Huntington Mound (AONB Important View 16)
Assessment of Effects on Landscape Character: Minor + Adverse
Assessment of Effects on Views: Moderate / Minor

L VIA Viewpoint 13: Bridleway across Shoal Hill (AONB Important View 15)
Assessment of Effects on Landscape Character: Moderate / Minor Adverse
Assessment of Effects on Views: Minor +

L VIA Viewpoint 14: Staffordshire Way west of Camp Road (AONB Important View 18)
Assessment of Effects on Landscape Character: No effects
Assessment of Effects on Views: No effects

Cumulative Effects on Landscape Fabric

Given the separation distance of 2.3km between the proposed Preston Hill & Littywood solar farms, there is no potential for individual landscape elements to be directly affected by both proposals, such as an individual woodland or length of hedgerow.

Cumulative Effects on Landscape Character

The existing mature field boundaries that characteristically surround both sites, & the further mitigation planting measures proposed at both sites means that any significant effects on landscape character as a result of each proposal would be extremely limited & contained.

Combined Effects on Visual Amenity

From the AONB views to the west are regularly limited & interrupted by vegetation, with the result that both proposals are generally not visible from the same locations.

Summary of Cumulative Effects

In summary, the addition of both the Preston Hill & Littywood Solar Farm proposals into the study area would result in no significant cumulative effects to landscape character or visual amenity. The distance between the two proposed sites & the good levels of existing vegetation both surrounding each site as well as in the local landscape means that any significant effects arising from each proposal would be contained within the locality of each site. As a result, the possibility for significant cumulative effects to arise from the combined experience of both proposals either sequentially or at the same time is avoided.

DS3: Assessment of Cumulative Effect of Preston Hill and Levedale Road BESS

The 'Assessment of Cumulative Effects with Levedale Road BESS (July 2023)' does not include an assessment of the AONB's 'Viewpoint Locations 15, 16 & 18'.

Cumulative Effects on Landscape Fabric

The separation distance of approximately 0.4km between the proposed Preston Hill & Levedale Road sites means that there is no potential for individual landscape elements to be directly affected by both proposals, such as an individual woodland or length of hedgerow.

Cumulative Effects on Landscape Character

Given the limited extent of potential significant adverse effects on landscape character identified within the LVIA as a result of the Preston Hill proposal, no significant adverse cumulative effects are expected on Landscape Character Types as a result of the two proposals.

Combined Effects on Visual Amenity

Within the AONB the landform does tend to become more elevated, but at greater distances from both of the proposed developments where the layering of vegetation across the intervening landscape serves as an effective tool to screening at least one, if not both of the proposals. Cumulative fieldwork has found that the Levedale Road BESS proposal would not be discernible from VPs 9 - 14 due to the screening effects of vegetation.

Summary of Cumulative Effects

In summary, the addition of both the Preston Hill and Levedale Road proposals into the study area would result in no significant cumulative effects to landscape character or visual amenity. Each proposal is expected to result in limited & contained effects on landscape character and visual amenity.

The separation between the two proposed sites & the good levels of existing vegetation both surrounding each site as well as in the local landscape means that any significant effects arising from each proposal would be contained within the locality of each site. As a result, the possibility for significant cumulative

effects to arise from the combined experience of both proposals either sequentially or at the same time is avoided.

External Lighting

There are no external lighting proposals indicated within the proposals. Dark skies are intrinsic to the relative wildness & tranquillity of the AONB & important for its wildlife, so the AONB encourages all development to minimise & reduce light spillage. The AONB would welcome clarity as to whether external lighting is proposed & that appropriate controls are used to minimise light spillage.

Summary

The AONB considers the proposals & the cumulative effect of the proposals assessed in DS1, DS2 & DS3 will not adversely affect the landscape & natural beauty of the AONB.

I trust you can take the above comments into consideration.

Severn Trent Water Ltd

16th March 2023

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

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.

County Planning

22nd February 2023

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; or
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.

County Countryside And Rights Of Way Officer

21st February 2023

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running adjacent to the application site.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public Footpath No. 41 Penkridge Parish runs adjacent to the south west corner of the proposed site.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

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

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

Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form.

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

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

Any works that affect the surface of the footpath will require consultation with the County Council Rights of Way Team.

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

It should be noted that a nationally promoted route, The Staffordshire Way, also runs immediately adjacent to the southern boundary of the proposed site.

Natural England

28th February 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 27 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of agricultural land.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on

Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Protected Landscapes - Cannock Chase AONB

The proposed development is for a site within or close to a nationally designated landscape namely Cannock Chase AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

NatureSpace Partnership Newt Officer (Staffordshire)

17th March 2023

This planning application is for the Installation of a solar farm comprising of ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme at Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA.

Summary

- The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.
- There are Forty Four ponds within 500m of the development proposal. Fourteen are within the proposed red line boundary.
- There is direct connectivity between the development and surrounding features in the landscape.

Ecological Information

The applicant has provided an ecological report, Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023. Within this report it states that:

- 'The biodiversity data search returned records of two protected or notable amphibian species within 2km of the site boundary, these include common toad *Bufo bufo*, and great crested newt (GCN) *Triturus cristatus*. GCN habitat suitability assessment, and GCN environmental DNA Results indicated that GCN were not present in any ponds on site or within a 500m radius. No amphibians were recorded on site during the walkover surveys, however a significantly large hatching of toadlets (common toad) were observed during GCN habitat suitability surveys leaving a large pond 390m from the west boundary. The terrestrial habitat, particularly hedgerows, scrub, and wetter portions of modified grassland were considered suitable commuting, foraging, or hibernating habitat for GCN and other amphibian species.'
- 'The construction and operation of the solar farm is not expected to negatively impact amphibians, for the reasons outlined for reptiles above and the implementation of 10m buffers around ponds. Instead, the cessation of agricultural inputs will improve the water quality of the ponds, increasing their potential as breeding ponds for amphibians such as great crested newts and toads. Furthermore, the assembling of compost heaps and log piles throughout the site will provide hibernation sites, and the planting of new hedgerows and the native wildflower and grassland enhancements throughout the site will significantly boost the foraging and commuting opportunities.'

The ecological information provided has confirmed through further survey effort that great crested newts are likely to be absent from the site. However, as there were suitable terrestrial features within the site that could be used during the terrestrial life phases, reasonable avoidance measures have been suggested.

Conclusion and recommendation for conditions:

We are satisfied with this ecological report and are in agreement with the use of reasonable avoidance measure. Therefore we recommend a compliance condition is used to secure the measures and ensure they are complied with should planning permission be granted:

"The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 'Requirements and Recommendations 4a' and of the supporting document: Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023. Reason: To minimise the impacts of development on biodiversity, in accordance with Policy EQ1 of the South Staffordshire Council Core Strategy, Section 15 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

As the application site lies within a red impact zone for district licencing, we also recommend the use of the following informative:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Additional:

If the applicant wishes to completely avoid any risks relating to Great crested newts, they have the option to enquire for South Staffordshire's Council's District Licence, which provides full legal cover for any impacts to Great crested newts and therefore removes the risk of having to stop works if Great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com. There is an option available for covering temporary works for solar farm developments under the license.

Contact details: info@naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

Stafford Borough Council

31st August 2023

Due to the distance between the application site and the boundary of Stafford Borough Council's administrative Area, Stafford Borough Council raises no objection provided that the proposed development is compliant with the local policy context (South Staffordshire development plan) and the National Planning Policy Framework.

Staffordshire Fire And Rescue Service

18th August 2023

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

Environment Agency

No Response Received

Severn Trent Water Ltd

No Response Received

Staffordshire Wildlife Trust

No Response Received

National Grid Transco

No Response Received

Arboricultural Officer Consultation

No Response Received

Western Power Distribution - Formerly Central Networks

No Response Received

Open Spaces Society

No Response Received

Public Comments

82 letters were received.

11 offered support.

70 offered objections detailing:

- Determinantal impact on highway network
- Danger to highway users
- Loss of agricultural land
- Loss of views
- Detrimental impact on wildlife
- Danger to public health
- Impact on amenity from glare, noise and increased highway movements
- Impact on heritage assets
- Access to land issues
- Ownership issues
- Loss of countryside
- Cumulative impact on landscape
- Brownfield sites should be considered
- Inaccuracies of applicants reports

- Devaluation of house prices
- Conflict with human rights

5. APPRAISAL

5.1 The application has been referred to Planning Committee for determination as it is contrary to local plan policy OC1.

5.2 Key Issues

- Principle of development
- Contribution to Climate Change
- Site selection/loss of agricultural land
- Impact on the character and appearance of the Landscape including cumulative impact
- Impact on Heritage Assets
- Highways
- Neighbour Amenity
- Trees and Ecology
- Developer Contributions
- Human Rights

5.3 Principle of development

5.3.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

5.3.2 The site is situated within the Open Countryside where Policy OC1 applies, which states that the Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

5.3.3 In line with Policy OC1 there is a presumption against development subject to a number of exceptions. One of the exceptions listed under OC1 f) is *“the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt”*.

5.3.4 A solar farm of this scale and associated infrastructure (to include a sub-station, several inverters, CCTV cameras and perimeter fencing) would clearly have a material effect on the appearance and character of the Open Countryside, given that this is currently a large open green piece of agricultural land with views available from several vantage points. The proposal would not, therefore, meet the exception listed under Policy OC1 f) and it would not meet with any of the other exceptions to the presumption

against development. On that basis there is conflict with Core Strategy Policy OC1, and consideration should therefore be given to the impact of the development as to whether it would harm the intrinsic character of the Open Countryside. Other material planning considerations that weigh in the planning balance, including the proposal's potential contribution to climate change, will be discussed as follows.

5.4 Policy approach to climate change and renewable energy provision

5.4.1 In June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG') emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

5.4.2 The Department for Energy Security and Net Zero have revised the National Policy Statements (November 2023) which sets out national policy for the energy infrastructure including renewable electricity generation. These policy documents detail the Energy White Paper, published in December 2020, outlined a strategy to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This was built on by the Net Zero Strategy, published in October 2021, which set out a long-term plan for the economy-wide transition to net zero that will take place over the next three decades. The British Energy Security Strategy, published in April 2022, and the Growth Plan of September 2022 further reinforced ambitions and the importance of addressing the Country's underlying vulnerability to international oil and gas prices and reducing our dependence on imported oil and gas. Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.

5.4.3 In order to achieve net zero, National Grid (in its 'Future Energy Scenarios July 2021') has confirmed that in all scenarios, the demand for electricity increases, which is brought about by shifting away from high carbon fuels to hit the Government's net zero emissions target by 2050 and the predicted increase in electric vehicles ahead of the 2040 ban on petrol/diesel driven vehicles. Solar energy generation combined with 'smart charging' electric vehicles will be a key component of achieving the 2050 target.

5.4.4 The policy documents are wholly supportive of renewables. For the first time they introduce the notion that nationally significant low carbon infrastructure, now including all onshore and offshore electricity generation that does not involve fossil fuels, and grid infrastructure, are identified as a "critical national priority" (CNP). CNP infrastructure benefits from a policy presumption that its urgent need should generally outweigh its residual adverse impacts. Noting again that the publication and contents of these documents is a material consideration in the determination of TCPA solar applications, such as this.

5.4.5 In this regard, there is now a new direction on how CNP infrastructure should be treated in the planning balance, with the need case for CNP outweighing the residual effects "**in all but the most exceptional cases**". Although the policy makes clear that this presumption will not apply where residual impacts present "an unacceptable risk" to human health and public safety, defence, irreplaceable habitats or the achievement of net zero. This is beyond the support previously given to NSIPs and should be seen as a tilted planning balance in favour of delivering solar development.

5.4.6 NPPF paragraph 157 states that local planning authorities (LPA) should, through planning decisions, support the transition to a low carbon future in a changing climate by supporting renewable and low carbon energy and associated infrastructure. Paragraph 163 goes on to say that when determining planning applications for renewable and low carbon development, LPA's should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable

5.4.7 Core Policy 3 of the Core Strategy states that the Council will require development to be designed to cater for climate change and to enable opportunities for renewable energy. This is intended to be achieved by giving preference to development on brownfield land, provided it is not of high environmental value. The policy goes on to say that the District's natural and historic assets including the character and quality of the landscape should be protected and enhanced by mitigating against the worst effects of climate change and pursuing biodiversity enhancement schemes.

5.4.8 Policy EQ6 also requires that provision is made for renewable energy generation to maximise environmental and economic benefits whilst minimising any local adverse impacts. The policy does not specifically reference solar, however the Council's recent Sustainable Construction & Renewable Energy Topic Paper (November 2022) which was produced as part of the Local Plan Review, highlights the need for a sustained increase in solar developments to meet Government's net zero and energy strategies.

5.5 Site selection/loss of agricultural land

5.5.1 Draft NPS EN-3 states that while land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of "Best and Most Versatile" agricultural land where possible).

- **Site Selection**

5.5.1 In selecting sites the applicants are first required to undertake an assessment of whether there is spare capacity within the network to facilitate a solar connection. According to the applicants, any such sites that economically viable are becoming increasingly rare. Sites are then screened with the following criteria in mind;

- a. Predominately flat,
- b. Physical separation from settlements;
- c. Whether any potential visual impact from immediate dwellings can be mitigated;
- d. Preponderance of existing visual screening;
- e. Field size and shading;
- f. Agricultural land quality, and whether the land could continue to be used for food production;
- g. Access suitability;
- h. Avoidance of landscape designations;
- i. Absence of flood risk;
- j. Opportunities for biodiversity enhancements.
- k. Proximity of heritage assets;
- l. Environmental designations;
- m. Landscape designations;
- n. Proximity to sensitive receptors;
- o. Local Plan designations;
- p. Land availability.

5.5.2 Based on the above, it was considered that the site was suitable for solar development. In addition to the above and in response to concerns raised by the LPA, the scheme has been amended to remove the area of the land to the south of the solar site that was allocated for bird nesting mitigation. This area of land was Grade 2 land and with its removal has resulted a decrease of this land being used to facilitate the proposal.

5.5.3 The use of agricultural / greenfield land is necessary as there is an absence of previously developed land of an equivalent size with any fewer environmental and physical constraints than the application site; this is also true when considering commercial roof space. Furthermore, the majority of the district is 80% Green Belt and to find a site of this size that is previously developed land is challenging. It could be suggested that such sites should be used more productively for regeneration purposes such as housing or employment use rather than a solar panel farm which may reduce the need for the release of further Green Belt land in the future. Whilst not a determining factor to which any weight is to be applied, it is a fact that the site here is not within the Green Belt but is within the Open Countryside where the character of the land should be protected for it's own sake, but does not have such a high level of protection.

5.5.4 With regards to Core Policy 1 (Spatial Strategy) it is accepted that this area is outside of a service village and is not, therefore, intended for growth. However, given the nature of the proposal and the extent of land needed, it is not likely that a proposal of this scale could be accommodated within or close to a village boundary due to existing built form and physical constraints, coupled with the need to be situated next to an existing pylon/connection point. In any case, the aim of the Spatial Strategy is to direct growth in a sustainable way to ensure that development has access to services and facilities. In this case, once operational the solar farm would be subject only to very minimal visits for the purpose of maintenance and would not be disadvantaged by the rural location.

- **Loss of Agricultural Land**

5.5.5 In 2013 The Rt Hon Gregory Barker made a speech to the solar PV industry wherein he outlined his support for a significant increase in solar installations but only where they are sensitively designed and are mindful of the wider environmental and visual impacts. He considered that for larger deployments, brownfield land should always be preferred, and where solar farms are not on brownfield land, low grade agricultural land ought to be prioritised, working with farmers to allow grazing in parallel with energy generation and incorporating well thought out visual screening and involving communities in developing projects.

5.5.6 Subsequently, in 2015 Government published a written ministerial statement on solar energy, which stated that where possible, solar energy should be focused on domestic and commercial roof space and previously developed land. Where a proposal involves agricultural land, it must be clear that this is necessary and poorer quality land is to be used in preference to higher quality land. In a recent appeal decision (Leeming Substation APP/G2713/G/23/3315877) the inspector noted the NPPF has been updated on several occasions since 2015, makes no such requirement and only indicates where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality and makes reference to the draft National Policy Statements NPS EN-1 and EN-3.

5.5.7 Paragraph 013 of the Planning Practice Guidance (PPG) acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it is also noted that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. The guidance recommends that

proposals allow for continued agricultural use where possible and/or encourages biodiversity improvements around arrays. Planning conditions can also be used to ensure that installations are removed when no longer in use and the land is restored to its previous use. Impacts on glint and glare, the need for security measures, the conservation of heritage assets and the potential to mitigate landscape impacts must all be carefully considered.

5.5.8 Turning back to the wording of NPPF paragraph 180, it states that valued landscapes should be protected and that the economic and other benefits of the best and most versatile agricultural land should be recognised. The footnote further advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Best and Most Versatile (or BMV) land is defined within the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification.

5.5.9 An Agricultural Land Classification Assessment has been carried out which identifies the following:

Grade 2 land (very good quality): 10.98 ha or 16%

Grade 3a (good quality): 14ha or 20%

Grade 3b (moderate quality): 44 ha or 64%

5.5.10 Natural England are a statutory consultee on development that would result in the loss of over 20ha of 'best and most versatile' (BMV) agricultural land and have recognised that the proposed development, if temporary, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

5.5.11 The consultee has also noted that the development would see the loss of land available for the provision of food production which should be considered by the LPA. In this instance, the land has been used for the grazing of sheep and if this scheme is not approved there is no mechanism for the Council to ensure that the farmers use the land for the production of food. It was acknowledged in DEFRA's Food Security Report (2021) that 'the biggest medium to long term risk to the UK's domestic production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity. Wheat yields dropped by 40% in 2020 due to heavy rainfall and droughts at bad times in the growing season. Although they bounced back in 2021, this is an indicator of the effect that increasingly unreliable weather patterns may have on future production'. Scientists have confirmed that stopping the use of the fossil fuels and the use of more sustainable forms of energy such as solar panels will reduce the production of harmful greenhouse gas emissions. Generating renewable energy creates far lower emissions than burning fossil fuels. Transitioning from fossil fuels, which currently account for the lion's share of emissions, to renewable energy is key to addressing the climate crisis.

5.5.12 The area on which the solar panels are to be sited would continue to be used by sheep for grazing and without the growing of crops along with the use of associated fertilizers and pest controls, the quality of the land can actually improve in time. It is noted that the use of the land for solar panels would be for a significant period of time (35-40 years) and the 'temporary' nature could be brought into question. A more pertinent way to describe the stationing of solar panels may be as reversible and without harm and is undoubtedly a consideration that weighs into the balance. The method of installation is straightforward and involves limited interference from construction methods and can be removed via a decommissioning programme agreed by the LPA. It is a matter of fact and a determining factor that the loss of the land is not on a permanent basis and will still be able for future generations.

5.5.13 The amount of land used within the District for solar panels, either those with panels in situ, those with extant permissions or those awaiting decision (including appeals) amounts to 0.35% of all land within the district of South Staffordshire and only 0.49% of all agricultural land.

5.5.14 Overall therefore, as the proposal only sees the loss of 24.98 hectares of BMV land, of which 7ha are to provide ecology mitigation combined with there being no policy restricting the use of BMV land outright for the installation of solar panels as well as the provision of a sustainable method of generating electricity, on balance, and in this instance, the loss of a small amount of BMV considered acceptable.

5.6 Impact on the character and appearance of the Landscape and Cannock Chase AONB

5.6.1 As previously discussed, paragraph 180 of the NPPF sets out protection for valued landscapes and advocates the recognition of the intrinsic character and beauty of the countryside. The site is roughly 6 miles west of the Cannock Chase Area of Outstanding Natural Beauty (AONB). Policy EQ4 specifies that development within the AONB and its setting will be subject to special scrutiny in order to conserve and enhance the landscape, nature conservation and recreation interests in the area. Policy EQ11 states that proposals should respect local character and distinctiveness, including that of the surrounding landscape, by enhancing the positive aspects and mitigating the negative aspects.

5.6.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies that the Solar development would be situated within an irregular shaped series of arable fields bordered by field boundaries and roadside hedgerows. There is an electricity pylon crossing site along with a number of ponds with deciduous tree copses associated with them. The land slopes south towards Preston vale Lane with the highest parts of the site to the north which is bounded by Levedale Road beyond. The surrounding land is undulating varying in height generally from 80m to 110m AOD. There are a number of watercourses located within a 5Km radius area with the Staffordshire and Worcestershire Canal is located east of the application site. There are a number of visual receptors (residential dwellings) located predominately to the north and east of the application site, with dwellings historically associated with the farm, being found to the south. A number of public rights of way are found within the area which may afford glimpses of the site to recreational users.

5.5.4 The study and comments from the Senior Landscape Officer both conclude that there would not be any significant effects on landscape fabric, national or local landscape designations, or any of the other LCTs located within 5.0km of the application site. There would be no significant effects on the visual amenity of the vast majority of residential dwellings, on any public rights of way users or on the visual amenity of visitors to any of the visitor attractions, long distance recreational routes, or rail passengers. Furthermore, over time the proposed mitigation measures within the site would establish and begin to provide increased filtering and screening of views of the proposal within the area local to the site, strengthening the local landscape fabric in the locality. It is worthy to note that the scheme does not include any security lighting for times of darkness and security fencing is post and mesh fencing (akin to deer fencing found on private estates).

5.5.5 Having viewed the application site from a number of the key advantage points provided in the LVA, no reasons to dispute the findings of the study were found. A number of mitigating measures are proposed as part of the application, and whilst it is acknowledged that these will take a number of years to establish, they will over time provide suitable screening for the panels therefore limiting any long-term harm to the character of the landscape in accordance with local and national landscape planning policy.

- **Impact on the Cannock Chase AONB**

5.5.6 Natural England note that the proposed development is within 10km of Cannock Chase AONB, a nationally designated landscape and advise that the Council's decision should be guided by paragraphs 176 and 177 of the NPPF which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs.

5.5.7 The AONB officer notes the site lies 5.4km from the AONB boundary. The AONB concludes that the proposal would not give rise to detrimental impacts on the special qualities or the landscape and natural beauty of the AONB. This is based on the evidence in the LVIA and bearing in mind the height of the proposed structures, the distance of view, existing and proposed site vegetation, and the effect of layering of intervening vegetation. Additionally, orientation of the solar panels relative to the AONB is unlikely to result in potential for glare to affect the AONB.

- **Glint and Glare Study**

5.5.8 A Glint and Glare Study has been carried out which considers impact on observer viewpoints, road safety and aviation safety. The report study area was based on a 1Km study area which found eighty-six residential receptors, thirty-eight road receptors and six rail receptors, however, thirty-one residential receptors and seventeen road receptors were dismissed due to them being within the no reflection zones. Overall, the study concluded that there would be some medium impact from glare until the mitigation measures are introduced and established, this impact reduces to low and no impact, with no significant effects overall.

- **Cumulative Impact**

5.5.9 At the request of the Council, the LVIA has been updated to account for other proposed developments within the locale, an application for another solar farm at Littywood Farm (planning application reference: 22/00936/FUL) which is situated approximately 2.3km to the North/North-west of the application site as well as a proposed battery storage facility located off Levedale Road, 0.4Km from the application site (application reference 23/00145/FUL) to the north west at their closest point. It is worth noting that the Littywood Farm solar application and the battery storage facility applications were both refused by Members at Planning Committee on the 19th September and 21st November respectively. The submitted updated LVIA concluded that there was sufficient separation distance between Preston Hill Farm and Littywood Farm. In relation to the battery storage site, the separation between the Preston Hill and Levedale Road sites along with the belt of mature vegetation around the northwestern boundaries of Preston Hill Farm, and the presence of an existing waterbody and proposed tree belt planting, adverse effects on the character of the landscape are anticipated to be contained within the locality of each site.

5.6 Impact on Heritage Assets

5.6.1 The Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities, to have special regard to the desirability of preserving heritage assets and their settings including any features of special architectural or historic interest which they possess. Any development which affects a heritage asset, or its setting, should therefore be informed by a proportionate assessment of the significance of the asset which is likely to be affected by the proposals and the impact of a development upon the asset.

5.6.2 Paragraph 201 of the NPPF states that local planning authorities should take into account the significance of heritage assets and how they may be affected by proposals, together with the desirability of sustaining and enhancing their significance whilst making a positive contribution to local character and distinctiveness (paragraph 203). Paragraph 206 goes on to say that "any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against

the public benefits of the proposal (paragraph 208). This requirement is followed through within Policy EQ3 of the Core Strategy.

5.6.3 Preston Hill Farmhouse is a three storey farmhouse owned by one of the landowners for this application. At its closest point this property is approximately 140m from the proposed solar panels, with the main views from the property in a northeast direction and rear views to the southwest. The property has windows on side facades and a two storey extension to the rear. Essentially the property has many views in many directions. The main visibility of the proposal will be from rear windows to the west and northwest, with some more distant visibility of the proposal also available to the north and northeast. The open visibility of the proposal to the northwest and west with more limited visibility of the proposal from some other parts of the house as well would result in a substantial magnitude of change and a major effect on the visual amenity of these residents, which would be a significant, long term but reversible effect. Mitigation measures proposed at the site will add some screening to some parts of the view, such as in some parts of the view to the northeast, but as this is a landowner property, the focus has not been on mitigating visibility from this property and overall the visibility of the proposal would remain relatively unchanged through the lifetime of the development.

5.6.4 Concerns have been submitted by Historic England have been very carefully considered and were put to the applicants for consideration. In response to these objections, the applicants removed half of the solar panels that were proposed in field number 10 and would be visible to the rear of the farmhouse, as well as views to the farmhouse from Preston Vale Road. Further mitigation has also been proposed to the rear boundary of the property. However, Historic England maintain their concerns particularly in relation to the inclusion of field 7 and how it's ridge and furrows form part of the setting of the listed properties. They specifically request that the LPA consider the proposal in accordance with the requirements of the NPPF whilst giving regard to any comments submitted by the Council's Conservation Officer and County Archaeologist.

5.6.5 The Conservation Officer notes that although the scheme has been amended in lights of comments and has been improved, it is still felt that there is less than substantial harm to the setting of the heritage assets. It is also noted that English Heritage recognises that the solar panels represent less than substantial harm, indeed that the less than substantial is at a considerably less than substantial level.

5.6.6 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

5.6.7 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

5.6.8 In this case the public benefit is clear; there are benefits from renewable energy generation and ecology and biodiversity benefits. The proposed development will have a generating capacity of 49.9 MW.

This is equivalent to providing enough energy to power c.14,000 homes, whilst compared to generating electricity from natural gas, the development will save approximately 12,400 tonnes of CO₂ annually. This is set against the legally binding requirement for the UK to reach net zero by 2050 and to de-carbonise the electricity grid by 2035. In addition to South Staffordshire Council's declaration of a climate emergency.

5.6.9 The proposed development will have a biodiversity net gain of:

Habitat gain: 97.30%

Hedgerow gain: 87.28%

Watercourse gain: 100.77%

Other benefits include but are not limited to job creation (both direct and indirect, during construction and operation), payments of business rates to the Council and supporting wider economic prosperity in respect of domestic energy security.

5.6.10 It is considered that in this case, there is clear public benefit from the erection of solar panels which clearly outweighs the less than substantial harm to the setting on the heritage assets.

5.7 Impact on Archaeology

5.7.1 As previously discussed, national and local policy sets out protection for heritage assets which includes historic landscapes and below ground archaeological evidence. The County Archaeologist has reviewed the application and considers that the Heritage Statement (HS) submitted has provided a useful understanding of the developmental history and archaeological potential of the application site.

5.7.2 Whilst no objections are raised on archaeological grounds, a further stage of archaeological evaluation, in the form of a staged evaluation, initially comprising a geophysical survey, should be carried out across the site in advance of any groundworks to inform the need for any further works. In addition, given the presence of earthworks relating to medieval ridge and furrow within the application site (as identified in the HEDBA and GS), it is recommended that a Level 2 earthwork survey should be carried out in order to record these and any less visible associated features such as plough headlands or trackways) in advance of the proposed development. The applicants have confirmed the acceptance of a pre-commencement condition reflecting the comments.

5.8 Highways

5.8.1 The NPPF requires LPAs to consider and promote sustainable forms of transport, whilst addressing community needs and creating places that are safe, secure and attractive; which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Local Plan policy CP11 and EV11 echo these themes.

5.8.2 In line with paragraphs 114 and 115 of the NPPF, the impact of development proposals on the highway network should be considered. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8.3 Based on the revised information submitted as well as full consideration of the independent highways report submitted by the local objectors, the County Highways Officer has raised no objections on highway safety grounds subject to conditions to secure the measures set out in the application. Road condition surveys can be carried out prior to and post development to identify any new or significant defects on the local road network so that appropriate repairs could be undertaken. Whilst the comments of the Fire

Service have been noted, the County Highways Team are a statutory consultee whose comments hold weight, and they do not have any objections to the one access point.

5.8.4 In light of the above, I consider the proposal in accordance with the aims of the NPPF and the relevant policies in the Core Strategy.

5.9 Drainage/Flooding

5.9.1 Policy EQ7 of the Core Strategy sets out that development should not be permitted where it would have a direct or indirect impact on water quality or flooding.

5.9.2 A Flood risk assessment and Surface water strategy have been submitted in support of the application which reports the southern boundary of the site is partially located at the edge of Flood Zone 2, however, the majority of the site is identified as being in Flood Zone 1, the lowest risk category. Whilst the scheme would introduce a large impermeable area to the site it will comprise of large numbers of smaller panels with separation between individual panels that allow for rainwater to fall between. Any vulnerable structures will be located outside of any flood risk areas. Ongoing discussions were had after initial concerns were raised from the Lead Local Flood team with further information requested and received. A condition has been suggested which can be added to the permission if Members approved the application.

5.9.3 The scheme is considered in accordance with local and national policy.

5.10 Neighbour Amenity

5.10.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. A number of objections have been received against the siting of panels in this location. These have been carefully considered.

5.10.2 The submitted LVA found a number of residential properties and farmsteads local to the application site and who may be able to see the proposal. However, a number of these will be screened by the existing land formation and existing screening vegetation.

5.10.3 A number of properties located within 1Km of the site particularly: Old Preston Hill Cottages, Preston Hill Farmhouse, Preston Hill Cottages, Riverside View, Preston Vale Cottage, Rose Cottage and an adjoining property, Preston Vale Farm, Whiston Mill and a few local farmsteads, Preston Fields Farm and Windy Ridge Farm will be able to view the proposed solar farm. The view of the development would however predominantly be from first floor windows, and only from those who face in that direction. It is well established in case law that the planning system is not here to protect individual views, nor can it attach any weight to the devaluation of properties (not that any evidence has been presented to confirm there would be). Notwithstanding this, the applicants have made every effort to ensure that mitigating planting is put in place to reduce the visibility from these properties. Over a period of time, this planting will establish and provide effective screening to the development.

5.10.4 A noise survey was submitted in support of the application and has been reviewed by the Environmental Health Officer. Baseline surveys were carried out in January 2022. It concludes that although it may be audible at certain times to some residential properties it will be low in absolute terms and not expected to have a negative impact on amenity. After submitting comments, the EH officer entered into discussions with the applicants to establish this level of harm and is now satisfied with the findings of the report and has requested an amended condition limiting the noise output from scheme (see formal conditions not comments as detailed earlier in the report).

5.10.5 In conclusion it is therefore considered that the proposal would not cause an adverse impact upon the amenity of neighbouring residential dwellings, thereby complying with Policy EQ9.

5.11 Trees and Ecology

5.11.1 Core Policy 2 of the Core Strategy states the Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets. EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018. Section 15 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.11.2 Concerns were raised by the Senior Arboricultural Officer (SAO) in relation to potential harm to existing trees at the site access from Levedale Road. Amendments were made and reviewed by the SAO who has suggested a mitigating condition.

5.12.2 Overall the scheme proposes the replacement of 54.09 ha of 'cropland' and 14.67 ha of 'modified grassland', with 54.65 ha of 'modified grassland' (traditional grazing grassland); 12.03 ha of 'other neutral grassland' (ground nesting bird mitigation land, wild flower meadows, tussock grassland and wild flower margins, and foraging bird wildflower margins); and 0.64 ha of 'other woodland broadleaved' (tree belts). In addition, 5m wide foraging bird wildflower margins along the field edges will provide an accessible food resource for seed eating birds during the winter period. Existing hedgerows are to be 'infilled' with native hedgerow shrub species with an overall net gain of 0.58Km or 87.28% with an additional 0.49Km/0.64 ha of new tree planting. In relation to the need to provide compensation habitat for nesting birds, the Ecologist has clarified that if the fields were to be used for crops, particularly those over 60cm, this would significantly limit the suitability of the land for ground-nesting birds (such as skylark) due to reducing visibility from the nest site and increasing predation risk. The Council would be unable to secure any suitable form of compensation if the land were intensively farmed, and this would result in a residual negative effect to declining farmland bird species.

5.11.13 The Senior Ecologist has reviewed the submission and had further correspondence with the applications. They acknowledge the avoidance, mitigation, compensation and enhancement measures

detailed within the ecological reports, and is satisfied that the proposed development will not result in significant adverse effects to protected species provided these are fully implemented. A number of conditions are proposed. In addition to the avoidance of any impact, the scheme is also providing biodiversity net gain as detailed earlier in this report. It is therefore considered that the proposal will not cause a material harm to sites of nature conservation or protected species and is providing bio diversity net gain therefore complying with Policy EQ1.

5.12 Representations

5.12.1 A number of comments have been received both in support and against the scheme. The strength of objection from nearby neighbours is recognised and has been seriously considered during the determination of this application. The key issues raised by the objectors have generally been addressed in the report.

5.12.2 The issues raised around land ownership were highlighted and brought to the applicant's attention. Although this was disputed, the applicants modelled up the junction in greater detail and amended the access slightly to ensure that this does not necessitate the use of the third-party land.

6. Human Rights

6.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

7. CONCLUSION

7.1 The proposed solar farm would have a material impact on the character and appearance of the Open Countryside, a Landscape that is valued for its own sake. However the development would make a significant contribution to the production of renewable energy which is a key target from national and local government. The proposal would result in less than substantial harm to the setting of a small number of Listed Buildings which, in this instance, is considered to be outweighed by the considerable public/environmental benefits of the scheme.

7.2 Although the site comprises a small amount of good quality agricultural land, the quality of the land would not be compromised in the long term, meaning it could revert back to arable farming in future and there is ample good quality farming land remaining in the District. The proposal incorporates biodiversity zones and enhanced planting buffers, as such the development would not detrimentally impact upon the landscape of the area nor harm biodiversity, and there would be no undue material harm to neighbouring amenity.

7.3 Therefore, taking all factors into consideration, the wider benefits of the development are considered to significantly and demonstrably outweigh the adverse impacts of the proposal. The balance is therefore considered to tip in favour of the application and the proposal is considered to comply with the overarching aims of the NPPF. Accordingly, approval is recommended subject to conditions.

5.0. RECOMMENDATION - APPROVE Subject to Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date). Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within six months of the First Export Date. Following the completion of the development, the site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored, in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.
3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
4. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been reconstructed in a suitable stable material, to be submitted to and agreed in writing by the Local Planning Authority for a minimum distance of 20.0m.
5. Prior to the commencement of all on site construction works, the approved means of vehicular access and visibility splays on Levedale Road as detailed on Visibility Splay drawing (ref. 218808-CCL-XX-00-DR-C-5001 rev. P03) and Vehicle Swept Path Analysis drawing (ref. 218808-CCL-XX-00-DR-C-5000 rev. P03) shall be provided and maintained hereafter.
6. Prior to commencement of the development a road condition survey and inspections of roads bordering the site to the north (Levedale Road) of the site shall be carried and submitted to the local planning authority;
 - Prior to commencement of development; and
 - Prior to completion of the development.Should any new or significant defects be identified, repairs shall be undertaken within 1 month and the road shall be made good in liaison with the County Highways Authority.
7. Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development during construction. Thereafter the construction of the development shall be carried out in accordance with the approved Construction Management Plan.
8. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
9. The programme of archaeological works shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 8.
10. The development hereby approved shall not be brought into use until the programme of archaeological works and post-excavation assessment has been completed in accordance with the

written scheme of archaeological investigation approved under conditions 8 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

11. All ecological measures and works, including monitoring works (as specified within Table 2 of the Biodiversity Management Plan), shall be carried out in accordance with the details contained in the Biodiversity Management Plan by Wychwood Biodiversity Ltd dated February 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, unless otherwise agreed in writing by the Local Planning Authority. Monitoring reports will be submitted to the Local Planning Authority within 3 months of their completion.
12. No development shall commence, including demolition, groundworks or any necessary vegetation clearance until a construction and ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) A risk assessment of potentially damaging activities and the phases associated with them.
 - b) Identification of biodiversity protection zones (i.e., ponds, trees and hedgerows) on appropriately scaled plans.
 - c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
 - d) The location and timing of sensitive works to avoid harm to ecological features.
 - e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).
 - f) Role and responsibilities of the ECoW if appropriate.
 - g) Responsible persons and available lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

13. All ecological enhancement measures as detailed in the 'Biodiversity Enhancements' section on Pages 32 and 33 of the Ecological Assessment report by Wychwood Biodiversity dated February 2023 will be implemented in full. A statement of conformity, confirming that all enhancement measures have been implemented, with photographs, must be submitted to the Local Planning Authority within 6 months of the date when electricity is first exported to the electricity grid, evidencing the installation of all detailed features at the site. The enhancements shall be maintained throughout the lifetime of the development.
14. All perimeter fencing will have mammal gates installed at 100m intervals, and fencing around ponds will have no less than five gates installed. These gates must be open to allow uninhibited passage of smaller mammals such as hedgehog and brown hare. The gates will be maintained and retained for the lifetime of the development.
15. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 'Requirements and Recommendations 4a' and of the supporting document: Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023.

16. Prior to commencement of development a Biodiversity Monitoring and Management Schedule will be submitted to the Local Planning Authority for written approval. The Biodiversity Monitoring and Management Schedule must contain:
- Description and location plan of features/habitats to be managed.
 - Aims and objectives of management, including (where appropriate) descriptions of target conditions as detailed within the approved DEFRA biodiversity metric.
 - Detailed management prescriptions and a work schedule with annual plan of actions to be taken.
 - Responsible bodies/organisations for the implementation of actions within the work schedule including delivery, future maintenance and monitoring. Thereafter the development shall be carried out in accordance with the approved Biodiversity Monitoring and Management Schedule.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy documents (listed below), and the following mitigation measures detailed within:

- Surface water drainage system(s) design in full accordance with the Non-Statutory Technical Standards for sustainable drainage systems (SuDS), DEFRA, March 2015.
- Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDs Handbook.
- Limiting the surface water run-off generated by all event scenarios up to and including the 1 in 100 year plus 40% Climate Change return period critical duration storms so that it will not exceed the preexisting (baseline), greenfield rate from the site and not increase risk of flooding off-site.
- Provision for adequate and satisfactory surface water quality management and pollution mitigation. Methods such as CIRIA C753 The Simple Index Approach to surface water management, may be appropriately implemented to demonstrate and evidence this.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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18. Prior to the commencement of any construction related activity on site an Arboricultural Method Statement, providing comprehensive details of all tree protection measures including a dedicated tree protection plan, protective fencing specification and construction methods within 5 metres of all Root Protection Areas, shall be submitted to the Local Planning Authority for approval. Subsequently, all measures within the approved method statement and associated tree protection plan shall be adhered to fully in accordance with the Arboricultural Method Statement until all construction related activity has been completed. Any trees that are damaged or lost during a two year period, starting from the date of commencement of construction, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.
19. Within three months of the development commencing, full details of tree / hedge / screen planting provision shall be submitted and approved in writing by the local planning authority. All measures within the approved landscaping / tree planting scheme shall be implemented within the first

planting season (Oct - Mar) following completion of construction. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.

20. No development shall commence, (including demolition, groundworks or necessary vegetation clearance), until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CVMP shall be adhered to throughout the construction period. The statement shall include:
 - Arrangements for the parking of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Delivery routeing and hours
 - Recorded daily inspections of the highway adjacent to the site access
 - Measures to remove mud or debris carried onto the highway
21. The combined rating levels of sound emitted from all fixed plants and/or machinery associated with the development at the use hereby approved shall be less than or equal to 5 dB above the typical background sound levels at any receptor between the hours of 05.00 - 23.00 (Taken as a 1 Hour LA90 07:00-23:00, and as 15 minutes LA90 05:00 - 07:00) and equal to or less than the background sound levels between 23.00 and 05.00 at any sensitive receiver (taken as a 15 minutes LA90). All measurements should be made in accordance with the methodology of BS 4141:2014 (Method for rating and assessing industrial and commercial sound) and / or its subsequent amendments).
22. The permission hereby granted does not grant or imply consent for the installation of any means of lighting on the site. No lighting shall be installed on site unless agreed in writing with the Local Planning Authority prior to installation.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To allow the land to revert back to part agricultural use.
3. In order to define the permission and to avoid doubt.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy, to ensure that the local road users are not unnecessarily adversely affected by construction activities.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

8. To inform the need for further staged works and to inform the scale and extent of these further archaeological works in accordance with Policy EQ3 and paragraph 194 of the NPPF.
9. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
10. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
11. To prevent harm to, and to secure enhancements for habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. To prevent harm to habitats of conservation value and protected species in accordance with Policy EQ1 of the adopted Core Strategy.
13. To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.
14. To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.
15. To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
17. To ensure that the development is provided with a satisfactory means of drainage in accordance with policy EQ7 of the adopted Core Strategy.
18. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy.
19. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
20. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and to ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
21. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

22. To protect the character of area and the Cannock Chase AONB in accordance with Policies EQ1 and EQ11.

INFORMATIVES

ECOLOGY

Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in-use.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice. Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..." South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission. European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- Deliberate capture or killing or injuring of an EPS
- Deliberate taking or destroying of EPS eggs
- Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
 - I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
 - II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - III. to affect significantly the local distribution or abundance of the species to which they belong.
- Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species are unlikely to be affected by the proposed development. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

GREAT CRESTED NEWTS

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Additional:

If the applicant wishes to completely avoid any risks relating to Great crested newts, they have the option to enquire for South Staffordshire's Council's District Licence, which provides full legal cover for any impacts to Great crested newts and therefore removes the risk of having to stop works if Great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com. There is an option available for covering temporary works for solar farm developments under the license.

Contact details: info@naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary

measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

PUBLIC RIGHTS OF WAY

Public Footpath No. 41 Penkridge Parish runs adjacent to the south west corner of the proposed site.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Users of the footpath must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development. If the footpath needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form.

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

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

Any works that affect the surface of the footpath will require consultation with the County Council Rights of Way Team.

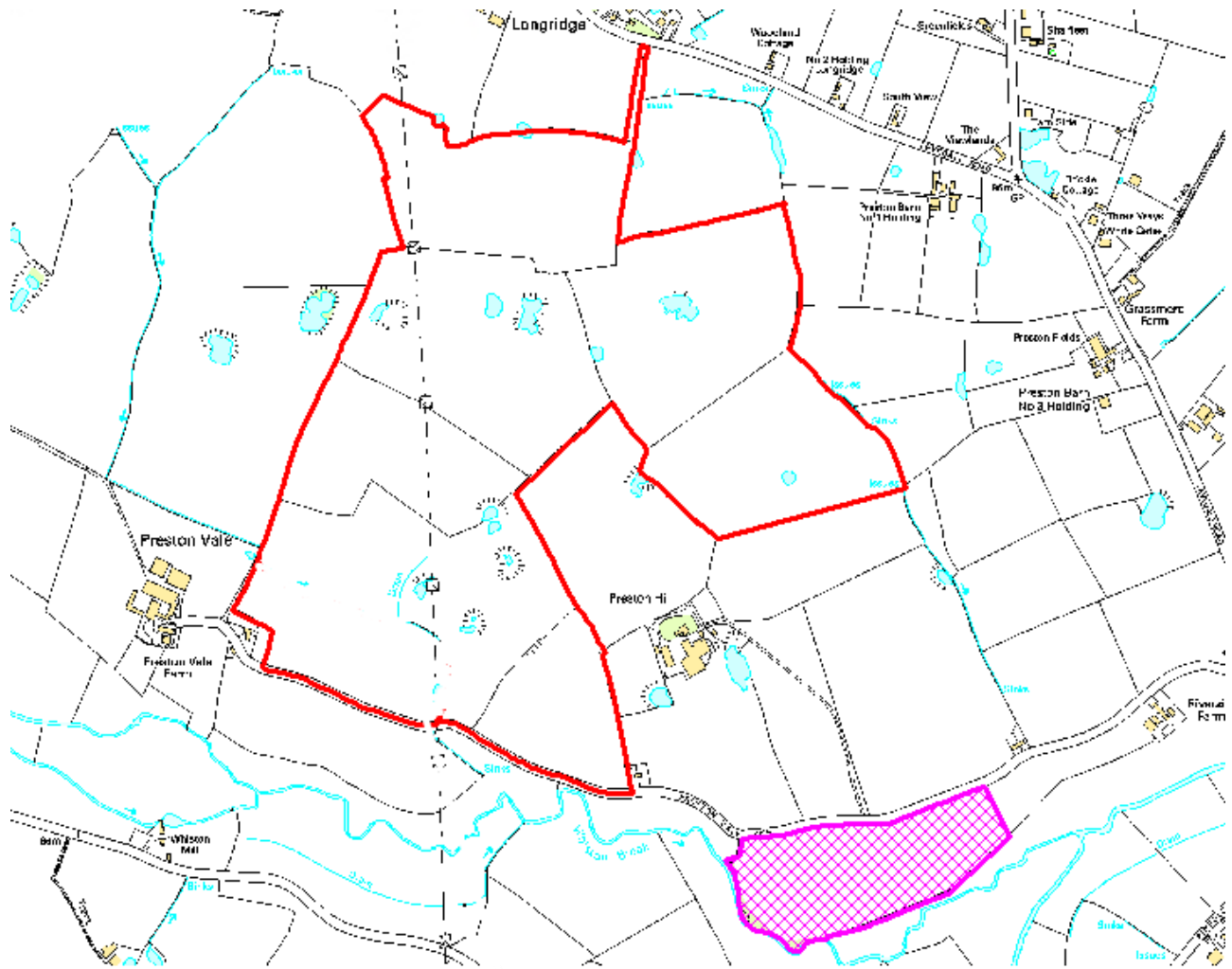
Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently

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

It should be noted that a nationally promoted route, The Staffordshire Way, also runs immediately adjacent to the southern boundary of the proposed site.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Other Plans	FIGURE 3		9 January 2023
Other Plans	FIGURE 4		9 January 2023
Other Plans	FIGURE 5		9 January 2023
Other Plans	FIGURE 6		9 January 2023
Other Plans	FIGURE 7		9 January 2023
Other Plans	FIGURE 8		9 January 2023
Other Plans	FIGURE 9		9 January 2023
Other Plans	FIGURE 10		9 January 2023
Other Plans	FIGURE 11		9 January 2023
Other Plans	FIGURE 12		9 January 2023
Other Plans	FIGURE 14		9 January 2023
Other Plans	FIGURE 15		9 January 2023
Other Plans	FIGURE 16		9 January 2023
Other Plans	FIGURE 17		9 January 2023
Other Plans	218808-CCL-XX-00-DR-C-5000 P03		14 August 2023
Visibility Splays Plan	218808-CCL-XX-00-DR-C-5001 P03		14 August 2023
Planning Layout	GBR.0009.M4.001.0.	B.j (RPA)	10 November 2023
Planning Layout	GBR.0009.M4.001.0.	B.j (No RPA)	10 November 2023
Flood Risk Assessment			9 February 2023
Ecology Survey			9 February 2023



**Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA
(Red and Pink area)**

Appendix 2 Pre-application Advice Meeting Minutes



Development Team Meeting – Thursday 22nd September 2022

Application no: 22/00098/PREAPP

Applicant: Anglo Renewables Ltd

Agent: DLP Planning

Proposal: Battery storage, indicatively comprising 42 battery cabinets, alongside 36 inverter/transformers which would enable the storage of up to 50MW of energy.

Address: South West Side Of, Levedale Road, Levedale

Attendees:

South Staffordshire Council:

Lead Planning Manager	Kelly Harris (KH)
Senior Planning Officer	Hannah Hayes (HH)
Senior Planning Officer	Patrick Walker (PW)
Strategic Planning Officer	Ross Parker (RP)
Strategic Planning Officer	Alex Evans (AE)
Senior Planning Support Officer	Amanda Willis (AW)
Public Health Officer	Phil Edge (PE)
<hr/>	
DLP Planning	Hector Melendez (HM)
DLP Planning	Neil Osborn (NO)
Anglo Renewables Ltd	James Stone (JS)

Submitted Documents:

Covering Letter
Planning Statement
Preliminary Ecological Appraisal
Agricultural Land Classification
Arboricultural Appraisal Report
Historic Environment Assessment
Tree Survey Schedule and Plan
Topographical Survey
Site Location Plan (ref: ST5050-PL01)
Wider Indicative Layout (ref: ST5050-SK01)
Indicative Layout (ref: ST5050-SK02)
Fence and Gate Detail (ref. ST5050-D01)
Private Substation Plans and Elevations (ref. ST5050-D02)
Battery Container Plans and Elevations (ref. ST5050-D03)



DNO Room Plans and Elevations (ref. ST5050-D04)

Welfare and Control Room Plans and Elevations (ref. ST5050-D05)

Inverter and Transformer Module Plans and Elevations (ref. ST5050-D06)

AUX Transformer Plans and Elevations (ref. ST5050-D07)

Proposal Summary

The proposed development is for battery storage, indicatively comprising 42 battery cabinets, alongside 36 inverter/transformers which would enable the storage of up to 50MW of energy. The development would be connected via a Distribution Network Operator (DNO) substation to the existing 33kV powerlines which run in a broadly northwest to southeast axis some 275m east of the Site at their nearest point. The connection will be made by underground cable.

The battery cabinets would each typically have a footprint of about 1.69m² and will be a height not exceeding 2.3m. The facility will be operated automatically with no permanent human presence. The systems will be monitored remotely but the proposal includes a small control room as well as a facility for the storage of maintenance equipment. The scheme will also be subject to an integral fire suppression system.

The Site will be accessed by a track that is to be constructed on the western boundary of the field that lies between the Site and Levedale Road. Whilst there is an existing field gate that gives onto the private track, to the northwest corner of this field it is proposed that the access (for construction and subsequently for maintenance use) will be connected directly to Levedale Road. The track will comprise of bound gravel once the development is completed as it will be used only occasionally by light maintenance vehicles.

Ross Parker - Strategic Planning Officer

Planning policy is supportive of renewable energy generation and associated infrastructure required including battery storage.

Paragraph 152 of the NPPF requires the planning system to support the transition to a low carbon future and contribute to radical reductions in greenhouse gas emissions. BEIS 'Proposals regarding the planning system for electricity storage' July 2020 supports battery storage as part of meeting net zero.

We would advise the applicant to look at the [2020 Staffordshire Climate Study](#). This indicates an increase in renewable energy generation required in Staffordshire to decarbonise grid in this area, likely that storage will also need to increase accordingly to facilitate wind and solar power generation.

Policy EQ6 of the Core Strategy should also be taken into consideration when submitting an application.

As the site is within Open Countryside, it will be key to ensure point C of Policy OC1 is satisfied in terms of change of use of the land.

A site search document would be needed as part of the application to help justify the area of search and grid connections.



NO – Details around the site selection would be provided with the application.

Patrick Walker – Senior Planning Officer

Landscape and visual effects:

Nearest PRoWs are to south (Penkrige 41) and north-west (Penkrige 36). Topography of site and surrounds, limited height of development and intervening vegetation means significant unmitigable views from these receptors unlikely, but would expect this to be fully explored in Landscape and Visual Appraisal (LVA)

Primary visual impacts relate to views to the site from Levedale Road to the north, including residential properties in these locations.

LVA needed to examine full extent of visual and landscape receptors and to propose mitigation detail.

Landscaping issues:

Need to strengthen existing hedgerow boundary significantly to mitigate views from receptors to north on Levedale Road.

Need to show how site will deliver biodiversity net gain (BNG), using metric, and deliver this through the landscaping plan – benefits above and beyond minimum net gain could help to strengthen case for the site.

Detailed landscaping plan needed, with specification, establishment and maintenance arrangements to support landscape mitigation, BNG and SuDS.

NO - Temporary access would be needed and it will likely require the removal of part of the Hedgerow.

PW – You should locate this so as to minimise hedgerow loss and ensure that any temporary construction losses of habitat are reflected in BNG consultation to ensure they are fully offset.

Hannah Hayes - Senior Planning Officer

The principal of the development looks to be acceptable and would reiterate the points both Ross and Patrick have made.

A noise assessment would also be require as part of the supporting documents

The site is located on agricultural land. A Preliminary Ecological Appraisal (PEA) accompanies the pre-application information. This has reached conclusions about the ecological quality of the site and any further work required.

Most of the application site is in an amber or red Impact Risk Zone (IRZ) for Great Crested Newt, and as such further surveys and / or a certificate of participation in the



District Level Licence Scheme will be needed. District Level Licencing is an alternative to standard survey and mitigation which can incur delays. Great crested newt District Licensing Scheme - NatureSpace Partnership (naturespaceuk.com) - a scheme for Staffordshire is now available. Emma Lawson is the Newt Officer for Staffordshire and can advise further emma.lawson@naturespaceuk.com

Protected Habitats

The proposal site is not within a Natural England SSSI Impact Risk zone for this type of development.

Validation Requirements

Under the Environment Act 2021, all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain from November 2023. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. Should an application be submitted prior to this date, then a Metric will still be required, in order to demonstrate compliance with the current NPPF requirement for net gain.

The following documents are required to be submitted with an application:

1. A desk study, including ecological records from Staffordshire Ecological Record, which should inform:
2. A Preliminary Ecological Appraisal to include a habitat survey to JNCC Phase 1 methodology, identifying and mapping habitats present with target notes in regard of habitats or features of interest and a scoping survey to determine further survey and assessment requirements for protected and priority species and potential off-site impacts;
3. Surveys should cover veteran and near veteran trees as habitats in their own right, rather than solely as landscape features or bat / bird sites. Where veteran trees are identified further surveys for specialist invertebrates may be required. All veteran trees should be regarded as irreplaceable habitat (NPPF 180 (c) applies.)
4. Hedgerow survey to allow assessment under the Hedgerow Regulations 1997;
5. The Preliminary Ecological Appraisal will determine the further surveys required. Protected and priority species surveys may be required for badgers, bats, amphibians, breeding birds on the site and in its immediate surroundings.
6. How the applicant proposes to avoid, mitigate and, where damage is unavoidable, compensate for, loss of habitats and features that support protected or priority species. For example if there is hedgerow loss to enable access replacement planting is likely to



be required;

7. Use of Defra metric. Do not assume arable = no biodiversity value;

8. A landscape plan that includes provision for nature conservation appropriate to the local area;

9. A long-term management plan for nature conservation areas and evidence of how this will be implemented and secured thereafter.

Surveys should be carried out at the appropriate times of year and in line with published guidelines.

Full comments from the County Council Ecologist are attached to these minutes.

Arboriculture

Tree Surveys and Landscaping Plan

Highways – Suitability of point of access / any internal access layout to be discussed with SCC Highways.

With regards to disturbance during construction works a Construction Traffic Management Plan should be submitted.

Phil Edge – Environmental Health

A BS4142 Noise Assessment would be required with the application submission documents rather than adding it on as a condition to be submitted at a later stage.

NO – Sometimes specifications of units can change which has different specifications of noise issues. Doing a report upfront would not be an issue but may be subject to change would could be conditioned if there was a change in spec.

Kelly Harris - Lead Planning Manager

The Council have declared a climate emergency and are supportive in the role we need to play to meet the net zero carbon future.

The Council have received similar planning applications which have been somewhat controversial. There has been a recent appeal decision for a similar proposal – application reference 21/00440/FUL. The appeal decision and application documents can be viewed here:

<https://planning.sstaffs.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QS6H61OXHA000>

The application was refused at planning committee, overturning the officer recommendation for approval. The issues were relating to impact of the local setting,



safety concerns and renewable status along with the amount of applications of this nature we are receiving. These points should be something to consider when you are submitting your supporting information and documents.

JS – A safety management plan is something we could submit as part of the application.

Comments Received and attached to these minutes:

Dr Sue Lawley – Staffordshire County Ecologist

Adam Bushnell – Staffordshire County Flood Risk Team

Kully Tanda – Staffordshire Police

Documents likely to be required should an application be submitted:

- Arboriculture Constraints Report
- BS5837 Tree Survey and Arboricultural Impact Assessment
- Cultural Heritage Report
- Design and Access Statement
- Ecological Appraisal
- External Lighting Plan
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Impact Assessment
- Landscape Scheme
- Planning Statement (to include economic statement)
- Site Waste Management Plan
- Statement of Consultation
- Transport Statement/Assessment
- Travel Plan
- BS4142 Noise Assessment
- Construction Environmental Management Plan (CEMP)
- Draft 106 – if required

Please note that further information may be requested once a formal application is submitted.

Pre-Application Response - Ecology

Advice regarding ecological survey and assessment required to meet policy and legislative requirements

To: Amanda Willis

From: Dr Sue Lawley, CEnv, MCIEEM, County Ecologist, Staffordshire County Council

Location: South West Side Of, Levedale Road, Levedale

Details: Battery storage, indicatively comprising 42 battery cabinets, alongside 36 inverter/transformers

Reference: 22/00098/PREAPP

Date: 15 September 2022

Introduction

South Staffordshire council has asked me to provide advice regarding the ecological survey and assessment required to support a planning application for battery storage at south west side of Levedale Road, Levedale.

The site is located on agricultural land. A Preliminary Ecological Appraisal (PEA) accompanies the pre-application information. This has reached conclusions about the ecological quality of the site and any further work required which are summarised below with my comments and requirement for application stage.

The proposal site is not within a Natural England SSSI Impact Risk zone for this type of development. The PEA confirms this and therefore no further consideration of designated sites is required.

PEA conclusion	Comment	Recommendation
Further survey effort for great crested newt is required for all ponds within 250m to determine impacts	Agreed. The application site is in a red Impact Risk Zone (IRZ) for Great Crested Newt	Further surveys and / or a certificate of participation in the District Level Licence Scheme will be needed. District Level Licencing is an alternative to standard survey and mitigation which can incur delays. Great crested newt District Licencing Scheme - NatureSpace Partnership (naturespaceuk.com) - a

		scheme for Staffordshire is now available. Emma Lawson is the Newt Officer for Staffordshire and can advise further emma.lawson@naturespaceuk.com .
Further survey effort of trees is required for bats, pending review of detailed plans	This may not be necessary, given that most trees would be protected, with the exception of tree T6	Detailed survey of tree 6 if work would be close to any potential roost features.
Further survey effort is required for breeding birds, including farmland species and hobby.	The site appears from aerial photographs and the PEA conclusion to be fairly restricted with narrow margins. For farmland birds it may therefore be possible to assume a typical assemblage is present and to mitigate by enhancing habitat within the blue line boundary, rather than expending survey effort.	I am happy to discuss this with the appointed ecology team.
A Biodiversity Net Gain assessment will be required to ensure the development provides a net gain to comply with the NPPF	Agreed.	Defra metric 3.1 to be used.
A sensitive lighting scheme will be required if any lighting is proposed to protect potential bat roosts, foraging and commuting habitats	Agreed Lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals <i>Guidance Note 08/18 Bats and artificial lighting in the UK</i>	Any proposed lighting should be accompanied by specifications and a contour plan that demonstrates there will be no illumination of trees or hedges.
A pre-commencement badger walkover survey is to be completed prior to works commencing	Agreed – the mobile nature of this species means they continually scope new territory	Could be specified in the PWMS or via condition
A Construction Environmental Management Plan (CEMP) will be required to mitigate for indirect impacts to statutory and non-statutory designated	I am unable to identify any impact pathways for a development of this nature on nearby designated sites. Sites, although a CEMP is welcome as general environmental good practice.	Could be submitted at application stage or via pre-commencement condition

wildlife sites.		
It is recommended that an ecological precautionary working method statement (PWMS) for the protection of habitats and species is drafted to inform ecological input into the contractors CEMP	Agreed	Could be submitted at application stage or via pre-commencement condition.
Root Protection Zones will need to be in place for all retained trees and hedgerows following guidance set out in BS5837:2012	Agreed	These are shown on the tree protection plans.

Additional comments

Mammal access

It is noted that the site plans show mammal access gates in the security fence. This is welcomed and would be a requirement to ensure access for badgers and hedgehogs is provided.

Hazel Dormouse

The PEA noted a record of Hazel Dormouse within the search area. However, further surveys for this species were ruled out. This would usually be reasonable, given the nature of the site. However, the record is for very similar habitat (hedges), with linking similar habitat between that location and the application site. The record is from a reliable source (County Mammal Recorder) and the species tends not to behave typically in the county. The application is not likely to have an adverse effect, except for disturbance to edge habitat and hedges. The applicant's ecologists should consider how they will either survey or adopt precautionary measures.

Note that Under the [Environment Act 2021](#), all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain from November 2023. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

Policy, Legislative and Planning Application Validation Guidance context

The National Planning Policy Framework 2021 states:

174 Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); ...

...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ...

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; ...

...c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons¹ and a suitable compensation strategy exists; and

N.B. 180a is referred to as the avoid-mitigate-compensate hierarchy.

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have

¹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

South Staffordshire Council provides guidance regarding requirements for information required to support a planning application so it that can be considered valid at

<https://www.sstaffs.gov.uk/planning/validation-guidance.cfm> This includes guidance

regarding ecological survey and assessment found in

<https://www.sstaffs.gov.uk/doc/171538/name/Validation%20Guidance%202013%20Revised.pdf/>

Pre-Application Advice

Reference Number: 22/00098/PREAPP

Site: Development Proposal for Battery Storage and Renewable Energy Facility,
South West Side of Levedale Road, Levedale.

Grid Reference: E: 390102 N:315797

Document created: 16/09/2022



Mapping from BlueSky International Ltd and Get Mapping Plc 2022 ©

This response is made by the County Council in its capacity as a Lead Local Flood Authority. The contents should be taken as general comments on flood risk and drainage only and are not suitable for identifying individual properties at risk of flooding.



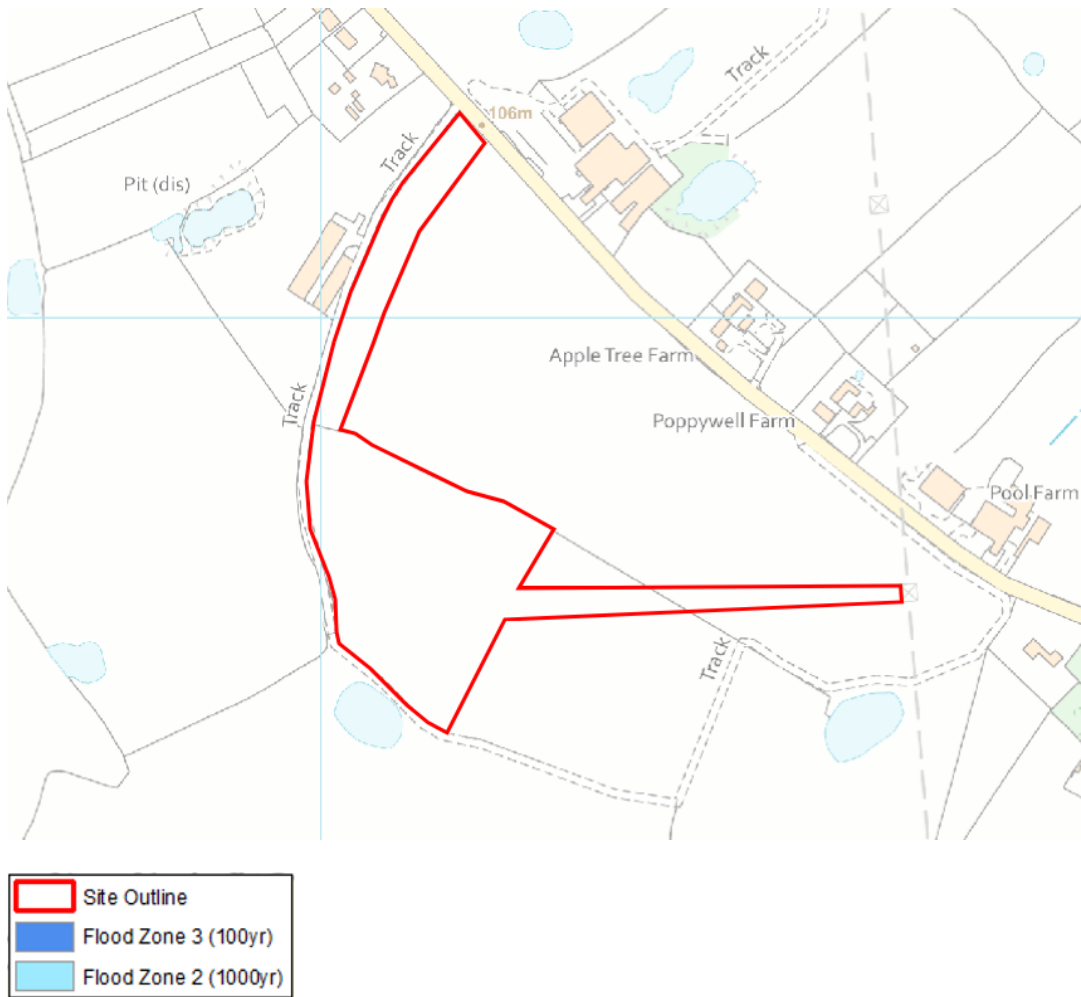
Flooding Information Request

The information is provided in good faith based on the latest flood risk data and information held by the County Council. The County Council cannot guarantee the information is complete or comment on its accuracy and is not liable for any use of this information by third parties.

Flood Zones

The Environment Agency's Flood Zones show the probability of fluvial flooding, ignoring defences. Flood Zone 2 shows areas with between 0.1% and 1% annual chance of flooding and Flood Zone 3 shows areas with greater than 1% annual chance of flooding.

The site appears to fall entirely within Flood Zone 1 and as such is not shown to be affected by either the 1 in 100 year (1% AEP) or 1 in 1000 year (0.1% AEP) event. If you are not certain, you should contact the Environment Agency for more information.



Mapping from BlueSky International Ltd and Get Mapping Plc 2022 ©

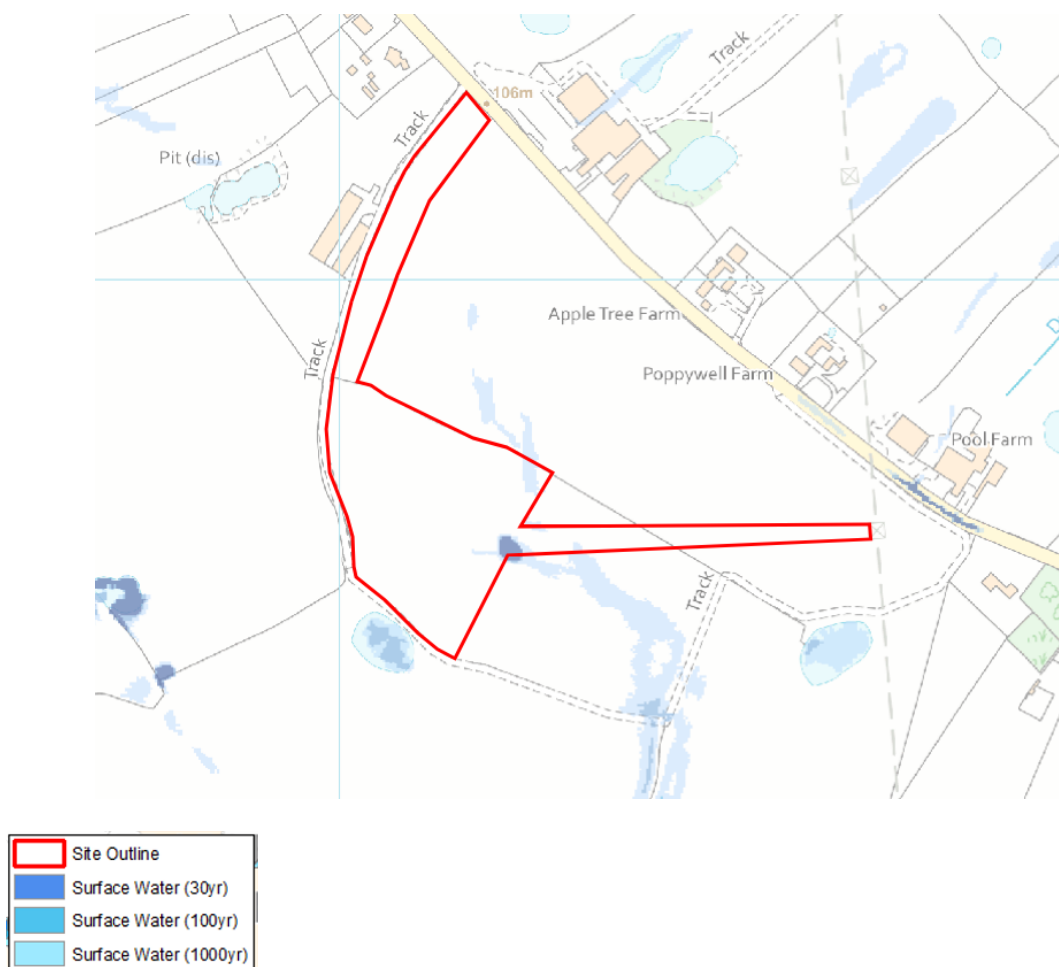


Surface Water

The Environment Agency's Flood Map for Surface Water shows areas where surface water would be expected to flow or pond as a result of the following rainfall events:

- 1 in 30 year
- 1 in 100 year
- 1 in 1000 year

If a flow route is shown crossing your site (as opposed to isolated areas of ponding which may be rationalised during development) we expect it to be addressed in any FRA submitted.



Mapping from BlueSky International Ltd and Get Mapping Plc 2022 ©

As shown on the map above, the site may be at risk from the 1 in 30, 1 in 100, and 1 in 1000 year events (3.3%, 1%, and 0.1% AEP respectively)



Flooding Information Request

Recorded Flooding Incidents

Staffordshire County Council is provided with records of historic flooding from a range of Risk Management Authorities (RMAs) and other sources. Records come from district councils, the Environment Agency, Severn Trent Water, United Utilities, emergency responders, residents, and other agencies.

The Council cannot verify every record of historic or provide property-specific information, but makes data available where possible, unless restricted by confidentiality agreements.

We do not have any reported incidents of flooding within 20m of the site in question. This does not necessarily mean that the site has never been affected by flooding in the past. As part of producing a drainage strategy or flood risk assessment for the site, the applicant should always investigate all possible sources of information on past flooding.

Groundwater Flooding

We do not hold records for the proposed site and therefore cannot verify the risk of flooding from groundwater.

Further information on groundwater can be obtained from the British Geological Survey at <http://www.bgs.ac.uk> or from the Environment Agency.

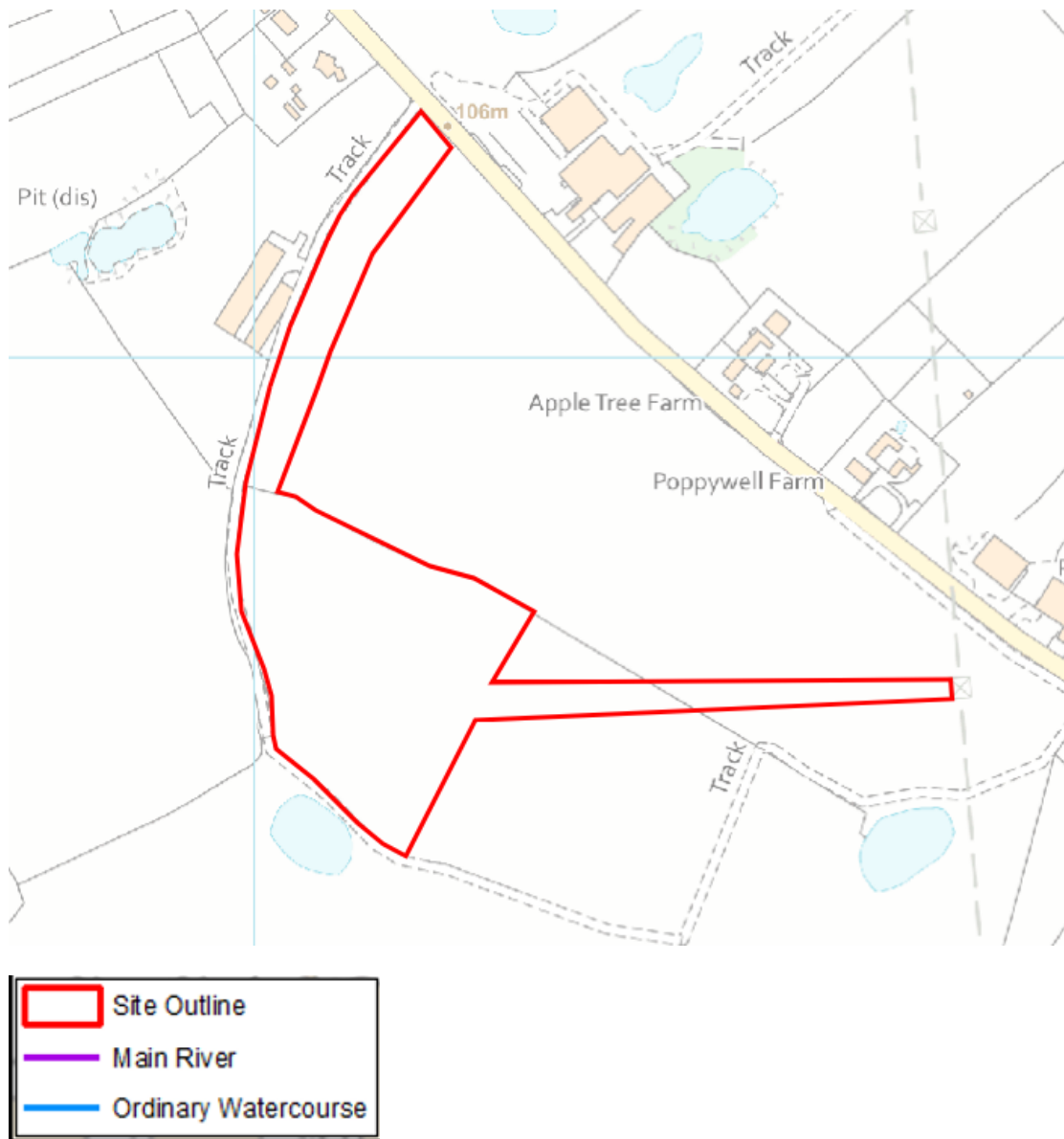


Flooding Information Request

Watercourses

Staffordshire County Council has a supervisory duty for ordinary watercourses. Ordinary watercourses include any river, stream, ditch, drain, sewer (other than a public sewer), or passage through which water flows and which is not classed as a main river and does not fall within an Internal Drainage Board (IDB).

The map below shows the location of watercourses that we are aware of:



Mapping from BlueSky International Ltd and Get Mapping Plc 2022 ©



Flooding Information Request

Consents and Regulation of Activities on Watercourses

If you are going to do any work on, or near to, an ordinary watercourse not maintained by an Internal Drainage Board then you may need our consent to do so. Information on consentable activities can be found on our website along with guidance and an application form:

<http://www.staffordshire.gov.uk/environment/Flood-Risk-Management/Watercourse-works>

Internal Drainage Boards

Internal Drainage Boards have permissive powers under the Land Drainage Act 1991 to undertake maintenance work on any watercourse within its district. Staffordshire has only one Internal Drainage Board and this is the Sow & Penk IDB. If you need consent for an ordinary watercourse within this IDB, you should contact the board directly.

Our records show that the site in question does not fall within the Sow & Penk IDB. If the site will drain into the IDB, you should contact the board to discuss this.



Site-specific Comments

The LLFA does not have any records of known flooding issues or 'hotspots' in the close proximity to this location.

In any drainage strategy or design for this proposed development the LLFA would request that existing permeable areas are maximally preserved, in terms of potential for infiltration.

In full compliance with the National Planning Policy Framework, the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), and the Staffordshire County Council Lead Local Flood Authority SuDS Handbook, we would expect infiltration (soak-away-to-ground), to be explored and where viable, implemented fully in any drainage strategy to support a planning application for this Major Development. To confirm such viability, full and complete infiltration testing should be presented and evidenced in a satisfactory infiltration testing report. Indeed, should soakaway not be viable, such evidence would be needed to corroborate this in any case. The hierarchy of surface water drainage methods, as referenced in the CIRIA SuDS Manual and the SCC SuDS Handbook should be fully adhered to.

We would expect full consideration to be given to innovative blue/green SuDS such as rainwater harvesting, tree pits, rain gardens and swales for example. These not only provide excellent surface water management benefits, but provide wider holistic benefits such as ecological and amenity gains

Above all else, all development proposals should be in full compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (DEFRA, 2015) and the Staffordshire County Council SuDS Handbook.

Lead Local Flood Authority Statutory Consultee Role

Staffordshire County Council, in its capacity as a Lead Local Flood Authority, has a duty to respond to consultations on surface water drainage for all Major planning applications as of 15th April, 2015.

If this site will be classed as Major development you will need to include a sustainable drainage design with the planning application. This should demonstrate:

- The site has an agreed discharge route for its surface water
- There is room to store attenuated water on the site up to and including the 1:100 year + climate change storm event
- That sustainable drainage techniques (including water treatment) will be used in the design



Flooding Information Request

- That a responsible party will maintain the system over its lifetime
- That the site will be safe from flooding and will not increase the risk of flooding to any third-party

Guidance on the SuDS design process and local standards and arrangements for adoption and maintenance of SuDS, contents of a drainage strategy, and a proforma to accompany drainage strategies can be found in the Staffordshire SuDS Handbook:

<https://www.staffordshire.gov.uk/environment/Flood-Risk-Management/SuDS-Handbook.pdf>

End of report



Flooding Information Request

Contact Details

Environment Agency

Flood Zones

<https://flood-map-for-planning.service.gov.uk/>

Surface Water

<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

Groundwater Information

<http://apps.environment-agency.gov.uk/wiyby/37833.aspx>

Sow & Penk IDB

<https://www.shiregroup-idbs.gov.uk/idbs/sow-penk/>

Staffordshire County Council

<https://www.staffordshire.gov.uk/environment/Flood-Risk-Management/Flood-Risk-Management.aspx>

flood.team@staffordshire.gov.uk

0300 111 8000





STAFFORDSHIRE
POLICE

Hannah Hayes
Development Control
South Staffordshire District Council
Codsall
South Staffs
WV8 1PX

Early Intervention & Prevention Unit
Ground Floor, Block 9
Staffordshire Police HQ
Weston Road
Stafford
ST18 0YY

Email: DOCO@staffordshire.police.uk

Date: 13/9/22

Dear Hannah Hayes

Ref No: 22/00098/PREAPP

Location: South West Side Of, Levedale Road, Levedale

Proposal: Battery storage, indicatively comprising 42 battery cabinets, alongside 36 inverter/transformers which would enable the storage of up to 50MW of energy.

The proposal has been reviewed with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

The following comments should be considered in the light of the following:

- Under the heading Promoting Safe and Healthy Communities, Para 91(b) of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion."
- Under the heading Achieving Well-Designed Places, Para 127(f) of the NPPF states "Planning policies and decisions should ensure that developments create places that are safe ... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."
- Under the heading Planning Should Address Crime Prevention, Design Para 10 of the NPPG states "Designing out crime and designing in community safety should be central to the planning and delivery of new development";
- **South Staffordshire District Council LDF Core Policy:**
 - Core Policy 13, Community Safety states;
The design of buildings and spaces can make a significant contribution towards reducing the scope for crime, and create more pleasant and reassuring environments in which to live, work and play. The opportunities for crime to occur can be minimised by designing and planning out crime in new development. The Council supports the national guidance 'Secured by Design' and will continue to work with Staffordshire Police architectural liaison officer in relation to the design and layout of development proposals.
- **Policy CS1: Designing Out Crime:**
 - In accordance with Core Policy 13, the design of development must include, means of reducing the opportunities for crime and anti-social behaviour, and must also seek to reduce the potential for fear of crime. This will include support for:
 - Social facilities to be provided in locations which can be adequately controlled and supervised;
 - Development to be designed to increase natural surveillance of public and private spaces, with continuous public surveillance as an alternative;
 - Liaison with the Police to design out crime and fear of crime in specific schemes which also meet other design objectives in Policy EQ11.

Development proposals should be consistent with other local planning policies.

Core Policy 13 sets out the strategic policy for community safety that supports the aims and objectives of the Sustainable Community Strategy and the Community Safety Partnership Plan. The above Policy provides further detail on the design of development and 'Secured by Design', and in turn supports Policy EQ11 covering wider design considerations.

- The statutory obligation placed on local authorities to do all they reasonably can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998;

It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

In light of the current energy costs increasing at a rapid rate, there is a potential risk for the at the site for attempts theft, criminal damage and even harm to offenders. With that borne in mind, security at the site is paramount.

Design Concerns

Over the past couple of years, a national problem of cable theft form Solar Farms has also been at several sites across Staffordshire. Whilst this is not a Solar Farm, the potential for a similar attack must be considered.

The plans only indicate the perimeter fence will be around the substation. I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

I support the intention to install a CCTV in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered.

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

Perimeter Fencing

I recommend that the 2.4m Paladin fencing planned for installation, meets the LPS 1175: issue 6, Security Rating (SR) 1. The base of the fence should preferably be surrounded with well-compacted gravel.

The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing. Chain link or uncertified palisade fencing is not recommended.

A low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance.

It may be beneficial if the fence was alarmed for intruder interference.

Intruder Alarm System

A suitably designed, fit for purpose, monitored intruder alarm system must be installed.

An intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

System designers may wish to specify component products certificated to the following standards:

- LPS 1602 Issue 1.0: 2005 - *Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors*
- LPS 1603 Issue 1.0: 2005 - *Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment*

CCTV Systems

Reference should be made to Graded Requirements under:

- BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and
- BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217).

Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015: *Installation and remote monitoring of detector operated CCTV systems - Code of practice*

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 *Closed circuit television (CCTV). Management and operation. Code of practice.*

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: *A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions.* This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

Alarm Receiving Centres

If using a remote alarm receiving centre to monitor the alarm system, they must be certified to the following:

- i) Cyber Essentials
- ii) BS 8418 Remotely Monitored detector Activated CCTV Systems
- iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice
- iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)

or

BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)

or

BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Secured By Design

It is recommended that the development should be built to Secured By Design Standards (SBD), which considers security within the design of any development. Guidance can be found in the Secured By Design Commercial 2015 V2 guide [SBD Design Guides \(securedbydesign.com\)](http://securedbydesign.com).

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, *the cost of installing SBD approved products equals 0.2% of the total build cost.*

One of the most revealing elements of research into SBD is how much 'safer' residents feel if they occupy a dwelling on an accredited development, even if they are not aware of the award status. There are few other initiatives which can deliver a measurable reduction in fear like this.

SBD supports one of the Government's key planning objectives - the creation of safe, secure, quality places where people wish to live and work. SBD applies quality standards to a range of security measures and should be seen as a positive marketing opportunity.

SBD can contribute towards BREEAM assessments.

Kully Tanda
Designing Out Crime Officer
Staffordshire Police

The recommendations contained within this report are the professional statements of the author. As such, they represent what we believe to be the best advice in terms of 'doing all that is reasonable to prevent crime and disorder' under the terms of Section 17 of the Crime and Disorder Act 1998. All comments and recommendations are 'Site Specific'. Crime prevention advice is given free without the intention of creating a contract. Neither do the Home Office or the police service take any other legal responsibility for the advice given.

Appendix 3 Officer’s Committee Report for 23/00145/FUL

23/00145/FUL
MAJOR

Mr James Stone

Penkridge North & Acton Trussell

Councillor Andrew Adams

Councillor Sam Harper-Wallis

Land On South West Side Of Levedale Road Levedale

Proposed battery energy storage facility and substation with new access and associated fencing and landscaping

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	Requested 03.11.2023	24th November 2023

1.0 SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site is a 3.7-hectare area of agricultural land located within the open countryside. There is no existing formal vehicular access to the site. The site area includes land from Levedale Road running southwest alongside the field boundary, past an agricultural building and through a field boundary to the main area of site which measures 2.7ha in area, approximately half the area of the agricultural field. Much of the site boundary comprises hedgerow interspersed with trees. An existing track runs from Levedale Road adjacent to the site and serves the agricultural buildings and continues south to serve the farmland to the south of the site. A pond is located beyond the field boundary and southwest site boundary. The site is relatively level near to Levedale Road before sloping gently downwards to the southern boundary.

1.1.2 The wider area is rural in character, containing mainly farmland and clusters of dwellings and farm buildings along Levedale Road between Coppenhall village 3.5km to the north and Penkridge village 2.3km southeast of the site.

Date of site visit – 6th April and 11th May 2023

1.2 Site History

Planning Applications

There are no records of previous planning applications within the red line boundary for this application.

1.3 Application Details

1.3.1 Planning permission is sought for the erection of a battery energy storage facility and substation with new access and associated fencing and landscaping. The purpose of the proposal is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system. The proposed storage would allow for up to 50MW of energy and would connect via existing powerlines.

1.3.2 Amended plans have been received during the course of the application. The internal vehicle access route to through the field boundary has been moved to avoid impacting a veteran tree, and the substation is now shown on the plans with elevation drawings.

1.3.3 As shown on the submitted plans the proposals consist of a new access from Levedale Road with a track measuring 5.5m width running south from Levedale Road to the main part of the site where the infrastructure is proposed. This area measures 1.4ha and would be surfaced in a permeable material. Within this area would sit the batteries housed within containers alongside inverter and transformer modules. The inverter and transformers would measure 2.85m in height including the base on which they sit. The battery containers would measure 3m in height including the base.

1.3.4 The proposed access track would run into the centre of the site with the proposed substation and other supporting buildings/infrastructure comprising a control room, aux transformer, DNO and storage rooms. The buildings would measure approximately 3.7m in height from ground level. The substation compound would contain transformers and other infrastructure enclosed by a palisade fence. Adjacent to the northern edge of the palisade fence would be the switchroom. The infrastructure within the compound to support the transferring of power between the batteries and grid would vary in height between 3.9m and 6.5m. CCTV poles are proposed within each corner of the compound. Whilst not part of the application, it is noted that an underground cable would run from the substation transformer 390m east to an electricity pylon. Landscaping including tree planting, wildflower planting, and tussock grass planting, are proposed alongside the access road and around the hardstanding area in which the batteries/infrastructure are located.

1.3.5 Both of the construction and operational phases of the development would take access from Levedale Road. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once the site is operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

Agent submission

1.3.6 The following documents have been submitted to support the application:

- Planning, Design and Access Statement (dated December 2022)
- Outline Battery Safety Management Plan (dated June 2023)
- Transport Statement (dated November 2023)
- Construction Traffic Management Plan (dated November 2023)
- Landscape and Visual Impact Appraisal (dated August 2023)
- LVIA Supporting graphics (ref 05-1095)
- Historic Environment Desk Based Assessment (dated July 2022)
- Arboricultural Appraisal Report (dated 19th July 2023)
- Tree Survey Schedule (ref DEV220425-937)
- Tree Protection Plan South (dated 19th July 2023)
- Tree Protection Plan North (dated 19th July 2023)
- Noise Impact Assessment (dated 7th February 2023)
- Preliminary Ecological Appraisal (dated August 2022)

- Ecological Impact Assessment (dated March 2023)
- Dormouse Nut Search Report (dated 27th March 2023)
- Biodiversity Net Gain Design Stage Report (dated June 2023)
- Biodiversity Metric Calculations (dated 3rd January 2023)
- Great Crested Newt District License Report (dated 26th October 2023)
- Impact Plan for Great Crested Newt Licensing V2 (dated 27th June 2023)
- Flood Risk Assessment / Drainage Strategy (dated November 2023)
- Agricultural Land Classification and Appendix 1-6 (dated 13th July 2022)

1.4 POLICY

1.4.1 Constraints

Newt - Impact Risk Zone Amber/Red
Newt - Strategic Opportunity Area
Open Countryside
SAC Zone- 8km Buffer

1.4.2 Policies

South Staffordshire Core Strategy (2012)

Policy OC1 - Development in the Open Countryside Beyond the West Midlands Green Belt

Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ3 - Conservation, Preservation and Protection of Heritage Assets

Policy EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Policy EQ5 - Sustainable Resources and Energy Efficiency

Policy EQ6 - Renewables Energy

Policy EQ8: Waste

Policy EQ9 - Protecting Residential Amenity

Policy EQ10 - Hazardous and Environmentally Sensitive Development

Policy EQ11 - Wider Design Considerations

Policy EQ12 - Landscaping

Policy EV8 - Agriculture

Core Policy 11 - Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12 - Parking Provision

Policy CS1: Designing Out Crime

Supplementary Planning Documents

Green Belt and Open Countryside SPD, 2014

South Staffordshire Design Guide SPD 2018

Sustainable Development SPD 2018

National Planning Policy Framework

Section 2 Achieving sustainable development.

Section 4 Decision-making

Section 12. Achieving well-designed places.

Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and Enhancing the Natural Environment
Section 16 Conserving and enhancing the historic environment.

National Policy Statement for Energy (EN - 1) (July 2011)

- Para 1.1.1 - Role of this NPS in the planning system
- Para 2.2.5 - The transition to a low carbon economy
- Para 2.2.20 - Security of energy supplies
- Para 3.3.29 - Reducing demand.
- Para 3.3.11/12 - The need for more electricity capacity to support an increased supply. from renewables
- Para 3.3.31 - More intelligent use of electricity

Draft National Policy Statement for Energy (EN - 1) (September 2021)

- Para 3.3.24 - 3.3.29 - The role of storage
- Updated Guidance on Renewable and low carbon (August 2023)

1.5 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
27 April 2023	3 May 2023

Penkrige Parish Council

14th April 2023
Objection - Industrialisation of agricultural land in the Penkrige Area

Councillor Josephine Chapman - Penkrige West Ward

No Response Received

Environmental Health Protection

6th April 2023
I have reviewed the documents submitted with this application, in order to protect the amenity of the neighbouring residential properties it is requested that it is conditioned that mitigation measures suggested in the noise assessment submitted with the application are implemented i.e.
1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m², or provide a minimum sound reduction performance of 15-20dB.

Arboricultural Officer Consultation

22nd September 2023
No objection subject to layout amendments avoiding root protection area incursion.

Senior Ecologist - South Staffordshire

01st November 2023

Thank you for reconsulting me on this application. In addition to the documents, I viewed as part of my initial response I have now also reviewed the amended layout and amended arboricultural reports for this application, as well as the Naturespace reports.

I have visited the site and have also viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Designated Wildlife Sites

I consider it likely that the proposed development will not result in significant effects to designated wildlife sites. I am satisfied that the potential risk to designated wildlife sites because of the proposed development is negligible.

Habitats

My previous consultation response noted a concern regarding impacts to the veteran trees on site from the proposed access. I recommended as part of this response that the access be amended to progress further east through a hedgerow, thus avoiding impacts to the veteran trees. I welcome the amended proposed layout, which diverts the access as suggested above, and avoids the impact.

Based on the information submitted I am satisfied that the proposed development will result in a net gain for biodiversity of c.13.10% in habitat units and 36.11% for hedgerows. I note that the biodiversity metric has not been amended since the removal of a small section of hedgerow but based on the significant quantity of proposed new hedgerow planting, I do not consider this minor additional loss to be material to the assessment of biodiversity impacts.

I therefore have no significant concerns regarding the impact of the proposed development to habitats and welcome the biodiversity net gains associated with the proposed development for which I have recommended a Habitat Management and Monitoring Plan to secure the long-term management of.

Protected Species

My previous response indicated concerns regarding the significant pruning of T6 (as per the arboricultural report), which is a veteran tree and the associated potential impacts to roosting bats. The amended layout has alleviated these concerns by avoiding impacts to T6. I therefore have no significant concerns in relation to roosting bats.

My previous response also noted that the applicant had not submitted reports to confirm that they were participating with Naturespace's District-Level Licensing Scheme. I have now received and reviewed the impact plan and district licence report from Naturespace and am satisfied that any constraints regarding great crested newts are now addressed. I recommend that the conditions detailed within the Naturespace report are included on any decision notice to secure this approach.

I consider that the habitats proposed on site will likely increase not only the botanical diversity on site but also the diversity of fauna in the local area in comparison to the baseline arable habitat, particularly birds, amphibians, invertebrates, small mammals (including bats) and reptiles. I welcome these enhancements. I have no significant concerns regarding the proposed development and impacts to protected species. Pre-commencement checks for badger and Schedule 1 birds (specifically hobby) must be progressed and I have recommended a condition to ensure this is progressed. I consider it likely that the site will be enhanced for biodiversity overall from the baseline on completion of the proposed development.

Recommendations

Should you be minded to approve the application, I recommend the following conditions and informative notes are added to any decision notice:

Condition 1 - Compliance with existing documents

All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

Condition 2 – Construction and Environmental Management Plan (CEMP)

No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) A risk assessment of potentially damaging activities and the phases associated with them.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.
- e) The times during construction when an ecological clerk of works (ECoW) needs to be present (as appropriate).
- f) Role and responsibilities of the ECoW if appropriate.
- g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

Condition 3 - Landscape and Ecological Management Plan (LEMP)

Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
- e) Detailed management prescriptions and a work schedule with annual plan
- f) Responsibilities of bodies/organisations for implementation against actions
- g) Monitoring and remedial measures

The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

Reason: To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

County Highways

25th May 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 23-May-2023

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed.
2. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.
3. The development hereby permitted shall not be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A 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.
4. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.

Reasons.

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.

2 - 4. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Informative for Decision Notice.

The construction of the vehicular 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>

Note to Planning Officer.

The proposed development is located in a rural area. The vehicular access is from a classified road subject to a speed limit of 40 mph. There are no recorded vehicular accidents within the required visibility splay of the access in the last 5 years. The conditional recommendation is based upon the information submitted. This application has been dealt with as a separate site although it is noted that an application has been submitted close by. The predicted daily HGV movements are relatively low.

County Planning

11th May 2023

Further to our letter dated 18 April 2023, I write to respond to additional information submitted by the applicant to address concerns raised by Staffordshire County Council, acting as the Mineral and Waste Planning Authority.

Background

Staffordshire County Council previously responded to your Authority's consultation in relation to the proposed battery energy storage facility with a holding objection (refer to our letter dated 18 April 2023 ref: SCC/23/0046/CON). Since, we have received additional information from the applicant's agent in a letter dated 2 May 2023.

Observations

To reiterate, our records confirm that the site falls within the Mineral Safeguarding Area (MSA) for Superficial Sand and Gravel, as defined in the Minerals Local Plan for Staffordshire (2015-2030).

Paragraph 212 of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015-2030) aim to protect mineral resources from sterilisation by other forms of development.

The additional information confirms that:

- The battery modules as set out in the Design and Access Statement will involve limited disturbance of the ground with battery storage units being positioned on top of a permeable gravel surface.
- The construction of a BESS site is reversible, thereby meaning that there would be no permanent mineral sterilisation.

Conclusions

Having regard to the policies, guidance and observations referred to above, it is now reasonable to conclude that the proposed development would not lead to the permanent sterilisation of significant mineral resources.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection, to the planning application for a proposed battery energy storage facility and substation with new access and associated fencing and landscaping on Land on the Southwest side of Levedale Road for the reasons described above.

I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

Staffordshire County Council Flood Risk Management Team

17th May 2023

Thank you for consulting us on this planning application, our response is as follows:

Advice to LPA

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

Staffordshire County Council Flood Risk Management position

The proposed development will only be acceptable if the following planning condition is imposed:

Condition:

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood

Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook- i.e. to Greenfield equivalent rates.
- Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To included the name and contact details of the party(/ies) or body(/ies) responsible. The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition

The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason

To reduce the risk of surface water flooding to the development and surrounding properties during construction.

Historic Environment Officer Archaeology

12th April 2023

Thank you for your consultation request regarding the proposed battery energy storage facility and substation with new access and associated fencing and landscaping at the above site. This letter outlines the response of Staffordshire County Council's Historic Environment Team regarding the historic environment implications of the proposals.

Archaeological/Historic Environment Interest

This application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER), historic mapping and the Historic Environment Desk-based Assessment (HEDBA) submitted in support of the application. The information detailed in the HEDBA will not be repeated in detail here, although it demonstrated that the proposed development site is located within an area which has been subject to little archaeological investigation, hence the archaeological potential of the site is largely unknown; the HEDBA concluded that on the basis of available information, the potential for buried archaeology at the site is generally low, but highlighted that the proposed development has the capacity to disturb archaeological deposits where present. Within the wider landscape of the site, evidence of ridge and furrow and find spots ranging from prehistoric to post-medieval in date indicate past activity in the area.

Recommendations

Taking the above into account with regards to the uncertain archaeological potential of the site, and considering the potential impact of the scheme, it is advised that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). The archaeological evaluation must be undertaken sufficiently in advance of construction so that, should further archaeological mitigation be required, it can be designed and fully implemented. This staged archaeological evaluation should comprise a geophysical survey followed by targeted trial trenching, the scale and location of which should be informed by the geophysical survey and any ground investigation works carried out associated with the proposed development or previously carried out and available.

This approach, i.e. archaeological evaluation, is supported by NPPF (2021) para 194, while any works which stem from the evaluation are supported by para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance.

Suggested Condition

The above work* would most appropriately be secured via a condition being attached to any permission issued. This condition should state:

- A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and postfieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

Staffordshire Fire and Rescue Service

24th April 2023

I refer to the planning application dated 17 February 2023 depicting the proposed development at the above address.

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk/ - the website of the British Automatic Fire Sprinklers Association Ltd.

Environment Agency

18th April 2023

Thank you for referring the above application for review in respect of COMAH Regulations, which was received by us on 29th March 2023. According to our records there are no COMAH sites or high hazard assets within the vicinity of the proposed development. We therefore have no comment to make.

Severn Trent Water Ltd

20th April 2023

With Reference to the above planning application the company's observations regarding sewerage are as follows. 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.

NatureSpace Partnership (Great Crested Newts)

27th October 2023

If/when planning permission is to be granted under 23/00145/FUL: Attach the mandatory planning conditions and informatives:

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Informatives:

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

Ramblers Association

11th April 2023

The proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal.

Kully Tanda - Designing Out Crime Officer

18th April 2023

It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

In light of the current energy costs increasing at a rapid rate, there is a potential risk for the at the site for attempts theft, criminal damage and even harm to offenders. With that borne in mind, security at the site is paramount.

Over the past few years, the national trend relating to an increase of crime connected to solar farms has also been observed in Staffordshire, with a solar farm in South Staffordshire being a repeat target. The trend was first observed in 2019, where the solar panels were being stolen, in 2020 the offenders started stealing the copper cables, with approximately 50m of cable being stolen on each occasion. The solar farms were often targeted on more than one occasion in quick succession, as they are already aware of the solar farm, the security levels and if the site has monitored CCTV. The thefts are arranged by organised groups, who often target many solar farms, so they are experienced and know how avoid being captured by the CCTV and/or the police.

The price of scrap metal is on the rise, which also means the reward for the thieves will also rise. The thieves will also know of which scrap metal yards will purchase the copper with no questions asked.

As solar farms are usually found in rural areas, nationally the trend is for solar farm developments are only permitted to install a deer fence as a security perimeter, these do not deter thieves and do not prevent access to the solar farm itself.

Whilst this is not a Solar Farm, the potential for a similar attack must be considered.

Design Concerns

As I mentioned in my preapplication response, I have concerns regarding security of the site. The plans only indicate the perimeter fence will be around the substation. I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

I support the intention to install a CCTV in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered.

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel. The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing. The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

Alarm System

A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

CCTV Systems

A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:

- BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and
- BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217).

Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015: Installation and remote monitoring of detector operated CCTV systems - Code of practice

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

Alarm Receiving Centres

If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:

- i) Cyber Essentials
 - ii) BS 8418 Remotely Monitored detector Activated CCTV Systems
 - iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice
 - iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)
- or
- BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)
- or
- BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at www.securedbydesign.com

Construction Security

It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

Open Spaces Society

No Response Received

Badger Conservation Group

No Response Received

Campaign To Protect Rural England Staffordshire

No Response Received

Health and Safety Executive

No Response Received

Public representations

A total of 8 public representations have been received which object to the application. A summary of these responses is set out below.

- Increase in HGV traffic during construction phase.
- No consultation with the local community.
- Risk of fire or explosion and resulting in harmful impacts on the health and safety people and wildlife.
- Harmful impact on the rural character of the landscape.
- Cumulative impact on traffic with nearby solar applications.
- HGVs cannot access Levedale Road without overrunning the pavements.
- Too close to properties and a school.
- Noise from the inverters affecting residents' peace and tranquillity.
- concerns about increased traffic during the construction and maintenance phases. This could pose significant safety risks to schoolchildren and other pedestrians.
- Potential contamination risks to the groundwater and local waterways, disruption to local fauna, and the potential for soil erosion.
- would create an unsightly blot on the landscape, detracting from the visual appeal of the area and potentially impacting property values.
- Cumulative Impact of solar farm and BESS could be overwhelming for the local community, both visually and in terms of infrastructure strain.
- The application significantly overlooks historic assets such as Longridge House, indicative of a superficial comprehension of the site's history.
- The development stands to obliterate valuable arable land, historically indispensable for crop production and emblematic of the community's agrarian heritage.
- Any proposal of this magnitude and inherent risk must be accompanied by comprehensive safety protocols. This includes state-of-the-art fire suppression systems, rigorous routine inspections, and well-rehearsed emergency response plans. Given the potential fallout, every imaginable safety measure should be non-negotiable.
- while the intention to support renewable energy is laudable, the palpable risks associated with large-scale battery storage cannot be relegated to the background.
- The aggregate effect of this proposal and the other solar farms could severely strain local infrastructure, particularly roads unprepared for surging traffic.

- The facility would lead to a net GHG emission increase of CO₂ per kW hour when delivering electricity to the grid.
- This is a dangerous road already, members of the public love to come through cycling and walking and enjoying the countryside. The Current use of HGV's is an accident waiting to happen.
- Not in keeping with the area. Such a development must have a significant environmental impact.
- Loss of prime arable land.
- MP Maria Miller's Private Members Bill is calling for England's Fire & Rescue Services, to be made statutory consultants in the planning applications for proposed industry Lithium-ion Battery Storage Facilities. BESS are highly complex, with the potential to create dangerous events & hazardous substances. The second reading of the bill is scheduled for November 24th, and aims to ensure that Industrial Lithium-ion Battery Storage Facilities are correctly categorised as hazardous so that the Environment Agency, the Health and Safety Executive and Fire and Rescue Services are consultees when planning applications are considered.
- Comments that neighbours letters weren't received, placing of site notices were unintentionally misleading and express and star press notices are not engaged with by the public.
- Can land suffocated by such substantial concrete layers feasibly be reverted to its original agricultural state in future decades?
- Potential harm to Longridge House, a Grade I listed asset. The presence of a school for special needs children at Longridge further accentuates the potential adverse impacts.
- Increased flood risk from concrete surfaces.
- Water Contamination: The proximity of the proposed site to the River Penk and drains directly feed into the local pools, ditches, and streams.

1.6 APPRAISAL

The application is referred to planning committee for determination as the recommendation to approve is contrary to the Development Plan (Council Constitution, Appendix A, page 74, paragraph 3.2).

1.7 Key Issues

- Policy & principle of development
- Impact upon landscape character
- Contribution to climate change targets
- Site selection/sustainability of location
- Loss of agricultural land
- Impact on heritage assets/archaeology
- Highway Safety
- Impact on neighbouring amenity/noise and health
- Ecology & trees
- Drainage and flooding
- Human Rights

1.8 Policy & principle of development

1.8.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

1.8.2 The site is situated within the Open Countryside where Core Strategy Policy OC1 applies. Policy OC1 states that Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Policy OC1 therefore places a presumption against development except for the development types listed within the policy. One of these is C(f) *‘the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt’*.

1.8.3 The area in which the battery energy storage facility would sit measures 150m x 100m. This area would comprise the batteries and inverters along with the sub-station, CCTV cameras and perimeter fencing. Given that this area is currently agricultural land with no buildings or structures present, the proposal would clearly have a material effect on the appearance and character of the Open Countryside. The proposal is therefore contrary to Core Strategy Policy OC1.

1.8.4 As a result of the clear conflict with Core Strategy policy OC1, which is the relevant strategic policy, the proposal is a departure from the development plan and should be refused, unless material considerations indicate otherwise (TCPA 2004 38(6)). The relevant material considerations here include the National Planning Policy Framework 2023 (NPPF), emerging South Staffordshire Local Plan and the National Policy Statement for Energy (EN - 1) (July 2011) and Draft National Policy Statement for Energy (EN - 1) (September 2021). These are set out below.

1.8.5 The remainder of this report will set out the impacts of the proposal within the context of the detailed policies of the development plan and relevant material considerations.

1.9 Impact upon landscape character

1.9.1 With regard to national planning policy, Policy OC1 and the requirement to protect the open countryside ‘for its own sake’ was reflected in government policy (PPS7) at the time of adoption of the Core Strategy in 2012. Since then, national planning policy in the form of the National Planning Policy Framework (NPPF) has shifted from the idea of blanket protection to protecting ‘valued landscapes’ and for the rest of the countryside, recognising its intrinsic character and beauty (NPPF paragraph 174). The concept of ‘valued landscapes’ is undefined, but it is generally agreed that whilst they need not be designated, they should have ‘sufficient landscape qualities to elevate it above other more everyday landscapes’ (Landscape Institute Technical Guidance Note 02/21) also noting that ‘everyday landscapes’ are also valuable to people, but a distinction must be made for the concept of ‘valued landscapes’ to have any meaning.

1.9.2 Non-strategic Core Strategy Policies EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Policy EQ4 advises that ‘the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views’.

1.9.3 It is noted that the council’s draft Local Plan (Pre- Submission Plan 2022) includes battery storage within the relevant renewable/sustainable energy policy (NB5) and states that they will be supported throughout the district, subject to conformity with other local plan policies and cumulative impacts of other planned, committed or completed development.

1.9.4 The application site reflects the landscape character of the wider area, a landscape of mixed arable and pastoral farmland, the character of which is strongly influenced by existing land use and farming practices.

The site itself comprises of half a field with the field as a whole being bounded by hedges between 2.5m-6m in height interspersed with 12m-15m tall oak trees. There are no public rights of way within the site and the closest public right way is located 850m south of the site (Penkridge 41).

1.9.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies visual receptors (people who are likely to experience changes in views or visual amenity as a result of the proposed development). Public views from the nearest streets within the vicinity of the development were considered from No. 1 Holding Levedale, Oak Barns and Poppywell Farm. Recreational receptors and road user receptors within the surrounding landscape were also identified. The assessment is undertaken in accordance with 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition, published by The Landscape Institute and Institute for Environmental Management & Assessment (April 2013).

1.9.6 The report identified that, absent landscape mitigation, glimpses of the development would be possible from Levedale Road and residential receptors with existing hedge along Levedale Road partially obscuring views. The magnitude of change would be 'slight' with a Moderate/ Minor Effect at Year 1, leading to a Negligible magnitude of change with a Minor Effect at Year 15. This reduction in visual impact would be due to the landscape mitigation proposed which includes hedgerows and tree planting on the south eastern side of the access track and south eastern boundary of the site which would screen the battery storage units over time.

1.9.7 The planning officer's site visit included a walkover of the site, surrounding fields and along Levedale Road. The site is considered to be well contained within its local setting as described above, and as a result there are unlikely to be short, medium or long-distance views adversely affected by the proposals. The Ramblers Association have reviewed the proposals and comment that, 'the proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal'.

1.9.8 Along with the mitigation strategy, the details of which can be secured by condition, there is unlikely to be a harmful impact on landscape character as the battery units and infrastructure would be barely visible by year 15 as shown within Appendix E of the LVIA. The proposed planting would strengthen the existing character of the area as well as screening the site from views. Whilst there would be a visual impact during construction and a minor impact within the first years following completion, this would be temporary, and on a medium to longer timeframe the intrinsic rural character and local distinctiveness of the South Staffordshire landscape would be maintained in accordance with Core Strategy policies EQ4 and EQ12 as well as NPPF paragraph 174. Any permission should include conditions to agree a soft and hard landscaping scheme, boundary treatments and external materials/colours.

1.9.9 It is noted that whilst the landscape here is valuable to people, it is not considered to have sufficient landscape qualities (historical, cultural, recreational, ecology etc) to elevate it above other landscapes. As a result, the stricter policy test within NPPF paragraph 174 regarding 'valued landscapes' is not applied here.

1.9.10 With regard to cumulative impacts, it is noted that there is a proposal for a solar farm at Land Around Preston Hill Farm (planning application 23/00009/FUL). That application is pending consideration and is likely to be determined at a later date than this application. As there is no certainty that application 23/00009/FUL will be permitted and then implemented, the cumulative impact of both applications together in determining this application can only be given limited weight. Nevertheless, it is recognised that the two sites are approximately 400m apart at their closest but with the bulk of the proposed solar farm extending further south away from this site. There is one middle distance view (as in within 2km) of the site from the Public Right of Way ref no 13 (Viewpoint 5 of the submitted LVIA) where both the proposed site and the proposed solar farm may be seen near each other as a cumulative impact. However, the proposed battery storage site is

screened by natural mitigation comprising of the existing intervening vegetation and rolling topography. As a result, there would be a negligible cumulative impact with regard to views or how the landscape is experienced around these two application sites. In the event that both proposals were implemented concurrently, there would also be an impact from HGV movements during construction. However, these would be temporary and once both sites were operational there would be no material increase in traffic.

1.10 Contribution to climate change targets

1.10.1 This proposal is for the storage of electricity which the government has stated is necessary to support an increased reliance on renewable energy such as wind and solar power to meet the government's climate change targets. In that respect, whilst battery energy storage does not come under Core Strategy policy EQ6 'Renewable Energy' the thrust of policy EQ6 to support a low carbon future is relevant here as proposals for battery energy storage are integral to this aim and also reflected in national energy policy.

1.10.2 The purpose of the proposal is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system. The proposed scheme is designed to store electricity within the batteries and would be able to release or absorb energy from the power network.

1.10.3 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries...Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

1.10.4 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

1.10.5 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NETSO) and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'

1.10.6 The provision of low carbon energy is also central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

1.11 Site selection/sustainability of location

1.11.1 Public representations have been received supporting the purpose of the proposal but objecting to the location within the open countryside and on agricultural land. Excluding open countryside/agricultural land would leave the districts villages or urban areas of Wolverhampton for example. However, urban areas are usually prioritised for other forms of development, notably residential and employment development. A site would need to be found in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk.

1.11.2 With regards to Core Policy 1 (Spatial Strategy) it is accepted that this area is outside of a service village and is not, therefore, intended for growth. However, given the nature of the proposal and the extent of land needed, it is not likely that a proposal of this scale could be accommodated within or close to a village boundary due to existing built form and physical constraints, coupled with the need to be situated next to an existing pylon/connection point. In any case, the aim of the Spatial Strategy is to direct growth in a sustainable way to ensure that development has access to services and facilities. In this case, once operational the battery storage facility would be subject only to very minimal visits for the purpose of maintenance and would not therefore create unsustainable vehicle trips.

1.11.3 The submitted Planning Statement states that the location chosen is driven by a number of factors which include the ability to connect to the national grid. The 132kV lines to the east of the site do have capacity to both deliver and receive power inputs and this is the main determining factor of location. The line into which the development would connect is the principal connection between the northern parts of the West Midlands conurbation and Stafford. It is one of the key distributors of energy for communities to the north west of Birmingham. The other considerations which have determined the exact location are landscape character (see LVIA), being outside Green Belt and the absence of other designations or rights of way close by.

1.11.4 With regard to site selection it is considered that the applicant has taken a reasonable and proportionate approach. It is also noted that there is no requirement for this type of proposal to undertake a sequential test. As a result, the proposal must be assessed on its own merits and whether it is acceptable here, not whether there may be a more preferable location elsewhere.

1.12 Loss of agricultural land

1.12.1 NPPF paragraph 174, it states that valued landscapes should be protected and that the economic and other benefits of the best and most versatile agricultural land should be recognised. The footnote further advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Best and Most Versatile (or BMV) land is defined within the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification.

1.12.2 Public representations have been received objecting to the proposal due to the loss of agricultural land.

1.12.3 An Agricultural Land Classification Assessment has been submitted and includes data from a survey of the land comprising 1 trial pit and 1 soil sample per hectare to depth of 120cm and a number of smaller trial pits at some of these locations. The report confirms that the land is in arable rotation and the total site area is 7.5ha in area.

1.12.4 Agricultural land is classified into one of 5 grades: grade 1 being of excellent quality and grade 5 being land of very poor quality. Grade 3 land, which constitutes approximately half of all agricultural land in the United Kingdom is divided into 2 subgrades – 3a and 3b. The application site is made up of Grade 3 agricultural

land and whilst parts of the site are considered to be Grade 2 and 3a, the majority of the site is considered to be 3b as the smaller areas of higher grade could not be farmed separately to the surrounding lower grade land.

1.12.5 A historic review of Google Streetview (dated 2009) does show that the field adjacent to Levedale Road contained oilseed rape which is listed within the Subgrade 3a but not Subgrade 3b. This area is also where the submitted survey identified an area of ALC Grade 2 surrounded by Grade 3b. Whilst the evidence within submitted report is not doubted, it is considered that the relatively recent use of the field adjacent to Levedale Road entirely for oilseed rape is more convincing as evidence that that field is Grade 3a rather than 3b. Nevertheless, it is apparent that only the proposed access track would run along the side of that field, the remainder of the field could still be used to grow oilseed rape or other Grade 3a crops. The area for battery storage, substation and other infrastructure would be located in the southern field which is entirely classed as Grade 3b. The total loss of Grade 3a agricultural land would total approximately 0.5ha and loss of 3b agricultural land would amount to approximately 2.6ha.

1.12.6 Reference to DEFRA's Agricultural Land Classification Maps confirms that the District benefits from extensive good quality agricultural land in the areas surrounding the site. On that basis, although it is accepted that the development would prevent any food production taking place on this site for the lifetime of the development, it is not anticipated that the temporary loss of this land from arable farming would compromise the District's overall farming ability.

1.12.7 In accordance with Paragraph 174 of the NPPF and associated footnote, it is considered that this proposal does not comprise the significant development of agricultural land. In that regard, the preference of areas of poorer quality land over those of a higher quality is not a requirement here. The best and most versatile agricultural land has been recognised in accordance with Paragraph 174 of the NPPF through the ALC report and it is noted that the majority of the developed part of the site is located on poorer quality land (Grade 3b) in the context of nearby Grade 2 and 3a agricultural land as well as the extensive good quality agricultural land in the areas surrounding the site as shown on DEFRA's Agricultural Land Classification Maps.

1.13 Impact on heritage assets/archaeology

1.13.1 Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment.

1.13.2 Paragraph 205 of the NPPF states that, 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

1.13.3 An Historic Environment Desk Based Assessment is submitted which assessed potential survival of archaeological deposits at the site, previous impacts at the site and scoping and assessment of the potential for impacts on the setting and significance of designated heritage assets within 1km and 2km study areas. The potential for significant buried archaeology at the site was assessed as low and no intervisibility of note between the site and Listed buildings were identified. The planning officer site visit undertaken on 06.04.2023 and 11.05.2023 confirmed that there is low intervisibility between the Listed Buildings and the site due to the distance, topography and intervening trees and buildings. As a result, it is considered that the proposal is not within the setting of the Listed Buildings (the surroundings in which an asset is experienced) and does not

therefore impact their significance or cause harm to their character or appearance in accordance with Core Strategy Policy EQ3 and Chapter 16 of the NPPF.

1.13.4 Staffordshire County Council's Historic Environment Team (HE) were consulted on this application and comment that the proposed development site is located within an area which has been subject to little archaeological investigation. Taking the uncertain archaeological potential of the site, and considering the potential impact of the scheme, HE advises that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). As a result, it is considered that the suggested HE condition be attached to any approval to ensure compliance with Core Strategy Policy EQ3 and NPPF paragraph 205.

1.14 Impact on the Highway

1.14.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

1.14.2 The construction and operational phases of the development would from a new access from Levedale Road. A Transport Statement (TS) has been submitted to support the proposals. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles accessing the site. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

1.14.3 Objections to the proposal include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to conditions ensuring highway safety. As a result, it is considered that the proposals would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission and the proposals being implemented in accordance with the Construction Traffic Management Plan (CTMP).

1.15 Impact on Neighbouring amenity/Noise and Health

1.15.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

1.15.2 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

1.15.3 A Noise Impact Assessment has been submitted which uses the assessment methodology contained in British Standard 4142: 2014+A1:2019 *Method for rating and assessing industrial and commercial sound* in conjunction with supplementary acoustic guidance to assess noise impacts. The report states that the

proposed development will give rise to rating sound levels that do not exceed the measured background sound level in the area during the day and night, thus giving rise to a 'Low Impact'. This conclusion takes into account the proposed mitigation measures which would be a 3.5m high acoustic fence immediately to the north and east of the batteries/converters and also inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level. The report concludes that these measures would ensure that the noise impact would be within the 'No Observed Adverse Effect Level' in PPG Noise. This is defined as *'Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.'*

1.15.4 The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to incorporating the mitigation measures contained within the Noise Assessment. It is also considered that conditions to control dust and working hours during construction and operation to safeguard the amenity of residents should be attached to any approval.

1.15.5 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health in the event of a fire or explosion within the site.

1.15.6 The governments Planning Practice Guidance on Renewable and low carbon energy has recently added with advice on planning for lithium-ion battery energy storage systems (Paragraphs 32-36). The guidance says electricity storage is a key element of the future decarbonised energy system, helping balance the grid and maximise usable output from intermittent renewable power sources such as solar and wind.

1.15.7 The advice encourages local planning authorities to consider guidance produced by the National Fire Chiefs Council when determining the application and encourages consultation with the local fire and rescue service. This is to ensure that the fire and rescue service can 'provide their views on the application' and 'identify potential mitigations which could be put in place in the event of an incident,' which can be taken into account when determining the application.

1.15.8 The applicant has submitted a Battery Safety Management Plan which sets out the fire detection and suppression system and how the development would be managed from a fire safety risk mitigation perspective. This includes approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record for the site which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The guidance produced by the National Fire Chiefs Council was published during the course of this application and the advice to prepare an Emergency Response Plan should also be required prior to operation of the site. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have been consulted and have not raised any concerns in this regard.

1.15.9 The Health and Safety Executive (HSE) and Environment Agency (HE) were also consulted but neither provided comments regarding health and safety. This is likely to be because they are not currently statutory consultees for this type of application.

1.15.10 In conclusion, I consider that, subject to the above conditions, the proposal would not be harmful to the health/amenity of neighbours in accordance with Core Strategy Policy EQ10.

1.16 Ecology and Trees

1.16.1 South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development

proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

1.16.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

1.16.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

1.16.4 Initial comments from the council's ecology officer raised concerns regarding the proximity of the access track to a veteran tree. It was also raised by the case officer that the access track encroached within a number of root protection areas of trees and that it should be possible to avoid these. The applicant submitted amended plans rerouting the access track to avoid the veteran tree and root protection areas of nearby trees. As a result, any unnecessary removal or negative impact on trees is avoided. Any permission should include a condition to agree a tree protection plan and method statement prior to commencement.

1.16.5 The scheme proposes tree planting and native hedgerow planting resulting in a biodiversity net gain of 13% for habitats and 36% for hedgerows. It is confirmed that the applicant is participating in the Naturespace's District-Level Licensing Scheme and subject to the conditions detailed within the Naturespace report being attached to any approval, constraints regarding great crested newts are now addressed.

1.16.6 The council's ecology officer has no objections and recommends a Habitat Management and Monitoring Plan to secure the long term management of the site along with other conditions to ensure the protection of important species. Whilst a number of public representations have objected to the proposals based on environmental impact, the proposals do incorporate a net gain in biodiversity and protect important species and habitats. Public representations also raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

1.16.7 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

1.17 Drainage/Flooding

1.17.1 Policy EQ7 states that the Council will permit developments which do not have a negative impact upon water quality. All planning applications are expected to include a suitable Sustainable Drainage (SUDS) scheme.

1.17.1 Core Policy 3 of the Core Strategy states that 'the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by...

j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,

k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,

l) ensuring that all development includes pollution prevention

1.17.2 The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

1.17.3 The main site is within Flood Zone 1 which has a low risk of flooding. However, a Flood Risk Assessment is required as the site is over 1ha in area. The submitted Flood Risk Assessment summarises that the use of sustainable drainage features and permeable materials would allow the site to drain naturally through limited infiltration and evapotranspiration. A discharge from the site would also be possible, with a controlled drainage connection to the southern pond, which has an existing connection to the watercourse adjacent to the land ownership extent. A conceptual drainage strategy is shown in figure 5.2 of the report and includes gravelled surfaces, gravel trench, swales detention basin and controlled discharge to the southern pond which has an existing connection to the watercourse adjacent to the land ownership extent. In the normal operation of the site, the proposed drainage strategy would help deliver environmental benefits and would not have an adverse impact on the Whiston Brook.

1.17.4 The Lead Local Flood Authority (LLFA) have been consulted and do not object to the application subject to a condition that a fully detailed surface water drainage scheme for the site is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to development taking place.

1.17.5 Severn Trent consider that the proposal has minimal impact on the public sewerage system and therefore have no objections to the proposals and do not require a drainage condition to be applied.

1.17.6 The Environment Agency have been consulted and have responded stating that there are no COMAH sites or high hazard assets within the vicinity of the proposed development and therefore have no comments to make.

1.17.7 A number of public representations have raised concerns with regard to pollution in the event of a fire at the site. Such a scenario is very unlikely, and I note that it would be unusual for an application to deal with the potential impacts from fire fighting activities. The proposals include a fire detection and suppression system. In addition, the scheme proposes interception swales/filter drains at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site. As with previous applications for battery storage facilities, pollution capture membranes should be installed underneath the battery containers, filter drains and swales. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company. Following a fire/contamination event, the impacted areas of the site would be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Any approval should include a condition requiring these measures.

1.17.8 As a result, it is considered that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions requested by the LLFA and requiring pollution capture and disposal as described above.

1.18 Human Rights

1.18.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998.

The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

1.19 CONCLUSION

National policy advises that developments should be located where impacts are, or can be made, acceptable. It is considered that the location of the proposed development together with the existing and proposed landscaping and other mitigation in relation to ecology, trees, drainage, noise, and health and safety and highways mean 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. The remediation of the site in the event of the use ceasing should be included as a condition.

The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the conflict with Core Strategy Policy OC1 and other harm such as the small loss of Grade 3a agricultural land. Consequently, the other materials considerations set out in this report do justify a departure from the development plan and a recommendation to approve, subject to the various conditions set out below.

1.20 RECOMMENDATION - APPROVE Subject to Conditions

DELEGATE APPROVAL TO THE DEVELOPMENT TEAM MANAGER TO ISSUE DECISION ON COMPLETION OF A NATURESPACE DISTRICT LICENSE.

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before works above slab level, full details of facing materials and colours to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
4. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.
5. The development hereby permitted shall not be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A 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.

6. No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a) A risk assessment of potentially damaging activities and the phases associated with them.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
 - d) The location and timing of sensitive works to avoid harm to ecological features.
 - e) The times during construction when an ecological clerk of works (ECoW) needs to be present (as appropriate).
 - f) Role and responsibilities of the ECoW if appropriate.
 - g) Responsible persons and lines of communication.
- The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

7. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
 - Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
 - Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
 - SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
 - Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook- i.e. to Greenfield equivalent rates.
 - Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
 - Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the

development. To include the name and contact details of the party(/ies) or body(/ies) responsible. The development shall thereafter proceed in accordance with the approved details.

8. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

9. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

10. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

11. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

12. All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

13. The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

14. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
15. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). The development shall thereafter be implemented and operated in full in accordance with the approved SUDSs Operation and Maintenance Plan throughout the life of the Development.
16. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record and Emergency Response Plan for the site which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The agreed Plan shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site. The development shall thereafter be implemented and operated in full in accordance with the approved Outline Battery Safety Management Plan throughout the life of the Development.
17. Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on the site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
 - e) Detailed management prescriptions and a work schedule with annual plan
 - f) Responsibilities of bodies/organisations for implementation against actions
 - g) Monitoring and remedial measures
- The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

18. The mitigation measures recommended in the noise assessment submitted with the application shall be implemented in full prior to operation of the site. For the avoidance of doubt, these measures are:
 1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
 2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m², or provide a minimum sound reduction performance of 15-20dB.
19. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.
20. Mitigation for dust arising from construction activities shall be provided on site to prevent dust being emitted across the site boundary during dry periods.
21. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed in accordance with approved plan 05-1095-301 revision P12
22. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.
23. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.
24. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months from the date of completion, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months from the date of commencement prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. In the interest of highway safety.
6. To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
7. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development
8. To determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation in accordance with Core Strategy Policy EQ3 and NPPF paragraph 205.
9. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
10. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
11. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

12. To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
13. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
14. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
15. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
16. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
17. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
19. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
20. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
21. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
22. In the interest of highway safety.
23. In the interest of highway safety.
24. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

INFORMATIVES

Ecology

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Highways

The construction of the vehicular 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>

Staffordshire Fire and Rescue

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk/ - the website of the British Automatic Fire Sprinklers Association Ltd.

Designing Out Crime Officer

I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

I support the intention to install a CCTV in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered.

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate

the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel.

The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing.

The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

Alarm System

A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

CCTV Systems

A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:

BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217). Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015: Installation and remote monitoring of detector operated CCTV systems - Code of practice

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer

should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

Alarm Receiving Centres

If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:

- i) Cyber Essentials
 - ii) BS 8418 Remotely Monitored detector Activated CCTV Systems
 - iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice
 - iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)
- or
- BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)
- or
- BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at www.securedbydesign.com

Construction Security

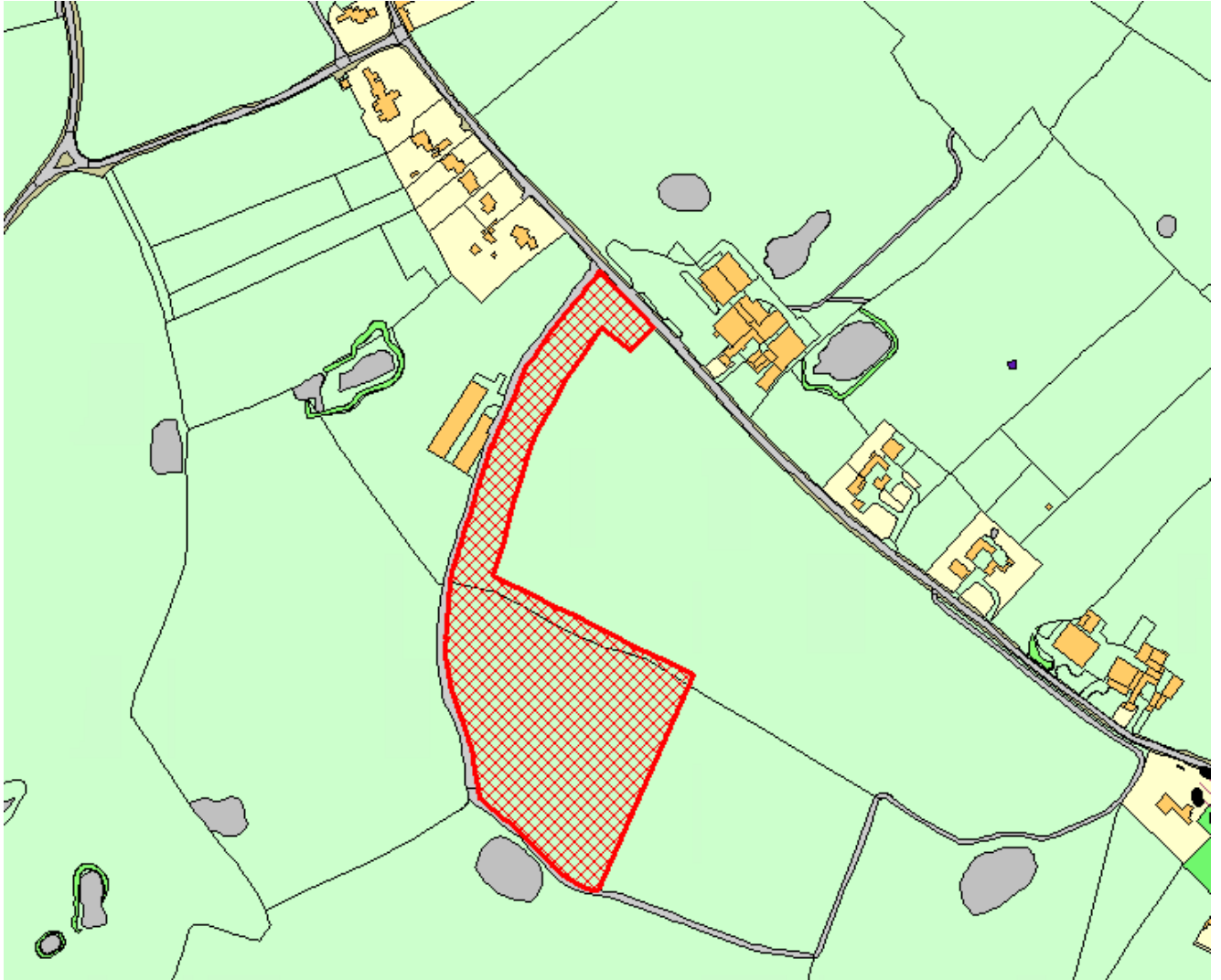
It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

Plans on which this Assessment is based:

Plan Type	Reference	Version	Received
Location Plan	PL01	A	20 February 2023
Site Plan	SK01		30 October 2023
Fence and Gate Detail	D01		20 February 2023
Proposed Plans and Elevations	D02		20 February 2023
Proposed Plans and Elevations	D03		20 February 2023
Proposed Plans and Elevations	D04		20 February 2023

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Proposed Plans and Elevations	D05		20 February 2023
Proposed Plans and Elevations	D06		20 February 2023
Proposed Plans and Elevations	D07		20 February 2023
Noise Impact Assessment	Document		20 February 2023
Biodiversity Metric	Document		20 February 2023
Design and Access Statement	Document		20 February 2023
Ecology Survey	PEA		20 February 2023
Tree Protection Plan	MWA TPP 02 NORTH		28 August 2023
Proposed Plans and Elevations	SK01 SUBSTATION		12 October 2023
General Arrangement	05-1095-301 S3		12 October 2023
Arboricultural Survey	Document		28 August 2023
Tree Protection Plan	MWA TPP 02 SOUTH		28 August 2023
Other Plans	05-1095-301_P09		30 June 2023
Flood Risk Assessment	Document		16 November 2023
Construction Traffic Management Plan	CTMP		16 November 2023
Transport Statement	Document		16 November 2023
Battery Safety Management Plan			2 June 2023
Ecology Survey	DORMOUSE		14 April 2023
Ecology Survey	ECIA		13 February 2023
ALC report and appendices			3 February 2023
LVIA			22 August 2023
Ecology Survey	GCN Naturespace report		30 October 2023
Ecology Survey	GCN Impact Plan		30 October 2023



Land On South West Side Of Levedale Road, Levedale

Appendix 4 Planning Decision Notice



Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

REFUSAL OF PLANNING PERMISSION

Application Number: 23/00145/FUL
Proposed: Proposed battery energy storage facility and substation with new access and associated fencing and landscaping
At: Land On South West Side Of Levedale Road Levedale

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby **REFUSE** permission for the development described in the above application.

Reasons for refusal:

1. The proposed development, by way of its scale and location in the open countryside would create a discordant feature causing a detrimental effect on the immediate environment and the appearance and intrinsic rural character of the wider area contrary to South Staffordshire Core Strategy Policies OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) and EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape).

Signed

Dated: 23 November 2023

Helen Benbow
Development Management Team Manager

Mr James Stone
C/O Mr Jake Farmer
DLP Planning Ltd
Unit 107 Clerkenwell Workshops
27-31 Clerkenwell Close
Farringdon
London
EC1R 0AT

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

*Householder development means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

Appendix 5 Relevant Planning Policies

Policy OC1: Development in the Open Countryside Beyond the West Midlands Green Belt

The Open Countryside beyond the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value.

Development within the Open Countryside will normally be permitted where the proposed development is for either:

- A.** A new or extended building, provided it is for:
- a) purposes directly related to agriculture or forestry; or
 - b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or
 - c) affordable housing where there is a proven local need in accordance with Policy H2; or
 - d) limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a

replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

B. The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the appearance or character and local distinctiveness of the Open Countryside beyond the Green Belt.

C. Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt.

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

**Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, and not lead to a major increase in the developed proportion of the site.*

Explanation

- 6.28 The importance attached to protecting the Green Belt and Open Countryside is recognised in Strategic Objectives 1 and 2 and Core Policy 1 and is a general principle that underpins the Local Plan. Development policies GB1, GB2 and OC1 support Core Policy 1 and set out the types of development that will be permitted in the Green Belt and Open Countryside.

Safeguarded Land

- 6.29 There are two elements of safeguarded land – existing safeguarded land, formerly GB4 of the 1996 Local Plan, and proposed safeguarded land which will be identified in the Site Allocations DPD. The existing safeguarded land in whole or part will contribute to the allocation of housing sites up to 2028, as such land forms part of the sequential test set out in paragraph 6.20 and is at locations which accord with the settlement hierarchy. The existing undeveloped safeguarded sites can be seen on the Policies Maps and are:

- Land at Hobnock Road, Essington
- Land at Cherrybrook Drive, Penkridge
- Land west of Watery Lane, Codsall

6.30 The NPPF is clear that once the general extent of Green Belt has been established it should only be altered in exceptional circumstances. It is considered therefore that those areas of land which were removed from the Green Belt in the 1996 Local Plan, and are not yet developed, will retain their safeguarded land status and be considered for future development. Where only part of a safeguarded site (existing or proposed) is allocated, the remainder of that site will remain as safeguarded land for future long term needs. All existing and proposed safeguarded land will be confirmed by a new policy in the Site Allocations DPD when adopted.

6.31 As stated in Policy GB2, it is important to identify safeguarded land in order to protect the Green Belt and therefore an additional 10 year supply will be identified for this purpose in the Site Allocations DPD. At the average annual build rate of 175 dwellings per annum on which our Strategy is based, this equates to a total of 1,750 dwellings. Safeguarded land shall be apportioned to Main Service Villages and Local Service Villages identified in Core Policy 1. Apportionment shall be at a ratio of 90/10. This means 1,575 dwellings to Main Services Villages and 175 dwellings to Local Service Villages. Apportionment of these dwellings amongst the different Main Service Villages and Local Service Villages shall take account of the key factors as set out in para 8.8 of this Core Strategy DPD.

Key Evidence

Sustainable Community Strategy 2008-2020
South Staffordshire Council Plan 2012 - 2016

Delivery and Monitoring

Through the Development Management process
Green Belt and Open Countryside SPD

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement

planting should be of locally native species.

The Council will encourage and support the creation of new woodlands and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

Explanation

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.
- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape characterisation. More detailed guidance on landscape character will be included in a Supplementary Planning Document.

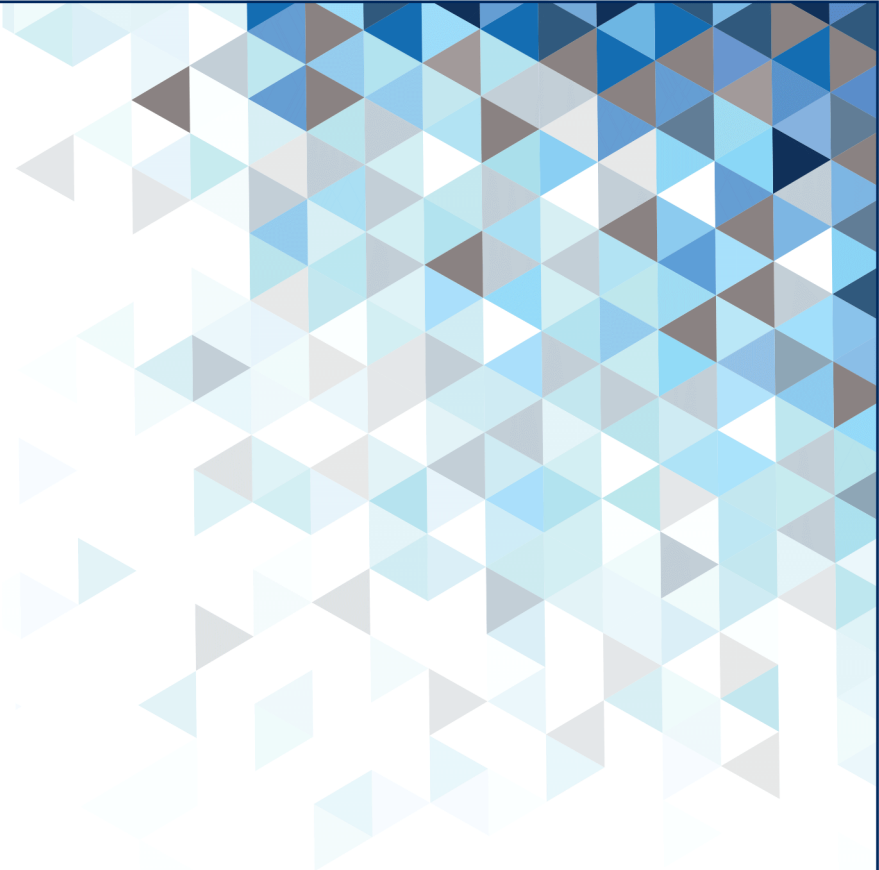
Key Evidence

Sustainable Community Strategy 2008 - 2020
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011
South Staffordshire Landscape Assessment 2003
Historic Environment Character Assessment 2011
Tree and Woodland Strategy 2010
Village Design Guide SPD 2009
Open Space Strategy 2009
Cannock Chase AONB Management Plan 2009 - 2014
Forest of Mercia Plan 1993
Assessment of Physical and Environmental Constraints 2009
Staffordshire Historic Landscape Characterisation Project 2010

Delivery and Monitoring

Through the Development Management process in consultation with Natural England, the County Council and other partners
Landscape advice
Management plans for major open spaces
Cannock Chase AONB Management Plan
Forest of Mercia Plan
LSP Environmental Quality Delivery Plan
Landscape Character SPD
Biodiversity SPD

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.



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