

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

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

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Mr James Stone

Company/Group Name

Anglo ES Levedale Ltd

Address

Unit 4 Shieling Court  
Corby  
NN18 9QD

Preferred contact method

Email



Post



#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Jake Farmer

Company/Group Name

DLP Planning Ltd

Address

Unit 107 Clerkenwell Workshops  
27-31 Clerkenwell Close  
London  
EC1R 0AT

Phone number

07867171786

Email

jake.farmer@dlpconsultants.co.uk

Preferred contact method

Email



Post



#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

South Staffordshire District Council

LPA reference number

23/00145/FUL

Date of the application

20/02/2023

Did the LPA validate and register your application? Yes  No

Did the LPA issue a decision? Yes  No

Date of LPA's decision

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Does the appeal relate to an existing property? Yes  No

Address

Is the appeal site within a Green Belt? Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Area (in hectares) of the whole appeal site [e.g. 1234.56]

Does the proposal include demolition of non-listed buildings within a conservation area? Yes  No

#### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over

provision of local list documentation.

## G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

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.

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.

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.

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.

(a) How many witnesses do you intend to call?

2

(b) How long do they need to give their evidence?

Approximately half a day each

(c) How long do you estimate the inquiry will last?

4 day(s)

## H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case?

Yes

No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)

Yes

No

(b) Have you made a costs application with this appeal?

Yes

No

## I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**



CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**



CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**



## I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.



(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.



## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.



02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA (if required).



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



- 09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
- 09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
- 10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
- 11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
  - (a) the relevant outline application;
  - (b) all plans sent at outline application stage;
  - (c) the original outline planning permission.
- 12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
- 13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
- 14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

**K. OTHER APPEALS**

Have you sent other appeals for this or nearby sites to us which have not yet been decided?      Yes     No   

**L. CHECK SIGN AND DATE**

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**                     

**Date**                             

**Name**                            

**On behalf of**                  

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

**M. NOW SEND**

**Send a copy to the LPA**

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	2024-05-17 - ST5050(5)P - Appeal Statement of Case.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	APPLICATIONFORMREDACTED-742516.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	DECISION_NOTICE-786754.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	PROPOSED_LAYOUT-783178.pdf
<b>File name:</b>	SITE_LOCATION_PLAN-742539.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	AGRICULTURAL_LAND_CLASSIFICATION_REPORT-745462.pdf
<b>File name:</b>	DNO_ROOM_PLANS_AND_ELEVATIONS-742531.pdf
<b>File name:</b>	PRIVATE_SUBSTATION_PLANS_AND_ELEVATIONS-742529.pdf
<b>File name:</b>	WELFARE_AND_CONTROL_ROOM_PLANS_AND_ELEVATIONS-742532.pdf
<b>File name:</b>	FENCE_AND_GATE_DETAIL-742528.pdf
<b>File name:</b>	BATTERY_CONTAINER_PLANS_AND_ELEVATIONS-742530.pdf
<b>File name:</b>	AUX_TRANSFORMER_PLANS_AND_ELEVATIONS-742534.pdf
<b>File name:</b>	DECISION_NOTICE-786754.pdf
<b>File name:</b>	AGRICULTURAL_LAND_CLASSIFICATION_REPORT-745457.pdf
<b>File name:</b>	SITE_ACCESS_SWEPT_PATH_ANALYSIS-742535.pdf
<b>File name:</b>	SITE_LOCATION_PLAN-742539.pdf
<b>File name:</b>	AGRICULTURAL_LAND_CLASSIFICATION_REPORT-745460.pdf
<b>File name:</b>	INVERTER_AND_TRANSFORMER_MODULE_PLANS_AND_ELEVATIONS-742533.pdf
<b>File name:</b>	MWA_TREE_SURVEY_SCHEDULE-742527.pdf
<b>File name:</b>	EIA_SCREENING_ANALYSIS-783895.pdf
<b>File name:</b>	AGRICULTURAL_LAND_CLASSIFICATION_REPORT-745463.pdf
<b>File name:</b>	PROPOSED_SITE_PLAN-748828.pdf
<b>File name:</b>	PROPOSED_LOADING_AREA-742536.pdf
<b>File name:</b>	EIA_SCREENING_LETTER-783894.pdf

**File name:** HISTORIC\_ENVIRONMENT\_DESK\_BASED\_ASSESSMENT-742523.pdf  
**File name:** APPLICATIONFORMREDACTED-742516.pdf  
**File name:** AGRICULTURAL\_LAND\_CLASSIFICATION\_REPORT-745461.pdf  
**File name:** DORMOUSE\_NUT\_SEARCH\_TECHNICAL\_REPORT-753010.pdf  
**File name:** INDICATIVE\_SUBSTATION\_LAYOUT\_AND\_SECTION-759088.pdf  
**File name:** SUBSTATION\_PLAN\_AND\_ELEVATION-783189.pdf  
**File name:** PLANNING\_DESIGN\_AND\_ACCESS\_STATEMENT-742522.pdf  
**File name:** ACCESS\_ROAD\_REQUIRED\_FOR\_OPERATIONAL\_ACCESS-742537.pdf  
**File name:** ARBORICULTURAL\_APPRAISAL\_REPORT-742524.pdf  
**File name:** DISTRICT\_LICENCE\_REPORT-783181.pdf  
**File name:** ARBORICULTURAL\_IMPACT\_ASSESSMENT\_METHOD\_STATEMENT-776810.pdf  
**File name:** TREE\_PROTECTION\_PLAN-742525.pdf  
**File name:** TREE\_PROTECTION\_PLAN-742526.pdf  
**File name:** INTERNAL\_TURNING\_HEAD\_SWEPT\_PATH\_ANALYSIS-765873.pdf  
**File name:** OUTLINE\_BATTERY\_SAFETY\_MANAGEMENT\_PLAN-760760.pdf  
**File name:** TREE\_PROTECTION\_PLAN-776808.pdf  
**File name:** TREE\_PROTECTION\_PLAN-776809.pdf  
**File name:** CONSTRUCTION\_TRAFFIC\_MANAGEMENT\_PLAN-763811.pdf  
**File name:** CONSTRUCTION\_TRAFFIC\_MANAGEMENT\_PLAN-784292.pdf  
**File name:** BIODIVERSITY\_NET\_GAIN\_DESIGN\_STAGE\_ASSESSMENT-742547.pdf  
**File name:** PROPOSED\_LAYOUT-783178.pdf  
**File name:** GENERAL\_ARRANGEMENT-742546.pdf  
**File name:** GENERAL\_ARRANGEMENT-765874.pdf  
**File name:** GENERAL\_ARRANGEMENT-783190.pdf  
**File name:** NOISE\_IMPACT\_ASSESSMENT\_REPORT-742544.pdf  
**File name:** CONSTRUCTION\_TRAFFIC\_MANAGEMENT\_PLAN-742519.pdf  
**File name:** LANDSCAPE\_SUPPORTING\_GRAPHICS-742521.pdf  
**File name:** GENERAL\_ARRANGEMENT-765019.pdf  
**File name:** TRANSPORT\_STATEMENT-784293.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

**File name:** ST5050-5P - List of Plans and Documents.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

**File name:** 22-466 50MW BESS at Levedale Road - Noise Assessment Report v3 ISSUE.pdf

**File name:** 05-1095-P02 Land on Levedale Road, Penkridge, ST19 Landscape and Visual Impact Assessment Appeal with Appendices .pdf

**File name:** 05-1095-301\_P17 General Arrangement.pdf

**Completed by** MR JAKE FARMER

**Date** 20/05/2024 10:43:10