



Hearing Statement

Chantel Blair

BS (Hons) MA MRTPI

South Staffordshire Council

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

Land On South West Side of Levedale Road,
Levedale

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Document Reference:

24.212

Version 1

Date of Issue:

August 2024

Prepared by:

Chantel Blair

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1. Introduction

- 1.1. Cerda Planning Ltd. is instructed by South Staffordshire Council (the Council) to prepare an appeal against South Staffordshire Council (SS) decision to refuse planning permission for the “proposed battery energy storage facility and substation with new access and associated fencing and landscaping” (as described in the decision) at Land On South West Side of Levedale Road, Levedale (the site).
- 1.2. The application was allocated reference 23/00145/FUL.
- 1.3. This Hearing Statement has been prepared as part of the appeal documentation and addresses the reason for refusal as identified on the decision notice issued by SS.
- 1.4. The following sections of this statement provide information on the background to the appeal, a description of the appeal site and its context and a description of the appeal proposal. The statement sets out the current policy framework including the National Planning Policy Framework (NPPF) and the relevant policies of the development plan including supplementary planning guidance.
- 1.5. Subsequent to the above, this statement responds to the reason for refusal and sets out how the appeal proposal does not accord with the relevant policies of the development plan and other material planning considerations. It concludes that the proposal represents unsuitable development and that the appeal should be dismissed, and planning permission refused.

2. Background and Site Description

Background

2.1. The planning application for the proposed battery energy storage facility and substation was submitted to South Staffordshire Council and accepted as valid on the 21st March 2023. The application was refused by the Council at Planning Committee on 21st November 2023.

2.2. The decision notice provides one reason for refusal as follows:

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).”*

Site Description

2.3. The appeal site which extends to 3.7ha of agricultural land, is located off Levedale Road, 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.

2.4. 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 Penkrige village 2.3km southeast of the site.

3. Planning Policy Context

- 3.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2. In this case the development plan comprises the Core Strategy Development Plan Document, adopted in December 2012 together with the Site Allocations Document, adopted in July 2018. In addition, the Design Guide SPD, Green Belt and Open Countryside SPD and the Sustainable Development SPD. Other relevant material policy considerations include the National Planning Policy Framework.
- 3.3. A comprehensive list of the policies and guidance which was considered during the application process are listed within the officers committee report. Policies and guidance which are relevant to the determination of this appeal are set out below:

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)

The Development Plan

3.4. Core Strategy Development Plan Document

- Core Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt)
- EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape)

Emerging South Staffordshire Local Plan

3.5. The Council have commenced work on a new Local Plan (LP) which seeks to guide development in South Staffordshire until 2041. The emerging LP (eLP) is at Regulation 19 Stage, having undergone public consultation in April/May 2024. As a result, the policies should be afforded moderate weight. The policies relevant to this appeal are:

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

4. The Councils' Case for Refusal

4.1. The reason for refusal is set out above and the main issue in response to the appeal proposals concerned with the erection of a battery based electrical storage facility, this issue is summarised as being:

A. Impact upon the landscape character

4.2. The following section of this statement considers this principal matter of concern for the Council.

4.3. The development is located within the open countryside and would be contrary to Core 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) as set out above. The site contributes to the rural setting on this side of the settlement. Within the site boundary, the ground is mostly flat with minimal undulation, characteristic of the low-lying agricultural landscape typical of the area.

4.4. During the course of the planning process, there were a number of objections from the immediate community in relation to the proposal. There are significant concerns that the proposal, if allowed would not only have impacts on the immediate area, but the wider community of Levedale, Penkridge.

4.5. **Policy OC1** has regards to ***Development in the Open Countryside Beyond the West Midlands Green Belt*** and states that the open countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historical, archaeological, agricultural and recreational value. Developments will normally be permitted where the proposed development is for A. a new or extended building, B. the reuse of a building, C. Change of use of land and D. Development brought forward under a Community Right to Build Order. Criteria C (f) is relevant in this appeal which relates to *'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'*.

- 4.6. **Policy EQ4** has regard to ***Protecting and Enhancing the Character and Appearance of the Landscape*** and expects the intrinsic rural character and local distinctiveness of the South Staffordshire landscape to be maintained and where possible enhanced. 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.
- 4.7. Sections 12 and 15 of the NPPF refer to design and the natural environment respectively. Paragraph 180 advises that planning policies and decisions should (amongst others) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 4.8. The site is an area of agricultural land. The site boundary consists of hedgerows and trees with no formal access from Levedale Road. There is no previous developed land within the site. The developed part of the site would cover 1.03ha measured as the area and enclosed within the fence, hedgerow and tree planting. The proposed development would result in an area of undeveloped land being developed with structures close together with additional landscaping. A new access is proposed running 250m south west from Levedale Road to the agricultural field.
- 4.9. The Appellant considers that the proposal is temporary although a time period is not specified and therefore temporary permission is not sought. The so called ‘temporary’ nature of the proposal does not address the impact on the landscape character, the proposed access once constructed would be a permanent feature within the landscape. The construction of the battery unit facility would not allow the site condition to be reverted back to its former agricultural use.
- 4.10. As well as the 42 battery units, the proposal includes the provision of transformer units, 36 inverters, an AUX transformer, controller room, private substation, fencing, and CCTV poles, access track and associated hardstanding. The development would be visible from Levedale Road to the north and the southern boundary as there are sometimes large gaps in this hedge, allowing views into the site. Views would be of the

3.5m high acoustic barrier with the transformer visible 3.8m above the height of the proposed palisade fencing to the southern end of the site.

- 4.11. Although tree and hedge planting is proposed to mitigate visual impact along the site boundaries, these will take time to establish. The battery units would be 3.1m in height and the associated substation would be between 3m – 6m in height. The proposed acoustic fence would be 3.5m in height, an unnatural feature in the open countryside. Notwithstanding the planting, the fencing and the top of the proposed structures would be visible from medium distance views, particularly from the eastern and southern boundaries.
- 4.12. The Council considers that the unnatural features and visual intrusion of the development would harm the character of the immediate environment and the appearance and intrinsic rural character of the wider area. The proposal would significantly impact the immediate surrounding rural landscape by introducing and increasing the prominence of structures/features within the site resulting in degradation of the landscape.
- 4.13. The proposal therefore fails to accord with the relevant policies for this type of development in this location. These are Core Policy OC1 where it would have a material effect on the appearance and character of the Open Countryside. The proposal also fails to accord with Policy EQ4 of the Core Strategy as it would not maintain the intrinsic rural character and local distinctiveness of the South Staffordshire landscape and would have a detrimental effect on the immediate environment.

Neighbouring Site History

- 4.14. Attention is given to the consent that is 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 (planning reference: 23/0009/FUL).

- 4.15. It should be noted that this application would have been determined, on its own merits, against planning policy and guidance. Whilst each application should be assessed on its own planning merits, it is noted that the cumulative impact of this development, and the solar farm to the west of the site, would result in a wider area of alien features exacerbating the detrimental effect on the intrinsic rural character and local distinctiveness of the South Staffordshire Landscape, contrary to policies OC1 and EQ4 of the Core Strategy.

Comments on the Appellants Statement of Case

- 4.16. The appellant contests the Council's reasons for refusal stating that the "OC1 is out of date with the NPPF in terms of "protecting" countryside for its own sake. However, this view ignores the policy as a whole which is in conformity with the NPPF as the thrust of the policy recognises the intrinsic character and beauty of the countryside as stated in paragraph 180 of the NPPF. There is no reason to suggest the absence of a specific exception for renewable projects (paragraph 8.4 of the Appellants SoC) makes it out of date or not relevant. The policy includes changes of the use of land as an exception to ensure that schemes such this are assessed in relation to their effect on the appearance and character of the Open Countryside. Policy EQ4 along with Policy OC1 are the relevant development plan policies, they are not out of date when taken as a whole, and there is significant conflict with them as set out above.
- 4.17. The Appellant has submitted a *Wheatcroft* amendment which proposes to change the arrangement and location of the proposed acoustic barrier and to provide additional hedgerow along the southern boundary. The proposal that the Appellant sought planning permission from the council was drawing number 05-1095-301 S3 P12 (General Arrangement Plan). On appeal, an additional plan with the proposed changes is shown on an updated General Arrangement Plan (drawing number 05-1095-301 S3 P17. The amended plan was received outside a formal pre-application or application process therefore were not considered ahead of the appeal.
- 4.18. The Council has only had the capacity to review the amended plan in response to the appeal. It should be emphasised the Council objects to these proposals. This concerns the *Wheatcroft* case-law and whether the change is one which should be accepted. It is respectfully submitted that the Inspector does not have the power to consider the amendment because it falls outside amendments that can be considered on appeal.

The change would deprive consultees the ability to comment on the proposal, not least given that the full implications of the amendment, particularly the acoustic barrier has not been properly addressed through the additional information.

- 4.19. The revised Noise Assessment (V3, 11 April 2024) has updated the layout with the noise barrier now shown in figure 4 and changes to the sound source data in table 6. Should the Inspector accept these changes then the suggested condition 18 would need to be amended accordingly.

There has also been an updated LVIA (P02, May 2024) submitted with this appeal. The main changes include updates to photomontages from viewpoints 2 and 4, Zone of Theoretical Visibility (ZTV) with buffers Year 15 and Year 1 and 15 combined (figures 5 and 6) and includes the acoustic barrier in figure 25. It should be noted that Appendix E – Landscape Supporting Graphics within the updated LVIA, project specific notes (page 121) refer to varying heights of the substation between 5.2m – 7.2m above the existing ground.

- 4.20. The proposed changes to the proposed development, namely the inclusion of the amended acoustic barrier, the varying height of the substation and the additional infill of the existing hedgerow along the southern boundary, would be visible over the landscaping treatment. The nature of the proposal is such that it would have a harmful and urbanising effect on the natural environment.
- 4.21. Consequently, although the Appellant's initial findings were that there would be limited landscape harm, the proposal would include infrastructure, including battery containers, transformers, invertors and fencing, which will inevitably introduce a fundamental change to the main site, and the introduction of the substation would be a clear alteration of the current rural character of the area. Considering the scale of this proposal, there would inevitably be a change to the landscape and to peoples' experience of the area.

The Planning Balance

- 4.22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.23. I have assessed the appeal proposals against the policies of the Development Plan and emerging policy. I consider that the appeal proposals conflict with policy. I consider the appeal proposals conflict with Development Plan Core Policies OC1 and Policy EQ4 of the Core Strategy as the appeal proposal harms the rural character of the area. I have set out important context as to the landscape character policy breach.
- 4.24. In this case I take the position that the conflict with Policy OC1 and Policy EQ4 is such that the proposals are not consistent with the Development Plan when read as a whole.
- 4.25. The proposal aims to balance the extra power demands on the National Grid, ensuring the network remains “in balance” while providing a clean and efficient response to demand. However, the battery storage facility and associated structures/fencing would negatively impact the landscape character of the open countryside. The Council placed very significant weight on this harm. Although the Council acknowledges the sustainable benefits of the scheme, these do not outweigh the harm to the landscape and the open countryside.
- 4.26. I consider that these benefits should be attributed weight as follows:
- Delivery of renewable energy: **significant weight**
 - Environmental benefits: **minor weight**
- 4.27. Set against these benefits, I have identified the following harms to arise from the appeal proposals:
- Policy conflict. The appeal proposals are in conflict with policy concerned with development in the open countryside.
 - Landscape. The appeal proposals significantly harm the character and appearance of the landscape and settlement edges of Levedale, Penkridge. The proposals will cause an unacceptable level of visual intrusion beyond the boundaries of the appeal site.
- 4.28. I have not identified any other harm to arise from the appeal proposals. I consider that these harms should be attributed weight as follows:
- Policy harm: **substantial weight**

- Landscape: **substantial weight**

4.29. I conclude that the identified harm is not outweighed by the benefits of the appeal proposal. Indeed, to the contrary, the conflict with OC1 and EQ4 is significant in the level of harm, should be given substantial weight being the key/relevant development policies for this application and outweighs the benefits of this scheme in terms of energy storage for balancing the grid.

5. Conclusions

- 5.1 The Council does not consider that the grounds put forward by the Appellant are sufficient to override the conflicts with the Development Plan and Government Guidance identified. Therefore, for the reasons set out above, the Planning Inspector is respectfully requested to support South Staffordshire Council by dismissing the appeal.
- 5.2 Should the Inspector be minded to allow the appeal; the Council would request the imposition of the conditions as outlined below.

Suggested 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.

REASON: 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. 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.

Location Plan PLO1 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

Proposed Plans and Elevations D05 - 20 February 2023

Proposed Plans and Elevations D06 - 20 February 2023

Proposed Plans and Elevations D07 - 20 February 2023

Proposed Plans and Elevations SK01 SUBSTATION - 12 October 2023

General Arrangement 05-1095-301 S3 P12 – 12 October 2023

REASON: In order to define the permission and to avoid doubt.

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.

REASON: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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.

REASON: To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy.

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.

REASON: In the interest of highway safety.

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.

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

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 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.

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."

REASON: 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. 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.

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.

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.

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).

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.

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.

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

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.

REASON: To reduce the risk of surface water flooding to the development and surrounding properties during construction.

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.

REASON: In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

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.

REASON: To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.

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.

REASON: To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.

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.

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.

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.

REASON: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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.

REASON: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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.

REASON: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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.

REASON: In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.

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.

REASON: In the interest of highway safety.

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.

REASON: In the interest of highway safety.

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.

REASON: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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.