



Appeal Decision

Site visit made on 19 June 2024

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Appeal Ref: APP/B3438/W/23/3335922

Land off Armshead Road, Werrington, Stoke-on-Trent ST9 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Conrad Energy (Developments) II Limited against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2022/0574, dated 30 September 2022, was refused by notice dated 26 June 2023.
- The development proposed is erection of storage containers, support infrastructure and security fencing for Battery Energy Storage Facility along with landscaping and all associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of storage containers, support infrastructure and security fencing for Battery Energy Storage Facility along with landscaping and all associated works at Land off Armshead Road, Werrington, Stoke-on-Trent ST9 0NB in accordance with the terms of application Ref: SMD/2022/0574 and subject to the conditions set out in the schedule attached to this decision letter.

Procedural Matters

2. There is a discrepancy between some submitted documents in relation to the postcode for the appeal site. For clarity, I have used the postcode set out on the original application form and consider this to be correct. Further detail on the exact location of the site has been provided on the Appeal Form stating Grid Reference Easting 393979, Northing 348524.
3. For clarity, in my assessment and determination of this appeal, I refer to the National Planning Policy Framework (the Framework) published on 19 December 2023, as this is the latest published version available.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the purposes and openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area, with particular regard to landscape character;
 - the effect on the proposal on the living conditions of nearby residents with regard to outlook, noise and lighting; and

- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances (VSC) required to justify the proposal.

Reasons

5. The site is located off Armshead Road and within the Green Belt. The appeal relates to an area of around four hectares of greenfield agricultural land which forms part of Armshead Farm. The actual area of land set aside for the proposed Battery Energy Storage infrastructure comprises a field approximately one hectare in size. The site is within Flood Zone 1 and therefore at a low risk of flood. It is accessed from Armshead Road using an existing track which provides access to the Armshead Farm complex of buildings, including the farmhouse. The site is about 200 metres distant from the farmhouse and outbuildings which are situated west of the appeal site.
6. The surrounding countryside is formed by a shallow valley with rolling hills and field boundaries are marked by a mix of partial hedgerows and mature trees. In the wider context, and in relation to energy generation, the site is about 800 metres from Cellarhead Substation to the northeast, to which the proposed development is intended to connect.

Inappropriate development

7. In relation to inappropriate development in the Green Belt, Paragraphs 154 and 55 of the Framework identify the exceptions and types of development which would result in proposals being considered not inappropriate in the Green Belt. The proposed development does not meet any of these exceptions. It is common ground between the parties that the proposed development does not fall into any of the exceptions set out in the Framework. Furthermore, Paragraph 156 of the Framework clarifies that elements of renewable energy projects will comprise inappropriate development in the Green Belt. Accordingly, the proposal is inappropriate development. Therefore, as Paragraph 156 identifies, very special circumstances (VSC) need to be demonstrated for the proposal to proceed.

Green Belt Purposes and Openness

Green Belt Purposes

8. Paragraph 143 of the Framework identifies the five purposes of the Green Belt. Any harm to the Green Belt must be considered in terms of impacts relating to these five purposes and with regard to the openness and permanence of the Green Belt.
9. Having considered the proposal against the five purposes, and taking account of the evidence submitted, it is clear to me that the only purpose challenged directly by the proposed development relates to safeguarding the countryside from encroachment, as set out at Paragraph 143c of the Framework.
10. The Council has submitted that the area of land identified for the appeal scheme would contribute towards this purpose of safeguarding the countryside from encroachment but its contribution to that purpose would not be significant. I have also had regard to the appellant's claim that the proposal would be in an area of the Green Belt that makes the lowest contribution to the purposes of the Green Belt. As such, it would result in the lowest level of harm to the Green Belt in the local area. Furthermore, the proposed site is not situated within the key areas of the Green Belt identified in the Council's Green Belt Review as making a significant contribution to it.
11. The proposal would inevitably introduce built development of an industrial nature into an area of predominantly agricultural fields and presently has no built development. However, given its relatively detached and remote location from areas of existing urban settlement and the limited role the area of land plays in contributing to the purposes of the Green Belt, I

find that there would be no harmful impact on the Green Belt purpose resulting from the proposal.

Openness

12. The proposal would not be situated immediately adjacent to Cellarhead Substation and would also be some significant distance from other similar proposals in the area. This is a positive consideration in terms of its impact as it would limit the potential for openness being harmed spatially and visually by an overbearing presence of energy infrastructure and it would retain the open characteristic of the surrounding area. It is noted also that the Council's Environmental Health Officer observed and concluded that as the appeal site appears to be a significant distance from recent similar applications close to Cellarhead Substation, the cumulative impact of these spatially or visually, is not considered a concern.
13. The limited amount of short-term spatial and visual harm to Green Belt openness due to the relatively temporary nature of the proposed scheme would only be experienced from a very small part of the overall Green Belt area. This harm would be increasingly addressed by the substantial mitigation measures and enhancements incorporated into the development and completely addressed when the development would be removed at the end of its operational life (35 years).
14. Nonetheless, taking all relevant evidence into account, whilst the limited impact on openness would be mitigated to some extent, and increasingly over time, by the proposed enhancements, inevitably some limited harm to openness would ensue from the scheme. Accordingly, substantial weight must be attributed overall to Green Belt harm in accordance with Paragraph 153 of the Framework. Therefore, as the proposal is inappropriate development, the demonstration of VSC that would outweigh the totality of Green Belt and non-Green Belt harm is required for the scheme to be acceptable.

Character and appearance – landscape and surrounding area

15. The external boundaries and internal field boundaries at and around the appeal site are generally defined by trees and hedgerows in a similar way to the wider Green Belt. The appellant's Landscape and Visual Impact Assessment and Green Belt Position Statement (LVIA) sets out that hedgerow removal and decline has been observed in the area over a period. This has resulted in a steady decline in the positive rural character of the landscape. Indeed, as noted during my visit to the site and wider area, hedgerow removal and decline was clearly evident. This process of decline is also identified by the Council in its Landscape and Settlement Character Assessment (LSCA). The site and surrounding area currently comprise typical agricultural fields and includes boundaries which, in places, are weakened due to this historic hedgerow removal and decline. This has clearly contributed to the erosion of the traditional character of the local countryside and landscape.
16. In landscape terms, there is both a connectivity with, and influence of, the open landscape to the north, east and south of the appeal site and the marginal influence of the Cellarhead Substation to the northeast. The Substation is separated from the overall appeal site by a series of boundary planting and a significant distance. The overall landscape character is defined in the LSCA as rural pastoral fields and it is noted that the site is not considered to be a 'valued landscape', as defined by Paragraph 180a of the Framework.
17. The proposed development includes substantial soft landscaping, allied with some limited areas of landscaping to screen the proposed battery infrastructure as well as providing Biodiversity Net Gain (BNG) enhancements. As a result, the scheme would be screened and merged visually and spatially into the landscape as the new planting matures. This would minimise its impact on the landscape and surrounding area.
18. The proposal is supported by the LVIA which sets out its long-term benefits in terms of the appearance of the Green Belt after a 15-year period, once the proposed vegetation and

trees have been established and matured. Furthermore, I note the point that these benefits would be significantly increased after 35 years when the proposed scheme would be removed from the site after its period of operation.

19. The LVIA has clearly informed the appellant's landscaping proposals for the scheme which has produced an overall strategy comprising a combination of screening, increased areas of woodland and hedgerow improvement. The proposal comprises a significantly greater proportion of land identified for planting and landscaping improvement than for the hard elements of the built development. Furthermore, in relation to the potential impact of the proposal on the landscape, I have noted the consultation response submitted by Staffordshire Wildlife Trust (SWT), which concurs with the findings of the appellant's LVIA in support of the proposal.
20. The Council's LSCA identifies the site and surrounding area within the landscape character type 'ancient plateau farmland'. The LSCA also refers to incongruous features in the landscape which include the replacement of hedges by a range of fence materials and to the visual dominance of power lines and the electricity substation.
21. As a result of the significant separation of the site from any existing or proposed energy infrastructure, along with the extensive landscaping proposals, I find that the visual impact of the proposed development would be minimised. I have also taken into consideration the diminishing longer-term impact of the proposal on the landscape. Within 15 years of development, I find that visually, the impact would likely be negligible due to the new planting becoming well-established. Moreover, once the energy infrastructure on the site is removed after 35 years, as proposed, in my judgement, the landscaping scheme would constitute a significant enhancement to the overall landscape character of the site and wider countryside.
22. Whilst it is acknowledged that some visual harm would inevitably arise from the introduction of built development on the proposed site, I am satisfied that through the implementation of the proposed landscaping scheme and associated mitigation measures, this harm would be minimised. Policy DC3 of the Staffordshire Moorlands Local Plan 2020 (the Local Plan) requires development to respect and enhance landscape character. It is evident that the proposal would find it difficult to fully meet this requirement in the short term. Nonetheless, over time the proposal would increasingly do so satisfactorily.
23. The proposed landscaping strategy and enhancements demonstrate compliance with the Local Plan Policy SS10 requirement for development to give priority to the need to protect the quality and character of the area and to require development to respect and respond sensitively to the distinctive qualities of the surrounding landscape.
24. Accordingly, I conclude that the proposed scheme would have no substantive adverse impact on the character and appearance of the surrounding landscape. As such, it would comply with the relevant policies of the Local Plan and the Framework.

Living conditions of nearby residents – visual intrusion, noise and lighting

25. The site is removed from residential properties, comprising of agricultural fields in a predominantly rural setting. However, a number of individual dwellings and farmhouses are within 500 metres of the site, the closest being Armshead Farmhouse which has barns positioned in the intervening space. The largest main area of development nearby is Werrington, located about 400 metres south.
26. The proposed energy infrastructure would largely comprise a maximum height of 2.4 metres. However, the proposed lighting and CCTV poles at the site would reach up to 4 metres. The proposed landscaping scheme would predominantly screen the proposed development from external views, although it is accepted that parts would be visible, particularly whilst the proposed planting becomes established and matures. Whilst this

slight visibility may exist, the energy infrastructure would be at least 250 metres from any dwelling. As such, due to the screening, the size of the development components and the distance, there would be no significant visual, overbearing or overshadowing impact on neighbouring occupiers as a result of the proposed scheme.

27. The Noise Impact Assessment in support of the proposal identifies that the development would not give rise to any sound impacts which would exceed measured background noise levels for the area. Furthermore, the assessment shows that the proposed scheme would not alter the ambient sound in the area, when measured from locations within the surrounding area. Whilst sound may be heard from the proposed scheme from some positions, it would not cause or likely result in any change in behaviour, attitude or other physiological responses from those who potentially would be impacted upon.
28. Subject a condition to ensure the appropriate levels of noise are not exceeded, thereby protecting the amenity of the area for any changes during the operational lifetime of the proposal at the site. I am satisfied that the proposal would have no substantive adverse impact on residents in respect of noise or sound levels in the locality.
29. The proposed scheme includes some external lighting. To address the concerns relating to the impact of that on the surrounding area and the occupiers of neighbouring properties, a condition is proposed to secure the submission and approval of full details regarding the type, position and operation of all such lighting prior to the start of development. This is a reasonable and pragmatic approach to address such concerns. I have considered the suitability of the proposed condition in the relevant section of this decision below.
30. For the reasons above, and subject to the conditions identified, I conclude that the proposed development would have no significant harmful impacts on the living conditions of the occupiers of neighbouring properties with regard to outlook, noise and lighting. I find the proposal accords with the Local Plan Policy SD4 and the relevant parts of the Framework.

Other considerations

Renewable energy related infrastructure

31. The Government has set out in its British Energy Security Strategy 2022 its support to ensure a more flexible, efficient energy system by encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage to balance the overall renewable energy system. Battery storage sites, such as that proposed in this case, form a key part of the systems and infrastructure which utilise renewable energy and improve the efficiency of supply. Furthermore, such facilities provide a means to reduce waste arising from losses between demand and supply. Accordingly, support for such energy storage development is clearly set out by the Government's energy strategy and the Framework.
32. The proposed development would provide infrastructure to support and increase the capacity for the supply and storage of low carbon and renewable related energy. I have regard to the Government's intentions to move away from a fossil fuels centred energy network to more low carbon and renewable energy sources. This requires an increase in not only the infrastructure to supply such energy but also to provide storage facilities to even out energy supply to meet demand more flexibly and efficiently. This proposal would provide some of that required infrastructure and therefore, in accordance with national policy, I attribute considerable weight to this.

Access

33. The site and proposal would be accessed from Armshead Road partly by the existing farm track – a public right of way (PROW) - and partly by a proposed track that would run south and then parallel to the existing track. This access is proposed to retain the character of the existing track as far as possible with the new track being well-screened by existing and

proposed planting. The intention of this is to reduce impacts on existing mature trees. The PROW would be retained.

34. The submitted Transport Statement in support of the proposal has been reviewed by the local highway authority and found to be appropriate, subject to some suggested conditions. The local highway authority has also considered the impacts of the proposal during construction and operation on the site and on the wider highway network and, subject to appropriate conditions, considers the proposal to be suitable and acceptable.
35. Whilst there would be an increase in vehicular movements to and from the site for a reasonably short period during construction, I am satisfied that the proposed scheme would have no substantive or unacceptable impacts on the local highway network or access. The number of vehicular movements to and from the site in the operational phase of the scheme would be minimal to service and maintain the facility. As such, this would likely be a similar frequency of vehicle movements to that currently experienced on the farm. This, therefore, would result in a very limited impact on the local highway network and highway safety in the surrounding area. As a result, the proposal would be compliant with Local Plan Policies DC1 and T1. I have also had regard to Paragraph 115 of the Framework in relation to the limited impact on the road network and highway safety. Accordingly, I find this consideration to have minimal weight in the determination of the Green Belt balance.

Flood risk and drainage

36. In relation to concerns about flood risk and drainage, the site lies within Flood Zone 1 and is therefore at a low risk. The Flood Risk Assessment and Drainage Strategy provided concludes that with the proposed Sustainable Surface Water Drainage Strategy, there would be no increase in flood risk to the site or surrounding area resulting from the proposal. Surface water would be attenuated and discharged into the existing field ditch network and foul water would be collected in a septic tank. To ensure that this is the case, a condition for the submission and approval of full surface and foul water drainage details, to be reviewed by the Local Land Flood Authority, is proposed. Given that there is no evidence to indicate that this approach is inappropriate or unreasonable, having considered the submissions made on these matters and subject to the proposed condition being suitable, I am satisfied the proposal is acceptable in flood risk and drainage terms and consider this to be a neutral factor in the balancing exercise.

Ecology and biodiversity

37. Paragraph 180 of the Framework sets out that the planning system should contribute to and enhance the natural and local environment. This aligns with Policy NE1 of the Local Plan requiring biodiversity to be conserved and enhanced. The proposal is supported, amongst other evidence, by an Ecological Appraisal, a Landscaping Masterplan and a Biodiversity Metric to which I have had regard. From these, the proposal would result in a biodiversity net gain (BNG) of 15.5% for habitat units and a BNG of 219% for hedgerow units. Following a review of these documents by the Staffordshire Wildlife Trust (SWT), an amendment has been made to the landscaping scheme to extend an area of linear woodland which would result in the actual BNG for habitat being slightly lower at around 15%.
38. Notwithstanding this, the BNG indicated in relation to the proposal would reflect the extensive benefits of the proposed planting and habitat restoration and enhancement identified. I attribute significant weight in favour of the scheme to this. As a result, I find that the policy requirements set out in the Framework and in Policy NE1 of the Local Plan would be clearly met and exceeded.
39. Furthermore, the appeal site supports birds, bats and other wildlife and the proposed reinstatement of hedgerows would enhance connectivity and habitat conditions. It is also noted that to reflect the recommendations of the submitted Ecological Appraisal, conditions have been suggested to address concerns and issues raised. As a result, with suitable

conditions, the SWT raised no objection. In my view, having taken this into consideration and subject to those conditions meeting the relevant tests set out in the Framework, the proposal would not cause harm in this regard.

Protection of trees

40. The layout of the site and proposal has been set out in such a way as to avoid any impact on mature trees and includes new tree planting. The removal of two small sections of hawthorn is all that is necessary to facilitate the proposed landscaping strategy. As such, the proposal would result in a significant increase of trees overall. It is also acknowledged that a condition is proposed to ensure the protection of all retained trees. Subject to this proposed condition, I consider the proposed development to be acceptable in this regard and accords with relevant development plan policy. With the retention of existing trees and the enhancement of the overall number of trees, I attribute significant weight to this.

Location

41. The appellant has provided a justification for the selection of the appeal site in their Planning, Design and Access Statement (PDAS) which principally relates to the ability to appropriately connect the site to the Cellarhead Substation. Consequently, I have considered this and the aim to balance proximity to the substation against allowing sufficient separation between the substation and other associated development to minimise visual impact that may result from an increasing, contiguous built form. Having done so, it is my judgement that there would be sufficient separation to ensure that any visual harm to the surrounding area in terms of incremental energy development would be minimised and mitigated through the proposed measures.
42. The proposal would also support existing infrastructure for the supply and storage of renewable and low carbon energy sources to the National Grid and is considered in line with Paragraph 160 of the Framework. Furthermore, having had regard to Local Plan policies such as Policy SS10 and SD2, the policy approach aims for such renewable energy schemes to be appropriate in scale and location for their purpose. However, it is noted that the Council's policies do not specify or allocate sites for such development.
43. Given the nature of the proposed development, and noting the appellant's assessment and justification, I find its location to be justified and necessary due to its proximity to the Cellarhead Substation and the energy supply that it carries. I am also mindful of the need for the delivery of this type of development. The supporting evidence demonstrates that there is a need for the proposal to be in the proposed location. As such, the provision of such storage infrastructure in the proposed location carries significant weight in favour of the proposal.
44. The proposal would support the Government's move towards a low carbon future, the use of renewable energy and improving the efficiency of the energy network. The Framework and recent Government statements give significant weight to this type of development. From the evidence, it is clear that the location of the proposal must practically be close to Cellarhead Substation. Accordingly, I give this significant weight in favour of the proposal. As a result, I find the principle of development for such a scheme in the Green Belt to be acceptable in this case.

Other planning decisions

45. In addition to the above, I have considered other planning decisions put forward, either by application or appeal, to support the cases of both main parties. These are material considerations to which I have given limited weight in my overall assessment of the proposal, as my principal consideration is to the merits and circumstances of the proposal before me that is the subject of this appeal.

46. I acknowledge that there are similar proposed schemes in the local area which have been, or are being, considered by the Council. Each must be considered and determined on their own merits, as is the case here. However, as these other proposals have been raised and discussed by the parties, they are a material consideration in this appeal. Accordingly, I have taken these into account and attributed appropriate weight to them in the overall balance. In doing so, I confirm that I have primarily determined this appeal proposal on its own merits and circumstances, in accordance with the development plan and relevant policies and having due regard to all other material considerations.

Green Belt Balance

47. As set out in the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of the proposal being inappropriate development, the impact on openness and purpose to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

48. I must determine this appeal proposal in accordance with the development plan unless material considerations indicate otherwise. The proposal is inappropriate development in the Green Belt. However, in this case, I have had regard to the substantial benefits that the proposal would bring in terms of energy infrastructure that would increase capacity relating to the flexible supply and storage of renewable energy. Taking into account the significant weight I am to give, in accordance with national policy, to the provision of this type of development, considering its merits and circumstances, and having regard to other relevant appeal cases, I find that the provision of the infrastructure and its benefits weigh substantially in favour of the proposal, particularly in terms of contributing towards the Government's intention to move to a low carbon and renewable energy network and to meet net zero targets.

49. The impacts of the proposal identified relating to landscape would be reasonably and practicably minimised, mainly through the extensive and well-designed landscaping scheme proposed. The scheme would also lead to significant biodiversity gains, an overall restoration of hedgerows and the expansion of linear woodland, thus having a positive impact on the existing local landscape character. I have also had regard to the relatively temporary nature of the proposed energy infrastructure which is to be in situ for a period of 35 years noting that the landscaping proposals and benefits to be provided would be permanent and remain beyond this timespan. These aspects and other considerations are assessed to be neutral or attract significant weight in favour of the proposal in terms of longer-term biodiversity and landscape benefits.

50. I have taken account of objections raised about the proposal relating to the potential impact on neighbouring occupiers as well as the matters discussed as other considerations above. Based on all the evidence before me and the proposed mitigation measures to minimise any harmful impacts, I find that these objections and concerns can be overcome either by the delivery of the development or through the conditions set out in the attached schedule. As such, in my judgement, these objections do not give rise to any materially sound reasons to refuse planning permission and attract minimal weight against the proposal.

51. Noting the substantial weight to be given to the Green Belt harm in terms of its impact on openness and having carefully considered any other harm that has been identified, I find that the acceptability of the proposed scheme is finely balanced. Due to the limited harm I have found in relation to the openness of the Green Belt, notwithstanding the substantial weight attributed to it, and considering the potential for other harm to be mitigated or addressed through the development or attached conditions, I find that, on balance, the

benefits in favour of the proposal, when considered cumulatively and individually, would clearly outweigh the limited Green Belt harm and other identified harm.

Very Special Circumstances (VSC)

52. There is no precise definition of VSC in national policy and guidance. Therefore, each site and proposal must be assessed and determined in this regard on its own merits and circumstances, along with the acceptance, or otherwise, of VSC being suitable and sufficient to outweigh the identified harms, including Green Belt harm, in the decision makers judgement.
53. The proposed scheme would be inappropriate development in the Green Belt. However, I find that the delivery of low carbon and renewable related energy infrastructure and storage would clearly outweigh the identified harms. Based on the significant weight given by national policy to the delivery of this type of development, the mitigating measures to minimise the proposals impact on the landscape, the wider environmental benefits associated with renewable energy production, as supported through Paragraph 156 of the Framework, and the limited impact on living conditions, I find that these combined factors, when considered cumulatively, clearly outweigh the limited Green Belt harm identified. I am therefore satisfied that the existence of VSC has been appropriately and sufficiently demonstrated to justify the proposal in the Green Belt.

Conditions

54. In addition to the standard conditions relating to time (1) and approved plans (2), I have attached conditions about the provision and approval of a Construction Environmental Management Plan (CEMP) (3) which is reasonable and necessary to minimise the impact on neighbouring occupier amenity and the local environment during the construction phase. A condition to provide, and approve, a landscaping scheme (4) is required and necessary to protect the character, appearance and biodiversity of the site and surrounding area. Also, a condition (5) to produce and have approved a Landscape and Ecology Management and Maintenance Plan for the lifetime of the development is needed to ensure that the soft landscaping mitigation measures proposed are implemented for the benefit of the local landscape character and ecology.
55. A Materials Management Plan is also required (6) which will set out in detail the proposed earthworks for the site. This condition is necessary for the protection of the character and appearance of the area and landscape. A Surface Water Drainage Scheme is to be provided and approved (7), detailing drainage design and the management and maintenance of such infrastructure. The condition is necessary to ensure satisfactory surface water drainage is in place, to minimise flood risk and in the interests of biodiversity.
56. Two further conditions are necessary for highway safety. These require the provision, approval, implementation and maintenance of works to the existing track (8) and the specification for track surfacing to ensure it is suitable for the proposed construction and operation of the proposal (9).
57. Conditions are attached concerning the undertaking of a badger survey (10), tree protection (11), compliance with the submitted Preliminary Ecological Assessment (16) and the removal of trees, shrubs and hedgerows (17). These conditions are reasonable and necessary to protect important landscape features, the character and appearance of the area, biodiversity and protected species.
58. To ensure the temporary status of the development is retained, it is reasonable and necessary for a condition (12) requiring that within 35 years of this approval, the removal of all associated works, structures and equipment from the site and restoration of the site to pasture field is to be completed within a specified timescale after the end of its use. To protect neighbour amenity, it is necessary to attach conditions on external lighting (13),

hours of construction works and deliveries (14) and sound levels (15). Finally, conditions are set out concerning mitigation against pollution (18) and land contamination management (19). These are necessary to prevent pollution, protect health and ensure that all potential risks to human health, controlled waters and the wider environment are known and, where necessary, appropriately dealt with.

Conclusion

59. For the above reasons, and having regard to all other matters raised, I conclude that very special circumstances exist to overcome the harm to the Green Belt and any other harm and justify the proposed development in the Green Belt. Furthermore, there are no material considerations which would indicate a decision other than in accordance with the development plan.
60. Consequently, I conclude that the proposal would comply with the relevant policies of the local development plan and the Framework when taken as a whole. The appeal is therefore allowed, subject to the conditions set out in the attached schedule

A McCormack

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (ref: CEL-LP-002 rev A)
 - Proposed Site Plan (ref: CEL-PP-003 rev B)
 - Proposed Block Plan (ref: CEL-PP-004 rev C)
 - Substation (ref: CEL-STD-132kV-202)
 - Amenity-WC (ref: CEL-STD-AC-500_20)
 - Amenity-Comms Office (ref: CEL-STD-AC-510_20)
 - Containerised Inverter (ref: CEL-STD-BATT-INV-380)
 - Containerised Battery (ref: CEL-STD-BATT-RSU-375)
 - CCTV Column (ref: CEL-STD-CCTV-307)
 - Palisade Security Fence (ref: CEL-STD-PF-G-700)
 - Palisade Security Fence (ref: CEL-STD-PF-G-701)
 - Switchroom (ref: CEL-STD-SW-140)
 - Auxiliary Transformer (ref: CEL-STD-TX-160-B)
- 3) No development shall take place until a Construction Environment Management Plan (CEMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:
 - A site compound with associated temporary buildings;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Wheel wash facilities;
 - Mechanical road sweeper for existing carriageway;
 - Measures to control the emission of dust and dirt during construction; and,

- A scheme for recycling/disposing of waste resulting from construction works.

Furthermore, any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority.

The approved CEMP shall be adhered to throughout the construction period.

- 4) No development, including any site clearance, site stripping, site establishment and formation or improvement of site access, shall take place until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be in full accordance with and include all the indicative landscape plan and proposals measures set out in Section 9.4 and Figure 34 of the submitted Landscape and Visual Appraisal and Green Belt Statement (dated September 2022), subject to the amendment to include new woodland planting and woodland edge planting along the full length of the northern boundary of the field in which the energy infrastructure is to be located. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting.

The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved.

The trees and shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of five years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

- 5) No development shall take place until such time that a Landscape and Ecology Management and Maintenance Plan for the life of the development has been submitted to and approved in writing by the Local Planning Authority. It should include the following, although this list is not exhaustive:

- Details of habitat creation and species enhancements;
- Updated BNG calculation using latest Defra metric and UK Habs baseline and postintervention plans;
- Soil preparation details;
- Appropriate planting/ seeding specifications; and,
- Long-term habitat management plan.

Thereafter, the development shall be carried out strictly in accordance with the approved details.

- 6) No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) that defines the excavation and bund formation processes and provides detailed drawings of the proposed raised earthworks has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details
- 7) Notwithstanding the submitted details, no development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. It should include the following albeit this list is not exhaustive:

- Detailed Drainage Design: a detailed version of the surface water drainage layout. The layout should include all pump information, manhole information (manhole ID, diameters, cover levels, invert levels), pipe information (diameter, gradient), headwall

information (invert levels), details of any surface water storage (i.e. top level, bank gradient, base levels etc.). Any use of a pumped systems in the drainage design must conform to the requirements of Local Standard N of the SCC SuDS Handbook.

- Management and maintenance Plan: Provision of a management and maintenance plan and regime for the site. The plan should include the maintenance arrangement and schedules for the pumping system, the drainage network, control devices and any attenuation. The plan should include a named body responsible for undertaking the management and maintenance of the drainage system over the lifetime of the development.

In addition, the plan should detail the management and maintenance regime for any pumps, including the use of alarms and emergency procedures. The plan should include a named body responsible for undertaking the management of any pumping system to ensure any emergency requirements are undertaken should any pump fail.

Thereafter, the development shall commence strictly in accordance with the approved surface water drainage scheme.

- 8) No development shall take place until details of any works to the existing track have been submitted to and approved in writing by the Local Planning Authority. The track shall thereafter be maintained in accordance with the approved details for the operational lifetime of the battery infrastructure.
- 9) No impermeable surfaces shall be created until a detailed specification for the design and construction of the new track, compound area and associated parking areas, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The areas shown on the approved plans shall be constructed in accordance with the approved details and shall be retained thereafter for their intended purpose.
- 10) No development shall take place, including any vegetation, earth moving or removal of hardstanding, until a badger survey to encompass the whole site plus a 30m buffer has been undertaken and the survey report submitted to and approved in writing by the Local Planning Authority. The survey shall provide details of any changes in site usage and the need for any additional mitigation or a licence. The development shall be carried out in full accordance with the approved details.
- 11) No development shall take place including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations and as set out in the submitted Arboricultural Report (ref: 220648-PD-11a, dated September 2022), and these shall be retained in position for the duration of the period that development takes place.

There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

- 12) Within 35 years of the site being brought into operational use, or within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than 28 working days following cessation of power production. The site shall subsequently be restored to a pasture field in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing

by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

- 13) No external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the full lighting calculations, the position and height of means of lighting on the building or site and its lux plot and luminance, angle of installation and any hoods to be fixed to the lights. Once implemented, the approved scheme shall be retained and maintained as such thereafter.
- 14) All construction works and deliveries shall be restricted to the following times of operations:
 - 08:00 - 18:00 hours (Monday to Friday);
 - 08:00 - 13:00 hours (Saturday); and,
 - No working is permitted on Sundays or Bank Holidays.
- 15) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

- 16) The development hereby approved shall be carried out strictly in accordance with the recommendations set out in section 5 of the submitted Preliminary Ecological Appraisal (August 2022).
- 17) No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.
- 18) All equipment and built infrastructure associated with this development must be constructed and maintained throughout the life of the development so as to prevent any discharges or spillage that may cause unmitigated or harmful pollution of the surrounding land, air, underground strata, watercourses, human health, or otherwise.
- 19) In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.

End of Schedule