

Planning and Design & Access Statement

**Land at Ellen Road Farm,
Newhey**



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Contents

1. Introduction	Page 2
2. Site Context	Page 4
3. Design & Access Considerations	Page 6
4. Planning Policy Context	Page 10
5. Planning Assessment	Page 20
6. Conclusions	Page 46

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1. Introduction

Purpose of Statement

- 1.1 This Planning Statement has been prepared by ELG Planning to support a full planning application for a Proposed Battery Energy Storage System (BESS) with associated access, landscaping and ancillary works on Land off at Ellen Road Farm, Newhey, Rochdale.
- 1.2 The development will be operated by Root Power (North) Limited (hereafter Root Power). Root Power are a subsidiary of YLEM Energy, who are a UK-based industry leader in energy generation solutions. The company has installed more than 400 MWs of power generation and energy storage, which is enough to power one million homes. Following the development of renewable energy projects in China, South America, South Africa and throughout Europe, YLEM Energy is now focused on the development and construction of advanced battery energy storage which enables better balancing of the grid. The company's commitment to environmental responsibility underscores its importance in fostering a greener and more sustainable energy landscape.
- 1.3 The application is supported by a range of supporting reports and information dealing with the technical matters arising from the proposals.

Structure of Statement

- 1.4 This statement is structured as follows:

Section 2 analyses the context of the site.

Section 3 sets out the relevant planning policy context.

Section 4 describes the development proposals.

Section 5 assesses the key planning issues relating to the proposed development, including in the context of the adopted development plan and National Planning Policy Framework (NPPF), as well as any other material considerations.

Section 6 draws conclusions on the overall findings of the statement

2. Site Context

Local Context

- 2.1 The application site comprises of part of an agricultural field that is bounded by a combination of hedgerows with intermittent trees and fencing. The northern boundary of the site is defined by the M62 motorway, with the junction 21 sliproad defining the eastern boundary. To the north east corner of the site are three lorry trailers which are being used for advertisements.



Figure 2.1: Site Location

- 2.2 The site is accessed from the south via Bengate Street, Newhey, which provides easy access onto the M62. Newhey is a village on the edge of the southern edge of the metropolitan area of Rochdale. To the north of the site (beyond the M62) is the Kingsway Business Park, and to the east is further industrial development and the Ellenroad Steam Museum. To the southeast are residential dwellings. The site is otherwise surrounded by

open countryside, but the site clearly occupies an edge of urban location. The landform of both the site and the surrounding area is undulating.

- 2.3 In terms of heritage assessments, there are no heritage assets within the site itself. A search of the Manchester Historic Environment Record undertaken by Pre-Construct Archaeology as part of the accompanying archaeological desk-based assessment (August 2024), identifies that there are two Conservation Areas, one Scheduled Monument and seven Grade II Listed buildings and monuments within the 1km study radius, though these are located some distance from the Site. There are a number of archaeological finds within the study area and these are considered in detail within the associated DBA.
- 2.4 A review of the Natural England Agricultural Land Classification maps illustrates the Site is located on Grade 4 (Poor) land and the predictive best and most versatile (BMV) agricultural land illustrates a low likelihood of BMV.

Planning History

- 2.5 No relevant planning history on the site has been found.

3. Design & Access Considerations

- 3.1 The proposals relate to the creation of a battery energy storage system (BESS) on land at Ellen Road Farm, Newhey along with associated infrastructure, landscaping and access.
- 3.2 Battery Energy Storage Systems (BESS) are the key to unlocking the full potential of intermittent renewable energy; the more renewable energy that is connected, the more important the ability to manage its intermittent nature becomes. BESS systems offer the ability to stabilise and balance. This type of facility operates by taking electricity from the Grid at times of low demand, storing it in batteries, and releasing it back to the Grid when demand is high. Energy storage facilities therefore improve the efficiency of existing energy production facilities, notably from renewables where production is intermittent and based on external conditions.
- 3.3 The proposed development includes the following equipment housed within a fenced compound:
- 8no. battery clusters,
 - 4no. transformer containers,
 - 1no. DNO 33KV Substation,
 - 1no. 33KV Transformer;
 - 1no. site office/welfare container, up to 3m in height;
 - Compound Fencing;
 - 2no. Water Tanks (250,000 litre capacity each);
 - 2no. car parking bays

Access

- 3.4 Access to the site is proposed via a new access following the eastern boundary of the site, connecting with Bentgate Street. The swept path analysis, undertaken of the supporting Transport Statement demonstrates that a 16.5m articulated vehicle (the largest vehicle can be suitably accommodated without impeding the movement of other vehicles or creating any residual highway safety concerns.

- 3.5 Once operational, the BESS would be controlled remotely as it is fully automated. It would only be necessary for a maintenance engineer to visit the Site on an occasional basis (i.e. monthly routine maintenance visit). As such the operational phase of the project would not generate any significant traffic impacts.

Layout

- 3.6 The proposed development would be for the installation of 16no. battery units, 4no. transformer units, 1no. DNO Substation and 1no. transformer, along with a site welfare unit and switch room. All equipment would be sited on semi-permeable foundations and the site made suitable for servicing by commercial vehicles
- 3.7 The layout has been designed to be functional and efficient. It seeks to ensure that each component can operate in a sequential manner as well as adhering to health and safety guidelines set out by the industry.
- 3.8 The access road and other roads within the development would be of gravel finish. Landscaping would create a buffer in-between the surrounding areas and the site.

Scale and Appearance

- 3.9 As shown in Figure 3.1 below, the batteries themselves are housed in containers and are up to a maximum of 3.5m in height. The site will be surrounded by green v-mesh security fencing. Much of the appearance of the Site and equipment is functional and dictated by operational or health and safety requirements. However, soft landscaping will be introduced around the compound, which will screen the equipment, as discussed further later in this Statement.

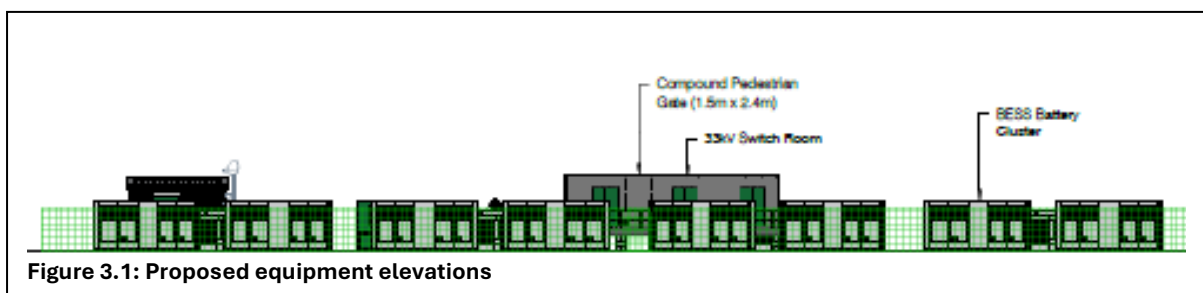


Figure 3.1: Proposed equipment elevations

Landscaping

3.10 The application is supported by a Landscape and Visual Appraisal (LVA) which has fully considered the site and the development proposals from a number of surrounding viewpoints, including the nearby residential development and public footpaths. This has in turn informed the landscape strategy for the site.

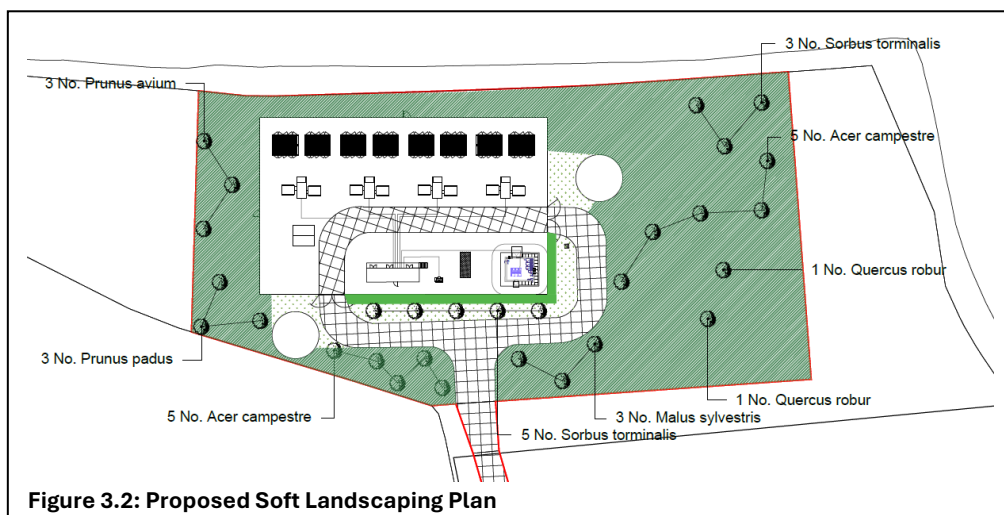
3.11 The LVA confirms that:

The scale and nature of the development and the receiving landscape fabric will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change).

The visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by local residential dwellings.

3.12 In particular, the proposed landscaping plan provides:

- 29no. Extra Heavy Standard trees, of a variety of species;
- Native planting surrounding the compound;
- Wildflower planting;
- 60m of hedgerow planting.



Construction and Operation

- 3.13 The full period of construction is anticipated to take up to 9-14 months, with 5.5 construction days per week. Working hours at the Site are expected to be 07:00-19:00 Monday-Friday and 08:00-13:00 on a Saturday during the construction phase. There will be no construction work on Sundays or public holidays. Extended construction hours will allow the contractor to avoid HGVs and staff travelling to/from the Site during the expected peak hours of the local highway network and during hours of school drop-off and pick-up.
- 3.14 Once the Proposed Development is built and operational, the BESS facility will not generate daily vehicle movements. Indeed, the upkeep and maintenance of the BESS facility will be minimal, requiring up to one maintenance vehicle to access the Site per month. This will be a van, car, or 4 x 4 type vehicle.
- 3.15 It is envisaged that any future planning permission to be granted onsite would be temporary in nature and only required for the lifespan of the development, which is around 40 years. The proposed development site would then be decommissioned, and the site restored to its former agricultural use. The decommissioning would include the removal of any elements which had been secured through the planning permission, including the BESS compound area, access track, and any landscaping/planting proposed for screening purposes, to ensure that the development site would be fully restored to its former use as agricultural land, with the exact details to be confirmed prior to the decommissioning process beginning. The applicant is willing to accept a suitably worded condition, with an example wording provided below:

“This permission shall be for a limited period of forty years from energisation, after which it shall be discontinued and all built form, including all hard surfacing and access tracks, and all planting/landscaping for screening purposes, removed from the site in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority 12 months prior to decommissioning. The submitted restoration scheme shall detail the site's restoration to agricultural land. The first operation date shall be notified to the LPA within 12 months of that date.”

4. Planning Policy Context

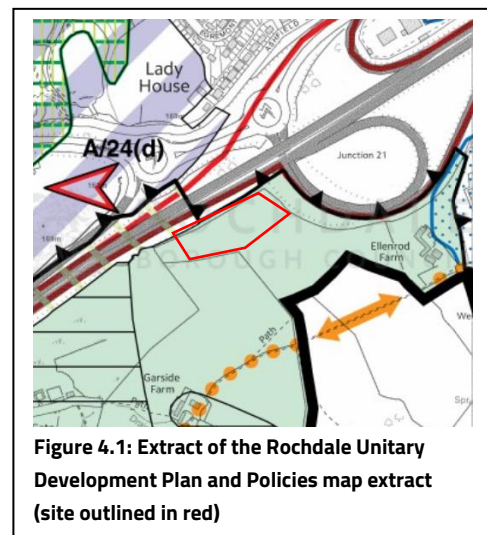
- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that the statutory Development Plan will continue to be the starting point for the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise.
- 4.2 This section of the statement identifies the Development Plan in force for the area in which the application site is located and also sets out the Development Plan policies of relevance to the assessment of the current application proposals. The key material considerations relevant to the determination of the application are also highlighted.

Development Plan

- 4.3 For the purpose of section 38(6) of the Planning and Compulsory Purchase Act 2004, the currently adopted Development Plan comprises of the Rochdale Core Strategy (adopted September 2016) and saved policies of the Rochdale Borough Unitary Development Plan and policies (adopted June 2006).
- 4.4 An extract of the Unitary Development Plan and Policies (adopted 2006) map is shown at Figure 4.1 to the right. The site is designated as land which is within the Green Belt.
- 4.5 The relevant development plan policies are set out below:

Rochdale Core Strategy (adopted September 2016)

- SD1 – Delivering Sustainable Development;
- SO1 – To deliver a more prosperous economy;
- E2 – Increasing jobs and prosperity;
- E3 – Focusing on Economic Growth Corridors and Areas;



- E6 – Supporting and diversifying the rural economy;
- P1 – Improving Image;
- P2 - Protecting and enhancing Character, Landscape and Heritage;
- P3 - Improving Design of new Development;
- SO4 - Promoting a Greener Environment;
- G1 - Tackling and adapting to Climate Change;
- G2 - Energy and new Development;
- G3 - Renewable and Low Carbon Energy Developments;
- G4 – Protecting Green Belt
- G6 - Enhancing Green Infrastructure;
- G7 - Increasing the Value of Biodiversity and Geodiversity;
- G8 - Managing Water Resources and Flood Risk;
- G9 - Reducing the impact of Pollution, Contamination and Land Instability;
- SO5 - Improving Accessibility and delivering Sustainable Transport;
- T2 - Improving Accessibility; and
- DM1 - General Development Requirements.

Unitary Development Plan (adopted June 2006)

- Policy G/D/1– Defined Urban Area;
- Policy G/D/2– Green Belt;
- Policy RE/6 –Recreational Rights of Way;
- Policy EM/7 – Development and Flood

Material Considerations

National Planning Policy Framework (NPPF)

- 4.6 The National Planning Policy Framework (“NPPF”) updated in December 2023 is a significant material consideration in the consideration of planning decisions. This was a revision to the NPPF that was originally published in March 2012. Paragraph 2 of NPPF confirms that development which accords with the Development Plan should be approved unless material considerations indicate otherwise.

4.7 The NPPF confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development and, in order to achieve this purpose, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) *an economic objective* - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) *a social objective* – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) *an environmental objective* – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

4.8 The NPPF introduces a presumption in favour of sustainable development. For decision making this is defined in paragraph 11 as approving development proposals which accord with the development plan without delay; and where the development plan is silent, absent or relevant policies are out of date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits of specific policies of the NPPF that indicate that development should be restricted.

4.9 Section 13 of the NPPF sets out the Government’s policy guidance in the Green Belt. The paragraphs relevant to the development proposals are set out below:

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

*156. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. **Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.***

4.10 Section 14 of the NPPF outline policy guidance on meeting the challenge of climate change, flooding and coastal change.

160. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.*

163. When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

4.11 Section 15 of NPPF relates to conserving and enhancing the natural environment.

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.*

Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

180. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 4.12 Section 16 relates to conserving and enhancing the historic environment and sets out the government's policies on these matters. Paragraph 201 of NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

Planning Practice Guidance (PPG)

- 4.13 The Planning Practice Guidance (PPG) is an online resource which provides guidance on how the government's planning policies in the NPPF should be applied. Of relevance to the consideration of the development proposals are the following paragraphs

“Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity”. (Paragraph: 032 Reference ID: 5-032-20230814)

“Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.

Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council (PDF, 488 KB) when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004”. Paragraph: 034 Reference ID: 5-034-20230814

National Policy Statements

4.14 Paragraph 5 of NPPF confirms that the national policy statements form part of the overall framework of national planning policy and may be a material consideration in preparing plans and making decisions on planning applications. These include:

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)

4.15 National Policy Statement EN-1 sets out that low carbon infrastructure is a critical national policy (CNP) and that electricity grid infrastructure, such as battery energy storage, is identified as low carbon infrastructure and is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. A diverse mix of electricity infrastructure is required in order to deliver a secure, reliable, affordable and net zero consistent system during the transition to 2050 (Paragraph 3.3.19).

4.16 Specific to the development proposals, National Policy Statement EN-1 also recognises that:

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

Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage.

Energy Act 2023

- 4.17 The Energy Act received Royal Assent in October 2023 and amends an existing definition of energy storage, first set way back in 1989, to clarify that storage is considered a distinct subset of energy generation. This is to remove current ambiguities and provide greater clarity over the treatment of energy storage within existing and future frameworks including planning. It will also ensure continuity with the current treatment of electricity storage and allow flexibility for treating storage differently to other forms of generation where it is appropriate to do so. The sole intention of this measure is to facilitate the deployment of electricity storage.

- 4.18 Moreover, the Energy Security Bill factsheet published alongside the Bill confirms:

“Flexibility from technologies such as electricity storage could save up to £10 billion per year by 2050 by reducing the amount of generation and network needed to decarbonise and create 24,000 jobs.”

Emerging NPPF Updates

- 4.19 In July 2024, the Government issued a consultation on draft changes to the NPPF. Whilst these changes have not yet been implemented, it is understood that the aim is to adopt these changes by the end of 2024, and clearly shows the direction of travel that the new Government is looking to take, particularly in relation to renewable energy proposals.

- 4.20 The suggested revisions to paragraph 164 set out that:

“Local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning applications for renewable and low carbon these developments, local planning authorities should:

- a.) not require applicants to demonstrate the overall need for renewable or low carbon energy, and **give significant weight to the proposal’s contribution to renewable energy generation and a net zero future**” (emphasis added by ELG)*

- b.) recognise that even small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;*
- c.) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.”*

5. Planning Assessment

5.1 Having regard to the local planning policy context and the requirements of the National Planning Policy Framework (NPPF), the key planning considerations are:

- Principle of Development
- Are the proposals Sustainable Development as envisaged in the NPPF?

5.2 This section assesses the proposals against the relevant policies (having regard to the context of the site in respect of constraints) in the NPPF. It also considers the development proposals against relevant up to date development plan policies.

Principle of Development

5.3 The policy support at a national level to increase the use and supply of renewable and low carbon energy is clear through the government's policies set out in NPPF. Paragraph 163 of NPPF sets out the main planning policy test in relation to renewable and low carbon developments and confirms local planning authorities should:

- *“not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”.*

5.4 Whilst there is no requirement to demonstrate the overall need for renewable or low carbon energy, the position in relation to global climate change and associated policies, climate change in the UK, as well as energy security which has come to the fore in recent months following the Russian invasion of Ukraine is clear. The impacts of the proposed

development are also considered further in this Statement, as well as the accompanying supporting reports.

- 5.5 The recently enacted Energy Act 2023 amends the definition of energy storage, first set in the Electricity Act 1989, to clarify that storage is considered a distinct subset of energy generation. Formalising electricity storage as a distinct subset of generation removes previous ambiguities and provides long term clarity and certainty over its treatment within the planning framework. As such, the application should be considered as an energy generation scheme, the same as solar, and therefore take support from the relevant policies in NPPF.
- 5.6 In July 2019 RMBC declared a climate emergency and resolved to work towards ensuring that the borough is carbon neutral by 2050, in line with Mayoral and Government targets. RMBC have also published a Climate Change and Delivery Plan which includes several sustainability goals, including the promotion of renewable energy generation, alongside diversification and ensuring flexibility in energy supply.

Green Belt Policy

- 5.7 As outlined above, the application site is located with the Green Belt and notwithstanding the clear broad planning policy support for the development of renewable energy schemes, the principle of development on the site turns on demonstrating compliance with the relevant Green Belt policies.
- 5.8 RMBC Core Strategy G4 sets out that Rochdale will continue to protect from the following areas of Green Belt:
- *“South of the borough: the urban fringe countryside in the south where its primary role will be to prevent neighbouring towns from merging (i.e. land between the towns of Rochdale, Middleton and Heywood and between those and towns outside the borough); and*
 - *North of the borough: the Pennine rural fringe to the north and east of the borough where its primary role will be to prevent encroachment into the countryside (i.e. land north of Rochdale and Heywood, east of Rochdale).*

Development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.”

5.9 Paragraph 152 of NPPF confirms:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”

5.10 Paragraph 153 follows:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.11 In terms of whether development is inappropriate in the Green Belt, the NPPF advises that new buildings are inappropriate subject to a number of exceptions (Para. 154). Paragraph 155 advises that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, however none of these exceptions are considered relevant to the development proposals.

5.12 Paragraph 156 relates specifically to renewable energy projects (which this should be considered in line with the provisions of the Energy Act 2023) and states:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

- 5.13 The proposed development is by definition inappropriate development in the Green Belt. The acceptability of the proposals in planning terms therefore turns on whether the harm to the Green Belt as a result of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.14 The Planning Statement now considers the development proposals against the Green Belt purposes before outlining the case for very special circumstances.

Openness

- 5.15 Planning Practice Guidance (PPG) provides guidance on what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt (Paragraph: 001 Reference ID: 64-001-20190722) and advises:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remendability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation”.*

Spatial Impact

- 5.16 The proposed development would result in spatial loss of openness within the site for the duration of the development, albeit this would be a temporary loss as outlined below. The battery storage containers and other development would also not present a continuous

mass across the site akin to buildings as there will be space between them and they would sit lightly on the ground but would still represent a change to openness across the site. The overall scale of the development proposals from a height perspective is limited and the proposed battery containers are modest in mass and footprint, spaced at regular intervals thereby reducing the overall scale of development.

- 5.17 However, the application site is bounded to the north by the M62 motorway, and the site is in close proximity to junction 21 of said motorway. To the north of the motorway is the Kingsway Business Park which consists of large distribution centres for nationwide retailers. The openness of the area has therefore already been affected, as demonstrated by Figure 5.1 below.



Figure 5.1: Aerial Overview

Visual Impact

- 5.18 The application is support by a Landscape and Visual Appraisal prepared by LVIA Limited which concludes:

“The scale and nature of the development and the receiving landscape fabric will have a medium landscape character sensitivity and the magnitude of change is small; therefore, resulting in a level of landscape effect of minor (i.e. not a material change).

The visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by local residential dwellings.

For the proposed site and the surroundings during construction, an increase of delivery vehicles and people travelling to the works can be expected. These effects will be short lived however and will not require mitigation during the construction process.

The viewpoints assessed showed that although the site is at least partly visible from all of the four assessed, none can be considered subject to a material change.

The majority of receptors in the local area can be considered of a high sensitivity (users of PRoW). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as moderate (i.e. not a material change) from viewpoint 1 that is along footpath MilFp346. Viewpoints generally offer limited or partial views of the site due in most part to mature vegetation, existing built form and the undulating landform acting as visual barriers.

With suitable mitigation measures, the development will have a minor visual impact and a minor/negligible landscape effect (i.e. not a material change).”

- 5.19 The key consideration from a Green Belt perspective is that impact on views is relatively limited in the context of the scale of the scheme and there would be no significant

impacts more broadly on landscape character or views in the local area. The impact of the openness of the Green Belt from a visual perspective would therefore be limited.

Duration of Development

- 5.20 As outlined at paragraph 142 of NPPF, the essential characteristics of the Green Belt are their openness and their permanence. The development proposals have a temporary lifespan of 40 years after which they will be decommissioned, so any harm arising will be temporary and reversible and will not result in the permanent loss of Green Belt. The Applicant would be happy to agree to a suitably worded planning condition to control this should the Local Planning Authority be minded to approve the application.

Degree of Activity

- 5.21 The degree of activity generated by the development proposals when operational will be very limited as the battery containers are monitored and operated remotely. During normal operations the only visitors to the site will be maintenance technicians and landscapers who will visit infrequently.

Assessment against Green Belt Purposes

- 5.22 Paragraph 143 of NPPF outlines the five purposes of the Green Belt as:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 5.23 The development proposals have been assessed against the 5 objectives below.

a) to check the unrestricted sprawl of large built-up areas

- 5.24 The development proposals would not result in unrestricted sprawl of large built-up areas. BESS are not development which would result in the type of sprawl which purpose a) is trying to prevent.
- 5.25 Moreover, the proposals have a lifespan of 40 years after which it will be decommissioned unless further permission is sought, so any harm arising will only be temporary and reversible.

b) to prevent neighbouring towns merging into one another

- 5.26 The location of the application site ensures that the settlements will not merge into one another. Whilst the proposed development will be located in the gap between settlements, the nature of the development and remaining gaps ensure that the settlements will not merge into one another. Furthermore, this also means that the proposals would not conflict with the aim of RMBC Core Strategy Policy G4, which sets out that the primary role of the Green Belt in the south of the Borough is to prevent the merging of neighbouring towns.
- 5.27 Moreover, the development is located to the immediate south of the M62 motorway, and there is a plethora of man-made infrastructure in the surrounding area and the site is well screening by existing hedgerows and trees, ensuring that there will be no perception of merging.

c) to assist in safeguarding the countryside from encroachment

- 5.28 It is acknowledged that the introduction of additional man-made structures into what is currently open fields would change the character of the land and would represent an encroachment of 'development' into the countryside. However, the wider context of the site is its setting adjacent to the M62 motorway, and its associated infrastructure.
- 5.29 Moreover, the proposed development has a lifespan of 40 years after and will be decommissioned unless further permission is sought, so any harm arising will only be temporary and reversible.

5.30 Additionally, in landscape and visual effects of the proposals, the LVA concludes that the visual effects are generally localised and limited due in most parts to the dense, intervening mature vegetation between the viewpoints and the site.

5.31 The key consideration from a Green Belt perspective is that impact on views is relatively limited in the context of the scale of the scheme and there would be no significant impacts more broadly on landscape character or views in the local area.

d) to preserve the setting and special character of historic towns

5.32 It is not considered that the development proposals impact upon the setting or special character of any historic towns.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

5.33 Whilst not directly contributing to urban regeneration it is not considered that the proposal would neither hinder nor discourage urban regeneration in the urban areas within Rochdale or the Greater Manchester area.

Other Harm

5.34 In addition, to the harm to the Green Belt by virtue of inappropriateness, and the development proposals will also result in some limited landscape harm as set out paragraph 5.18.

5.35 The application is supported by a Heritage Impact Assessment which concludes that “*the works outlined are considered to result in neutral and effects to the setting of the identified heritage assets. The proposal is therefore considered to comply with both local and national planning policy in respect of heritage assets. Whilst no harm to heritage assets are identified (Para 128 of the NPPF) the scheme additionally is considered to bring public benefits including local job creation across a number of sectors both during manufacturer, construction and management stage. As well as contributions to carbon reduction and sustainable energy production/storage which is considered to weigh positively in favour of the development.*”

- 5.36 It is considered that the resultant harm to the openness of the Green Belt has been kept to a minimum and will be reduced further by the landscape enhancements that will be implemented as part of the development proposals. Therefore, in addition to any harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of spatial openness albeit the proposals are only temporary as set out previously and the site is located adjacent to the M62 motorway, in an urban fringe location. It is considered for the reasons above that the level of harm to openness, as a result of the nature of the proposals and enhancements proposed, will be relatively low.

Case for Very Special Circumstances

- 5.37 Lord Justice Sullivan in his judgment in *R. (Chelmsford BC) v First Secretary of State* [2003] EWHC Admin 2978) advises that the decision-maker must first decide whether VSC exists before then determining whether those VSC clearly outweigh the potential harm to the Green Belt. Moreover, other established case law (*Sullivan J. in R (Basildon DC) v FSS* [2004] EWHC 2759 (Admin)) confirms that a number of factors, none of them “*very special*” when considered in isolation, may when combined together amount to very special circumstances. The judgement goes on to say that “*there is no reason why a number of factors ordinary in themselves cannot combine to create something very special*”.
- 5.38 Paragraph 151 of NPPF advises in relation to renewable energy development (which this should be considered in line with the Energy Act) that, “*very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*”.
- 5.39 The VSC relevant to this case are considered to be:
- the presumption in favour of the proposed development as a sustainable renewable energy scheme;
 - the urgent need for renewable energy projects to contribute towards meeting the legally binding and challenging net zero targets, as recognised at a national and local level;
 - the wider environmental, social and economic benefits associated with the proposed development;

- Location & Grid Connection

Presumption in Favour of Sustainable Development

- 5.40 Paragraph 11 of the NPPF outlines the presumption in favour of sustainable development. Renewable energy can be recognised inherently as a form of sustainable development and in this case fulfils all three of the limbs of economic, social and environmental elements of sustainable development as set out within the NPPF.
- 5.41 The proposed development benefits from a presumption in favour of sustainable development at a national and local level and as a clean renewable energy project, it is a form of development which is supported in principle for the reasons set out earlier in this Statement.

Urgent Need for Renewable Energy

- 5.42 The NPPF is clear that that developers should not need to demonstrate a need for low-carbon or renewable energy projects and authorities should recognise that even small-scale projects can help reduce greenhouse gas emissions. Further to this, the draft emerging NPPF expands upon this, setting out that *“local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning applications for renewable and low carbon these developments, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and **give significant weight** to the proposal’s contribution to renewable energy generation and a net zero future.”*
- 5.43 Battery energy storage is essential to accelerate the roll out of renewables to meet our climate change targets as they have the ability of a system to store electrical energy and provides the grid with balancing services to accommodation variable levels of supply and demand. Solar and wind energy are essential to meet future energy requirements, but it is essential we are able to store the energy generated from these sources when they generate surplus energy.

- 5.44 BESS work as a balancing mechanism and are able to store low-cost excess energy from the grid when there is an oversupply, and feed this back into the grid when there is a shortage, reducing the risk of outages. They can provide the much-needed power by the network instantaneously due to the almost immediate response time. Without a BESS facility, energy producers (i.e. Wind turbines, solar farms etc) are turned off and excess energy is 'wasted' leading to significant costs. By being able to store the excess energy, this will lower costs which ultimately will be fed back to the consumer. Furthermore, during situations when primary power sources (e.g. traditional power stations) are interrupted, BESSs can bridge the gap, and avoiding potential blackouts.
- 5.45 The electricity imported and exported will enter the local grid network at nearest bulk supply point (substation) but will ultimately feed into the national grid, providing stability at both a local and national level. A connection point has been identified at the Belfield BSP.

National Energy Policy

- 5.46 The Climate Change Act 2008 set legally-binding national legislation to tackle climate change. The Act provides the UK with a legal framework including a 2050 target for emissions reductions, five-yearly 'carbon budgets' (limits on emissions over a set time period which act as stepping stones towards the 2050 target), and the development of a climate change adaptation plan. In 2019 the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050 (compared to the 1990 baseline).
- 5.47 A review of the UK's 2050 target by the Committee on Climate Change prompted the Government to set a target of zero net emissions by 2050, which was legislated for in 2019. This was followed in December 2020 by the UK Government announcing a new ambitious target to reduce UK emissions by a least 68% by 2030, compared with 1990 levels. Recognising the urgency to go further to tackle climate change, the UK's new target to reduce greenhouse gas emissions – our Nationally Determined Contribution (NDC) under the Paris Climate Agreement – is among the highest in the world and commits the UK to cutting emissions at the fastest rate of any major economy so far.
- 5.48 At a national policy level, the NPPF recognises the need to meet the challenge of climate change as set out in Chapter 14 of the Framework. The NPPF recognises that radical

reductions in greenhouse gas emissions are essential and looks to support renewable energy development where its impacts are, or can be made, acceptable.

- 5.49 National Policy Statement EN-1 sets out that low carbon infrastructure is a critical national policy, and a diverse mix of electricity infrastructure is required in order to deliver a secure, reliable, affordable and net zero consistent system during the transition to 2050.
- 5.50 It also recognises that storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated, and that storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.
- 5.51 In a recently determined appeal at Lowlands Farm, Illey Lane, Halesowen¹, the Inspector stated:

“The proposal would constitute inappropriate development in the Green Belt. It would also cause harm to openness and would fail to meet one of the purposes of the Green Belt. These factors all carry substantial weight. There would also be some harm to the character and appearance of the area, but the planting proposed would provide some mitigation. I give modest weight to this harm.

Balanced against that are the other considerations identified comprising the fact that low carbon development is a critical national policy which can help to achieve net zero, provide energy security and energy flexibility. I give these all significant weight. Added to this are the benefits to biodiversity, and a modest benefit to the local economy. I have also had regard to paragraph 4.1.7 of N-1 which states that it is likely that the need for CNP projects will outweigh the residual effects in all but the most exceptional cases.

Overall I consider the other considerations in this case clearly outweigh the harms to the Green Belt and the other harms that I have identified. Therefore very special circumstances exist which justify the development.”

¹ PINS Ref: APP/C4615/W/24/3341383 – See Appendix One

- 5.52 In March 2023, the Powering up Britain paper was produced by the UK Government. This sets ambitious goal to scale up affordable, clean, homegrown power to boost the Country's energy security, independence and reduce household bills whilst also maintaining a world-leading position in achieving net zero. As part of this, a goal was set to develop up to 50GW of offshore wind by 2030 and to quintuple solar power by 2035. By being able to store energy in times of excess supply and fed this back into the grid when needed, battery storage systems provide a more stable supply of energy across the grid which ultimately will work towards lowering energy costs and achieving a sustainable system.
- 5.53 During the announcement, the Energy Security Secretary (Grant Shapps) stated:
- “Access to cheap, abundant and reliable energy provides the foundation stone of a thriving economy with our homes and businesses relying on it to deliver our future prosperity.”*
- 5.54 In additional, Jeremy Hunt, as Chancellor of the Exchequer added:
- “Transforming our energy system is no longer just about tackling climate change, it is also a matter of national security. To protect ourselves from future price spikes, we need to accelerate the move to cleaner, cheaper, home-grown energy.”*
- 5.55 The 'National Grid ESO's Future Energy Scenarios – Leading the Way scenario' (July 2022) sets out that the UK needs nine times more energy storage by 2050 to support the grid. However, the July 2023 update of the Future Energy Scenarios paper confirms currently there is just 2.8 GW of operational battery storage capacity, mostly with 1-hour discharge duration.
- 5.56 National Grid (NG) have also stated that battery storage technology has a key part to play in ensuring homes and businesses can be powered by green energy, even when the sun isn't shining or the wind has stopped blowing. NG go on to state that the UK government estimates technologies like battery storage systems could save the UK energy system up to £40 billion by 2050, ultimately reducing people's energy bills.

- 5.57 In October 2023 the Energy Act 2023 gained royal assent. The accompanying fact sheet – Defining Electricity Storage – set out that “*Flexibility from technologies such as electricity storage could save up to £10 billion per year by 2050 by reducing the amount of generation and network needed to decarbonise and create 24,000 jobs.*”
- 5.58 The Energy Act amended the Electricity Act 1989 to define ‘stored energy’ as energy that was converted from electricity and is stored for the purpose of its future reconversion into electricity. The Act clearly seeks to assist in the transition to net zero and secure a more resilient supply of electricity in an affordable way.

Regional Energy Strategy

- 5.59 At a local level, RMBA declared a climate emergency in July 2019, which seeks ambitious targets of achieving Net Zero by 2038 – 12 years ahead of national targets, and in line with the Greater Manchester targets. RMBC have also produced a Climate Change Strategy and Delivery Plan (2021 – 2025) which identified a range of targets to work towards to be able to succeed in becoming a carbon neutral borough by 2038 – 12 years early than UK Government targets. These targets include increasing the renewable energy generated in the borough from £15GWh to 141GWh by 2030. Whilst the proposals will not generate energy as such, as set out above BESS are key to ensuring that electricity is not lost during times of low demand.

Development benefits

- 5.60 In the context of the above, the proposed development could power approximately 64,000 homes for two hours across peak hours (6.30am -9am, 5pm-7pm) when there might not be enough energy from renewable sources to meet the demand. Thereby reducing likelihood for power cuts resulting from intermittent renewable power generation (wind and solar) as part of the UK’s transition to NetZero the risk of blackouts and short-term power shortages increase.
- 5.61 This is a substantial amount of energy which would otherwise be lost, and is a significant amount of carbon savings, which would help to contribute to local and national targets.

Wider environmental, social and economic benefits

5.62 In addition to the clear benefits arising from the proposed development outlined above, the following site-specific benefits will also arise from the proposed development:

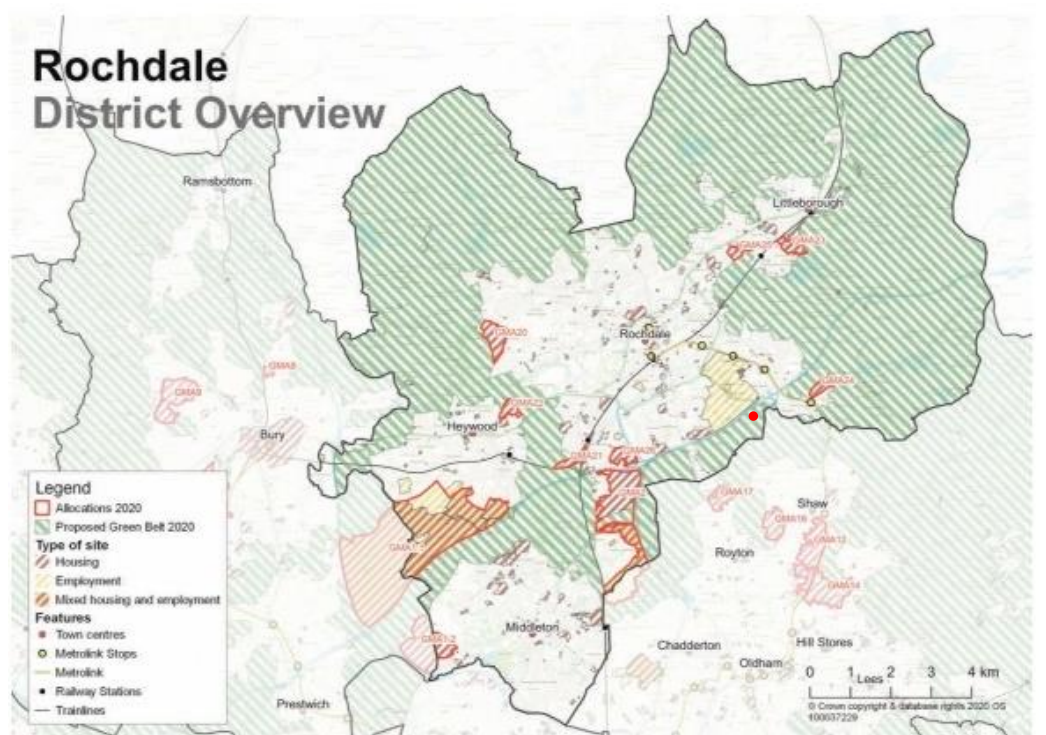
- Investment in Local Services – Energy infrastructure projects of this kind can result in more than £250,000 of direct investment into the local economy. This comes, primarily, in the form of use of local services, amenities, and procurement of materials throughout the construction phase bringing a substantial economic boost to local businesses.
- Investment in Council Services - Battery Energy Storage projects are subject to high levels of business rates (equivalent to council tax). The scheme proposed at Ellen Road Farm will be liable for up to £250,000 per year in business rates for the full 30-year life of the project, payable to the local council to fund essential services
- A range of biodiversity net gain improvements across the site.

Locational Requirement

5.63 Renewable energy schemes are by nature not centralised energy generation plants, such as coal fired power stations, but disaggregated forms of energy generation and storage whereby multiple different sites and schemes are required to match the equivalent output of a centralised power plant. Consequently, the site selection process for new battery storage sites does not employ a comparative exercise of identifying potential sites and selecting a preferred site from the options. Instead, having identified capacity at the Belfield BSP the Applicant then analysed all the land within an identified catchment area to determine potential constraints to the development and for the reasons set out in the accompanying Alternative Sites Assessment prepared by Root Power.

5.64 There is no express requirement to consider alternative sites set out in policy or guidance and for clarification the ability to achieve a suitable grid connection in this location is one of a number of benefits which amount to very special circumstances for the reasons outlined in this Statement.

- 5.65 It is also important to note that the majority of sub-stations are located outside of settlements and therefore within the open countryside. The accompanying Alternative Sites Assessment prepared by Root Power outlines the locational requirements of the proposed development, which includes ease of connection routes, no ransom land, and residential amenity considerations. Rochdale and its surrounding area is entirely covered by Green Belt as shown on the plan overleaf. As a result, it is likely that nearly all battery storage sites required to come forward in Rochdale, to meet their own targets, will need to be located within the Green Belt.



Extract of the Greater Manchester Green Belt (Rochdale District Overview)

Conclusions on Green Belt Policy

- 5.66 The development proposals are by definition inappropriate development in the Green Belt. The acceptability of the proposals in planning terms therefore turns on whether very special circumstances can be demonstrated and the harm to the Green Belt by virtue of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.67 It is considered that the harm to the openness of the Green Belt has been kept to a minimum given the nature of the proposals, position of the site and the landscape and habitat mitigation proposed. The resultant harm is therefore considered to be limited. No other planning harm has been identified.
- 5.68 The Energy Act 2023 amends the definition of energy storage, first set in the Electricity Act 1989, to clarify that storage is considered a distinct subset of energy generation. The act defines ‘stored energy’ as energy that was converted from electricity and is stored for the purpose of its future reconversion into electricity. Formalising electricity storage as a distinct subset of generation removes previous ambiguities and provides long term clarity and certainty over its treatment within the planning framework. As such, the application should be considered as an energy generation scheme, the same as solar or wind, and therefore take support from the relevant policies in NPPF. Paragraph 151 of NPPF advises in relation to energy from renewable sources that, *“very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.
- 5.69 For the reasons outlined below, it is considered that very special circumstances exist for the development of the proposed battery storage scheme in the Green Belt on the basis that the identified harm is clearly outweighed by the following benefits of the scheme:
- The presumption in favour of the proposed development as a sustainable renewable energy scheme.
 - The application site is technically suitable for a battery storage scheme with an appropriate grid connection agreed at the Belfield BSP, which means that the development can be brought forward relatively quickly to make the required contribution to national and regional decarbonisation targets.
 - The proposed development could power circa. 64,000 homes for two hours across peak hours (6.30am -9am, 5pm-7pm) when there might not be enough energy from renewable sources to meet the demand. Thereby reducing the likelihood of powercuts resulting from intermittent renewable power generation.
 - The development proposals would contribute towards reducing CO2 emissions and the Government meeting its zero net carbon target by 2050. The development proposals will also assist the Council deliver on its zero net

carbon target following its declaration of a Climate Emergency in 2019 and aims of being carbon neutral by 2038 – *12 years ahead of the national targets.*

- The development of such facilities will help ensure energy security which has become a much more pertinent issue since the Russian invasion of Ukraine in February 2022.
- The proposals have a lifespan of 40 years after which it will be decommissioned unless a further permission is sought, so any harm arising will be temporary and reversible.

5.70 It is therefore considered that harm to the Green Belt by virtue of inappropriateness, and other limited identified harms, are clearly outweighed by the substantial environmental benefits from the energy storage scheme that will flow from the granting of planning permission for the development proposals along with the other identified social and economic benefits. For the reasons outlined above, these significant environmental, social and economic benefits amount to very special circumstances. The proposals therefore accord with the requirements of section 13 of NPPF and RMBC Policies G3 and G4.

Are the development proposals sustainable development as envisaged by NPPF?

- 5.71 This section assesses the proposals against the relevant policies in the NPPF. It also considers the development proposals against relevant up to date development plan policies.

Will the scheme meet the challenge of climate change, flooding and coastal change?

- 5.72 Paragraph 157 of the NPPF advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to:

- Shape places in ways that contribute to radical reductions in greenhouse gas emissions
- Minimise vulnerability and improve resilience
- Encourage the re-use of existing resources
- Support renewable and low carbon energy, and associated infrastructure

Planning for Climate Change

- 5.73 As set out throughout this Statement, the development proposals will support the transition to a low carbon future by providing a battery storage facility. The average household consumes 0.8 kW of electricity across the peak period. That would mean across periods of peak demand (when there might not necessarily be enough renewable generation to meet demand), the proposals would power 64,000 homes for 2 hours, removing the risk of powercuts as the UK transitions away from relying on non-renewable power sources. Batteries then charge back up during times of weaker demand (when electricity is cheaper and there is generally a higher proportion of renewables in the generation mix).

5.74 RMBC Core Strategy Policy G3 sets out that:

“The Council will promote renewable, low and zero carbon energy generating developments, including wind power, biomass, Combined Heat and Power (CHP), hydro and heat pumps in order to help meet CO2 reduction targets and contribute towards energy security for Greater Manchester and the Northwest.

Any proposal and associated infrastructure must avoid harm to the health and safety of the public, including through nuisance or adverse impact on highway safety by conflict with or undue distraction to road users. Any harm to the following must be minimised and appropriately mitigated:

- *The visual character and quality of the landscape or townscape and the physical record of the historic and cultural evolution of the landscape;*
- *The setting of heritage assets including Scheduled Ancient Monuments, Conservation Areas and Listed Buildings;*
- *Local residents and their amenity;*
- *Biodiversity including protected species, statutory and locally designated sites and important habitats, and geodiversity;*
- *The value of the borough’s peatlands as an ecological and hydrological resource and as a carbon sink;*
- *The value of the surrounding area for relaxation and recreation; Water quality;*
- *Land which is used for water catchment purposes and which is critical to the delivery of water supply; and*
- *Highway safety.*

Any proposal must demonstrate the best use of location, topography, siting, design and colour to minimise it’s visual and other impacts, including any cumulative impacts. Any ancillary structures and access roads should employ sensitive design and the use of local materials to respect the character and appearance of the setting. The visual impact of infrastructure associated with renewable energy developments should be satisfactorily addressed, including by routing power lines underground wherever possible. All proposals should seek to minimise the length of cable connection in order to reduce the visual impact of such structures when sited above ground. It must be demonstrated that the

proposal will not result in electro-magnetic interference with local television reception and specialist radio communication networks.”

- 5.75 Compliance with the various requirements of Core Strategy Policy G3 will be discussed throughout this Statement.

Flood Risk & Drainage

- 5.76 The application is supported by a Flood Risk & Drainage Assessment report prepared by Andrew Mosely Associates which concludes:

“Based on the assessable information presented, the site is considered to meet the requirements of the NPPF, given the assessed potential flood risk posed from all applicable sources, the means of adopting suitable mitigation measures to prevent increase in the potential for flood risk and based on the vulnerability of the development type.

The site is in an area identified as having a low probability of flooding on the EA Flood Map and is located in Flood Zone 1. The site is identified as not being at risk of tidal, fluvial, groundwater, or sewer flooding. The majority of the site is located in an area at very low risk of pluvial flooding however, there are two small areas within the access to the site that are at low risk of pluvial flooding which is projected to experience flood depths of up to 0.30m.

The access in the east of the site is identified as being at risk of flooding from reservoirs/canals. However, these are regularly maintained by local authorities and as such the probability of a failure of source is minimal. The access to the site is located in an EA Flood Warning and Alert area and as such, a Flood Evacuation and Emergency Plan has been provided for the proposed development.

Taking all of the above into account it is considered there is no impediment to the Development proposals being granted planning permission on the grounds of flood risk and drainage provision”.

- 5.77 The development proposals will positively address the requirements of section 14 of NPPF by delivering a renewable energy scheme which will support the transition into a low carbon economy by reducing greenhouse gas emissions.

Conserving and enhancing the natural environment

- 5.78 Paragraph 180 of NPPF confirms that the planning system should contribute to and enhance the natural and local environment by:

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

Landscape

- 5.79 The conclusions of the LVA submitted with the planning application have been summarised at paragraph 5.18 of this Statement and confirms that the existing

landscape and visual features provide sufficient screening, filtering and softening of the proposed development to ensure its landscape and visual integration into the landscape context, and the has the capacity for the proposed development and that there is no 'in principle' or policy from a landscape and visual reason why the Site should not be developed.

Agricultural Land

- 5.80 The Natural England Agricultural Land Classification Maps for the area shows that the application site is Grade 4 agricultural. Paragraph 180 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things,

“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”

- 5.81 In addition, RMBC Core Strategy Policy E6 sets out that development outside of the urban area, where it is in accordance with national Green Belt policy and it *inter alia* does not result in the loss agricultural land, particularly the best (Grade 3a and above), unless there is an overriding strategic need for development and no appropriate land exists elsewhere.
- 5.82 The definition of Best and Most Versatile Land, as set out in Annex 2 of the NPPF, is land in grades 1, 2 and 3a of the Agricultural Land Classification. The site is therefore not considered to be best and most versatile agricultural land.
- 5.83 Whilst the proposals will result in the loss of some agricultural land, it has been demonstrated that the site is not considered to be best and most versatile agricultural land. The application site only extends to 1.2 hectares, and it is only intended that the proposed battery storage site will operate for a temporary period of 40 years after which the land will be restored and, as such, the proposed use does not result in any permanent loss of agricultural land. In addition to this, in the Rochdale Local Authority Area, there is

8,109ha of farming land. This proposed development will occupy just 1.2ha of this, or 0.0014%. Furthermore, it is considered for the reasons set out throughout this Statement that the benefits associated with the proposed development helping to support the transition to a zero carbon future clearly outweigh the temporary loss of agricultural land.

- 5.84 The development proposals will therefore comply with RMBC Core Strategy Policy E6 and paragraph 180 of the NPPF.

Noise

- 5.85 Paragraph 191 of the NPPF sets out that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. RMBC Core Strategy Policy G9 sets out that the Council will reduce all forms of pollution, contamination and land instability in the borough by *inter alia*, requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.
- 5.86 The planning application is supported by a Noise Impact Assessment prepared by Apex Acoustics, which confirms that the noise from the proposed development will be at least 10dB lower than the background sound level during both daytime and nighttime, owing to the site's location adjacent to the M62. There is therefore no noise mitigation required.
- 5.87 The development proposals positively address the requirements of section 15 of NPPF and compliance with RMBC Core Strategy Policy G9 can be achieved.

Biodiversity

- 5.88 RMBC Core Strategy Policy G7 sets out the Council will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that no development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain.

- 5.89 The application is supported by a preliminary ecological appraisal report prepared by Brindle & Green which outlines the ecological constraints and opportunities associated with the proposed Development and makes recommendations for pre-construction survey work and/or mitigation measures as required.
- 5.90 The proposals include soft landscaping planting around the compound, including the introduction of trees of varying species, wildflower meadow and hedgerow planting, which will ensure the delivery of biodiversity net gain in line with the requirements of NPPF and RMBC Core Strategy Policy G7, as confirmed in the accompanying Biodiversity Net Gain Assessment.

Battery Safety

- 5.91 The application is supported by an Outline Battery Safety Management Plan, which demonstrates that the ###as far as reasonably practicable and for this planning stage of the project, that currently foreseeable hazards associated with the equipment have been identified, and these will be developed and managed with prospective suppliers during the tendering, contracting and construction stages. These hazards will be actively managed throughout the life of the installation and added to as the BESS Project develops and will be reported on regularly.
- 5.92 In the extremely unlikely event that a fire does occur, the stop tap will be turned so run-off entering the drainage system will be directed to the fire water storage tank rather than the soakaway, which can then be collected to minimise the risk of contamination with ground.
- 5.93 On this basis it is proposed that battery safety should not be a reason for refusal and the preparation of a detailed site-specific Fire Risk Assessment and Emergency Response Plan be developed, in consultation with the Fire and Rescue Service, should be the subject of a pre-operation planning condition should the LPA approve the application.

Conserving and Enhancing the Historic Environment

5.94 Paragraph 200 of NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

5.95 This application is supported by a Heritage Impact Assessment prepared by ELG Heritage, which assess the impact of the proposals on above ground heritage assets and an Archaeological Desk-Based Assessment, which has considered the below ground heritage assets.

5.96 The Heritage Impact Assessment concludes:

“The works as outlined are considered to result in neutral effects to the setting of the identified designated heritage assets. The proposal is therefore considered to comply with both local and national planning policy in respect of heritage assets.

Whilst no harm to heritage assets are identified the scheme additionally is considered to bring public benefits including local job creation across a number of sectors both during manufacturer, construction and management stage. As well as contributions to carbon reduction and sustainable energy production/storage which is considered to weigh positively in favour of the development.”

5.97 The Archaeological Desk-Based Assessment concludes:

*“It is concluded that there is **low** potential for the Site to contain significant archaeological resources from the prehistoric period. There is a **low** potential for the Site to contain archaeological resources from the Romano-British period. There is a **low** potential for the Site to contain archaeological resources from the Saxon period and a **low** potential for the Site to contain archaeological resources from the medieval period. There is a **low** potential for the Site to contain archaeological resources from the post-medieval and modern periods.*

- 5.98 For the reasons outlined above and within the accompanying reports, the development proposals meet the requirements of section 16 of the NPPF and RMBC Core Strategy Policy P2.

6. Conclusions

- 6.1 This Planning Statement has been prepared to support a full planning application for a Battery Storage System (BESS) with associated access, landscaping and ancillary works on Land off at Ellen Road Farm, Newhey, Rochdale.
- 6.2 As the application site is located within the Green Belt an assessment of the relevant policies within NPPF has been undertaken. It has demonstrated that any harm to the Green Belt by virtue of inappropriateness and loss of spatial openness, are clearly outweighed by the substantial environmental benefits that will flow from the granting of planning permission for the development proposals along with the other identified social and economic benefits as outlined below;
- The presumption in favour of the proposed development as a sustainable renewable energy scheme.
 - The application site is technically suitable for a battery storage scheme with an appropriate grid connection agreed at the Belfield BSP, which significantly adds to the overall benefit of the scheme as it can be brought forward quickly to make the required contribution to our national and regional decarbonisation targets.
 - The proposed development could power circa. 64,000 homes for two hours across peak hours (6.30am -9am, 5pm-7pm) when there might not be enough energy from renewable sources to meet the demand. Thereby reducing the likelihood of powercuts resulting from intermittent renewable power generation.
 - The development proposals would contribute towards reducing CO2 emissions and the Government meeting its zero net carbon target by 2050. The development proposals will also assist the Council deliver on its zero net carbon target following its declaration of a Climate Emergency in 2019 and aims of being carbon neutral by 2038 – 12 years ahead of the national targets.
 - The development of such facilities will help ensure energy security which has become a much more pertinent issue since the Russian invasion of Ukraine in February 2022.

- The proposals have a lifespan of 40 years after which it will be decommissioned unless a further permission is sought, so any harm arising will be temporary and reversible.
- A range of biodiversity benefits including a significant biodiversity net gains;
- The scheme will deliver wider social and economic benefits as outlined in paragraph 5.62.

6.3 The proposals are therefore deemed to accord the requirements of section 13 of NPPF relevant development plan policies.

6.4 The application is supported by a suite of technical documents. These demonstrate that the development proposals will not give rise to any issues which cannot be adequately mitigated. It has been demonstrated, through the planning application, that the development proposals would deliver a scheme which complies with the requirements of the development plan and also fully addresses policies and guidance in the NPPF and PPG.

6.5 This Planning Statement and the updated reports submitted with the application fully address the reasons for refusal from the previous application.

6.6 For the reasons outlined in this statement and in line with paragraph 11 of NPPF planning should be granted without delay for this sustainable development.

Appendix 1: Lowlands Farm, Halesowen Appeal Decision



Appeal Decision

Hearing held on 30 July 2024

Site visit made on 30 July 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2024

Appeal Ref: APP/C4615/W/24/3341383

Lowlands Farm, Illey Lane, Halesowen B62 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Anglo ES Kitwell Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P22/1733.
 - The development proposed is provision of battery energy storage, substation compound with associated infrastructure, fencing, access road, drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for provision of battery energy storage, substation compound with associated infrastructure, fencing, access road, drainage and landscaping at Lowlands Farm, Illey Lane, Halesowen, B62 0HJ in accordance with the terms of the application, Ref P22/1733, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's third reason for refusal related to the impacts of the development on ecology. Since their decision, the appellant has submitted additional ecological information which the Council considers addresses their concerns, and so they do not wish to defend this reason for refusal. I have no reason to disagree.
3. The access part of the appeal site is within the neighbouring District of Bromsgrove. That Council have delayed a decision on the planning application submitted to them relating to the parts of the development in their District, until after the decision on this appeal.
4. At the hearing an amended customer control room elevations drawing was provided. This supersedes the previous drawing which erroneously did not reflect the building as shown on the site layout plan. As this plan corrects an error and does not materially alter the scheme I have accepted it and no parties would be prejudiced by this.
5. Subsequent to the hearing, the government published a draft revised National Planning Policy Framework (the 'Framework') and issued a written ministerial statement. The main parties were given the opportunity to comment, and I have taken their responses into account.

Main Issues

6. The main parties agree the proposal would be inappropriate development in the Green Belt as it would not fall into any of the categories of development identified in paragraph 154 of the Framework that can be considered not inappropriate. There is also agreement that the proposal would cause harm to the openness of the Green Belt. The main issues therefore are:
- the degree of harm to the openness of the Green Belt;
 - the effect on the character and appearance of the area including the Area of High Historic Landscape Value (AHHLV); and
 - would the harms to the Green Belt, and any other harms, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Openness

7. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; highlighting that its permanence and openness are its essential characteristics. Overarching National Policy Statement for Energy (EN-1) reflects the Framework in identifying that substantial weight should be given to any harm to the Green Belt, adding that account should be taken of the extent to which developments physical characteristics affect the fundamental purposes of the Green Belt, which are set out in paragraph 143 of the Framework.
8. The Black Country Green Belt Study (2019) assesses parts of the Green Belt for their contribution to these purposes. The site is within the southeastern tip of the Lapal sub-parcel. The east boundary of the sub-parcel is defined by the M5 motorway and the north boundary is defined by the A456 dual carriageway. The urban areas of Birmingham and Halesowen are on the other side of these major roads. The open and substantially undeveloped character of this sub-parcel, combined with the adjacent urban areas and their strong boundaries, leads the study to conclude that the sub-parcel makes a strong contribution to checking the sprawl of built-up areas and to safeguarding the countryside from encroachment. It says it also makes a contribution to preventing neighbouring towns from merging, but this is only moderate because to the northeast there is already little distinction between Halesowen and Birmingham. Overall, it concludes that very high harm would result from release of any land from the Green Belt.
9. Though the M5 and the existing electricity pylon on the appeal site do mean the site is less tranquil and open than other parts of the sub-parcel, I do not consider that these features interfere with its contribution to safeguarding the countryside from encroachment and I agree with the study insofar as the site makes a strong contribution this purpose. The site's contribution to checking urban sprawl, however, is limited as the conurbation of Birmingham on the east side of the M5 is not immediately apparent from the site, the M5 or indeed from other nearby viewpoints given the trees along the east side of the motorway. Similarly due to its distance from Halesowen the site makes little contribution to preventing the merging of that town with Birmingham. I recognise the development would not necessarily result in the release of the

- site from the Green Belt. Nonetheless, the scale of development proposed, and over the timescales proposed, would have a similar effect.
10. In that context, the harm to openness can be assessed in terms of spatial and visual impacts. Spatially, the development would mostly involve the provision of plant and equipment including a series of battery units around 3 metres in height, associated infrastructure, some compound buildings, palisade fencing, CCTV cameras as well as an access road. These would all occupy space that is currently open, aside from the electricity pylon, and used for grazing. Due to the spread and scale of these works there would be a significant loss of spatial openness.
 11. In visual terms the plant would be visible from a number of public footpaths and from the M5 motorway. The Black Country Landscape Sensitivity Assessment considers an area, broadly similar to that in the Green Belt Study, as having a moderate to high sensitivity to development. This is partly because of the extensive network of public rights of way, and hence the visibility that any development would have from multiple viewpoints. Views from the M5 would be brief, transient and it is likely that drivers would be mainly focussed on the road, not the countryside alongside it. Nonetheless, the openness of the Green Belt is unmistakable from here with long distance views to the Clent Hills far in the distance possible.
 12. The view from the footbridge over the M5 is from where the development would be most prominent. From this elevated position the scale and spread of the works would be conspicuous with the proposed screening providing little mitigation.
 13. Although a new boundary hedge is proposed for the north east corner of the site to run alongside footpath HLS0087, some limited views through the hedge may be possible and it is likely that at the southernmost point of this path a clear view of the development would be likely. From positions on this footpath further north, views are unlikely to be achievable, partly because of the extensive tree planting that is proposed in the northern part of the appeal site, but also because the land falls away in this direction and so the development would most likely be largely hidden by the crest of the hill.
 14. Currently, due to the gappy hedge on its western boundary, the site is visible from positions along footpath HLS0088, albeit at a considerable distance. Supplementing the hedge with planting to fill the gaps would substantially screen the development and the provision of additional tree planting along this western side would strengthen this screening further. Views from footpath 501 to the south would be restricted by the existing trees along the south boundary of the site, and similarly views from footpath HLS0098 to the west of the site would be prevented by intervening trees and hedgerows.
 15. Overall, the development would be visible from a number of viewpoints, even accounting for the screening proposed. Given the scale of the development and its visibility, there would be a significant loss of visual openness.
 16. Though the site is small in the context of the wider parcels considered in the Green Belt Study and Landscape Sensitivity Assessment, I consider it does make a strong contribution to the Green Belt and the development would conflict with the Green Belt's purpose to safeguard the countryside from encroachment. This would considerably harm the openness of the Green Belt in

both spatial and visual senses. The harms to the purpose, and to the openness, of the Green Belt carry substantial weight.

17. The development would therefore conflict with policies S23 of the Dudley Borough Development Strategy (DBDS), which sets out the presumption against inappropriate development in the Green Belt; and S19 which requires parts of the Green Network, such as this, to provide a break between distinct areas. It would also conflict with policy CSP2 of the Black Country Core Strategy (BCCS) which similarly seeks to protect the Green Belt from inappropriate development.

Character and appearance

18. The National Policy Statement for Electricity Networks Infrastructure (EN-5) recognises that infrastructure like this can give rise to adverse landscape and visual impacts and that developments should protect, as far as reasonably practicable, areas of local amenity value.
19. The site is within the Illey and Lapal AHHLV. This is a non-designated heritage asset, and as such paragraph 209 of the Framework is relevant. This states that for developments that directly affect such an asset, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
20. The significance of the AHHLV includes the remains of ridge and furrow agricultural practices and boundary hedgerows signifying old parish boundaries as set out in the Black Country Historic Landscape Characterisation Study (2019). The development would not affect the fields which display ridge and furrows and would not affect the hedgerows.
21. The ruins of the 13th Century St Marys Abbey are also of significant historic interest, but are over a kilometre from the site, and it was stated at the hearing that there is no view of the site from the Abbey. As such, I consider the development would not affect the setting of this heritage asset.
22. The study also states that the AHHLV is of considerable scenic value and part of the north Worcestershire countryside. As set out above, the site is visible from a number of locations, and from the M5 and the footbridge over it, it is seen against the background of the wide open vista to the west and south. However, from the evidence before me, I do not consider these views to be of particular heritage significance to the AHHLV.
23. Nonetheless, these views are an important part of the character and appearance of the area generally. The presence of the M5 and the pylon on site do not detract from that and, as set out above, the proposed landscaping would only partly mitigate the impact.
24. As such the development of this field would harm the character and appearance of the area but not the significance of the AHHLV which would be preserved. It would therefore conflict with BCCS policies CSP4 and ENV3 and DBDS policies S6 and S8, which all generally require development to respond positively to the character of its surroundings. However, because of the degree of landscaping proposed, I give only modest weight to that harm.
25. I find no conflict with DBDS policies S22 which seeks to protect trees and woodland as there would be no harm caused to such landscape features, or S7

which requires landscaping schemes to help blend the development into its surroundings. There would also be no conflict with BCCS policy ENV2 which seeks to ensure the historic character of the Black Country is protected, or DBDS policy S13 which seeks to protect the historic integrity of the AHHLV.

Other considerations

26. The development would facilitate greater use of renewable energy sources such as wind and solar by allowing such sources to continue to provide energy, even when it is not consumed, whereas at present operators of these sources are paid to turn off turbines when demand is low to avoid overloading the network. The proposal would therefore give more flexibility to the energy system which means energy can be cheaper.
27. The increased use of renewable energy sources would also play a key role in addressing climate change and aid the UK in meeting its commitment to be net zero by 2050 and to reach zero carbon electricity generation by 2030. The Council also have committed to become a net zero Borough by 2041 and although the development would not wholly serve the Borough it is likely that some parts would benefit.
28. Also by increasing the ability of the country's infrastructure to generate electricity to meet its own needs, the proposal would make the UK less reliant on energy from abroad and hence improve energy security.
29. EN-1 states that low carbon infrastructure is a critical national policy (CNP). It adds that electricity grid infrastructure, such as this, is identified as low carbon infrastructure and is not limited to that associated specifically with a particular generation technology. It also states that electricity storage has a key role to play in achieving net zero and providing flexibility to the energy system. As a result I give significant weight to these benefits of energy security, flexibility and the contribution to achieving net zero. This is consistent with the draft NPPF which states that for low carbon development, significant weight should be given to the contribution to renewable energy generation and a net zero future.
30. Aside from these broader benefits, the development would provide a substantial biodiversity net gain of 15% in habitat units and 60% in linear units, which would be a significant benefit. There would also be some economic benefits locally during construction. Economic benefits during the operation phase would be limited as there would be no employees based at the site.

Other Matters

31. There are some concerns locally around traffic movements. During construction there would be a number of HGV movements but this would be for a limited period. During the operational phase the traffic generated by the development would be around 2 two-way trips a week which is negligible.
32. There are also concerns regarding site safety. However I was assured that the site would be remotely monitored and plant turned off in the event of an electrical fire. There would also be fire suppression measures in place and a management plan would need to be agreed with the local Fire Safety Officer.

Green Belt Balance

33. The proposal would constitute inappropriate development in the Green Belt. It would also cause harm to openness and would fail to meet one of the purposes of the Green Belt. These factors all carry substantial weight. There would also be some harm to the character and appearance of the area, but the planting proposed would provide some mitigation. I give modest weight to this harm.
34. Balanced against that are the other considerations identified comprising the fact that low carbon development is a critical national policy which can help to achieve net zero, provide energy security and energy flexibility. I give these all significant weight. Added to this are the benefits to biodiversity, and a modest benefit to the local economy. I have also had regard to paragraph 4.1.7 of N-1 which states that it is likely that the need for CNP projects will outweigh the residual effects in all but the most exceptional cases.
35. Overall I consider the other considerations in this case clearly outweigh the harms to the Green Belt and the other harms that I have identified. Therefore very special circumstances exist which justify the development.

Conditions

36. I have considered the conditions put forward by the Council. Conditions relating to the commencement of development and the approved plans are necessary in the interests of certainty. Similarly, the condition requiring the cessation of the scheme after, at most, 40 years is to reflect the development as applied for.
37. Conditions relating to the design details of the plant and the landscaping of the site are necessary to protect the character and appearance of the area. The condition relating to the Construction Management Plan is needed to mitigate any adverse effects on the local area during the construction period.
38. Conditions requiring adherence to the ecological and arboricultural assessment, the provision of a Construction Environmental Management Plan and a Landscape and Ecological Management Plan, and details of external lighting are necessary in the interests of protecting and enhancing biodiversity.
39. Two conditions relating to noise mitigation are necessary in the interests of protecting the living conditions of nearby residents. Three conditions are imposed in the interests of addressing any archaeological finds, and one condition is attached to address surface water on the site.
40. A condition is imposed to ensure access is maintained along public footpath HLS0087 which runs through the northeast corner of the site, and lastly a condition is attached to ensure the development is not commenced until the access to the site is granted planning permission by the neighbouring authority.

Conclusion

41. I conclude that the proposal would fail to accord with the development plan as a whole. However there are material considerations that indicate that a decision should be taken other than in accordance with it. As such, the appeal is allowed.

A Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: P1868-02D, P1868-11C, EPC-447-C-E-LA-PCS Rev 04, EPC-447-C-E-LA-FG Rev 02, EPC-447-C-E-LA-ELV-SHT1 Rev 05, EPC-447-C-E-LA-ELV-SHT2 Rev 05, EPC-447-C-E-LA-DNO Rev 04, EPC-447-C-E-LA-CCTV Rev 02, EPC-447-C-E-LA-CCR Rev 05, EPC-447-C-E-LA-BATT Rev 04 and EPC-447-C-E-LA-AR Rev 04.
- 3) Within 40 years following completion of construction of the development hereby permitted, 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 twenty-eight working days following cessation of power production. The site shall subsequently be restored 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. 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.
- 4) No development shall take place until details including colour of external finishes of the battery containers, transformers, substation structures and type and height of fencing and CCTV installation equipment has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 5) No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall be adhered to throughout the construction period and shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) routing of construction vehicles;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) wheel and underbody washing facilities;
 - f) measures to mitigate the risk of flooding of the battery containers; and
 - g) measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution.
- 6) No development shall take place until all mitigation and enhancement measures have been implemented in accordance with the Ecological Impact Assessment dated April 2023; the Arboricultural Survey, Impact Assessment and Protection Plan Ref 23232 KITWELL BESS APPEAL_TS AIA TPP_V6 dated 5 June 2024; and drawing no. 21113.102 Rev J Landscape Strategy dated

30 January 2024. These measures and mitigation shall thereafter be maintained for the life of the development.

- 7) No development shall take place until the applicant has installed acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment in accordance with details submitted to and approved in writing by the local planning authority prior to installation. Once installed, the mitigation shall thereafter be maintained for the life of the development.
- 8) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) details of responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - h) use of protective fences, exclusion barriers and warning signs.

The CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 9) No development shall take place until a landscape and ecological management plan (LEMP) has been 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 site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan; and
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the approved scheme. The LEMP will be implemented in accordance with the approved details.

- 10) Prior to the erection of any external lighting on site, a lighting plan, shall be submitted to and approved in writing by the local planning authority. The submitted plan should include details of the specification and design of the fixtures to be erected and should be accompanied by contour diagrams that demonstrate minimal levels of lighting on receptor habitats, including trees and hedges. The lighting should be designed in accordance with Bat Conservation Trust/ Institution of Lighting Professionals Guidance Note 08/23 'Bats and Artificial Lighting in the UK'. Development shall be carried out in accordance with the approved details and retained for the lifetime of the development.
- 11) No development shall take place until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority that shows the existing trees, shrubs, and hedgerows on the site to be retained and:
 - a) a specification of soft landscape works (in accordance with British Standards), including a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted (British native species only);
 - b) areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - c) paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces;
 - d) existing and finished levels shown as contours with cross-sections as necessary;
 - e) means of enclosure and boundary treatments; and
 - f) protection and enhancement measures for retained vegetation in or adjacent to the site which may be reasonably affected by the proposed development and ongoing management of such features.

Such details as approved, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the local planning authority. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of five years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

- 12) No development hereby permitted shall be used until surface water drainage works have been implemented in accordance with details that have been submitted within KIT-BWB-ZZ-XX-RP-CD-0001 Drainage Summary Note S2-P02 dated 22 March 2024, and these shall thereafter be maintained for the life of the development.
- 13) No development shall take place until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the

local planning authority. The WSI shall include an assessment of significance and research questions and:

- a) the programme and methodology of site investigation and recording;
- b) the programme for post investigation assessment;
- c) the provision to be made for analysis of the site investigation and recording;
- d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f) the nomination of a competent person or persons/organization to undertake the works set out in the WSI.

No development shall take place other than in accordance with the approved WSI.

- 14) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within five working days of their being revealed. Works shall be immediately halted in the area affected until provision shall have been made for their retention and recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 15) Within six months of the date of completion of the archaeological fieldwork a final archaeological report shall be submitted for approval in writing by the local planning authority to include completion of post excavation analysis, preparation of a full site archive and a report ready for deposition at a local museum and submission of a publication report.
- 16) Public rights and ease of passage over public footpath HLS0087 shall be maintained free and unobstructed at all times. The definitive width of the public right of way must be maintained at all times.
- 17) 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 5dB(A) between the hours of 0700-2300 at any sound sensitive premises and shall not exceed the background sound level between 2300-0700 at any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
- 18) No development, including site clearance and site preparation, shall take place until the access shown on drawings P1868-11C and EPC-447-C-E-LA-AR Rev 04 has been granted planning permission and implemented in accordance with this permission.

APPEARANCES

FOR THE APPELLANT:

Mr Ian Ponter	for Counsel
Mr James Stone	Appellant
Mr Paul Barton	Harris Lamb
Mr Paul White	Ecus
Mr Paul Harris	MHP

FOR THE LOCAL PLANNING AUTHORITY

Mrs Catherine Golightly	Senior Planning Officer
Ms Jane Pilkington	Principal Historic Environment Officer
Mr Ian Lowe	Principal Planning Officer

INTERESTED PARTIES

Mr Michael Freer	Halesowen Abbey Trust
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DOCUMENTS SUBMITTED AT THE HEARING

- Drawing no. EPC-447-C-E-LA-CCR Rev 05
- Written statement by Halesowen Abbey Trust