22/01194/VAR	**Mr James Stone**	**LOWER PENN**
MAJOR		Cllr R Reade
		Cllr B Bond
		Cllr D Kinsey

Field At (Penn 2) Penstone Lane Lower Penn

Variation of Condition 2 (approved plans) pursuant to 22/00045/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Y	**Y**	31 March 2023

1. SITE DESCRIPTION

1.1 The application site is a 1.9ha area of agricultural land located within the Green Belt. Overhead power lines associated with the existing 4.3ha electricity substation to the northwest, pass over the site from north to south. A tree belt forms the northern boundary of the site with the existing substation beyond.

1.1.1 The area immediately to the south and east is open agricultural land, with a single dwelling and Blackpit Lane which is a sunken single-track road beyond. Further to the east is the Staffordshire Railway Walk. There is no existing formal vehicular access to the site. The Staffordshire and Worcestershire Canal, lies approximately 120m to the west of the site boundary.

Date of site visit - 19 January 2023

2. APPLICATION DETAILS

2.1 Planning permission was granted under 22/00045/FUL for a battery storage energy facility. This application seeks to amend the proposal to provide an additional energy storage capacity and utilise a single point of connection to the Penn substation. Changes from 22/00045/FUL include the addition of 10 battery units to provide the additional storage capacity and the removal of the substation as it would no longer be needed.

2.1.1 As shown on the submitted plans the proposals consist of:

- Battery storage compound containing battery units and Power Control System (PCS) Units and Auxiliary transformers enclosed by a 3m high acoustic fence and hedge planting along the south and east fence boundary.
- 2 x customer switch room & control buildings.
- An access track from Penstone Lane
- Tree, hedge, scrub and wildflower planting and infiltration basin

2.1.2 The battery storage compound would contain 26 battery units and associated PCS units enclosed by 3m high closed board fencing. The battery and PCS units would measure 3m in height from ground level.

2.1.3 A landscape scheme has been proposed (Plan ref 211111-105 B Landscape Mitigation Strategy Plan) which shows 522 metres in length of native hedge planting (maintained to at least 3m in height) a wildflower

sward, trees and low scrub/shrub planting to the south and east of the site and an infiltration basin planted with wetland / marginal wildflower & grass mix.

2.1.4 Vehicular access to the site would remain as previously approved from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. This application relies on the previously submitted Transport Statement which assessed the cumulative traffic impact of both proposals as they would be constructed concurrently. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. The application states that a Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

2.1.5 The proposed battery storage facility would be a largely automated system. It is envisaged that two visits a week would be undertaken by staff in light goods vehicles to maintain and service the facility including the replacement of battery components– equivalent to four two-way vehicle trips per week. Operational traffic might also include occasional HGV access to replace battery components.

2.2 Planning Agent submission

2.2.1 The applicant has submitted the following amended documents with the application:

- Updated Noise Assessment
- Updated Landscape and Visual Appraisal
- Updated FRA and Drainage Assessment
- Ecological Addendum
- Amended Appendix 1 (Landscaping/Ecology Plan) of the Landscape and Mitigation Strategy
- Updated Biodiversity Metrics

2.2.2 The applicant has submitted the following amended plans with the application:

- P1900-01G REV G LOCATION PLAN
- EPC-0339-PL-C-LA-OSL-02 REV 3 NETWORK OVERALL LAYOUT
- EPC-0339-C-E-LA-FG REV 0.3 FENCE AND GATE ELEVATIONS
- EPC-0339-C-E-LA-ATX REV 0.2 AUXILLIARY TRANSFORMER PLAN AND ELEVATIONS
- EPC-0339-C-E-LA-BATT REV 0.4 BATTERY UNIT PLANS AND ELEVATIONS
- EPC-0339-C-E-LA-CCR REV 0.4 CUSTOMER SWITCHGEAR AND CONTROL ROOM ELEVATIONS
- EPC-0339-C-E-LA-PCS REV 0.4 TWIN SKID UNIT PLANS AND ELEVATIONS

2.2.3 The following documents submitted with the original application should be read in conjunction with this application:

- Sequential Site Selection Report
- Fire System Safety Design
- Battery Safety Management Plan (dated 01.04.2022)
- Supporting Planning Statement (dated 06.09.2021)
- Planning Statement Addendum (dated 06.09.2021)
- Supporting Policy Statement (11.04.2022)

- Design and Access Statement (dated 06.09.2021)
- Preliminary Ecology Appraisal (dated 06.2021)
- Transport Statement (dated 21.07.2021)
- Statement of Community Involvement (dated 02.09.2021)
- Historic Environment Desk Based Assessment (dated 09.2021)

3. SITE HISTORY

2015, Erection of combined hard flood defence and perimeter fence to a height of 3.4m and erection of 3.4m high flood gate to the west and south and raised kerb, Approved [15/00666/LUP].

2016, Emergency standby electricity generation facility comprising: modern
modular dual fuel generator units (up to 14 in total), transformers, fuel storage tanks, boundary treatment, highway access and associated works. Approved [16/00663/FUL]

2017, Emergency standby electricity generation facility comprising: natural gas
generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [17/00854/FUL]

2018, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [18/00674/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description), awaiting determination, approved [22/00045/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description) approved [22/00044/FUL]

2023, Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping, awaiting determination, [22/01193/VAR]

4. POLICY

4.1 Constraints

Flood Zone 2 - 1 in 1000 year
Flood Zone 3 - 1 in 100 year
Newt - Impact Risk Zone Green
Newt - Impact Risk Zone White
D Class Road 4130

4.1.1 South Staffordshire Core Strategy (2012)

GB1 - Development in the Green Belt
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
EQ1 - Protecting, Enhancing and Expanding Natural Assets
EQ3 - Conservation, Preservation and Protection of Heritage Assets
EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
Core Policy 3: Sustainable Development and Climate Change

EQ5 - Sustainable Resources and Energy Efficiency
EQ6 - Renewables Energy
EQ9 - Protecting Residential Amenity
EQ10 - Hazardous and Environmentally Sensitive Development
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EV8 - Agriculture
Core Policy 11 - Sustainable Transport
EV12 - Parking Provision
CS1: Designing Out Crime
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design Guide SPD 2018
Sustainable Development SPD 2018

4.1.2 National Planning Policy Framework

12. Achieving well-designed places.
13. Protecting Green Belt Land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and Enhancing the Natural Environment

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

Para 2.2.20 - Security of energy supplies
Para 3.3.29 - Reducing demand
Para 3.3.31 - More intelligent use of electricity

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

Para 3.3.24 - 3.3.29 - The role of storage

4.1.5 National Planning Policy Guidance

4.1.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise.

4.1.7 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

5. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
9 February 2023	7 February 2023

Lower Penn Parish Council
03rd February and 13th February 2023

The Parish Council also feels that the amalgamation of the two sites into one and the addition of extra lithium battery storage units is more than an amendment to the current planning approval and should be submitted as a whole new application so the extra units and the extra impact on the local neighbourhood can be fully discussed.

Lithium battery storage is becoming more contentious by the day. There is a second reading of a bill in Parliament in March 2023 whereby lithium storage sites may be reclassified as hazardous with new policy being implemented. As there is relatively little policy surrounding these storage facilities perhaps it may be worthwhile waiting to see what happens with this Bill before agreeing to this even bigger industrial sized development in Lower Penn.

Please note that Lower Penn Parish Council objects strongly to the above applications on the following grounds:

The tide is turning in regards to lithium battery storage farms with more evidence suggesting these schemes are not green and that it is not appropriate to dump toxic, hazardous infrastructure in the middle of green belt. The second reading of a bill covering this topic will be debated in parliament in March 2023. Meanwhile the residents in Lower Penn along with villages all over the UK are left with a planning system that is not fit for purpose when assessing these developments because there is scant policy set out in the NPPF. This lack of policy is a field day for speculative developers and greedy landowners looking to make a quick profit at the expense of local people, wildlife and green spaces.

The NPPF is currently being redrafted to take into account the concerns of local people when assessing planning applications and to give us more of a say. However none of this has been taken into account when granting the original approval for this site and we would like this noted.

The material change to the original planning application which increases the volume of lithium battery to be stored, multiplies the risks involved. We feel strongly that this extra risk should be scrutinised properly by way of a brand new application rather than by an amendment to the existing plans.

As per our last objection we still have concerns over;

1. the noise local people are subjected too, the existing sub station can already be heard by nearby houses. The addition of 5 more freight sized batteries will increase this noise.

2.The industrial lorries that will be visiting the site moving on a network of roads that are only suitable for lorries under 7.5 tonnes. Again more batteries will increase the visits.

3. The fire hazard these lithium batteries pose to the public. This very issue is being debated in parliament next month. Have the fire service been consulted? Would it not be prudent to do so before agreeing to any new proposals bearing in mind the health and safety of residents should be paramount.

4. The detrimental impact another increase of batteries will have on the wildlife and habitat of the area together with quiet enjoyment of the two nearby nature walks, Canal Walk and South Staffordshire Railway Walk, which will be blighted by this development both visually and by the noise emanating from the site.

5. A recent flood at the very place these lithium batteries will be sited shows the importance to have emergency planning protocols in place for the safety of the public.

Councillor Robert Reade - Wombourne North and Lower Penn Ward
No Response Received

Councillor Dan Kinsey - Wombourne North and Lower Penn Ward
5th February 2023
These sites remain a significant concern to the public, and I am concerned about the intended increase in the number of battery containers. The footprint, regardless of the arguable merits of any changes, still represents unacceptably high harm to the openness of the greenbelt and the character of the area.

Facilities such as this have so far been regarded as non-hazardous, and when being assessed previously, have been supported on grounds of the Government's net zero ambition. There remains no clear strategy for the siting of these facilities, and despite these vagaries they are considered to meet special circumstances. Parliament is due to address facilities of this nature, establishing them to be, rightly, hazardous sites which potentially alters the balance.

In the meantime, I believe this to be good reason not to grant permissions that further endanger environments in which they are placed.

While on the face of it this appears to be a minor rationalisation, it is in my opinion a very substantial change to the nature of the two sites granted permission under 22/00044/FUL and 22/00045/FUL. This is not the redesign of one site, but the merging of two distinct sites with proposals to increase overall capacity by 30%. A substantial increase. As such, I would consider this is not something that should be dealt with as a minor amendment, but instead should be resubmitted as a full application for one site.

Councillor Barry Bond - Wombourne North and Lower Penn Ward
6th February 2023
I concur with the comments made by Councillor Kinsey regarding this application to increase the size of the installations.

County Highways
27th January 2023
Recommendation Summary: Conditional
Site Visit Conducted on: 26-Jan-2023

1. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.
2. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.
3. The development hereby permitted shall not be commenced until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
4. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;
- Means of safe passage of all construction traffic to the site.
- adequate signage.
- Means of preventing deleterious material from being deposited upon the highway.

has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

Reasons.

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
2 - 4. In the interest of highway safety.
To comply with the principles set out in the National Planning Policy Framework.

Informative for Decision Notice.

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk).

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx

Note to Planning Officer.

The proposed development is located in a rural area and will be accessed off an unclassified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at this location in the last 5 years. The proposed development is similar to the one submitted in 2016 and 2022.

County Ecologist
3rd February 2023
I have been commissioned by South Staffordshire Council to review the planning application documentation for the above application.

Documents and plans reviewed:

- Revised site plans
- Revised Biodiversity Metric
- Ecological Addendum (Harris Lamb, December 2022)

Assessment of Submitted Documents and Plans

The revised site layout would increase hardstanding and battery units. A revised biodiversity metric has been submitted that indicates that overall, Penn 2 and Penn 1 will deliver a biodiversity net gain of nearly 9%. However, I am concerned that the site will see further losses to habitat provision and consider that the delivery of 8.94% habitat units across the two sites should now be secured by condition. As the metric is not clear on what contribution each site makes, both applications will need the condition.

Conclusions and Recommendations

If minded to approve a condition is recommended:

1 Field at Penn 2 site, cumulatively with Field at Penn 1 site (ref 22/01193/VAR) to deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).

Staffordshire County Council Flood Risk Management Team
8th February 2023

The LLFA recommends Conditional Approval for the proposed development. We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

Staffordshire County Council Flood Risk Management position

The proposed development will only be acceptable if the following planning condition is imposed:

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handboook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To included the name and contact details of the party(/ies) or body(/ies) responsible.
The development shall thereafter proceed in accordance with the approved details.

Reason
To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition
The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

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

County Planning
16th January 2023
I refer to your consultation email received on 13th January 2023
The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

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

Staffordshire Fire and Rescue Service
No objection – Guidance provided in relation to fire mains, hydrants and vehicle access, and sprinklers.

Designing Out Crime Officer
26th January 2023
The response highlights guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Environmental Health Protection
30th January 2023
I have reviewed the above consultation regarding application for variation planning condition 2 (plans) under 22/00045/FUL. I confirm that I have no concerns regarding the proposed variation. I noticed the applicant has provided a noise report (Amended) which I consider satisfactory. Therefore, I do not have any adverse comments regarding this application.

Cadent Gas Limited (formerly National Grid)
No Response Received
Previous response to 22/00045/FUL dated 8th August 2022:
After receiving the details of your planning application at Field At (Penn 2) Penstone Lane Lower Penn WV4 4YA we have completed our assessment. We have no objection to your proposal from a planning perspective.

Severn Trent Water Ltd
3rd March 2023
With regards to the below letter, we have no further comments to add from a catchment/groundwater protection perspective.

The comments we provided on the previous version of the application, regarding the installation of a pollution capture membrane and the applicant providing details of their proposed train of treatment, still remain valid. I trust these comments were taken onboard.

We also discussed a local agreement being put in place with the fire authority regarding no use of AFFF in the unlikely event of a fire at the site.

Western Power Distribution
No Response Received

NatureSpace Partnership Newt Officer (Staffordshire)
18th January 2023
Response: No further information required

This planning application is for the Variation of Condition 2 (approved plans) pursuant to 22/00044/FUL for Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping at Field At (Penn 2) Penstone Lane, Lower Penn.

- The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- Due to the scale and size of the development and the location of the ponds we do not expect newts to be a constraint for this development.

Conclusion and recommendation for conditions:
I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

However, as the application site lies within a green impact zone as per the modelled district licence impact map, which indicates that there is potential suitable habitat for GCN within the area surrounding the application site. Therefore, I recommend the use of the following informative:

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

Conservation Officer
31st January 2023
The proposed changes to the previously approved scheme, will increase the capacity of the site, whilst not increasing the footprint of the development and reducing the overall height of the substation towers. Therefore, the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.

Environment Agency
10th February 2023

Thank you for referring the above application which was received on 08 February 2023. The Environment Agency has no additional comments to make further to those within our letter referenced UT/2022/119875/01-L01 dated 16 June 2022 in relation to consultation 22/00045/FUL:

Although the proposed development is located in Flood Zone 1, according to our Flood Map for Planning (Rivers and Sea), the proposed access road lies in Flood Zones 2 and 3 of the Warstones Brook. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. This does not mean we consider that the access is safe or the proposals acceptable in this regard. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Health and Safety Executive
14th March 2023
Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Wolverhampton City Council
10th February 2023
On behalf of the City of Wolverhampton Council I would like to raise our concerns about the proposed alterations to the approved battery storage sites at Penstone Lane.

The proposed development, while not exceeding the original site area would result in an increased capacity within the site. There are concerns that this will increase the risk of fire and the ability to respond in an accident.

Together with the approved development for battery storage at Langley Road there is potentially a cumulative impact with the three sites being near each other and all located on the south-west side of Wolverhampton.

We ask therefore that in your assessment you consider the cumulative impact of these three developments and reconsult the fire service and water authority to ensure the impacts of the increased capacity are fully considered and where necessary, any mitigation recommendations or conditions are included in any subsequent approval.

Contributors

A total of 12 public representations have been received of which 12 object.

Summary of main points/concerns raised:

- Several comments state that their previous reasons for objecting still stand.
- The reason(s) for the submission of two applications is questioned.
- Criticism of the type of application being submitted and that a new application should be submitted.
- Requests to delay a decision until the outcome of the private members bill which relates to battery storage planning applications.
- Industrial application does not belong in a rural greenbelt setting.
- Impact on the environment and disruption to our daily lives and physical and mental wellbeing.
- The impacts of the new proposals have not been properly assessed - of fire safety, noise pollution, natural environment, water pollution, green belt…)
- lack of protection to the ancient hedgerows and to the protected bat species resident in this area.
- Increased the risk of hazardous events such as runaways, fires, and serious chemical contamination due to accidents or technical faults.
- Impacts on Green Belt and landscape character.
- Inappropriate access road to the site.
- Heavier traffic causing increase traffic accidents e.g. at Penstone lane/Dene Rd junction.
- Flawed original noise impact assessment report and a new one should be required.

6. APPRAISAL

6.1 The application is referred to planning committee as it is not listed as an acceptable type of development within the Green Belt under Core Strategy Policy GB1: Development in the Green Belt.

6.2 Key Issues

- Principle of development
- Design/layout and impact upon landscape character and heritage assets
- Access, parking & highway safety
- Ecology, trees, and landscaping
- Drainage and flooding
- Impact on Neighbouring amenity/Noise and Health
- Other Matters
- Human Rights

6.3 Principle of development

6.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

6.3.2 The application site is within the West Midlands Green Belt. The main issue in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.3.3 Whether or not the proposal constitutes inappropriate development.

6.3.4 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. There are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF and Core Strategy Policy GB1. However, the erection of a battery based electrical storage facility does not fall within any of the exceptions listed in local or national policy and is therefore considered to be inappropriate development.

6.3.5 Impact on the openness of the Green Belt

6.3.6 One of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment and the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

6.3.7 The National Planning Practice Guidance (NPPG 22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. 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 remediability - 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.
(Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

6.3.8 The site is an area of agricultural land which gently slopes up from south to north. There is no previously developed land within the site. The proposed developed parts of the site would comprise two battery storage compounds enclosed by 3m high closed board fencing. The battery units would measure up to 3m in height. An access track is proposed from Penstone Lane to the site, constructed of crushed stone.

6.3.9 Spatially the proposal would reduce the openness of the Green Belt, as an area of undeveloped land would become developed. The main spatial and visual difference between this proposal and the previously approved scheme is the addition of 10 battery units each measuring 13.9m x 3m and 3m in height and the removal of the substation compound which measured 20m x 50m and contained structures ranging in height from 4m to a maximum of 6.4m.

6.3.10 The development would be partially visible from Union Lane where the bridge crosses the canal and further to the east through a gap in the hedge along Blackpit Lane. Views are limited however as Blackpit Lane is below the level of the fields in which the site is located. There would be no views of the development from Penstone Lane with the existing substation and trees and hedgerows located in between. There would be views of the site from the South Staffordshire Railway Walk through occasional gaps in the vegetation.

6.3.11 As with the previous proposals, views of the development itself such as the battery units which measure 3m in height, would be limited by the proposed hedgerow planting once established at a minimum of 3m in height. The most visible element within the previous scheme, the substation infrastructure, would no longer be present. In my view, these proposed changes to the original scheme would balance each other out resulting in a similar impact to the original scheme. As before, I consider that against the backdrop of the existing Penn Substation and surrounding pylons, the proposed development would, in my view, be seen in this context and the visual impact would be limited in the medium to longer term once the proposed landscape mitigation is established.

6.3.12 Regarding the level of activity likely to be generated, the construction period would generate a

reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity and use of the proposed access from Penstone Lane. However, as this activity would be a temporary disruption for 3-5 months, the impact on the openness and permanence of the green belt would be temporary. Once the site was established where the number of vehicle trips would be four two-way vehicle trips per week and the occasional HGV, the degree of activity would be minimal and have little impact on openness.

6.3.13 With regard to the duration of the development, and its remediability, if the site were no longer needed it would be relatively straightforward to remediate the land to its existing state. The application states that the proposed development is for a period of 35 years which, whilst not permanent, is a considerable amount of time. Any permission should include a condition requiring the remediation of the land should the use cease and prior to expiry of the 35-year permission.

6.3.14 Overall, it is considered that in additional to the definitional harm already identified, there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt, which is encroachment of development into the countryside.

6.4 Other Considerations

6.4.1 The proposed scheme is designed to store energy within the batteries and would be able to release or absorb energy from the power network.

6.4.2 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand become more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries…Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

6.4.3 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

6.4.4 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'.

6.4.5 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

6.4.6 Public objections have been received questioning why the proposal cannot be located on a brownfield

site and therefore avoiding any harm to the Green Belt. However, brownfield land is more often than not found in urban residential areas and is usually prioritised for other forms of development, notably residential and employment development. A site would need to be found that in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk. This is set out in the submitted Sequential Site Selection Process document. There is no requirement for such proposals to undertake a sequential test. However, I am satisfied that the site chosen, adjacent to the existing Penn Substation to the North, is appropriate and brownfield sites are unlikely to be suitable or available for such a use.

6.4.7 In summary, the proposal is inappropriate development and there would also be a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. This would be limited once the construction of the site is complete and the proposed planting is established. Nevertheless, this harm by reason of inappropriateness and harm to openness is given substantial weight in accordance with Paragraph 148 of the Framework.

6.4.8 Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.

6.4.9 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to the existing Penn Substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site. The remediation of the site in the event of the use ceasing should be included as a condition.

6.4.10 Therefore, I consider that the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the National Planning Policy Framework.

6.4.11 Concurrent with this application is planning application 22/01193/VAR (Penn 1) which is a similar proposal to here and lying adjacent. The two proposals would be brought forward together and therefore it is necessary to consider the combined impacts of both applications as well as individually. The impacts of planning application 22/01193/VAR on Green Belt openness would be similar to here as described in the officer report for that application. When combined, I am of the view that the level of harm to openness would increase but still be relatively limited in the medium to longer term due to the existing context of the site including the existing substation/pylon backdrop and also the proposed planting largely screening both sites from external views. The benefits would also be greater with an increase in energy storage capacity from 100MW to 129MW supporting the governments national strategy of decarbonising the country's energy system. For this reason, I consider that implementing both proposals would not conflict with Core Strategy Policy GB1 or the Framework.

In summary, the proposed changes to the original schemes including the additional battery units but with removal of one of the substations which would have been the most visible element of the scheme alongside a reduction in height of the remaining substation, would balance each other out, resulting in a similar impact on the Green Belt as the original proposal alongside an appropriate landscape scheme. The additional benefits of

the scheme are that the storage capacity would increase from 100MW to 129MW which contributes further to the governments national strategy of decarbonising the country's energy system. As a result, I consider that this application, and in combination with application 22/01193/VAR would cause no greater harm to the Green Belt than the original applications and the additional capacity would provide further benefits as set out above.

6.5. Design/layout and impact upon landscape character and heritage assets

6.5.1 Policy EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

6.5.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

6.5.3 Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment.

6.5.4 The character of the landscape here reflects its location within the countryside but also its proximity to the urban areas to the west and the industrial history of the wider area. Adjacent to the site is agricultural land and Penn Substation with electricity pylons and overhead cables on its eastern side which run further east over Penstone Lane and beyond to the urban area of Upper Penn. Staffordshire and Worcestershire Canal is located approximately 120m to the west of the site and Staffordshire Railway walk approximately 300m to east.

6.5.5 The site has a degree of enclosure from tree/vegetation cover located along field boundaries and roads and the existing substation to the northeast. There are no prolonged views into the site, with the main views through gaps in vegetation from Staffordshire Railway Walk. By reason of separation distance, design and existing vegetation the proposed development would not have an adverse effect on visual amenity and would in time be screened by hedgerows. The remaining visible infrastructure would, in my view, be limited and unassuming in the context of the existing Penn Substation infrastructure visible to the rear and surrounding electricity pylons and overhead powerlines.

6.5.6 There would be some harm to landscape character in the short term during the construction phase and prior to the proposed screening becoming established within 5-8 years. However, this would temporary and in the medium to longer term the impact on landscape character would, in my view, not amount to a harmful impact.

6.5.7 The proposals are within the setting of the Staffordshire and Worcestershire Canal Conservation Area including the bridge and lock which are Grade II Listed. An Historic Environment Desk-Based Assessment has been submitted which concludes that the Site provides a neutral contribution to the setting of the Conservation Area and would not result in harm to any designated heritage assets.

6.5.8 The council's conservation officer has commented that, 'the scheme will have no greater impact than the one already approved. There are no conservation objections to the scheme.'

6.5.9 As a result, I consider that the proposal would not harm the rural character and local distinctiveness of the area in accordance with Core Strategy Policies EQ3, EQ4 and EQ12, subject to conditions such as securing appropriate landscaping, boundary treatment and materials.

6.6 Access, Parking & Highway Safety

6.6.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport whist addressing community needs and creating places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Local Plan policy CP11 and EV11 echo these themes.

6.6.2 The proposals in terms of access have not changed compared to the previous application. Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The proposed development is similar in scale to the previous application and therefore the previously submitted Transport Statement is sufficient in assessing the cumulative traffic impact of this proposal and 22/01193/VAR.

6.6.3 During construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

6.6.4 I acknowledge the objections to the proposal which include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to conditions ensuring highway safety and minimising disturbance during construction.

6.6.5 In conclusion, I consider that the proposals (and in combination with 22/01193/VAR) would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission.

6.7 Ecology, trees, and landscaping

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

6.7.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

6.7.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

6.7.4 The area of the site proposed for development comprises working arable land which is of low ecological value. To create access to the site, a short section of hedgerow would be removed to access Penstone Lane. Public representations raise concerns that the proposals would harm the environment. However, the scheme proposes tree and native hedge planting, a wildflower sward and low scrub/shrub planting. The submitted biodiversity metric spreadsheet demonstrates that this would result in a net gain in biodiversity. The Council's

ecology officer has no objections to the proposals subject conditions to secure the net gain in biodiversity, and also requiring a lighting strategy, a Construction Environmental Management Plan (CEMP) to ensure that flora and fauna are protected during construction, tree/hedgerow protection measures, a pre commencement badger survey, and installation of bird and bat boxes on nearby trees.

6.7.6 Public representations raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

6.7.7 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

6.8 Drainage and flooding

6.8.1 Policy EQ7 states that the Council will permit developments which do not have a negative impact upon water quality. All planning applications are expected to include a suitable Sustainable Drainage (SUDS) scheme.

6.8.2 Core Policy 3 of the Core Strategy states that 'the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by…
j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,
k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,
l) ensuring that all development includes pollution prevention

6.8.3 The main site is within Flood Zone 1 which has a low risk of flooding. A small part of the access track is within Flood Zones 2 and 3 of the Warstones Brook. The submitted Flood Risk Assessment suggests that a flood warning management strategy should be prepared so that all users of the site are aware of the potential flood risks and can act appropriately in the event of flooding impacting the site. Additionally, I consider that a similar strategy is prepared in consultation with the Staffordshire Fire and Rescue Service. These can be added as conditions to be agreed prior to the operation of the site.

6.8.4 The Lead Local Flood Authority comments state, 'We are satisfied that the proposal for which the application for the original planning conditions is to be varied to similarly aligns with the original application. As such, the LLFA is satisfied with the proposals to this point and recommends that the following condition shall be attached to any approval notice'. This condition includes submission of a fully detailed surface water drainage scheme to be agreed with the Local planning Authority. The scheme would reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

6.8.5 Severn Trent Water previously supported the proposed approach to dealing with water runoff and maintain their view here subject to the previous conditions being retained. The scheme proposes infiltration basins at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site and include pollution capture membranes underneath. These would also be placed underneath the filter drains and battery storage/transformer compounds. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company.

6.8.6 Public representations raise concerns that water may drain into nearby watercourses to the west. However, the topography of the site slightly slopes north away from the river and canal and therefore drainage into a watercourse is unlikely.

6.8.7 It is noted that The Sustainable Drainage Systems (SuDS) incorporated within the proposed drainage strategy have been selected with the CIRIA SuDS Manual Simple Index Approach.

6.8.8 As a result, I am satisfied that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions set out within the consultee responses from the The Lead Local Flood Authority and Severn Trent Water.

6.9 Impact on Neighbouring amenity/Noise and Health

6.9.1 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

6.9.2 As set out within Policy EQ9 of the Core Strategy, new development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts such as loss of privacy, loss of light or overlooking to neighbouring properties.

6.9.3 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health. These include battery safety e.g., fire/explosion risk.

6.9.4 An updated Noise Impact Assessment has been submitted which shows that the cumulative impact of this application and 22/01193/VAR is low with the exception of receptor 10 (residential property 'Arawak' approx. 210m to the east of the Penn 2 site) which had a high impact similarly to the previous applications. As previously proposed, a 3.0m high acoustic grade fence is proposed around the battery element of the development to reduce the impact to 'low' for all receptor sites. A 'low' impact is classed as a noise level less than 5db above the background noise level and increases up to this level are unlikely to be noticeable.

6.9.5 The Council's Environmental Health Officer has reviewed the application and considers the updated noise report to be satisfactory. Any permission should include the previous conditions relating to the control of noise, dust and working hours during construction and operation to safeguard the amenity of residents.

6.9.6 The concerns regarding fire/explosion risk were addressed within the previous application. The applicant previously submitted a Battery Safety Management Plan setting out how the development would be managed from a fire safety risk mitigation perspective. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have not raised any concerns in this regard. I am therefore satisfied with the approach to managing risk including the suggested conditions within the Battery Safety Management Plan which should be attached to any permission.

6.9.7 In conclusion, I consider that, subject to the above conditions, the proposal would not be harmful to the health/amenity of neighbours in accordance with Core Strategy Policy EQ10.

6.10 Other Matters

6.10.1 The Parish council response to the application considers that a new application should be submitted so the extra units and the extra impact on the local neighbourhood can be fully discussed.

The applications are submitted under section 73 of the Town and Country Planning Act 1990. A Section 73 application is an application for a fresh and independent planning permission without complying with one or more conditions from the original planning permission. In this case that condition is Condition No. 2 of the previous decision notice which relates to the approved plans. Whilst the focus is on the conditions, when determining a Section 73 application, the Local Planning Authority must still consider material planning considerations and policies as at the date of the new planning applications. The application is, for all intents and purposes, treated as a fresh application. The detailed consideration of the proposals as set out in the previous sections of this report reflects this.

6.10.1 Another matter that is raised in public comments received is an upcoming second reading (24th March) of a Private Members Bill (under the Ten Minute Rule) *named Lithium-Ion Battery Storage (Fire Safety and Environmental Permits) Bill*. The parliament.uk website states that 'Ten Minute Rule bills are often an opportunity for Members to voice an opinion on a subject or aspect of existing legislation, rather than a serious attempt to get a bill passed...It is a good opportunity to raise the profile of an issue and to see whether it has support among other Members'.

6.10.2 The Bill proposes to reclassify lithium-ion battery storage facilities as hazardous so that the Environment Agency, the Health and Safety Executive and the fire and rescue services would be statutory consultees when planning applications are considered. Whilst they are not currently statutory consultees for this type of application, I have consulted them in any case and the responses are set out in Section 5 of this report. It is also noted that the applicant has submitted a Battery Safety Management Plan and any approval would include the following condition:

'The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site'.

6.10.3 As the proposed consultees in the Bill have been consulted and there is no certainty that the Bill will progress or if it does how long the process would be or what effect it would have on this scheme, I do not consider that a delay to making a decision here is reasonable.

6.11 Human Rights

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

7. CONCLUSIONS

7.1.1 The proposed varying of Condition 2 (plans) of permission 22/00045/FUL results in inappropriate development (as before) and the impact on openness would be moderate until proposed planting is established, reducing to a limited impact in the medium/longer term. This harm by reason of inappropriateness and harm to openness is given substantial weight.

7.1.2 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the impacts can be made acceptable due to the location of the proposed development adjacent to an existing Penn Substation, together with the existing and proposed landscaping. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.

7.1.3 The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

7.1.4 Subject to various conditions, the proposal to vary condition 2 of 22/00045/FUL is in accordance with the relevant policies of the South Staffordshire Core Strategy 2012, and the relevant provisions of the NPPF 2021.

8. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the original permission was granted under permission 22/00045/FUL which is 29.09.2022.

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

3. Before works above slab level, full details of facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

4. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.

5. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed in accordance with the approved plans

6. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.

7. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.

8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;

- Means of safe passage of all construction traffic to the site.
- adequate signage.
- Means of preventing deleterious material from being deposited upon the highway.
Has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

9. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Construction phase lighting, Reasonable Avoidance Measures, Method Statements for Reptiles and amphibia, nesting birds, badgers and hedgehogs, descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.

10. The approved CEMP and HMP, cumulatively with Field at Penn 1 site (ref 22/01193/VAR) shall deliver a minimum Biodiversity Net Gain of 8.94%, as measured by the Defra Biodiversity Metric, with the baseline established by the Preliminary Ecological Appraisal (Harris Lamb, July 2021).

11. Prior to commencement of any site works, submission of a pre-commencement badger survey to be agreed by the local planning authority and thereafter the development shall be carried out in accordance with the agreed survey.

12. Prior to operation of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.

13. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).

- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.

- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full

accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.

- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria.

Mitigation indices are to exceed pollution indices for all sources of runoff.

- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handboook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site. Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.

- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

14. The applicant and developer are to ensure that the management and control of surface water (as agreed under Condition 12) are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

15. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy throughout the life of the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

16. Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.

17. Prior to operation of the site, a proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested.

18. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Thereafter the development shall be carried out in accordance with the Approved SuDS and Maintenance Plan.

19. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service and Severn Trent to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The Tactical Information Record shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site.

20. Prior to operation of the development, a landscape scheme, detailing native species planting / seed mixes and how these will be managed via a Landscape Ecological Management Plan or similar, shall be submitted to the Local Planning Authority for approval. All measures within the approved landscaping / tree planting scheme, including aftercare provision, shall be implemented within 6 months of completion of construction related activity and maintained as specified. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.

21. No tree shall be removed without a bat roost assessment which must be submitted to the Local Planning Authority for approval.

22. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1-hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15-minute as measured 1m from the boundary of nearest residential receptors.

23. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.

24. No development shall take place until mitigation details for dust arising from construction activities have been submitted to and approved by the Local planning Authority.

25. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. In order to define the permission and to avoid doubt.

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

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

5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

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

10. In order to provide ecological enhancements in accordance with EQ1 of the adopted Core Strategy.

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

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

13. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

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

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

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

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

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

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

20. To safeguard the amenity of the area and build biodiversity into the development scheme in accordance with policy EQ11, EQ1 and EQ4 of the adopted Core Strategy.

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

22. To protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment in accordance with policy EQ9 of the adopted Core Strategy.

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

24. To prevent dust being emitted across the site boundary during dry periods safeguarding the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

INFORMATIVES

Highways Authority

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgre ments.aspx

Great Crested Newts

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

Western Power Distribution

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Tipton Projects Team, Toll End Road, Tipton, West Midlands, DY4 0HH or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.
When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

Description of Clearance	Minimum Clearance from 132kV Lines (Meters)	Recommended Clearances from 132kV Lines (Meters)
Line Conductors to Ground (other than a road)	6.7	7.0
Line Conductors to road surface (not a high load route or motorway)	6.7	7.3
Line Conductor to building or other structure	3.6	6.6
Line conductor to plant during construction	3.2*	-

*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.
The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors.
Please note that the overhead conductors are live at 132,000 volts.

Staffordshire Police

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to BS EN 50131-1:1997 Grade 3 and BS 8418 with a unique reference number aimed at achieving Police Response.

1.1 Alarm System and CCTV.
I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to the following standards with a unique reference number aimed at achieving Police Response.

Secured By Design Commercial Developments 2015.
Section 64 Intruder alarms systems.

Section 64.1 (Security Systems Policy and Police Response)
A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com

Section 64.2 (Loss Prevention Certification Board component requirements)
System designers may wish to specify component products certificated to the following standards:
LPS 1602 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors
LPS 1603 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

Section 49 Closed circuit television (CCTV).

Section 49.1 (As part of a Security Plan and Security Management)
CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

Section 49.3
The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.4 (Matters requiring discussion with installer)
Whilst the location of cameras is a site specific matter it would be normal practice to observe the main entrance to the premises and the reception area. Early discussions with an independent expert and potential installers can resolve a number of matters including:

- monitoring and recording requirements
- activation in association with the intruder alarm
- requirements for observation and facial recognition/identification
- areas to be monitored and field of view
- activities to be monitored
- the use of recorded images
- maintenance of equipment and the management of recording
- subsequent ongoing training of Operatives

Section 49.5 (Required Minimum Standard for installation)
CCTV systems must be installed to BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications

Section 49.6 (Lighting must support the proposed CCTV system)
The design of a CCTV system should be co-ordinated with the existing or planned lighting system for the buildings and the external grounds, to ensure that the quality of the lighting is sufficient to support the CCTV.

Section 49.8 (Data Protection, Human Rights and Information Commissioners registration)
CCTV systems may have to be registered with the Information Commissioner's Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available at this website: www.ico.gov.uk

Section 49.9 (CCTV Management and Operation Code of Practice and Best Practice in relation to use of data as evidence)
For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice. This document provides guidance and recommendations for the operation and management of CCTV within a controlled environment where data that may be offered as evidence is received, stored, reviewed or analysed. It assists owners of CCTV systems to follow best practices in gaining reliable information that may be used as evidence.

Section 49.10 (Installation standard for detector operated systems)
Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015 Installation and remote monitoring of detector operated CCTV systems - Code of practice

1.2 Proposed Security Fence.

I support the intention to install a Palisade fence to a height of 2.4m. This boundary should be manufactured and installed to LPS 1175 Security Rating 1.

Secured By Design. Commercial 2015.

Note 43.16: The above LPS standard (LPS 1175 Security Rating 1) relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design. Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates.

All gates installed within a secure fencing system as described above must be certificated to the same standard as the adjoining fencing and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids.

Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position.

Note: If gates are installed with locks that are remotely operated, they must form part of the manufacturer's Secured By Design certificated range.

1.3 Lighting (Recommended minimum guidance)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas. This is of greater importance where this lighting is intended to support CCTV. Note: Taking into account the location and the use of CCTV, motion sensor activated lighting is probably the most appropriate lighting for these proposals.

Secured By Design. Commercial (2015 V2).

Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of pedestrians and are vulnerable to vandalism and vehicle collision. Therefore, their use for security purposes is discouraged.

Section 48. External lighting standard requirements.

Section 48.1 All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 48.2 Landscaping, tree planting and lighting schemes shall not be in conflict with each other.

2. Further Information.
Please note that relevant help and information may be gained from the following web sites:
www.securedbydesign.com
(The official Police Security Initiative and Police Preferred Specified security product scheme).
www.gov.uk/data-protection
(Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).
www.bsi-global.com
(Standards, Training, Testing, Assessment and Certification).
www.bregroup.com
(Offer quality of performance and protection certification for fire, security and environmental products and services).
www.nsi.org.uk
(Independent UKAS-accredited certification body in the security and fire sector).
www.ico.gov.uk
(Independent authority upholding information rights in the public interest and data privacy for individuals).

Staffordshire Fire and Rescue Service

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

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

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

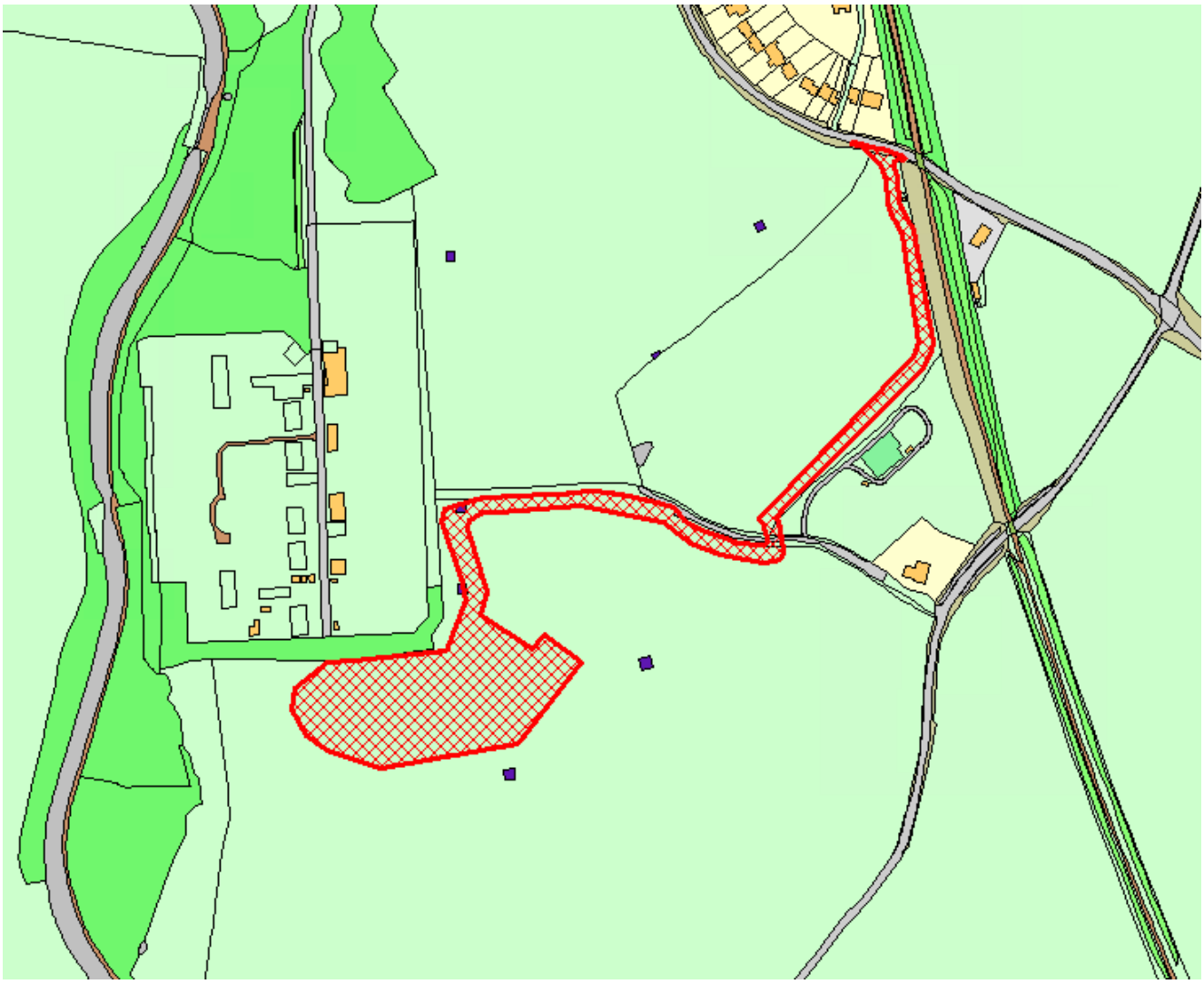
Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk- the website of the British Automatic Fire Sprinklers Association Ltd.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Location Plan	P1900-01G	REV G	28 December 2023
Network Overall Layout	EPC-0339-PL-C-LA-OSL-02	REV 3	28 December 2023
Fence and Gate Elevations	EPC-0339-C-E-LA-FG	REV 0.3	28 December 2023
Auxiliary Transformer Plan and Elevations	EPC-0339-C-E-LA-ATX	REV 0.2	19 January 2023
Battery Unit Plans and Elevations	EPC-0339-C-E-LA-BATT	REV 0.4	19 January 2023
Customer Switchgear and Control Room Elevations	EPC-0339-C-E-LA-CCR	REV 0.4	19 January 2023
Twin Skid Unit Plans and Elevations	EPC-0339-C-E-LA-PCS	REV 0.4	19 January 2023
Flood Risk Assessment	PBS2-BWB-ZZ-XX-RP-YE-0001_FRA		4 January 2023
Noise Impact Assessment & Appendix A-D			4 January 2023
Landscape and Visual Appraisal			28 December 2022

Landscape Mitigation Strategy Plan	21111-105	C	6 March 2023
Ecology Update	15122022		28 December 2022
Biodiversity Metrics			4 January 2023



Field At (Penn 2), Penstone Lane, Lower Penn