23/00145/FUL	**Mr James Stone**	**Penkridge North & Acton Trussell**
MAJOR		Councillor Andrew Adams
		Councillor Sam Harper-Wallis

Land On South West Side Of Levedale Road Levedale

Proposed battery energy storage facility and substation with new access and associated fencing and landscaping

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	Requested 03.11.2023	24th November 2023

1.0 SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site is a 3.7-hectare area of agricultural land located within the open countryside. There is no existing formal vehicular access to the site. The site area includes land from Levedale Road running southwest alongside the field boundary, past an agricultural building and through a field boundary to the main area of site which measures 2.7ha in area, approximately half the area of the agricultural field. Much of the site boundary comprises hedgerow interspersed with trees. An existing track runs from Levedale Road adjacent to the site and serves the agricultural buildings and continues south to serve the farmland to the south of the site. A pond is located beyond the field boundary and southwest site boundary. The site is relatively level near to Levedale Road before sloping gently downwards to the southern boundary.

1.1.2 The wider area is rural in character, containing mainly farmland and clusters of dwellings and farm buildings along Levedale Road between Coppenhall village 3.5km to the north and Penkridge village 2.3km southeast of the site.

Date of site visit – 6th April and 11th May 2023

1.2 Site History

Planning Applications

There are no records of previous planning applications within the red line boundary for this application.

1.3 Application Details

1.3.1 Planning permission is sought for the erection of a battery energy storage facility and substation with new access and associated fencing and landscaping. The purpose of the proposal is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system. The proposed storage would allow for up to 50MW of energy and would connect via existing powerlines.

1.3.2 Amended plans have been received during the course of the application. The internal vehicle access route to through the field boundary has been moved to avoid impacting a veteran tree, and the substation is now shown on the plans with elevation drawings.

1.3.3 As shown on the submitted plans the proposals consist of a new access from Levedale Road with a track measuring 5.5m width running south from Levedale Road to the main part of the site where the infrastructure is proposed. This area measures 1.4ha and would be surfaced in a permeable material. Within this area would sit the batteries housed within containers alongside inverter and transformer modules. The inverter and transformers would measure 2.85m in height including the base on which they sit. The battery containers would measure 3m in height including the base.

1.3.4 The proposed access track would run into the centre of the site with the proposed substation and other supporting buildings/infrastructure comprising a control room, aux transformer, DNO and storage rooms. The buildings would measure approximately 3.7m in height from ground level. The substation compound would contain transformers and other infrastructure enclosed by a palisade fence. Adjacent to the northern edge of the palisade fence would be the switchroom. The infrastructure within the compound to support the transferring of power between the batteries and grid would vary in height between 3.9m and 6.5m. CCTV poles are proposed within each corner of the compound. Whilst not part of the application, it is noted that an underground cable would run from the substation transformer 390m east to an electricity pylon. Landscaping including tree planting, wildflower planting, and tussock grass planting, are proposed alongside the access road and around the hardstanding area in which the batteries/infrastructure are located.

1.3.5 Both of the construction and operational phases of the development would take access from Levedale Road. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once the site is operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

Agent submission

1.3.6 The following documents have been submitted to support the application:

- Planning, Design and Access Statement (dated December 2022)
- Outline Battery Safety Management Plan (dated June 2023)
- Transport Statement (dated November 2023)
- Construction Traffic Management Plan (dated November 2023)
- Landscape and Visual Impact Appraisal (dated August 2023)
- LVIA Supporting graphics (ref 05-1095)
- Historic Environment Desk Based Assessment (dated July 2022)
- Arboricultural Appraisal Report (dated 19th July 2023)
- Tree Survey Schedule (ref DEV220425-937)
- Tree Protection Plan South (dated 19th July 2023)
- Tree Protection Plan North (dated 19th July 2023)
- Noise Impact Assessment (dated 7th February 2023)
- Preliminary Ecological Appraisal (dated August 2022)

- Ecological Impact Assessment (dated March 2023)
- Dormouse Nut Search Report (dated 27th March 2023)
- Biodiversity Net Gain Design Stage Report (dated June 2023)
- Biodiversity Metric Calculations (dated 3rd January 2023)
- Great Crested Newt District License Report (dated 26th October 2023)
- Impact Plan for Great Crested Newt Licensing V2 (dated 27th June 2023)
- Flood Risk Assessment / Drainage Strategy (dated November 2023)
- Agricultural Land Classification and Appendix 1-6 (dated 13th July 2022)

1.4 POLICY

1.4.1 Constraints

Newt - Impact Risk Zone Amber/Red
Newt - Strategic Opportunity Area
Open Countryside
SAC Zone- 8km Buffer

1.4.2 Policies

South Staffordshire Core Strategy (2012)
Policy OC1 - Development in the Open Countryside Beyond the West Midlands Green Belt
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
Policy EQ3 - Conservation, Preservation and Protection of Heritage Assets
Policy EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
Core Policy 3: Sustainable Development and Climate Change
Policy EQ5 - Sustainable Resources and Energy Efficiency
Policy EQ6 - Renewables Energy
Policy EQ8: Waste
Policy EQ9 - Protecting Residential Amenity
Policy EQ10 - Hazardous and Environmentally Sensitive Development
Policy EQ11 - Wider Design Considerations
Policy EQ12 - Landscaping
Policy EV8 - Agriculture
Core Policy 11 - Sustainable Transport
Policy EV11: Sustainable Travel
Policy EV12 - Parking Provision
Policy CS1: Designing Out Crime

Supplementary Planning Documents
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design Guide SPD 2018
Sustainable Development SPD 2018

National Planning Policy Framework
Section 2 Achieving sustainable development.
Section 4 Decision-making
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and Enhancing the Natural Environment
Section 16 Conserving and enhancing the historic environment.

National Policy Statement for Energy (EN - 1) (July 2011)
Para 1.1.1 - Role of this NPS in the planning system
Para 2.2.5 - The transition to a low carbon economy
Para 2.2.20 - Security of energy supplies
Para 3.3.29 - Reducing demand.
Para 3.3.11/12 - The need for more electricity capacity to support an increased supply.
from renewables
Para 3.3.31 - More intelligent use of electricity

Draft National Policy Statement for Energy (EN - 1) (September 2021)
Para 3.3.24 - 3.3.29 - The role of storage
Updated Guidance on Renewable and low carbon (August 2023)

1.5 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
27 April 2023	3 May 2023

Penkridge Parish Council
14th April 2023
Objection **-** Industrialisation of agricultural land in the Penkridge Area

Councillor Josephine Chapman - Penkridge West Ward
No Response Received

Environmental Health Protection
6th April 2023
I have reviewed the documents submitted with this application, in order to protect the amenity of the neighbouring residential properties it is requested that it is conditioned that mitigation measures suggested in the noise assessment submitted with the application are implemented i.e.
1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m2, or provide a minimum sound reduction performance of 15-20dB.

Arboricultural Officer Consultation
22nd September 2023
No objection subject to layout amendments avoiding root protection area incursion.

Senior Ecologist - South Staffordshire
01st November 2023

Tom Nutt – Senior Planning Officer: Planning Committee 21st November 2023

Thank you for reconsulting me on this application. In addition to the documents, I viewed as part of my initial response I have now also reviewed the amended layout and amended arboricultural reports for this application, as well as the Naturespace reports.
I have visited the site and have also viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Designated Wildlife Sites

I consider it likely that the proposed development will not result in significant effects to designated wildlife sites. I am satisfied that the potential risk to designated wildlife sites because of the proposed development is negligible.

Habitats

My previous consultation response noted a concern regarding impacts to the veteran trees on site from the proposed access. I recommended as part of this response that the access be amended to progress further east through a hedgerow, thus avoiding impacts to the veteran trees. I welcome the amended proposed layout, which diverts the access as suggested above, and avoids the impact.

Based on the information submitted I am satisfied that the proposed development will result in a net gain for biodiversity of c.13.10% in habitat units and 36.11% for hedgerows. I note that the biodiversity metric has not been amended since the removal of a small section of hedgerow but based on the significant quantity of proposed new hedgerow planting, I do not consider this minor additional loss to be material to the assessment of biodiversity impacts.

I therefore have no significant concerns regarding the impact of the proposed development to habitats and welcome the biodiversity net gains associated with the proposed development for which I have recommended a Habitat Management and Monitoring Plan to secure the long-term management of.
Protected Species

My previous response indicated concerns regarding the significant pruning of T6 (as per the arboricultural report), which is a veteran tree and the associated potential impacts to roosting bats. The amended layout has alleviated these concerns by avoiding impacts to T6. I therefore have no significant concerns in relation to roosting bats.

My previous response also noted that the applicant had not submitted reports to confirm that they were participating with Naturespace's District-Level Licensing Scheme. I have now received and reviewed the impact plan and district licence report from Naturespace and am satisfied that any constraints regarding great crested newts are now addressed. I recommend that the conditions detailed within the Naturespace report are included on any decision notice to secure this approach.

I consider that the habitats proposed on site will likely increase not only the botanical diversity on site but also the diversity of fauna in the local area in comparison to the baseline arable habitat, particularly birds, amphibians, invertebrates, small mammals (including bats) and reptiles. I welcome these enhancements.
I have no significant concerns regarding the proposed development and impacts to protected species. Pre-commencement checks for badger and Schedule 1 birds (specifically hobby) must be progressed and I have recommended a condition to ensure this is progressed. I consider it likely that the site will be enhanced for biodiversity overall from the baseline on completion of the proposed development.

Recommendations
Should you be minded to approve the application, I recommend the following conditions and informative notes are added to any decision notice:

Condition 1 - Compliance with existing documents
All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

Condition 2 – Construction and Environmental Management Plan (CEMP)
No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
a) A risk assessment of potentially damaging activities and the phases associated with them.
b) Identification of biodiversity protection zones.
c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
d) The location and timing of sensitive works to avoid harm to ecological features.
e) The times during construction when an ecological clerk of works (ECoW) needs to be present (as appropriate).
f) Role and responsibilities of the ECoW if appropriate.
g) Responsible persons and lines of communication.
The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

Condition 3 - Landscape and Ecological Management Plan (LEMP)
Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on the site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
e) Detailed management prescriptions and a work schedule with annual plan
f) Responsibilities of bodies/organisations for implementation against actions
g) Monitoring and remedial measures
The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

Reason: To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

County Highways
25th May 2023
Recommendation Summary: Conditional
Site Visit Conducted on: 23-May-2023

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed.
2. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.
3. The development hereby permitted shall not be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
4. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.

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

Note to Planning Officer.
The proposed development is located in a rural area. The vehicular access is from a classified road subject to a speed limit of 40 mph. There are no recorded vehicular accidents within the required visibility splay of the access in the last 5 years. The conditional recommendation is based upon the information submitted. This application has been dealt with as a seperate site although it is noted that an application has been submitted close by. The predicted daily HGV movements are relatively low.

County Planning
11th May 2023

Further to our letter dated 18 April 2023, I write to respond to additional information submitted by the applicant to address concerns raised by Staffordshire County Council, acting as the Mineral and Waste Planning Authority.

Background

Staffordshire County Council previously responded to your Authority's consultation in relation to the proposed battery energy storage facility with a holding objection (refer to our letter dated 18 April 2023 ref: SCC/23/0046/CON). Since, we have received additional information from the applicant's agent in a letter dated 2 May 2023.

Observations

To reiterate, our records confirm that the site falls within the Mineral Safeguarding Area (MSA) for Superficial Sand and Gravel, as defined in the Minerals Local Plan for Staffordshire (2015-2030).
Paragraph 212 of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015-2030) aim to protect mineral resources from sterilisation by other forms of development.

The additional information confirms that:

- The battery modules as set out in the Design and Access Statement will involve limited disturbance of the ground with battery storage units being positioned on top of a permeable gravel surface.
- The construction of a BESS site is reversible, thereby meaning that there would be no permanent mineral sterilisation.

Conclusions

Having regard to the policies, guidance and observations referred to above, it is now reasonable to conclude that the proposed development would not lead to the permanent sterilisation of significant mineral resources.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection, to the planning application for a proposed battery energy storage facility and substation with new access and associated fencing and landscaping on Land on the Southwest side of Levedale Road for the reasons described above.

I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

Staffordshire County Council Flood Risk Management Team
17th May 2023
Thank you for consulting us on this planning application, our response is as follows:

Advice to LPA
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:

Condition:
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- i.e. to Greenfield equivalent rates.
- Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the 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 associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

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

Historic Environment Officer Archaeology
12th April 2023
Thank you for your consultation request regarding the proposed battery energy storage facility and substation with new access and associated fencing and landscaping at the above site. This letter outlines the response of Staffordshire County Council's Historic Environment Team regarding the historic environment implications of the proposals.

Archaeological/Historic Environment Interest

This application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER), historic mapping and the Historic Environment Desk-based Assessment (HEDBA) submitted in support of the application. The information detailed in the HEDBA will not be repeated in detail here, although it demonstrated that the proposed development site is located within an area which has been subject to little archaeological investigation, hence the archaeological potential of the site is largely unknown; the HEDBA concluded that on the basis of available information, the potential for buried archaeology at the site is generally low, but highlighted that the proposed development has the capacity to disturb archaeological deposits where present. Within the wider landscape of the site, evidence of ridge and furrow and find spots ranging from prehistoric to post-medieval in date indicate past activity in the area.

Recommendations

Taking the above into account with regards to the uncertain archaeological potential of the site, and considering the potential impact of the scheme, it is advised that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). The archaeological evaluation must be undertaken sufficiently in advance of construction so that, should further archaeological mitigation be required, it can be designed and fully implemented. This staged archaeological evaluation should comprise a geophysical survey followed by targeted trial trenching, the scale and location of which should be informed by the geophysical survey and any ground investigation works carried out associated with the proposed development or previously carried out and available.

This approach, i.e. archaeological evaluation, is supported by NPPF (2021) para 194, while any works which stem from the evaluation are supported by para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance.

Suggested Condition

The above work* would most appropriately be secured via a condition being attached to any permission issued. This condition should state:

A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and postfieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

Staffordshire Fire and Rescue Service

24th April 2023
I refer to the planning application dated 17 February 2023 depicting the proposed development at the above address.

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.

Environment Agency
18th April 2023
Thank you for referring the above application for review in respect of COMAH Regulations, which was received by us on 29th March 2023. According to our records there are no COMAH sites or high hazard assets within the vicinity of the proposed development. We therefore have no comment to make.

Severn Trent Water Ltd
20th April 2023

With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

NatureSpace Partnership (Great Crested Newts)
27th October 2023

If/when planning permission is to be granted under 23/00145/FUL: Attach the mandatory planning conditions and informatives:

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.
The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Informatives:
It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

Ramblers Association
11th April 2023
The proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal.

Kully Tanda - Designing Out Crime Officer
18th April 2023

It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

In light of the current energy costs increasing at a rapid rate, there is a potential risk for the at the site for attempts theft, criminal damage and even harm to offenders. With that borne in mind, security at the site is paramount.

Over the past few years, the national trend relating to an increase of crime connected to solar farms has also been observed in Staffordshire, with a solar farm in South Staffordshire being a repeat target. The trend was first observed in 2019, where the solar panels were being stolen, in 2020 the offenders started stealing the copper cables, with approximately 50m of cable being stolen on each occasion. The solar farms were often targeted on more than one occasion in quick succession, as they are already aware of the solar farm, the security levels and if the site has monitored CCTV. The thefts are arranged by organised groups, who often target many solar farms, so they are experienced and know how avoid being captured by the CCTV and/or the police.

The price of scrap metal is on the rise, which also means the reward for the thieves will also rise. The thieves will also know of which scrap metal yards will purchase the copper with no questions asked.

As solar farms are usually found in rural areas, nationally the trend is for solar farm developments are only permitted to install a deer fence as a security perimeter, these do not deter thieves and do not prevent access to the solar farm itself.

Whilst this is not a Solar Farm, the potential for a similar attack must be considered.

Design Concerns

As I mentioned in my preapplication response, I have concerns regarding security of the site. The plans only indicate the perimeter fence will be around the substation. I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

I support the intention to install a CCTV in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered.

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel. The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing.
The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

Alarm System
A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

CCTV Systems
A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:

- BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and
- BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217).

Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

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

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

Alarm Receiving Centres
If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:
i) Cyber Essentials
ii) BS 8418 Remotely Monitored detector Activated CCTV Systems
iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice
iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)
or
BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)
or
BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at www.securedbydesign.com

Construction Security
It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

Open Spaces Society
No Response Received

Badger Conservation Group
No Response Received

Campaign To Protect Rural England Staffordshire
No Response Received

Health and Safety Executive
No Response Received

Public representations

A total of 8 public representations have been received which object to the application. A summary of these responses is set out below.

- Increase in HGV traffic during construction phase.
- No consultation with the local community.
- Risk of fire or explosion and resulting in harmful impacts on the health and safety people and wildlife.
- Harmful impact on the rural character of the landscape.
- Cumulative impact on traffic with nearby solar applications.
- HGVs cannot access Levedale Road without overrunning the pavements.
- Too close to properties and a school.
- Noise from the inverters affecting residents' peace and tranquillity.
- concerns about increased traffic during the construction and maintenance phases. This could pose significant safety risks to schoolchildren and other pedestrians.
- Potential contamination risks to the groundwater and local waterways, disruption to local fauna, and the potential for soil erosion.
- would create an unsightly blot on the landscape, detracting from the visual appeal of the area and potentially impacting property values.
- Cumulative Impact of solar farm and BESS could be overwhelming for the local community, both visually and in terms of infrastructure strain.
- The application significantly overlooks historic assets such as Longridge House, indicative of a superficial comprehension of the site's history.
- The development stands to obliterate valuable arable land, historically indispensable for crop production and emblematic of the community's agrarian heritage.
- Any proposal of this magnitude and inherent risk must be accompanied by comprehensive safety protocols. This includes state-of-the-art fire suppression systems, rigorous routine inspections, and well-rehearsed emergency response plans. Given the potential fallout, every imaginable safety measure should be non-negotiable.
- while the intention to support renewable energy is laudable, the palpable risks associated with large-scale battery storage cannot be relegated to the background.
- The aggregate effect of this proposal and the other solar farms could severely strain local infrastructure, particularly roads unprepared for surging traffic.

- The facility would lead to a net GHG emission increase of CO2 per kW hour when delivering electricity to the grid.
- This is a dangerous road already, members of the public love to come through cycling and walking and enjoying the countryside. The Current use of HGV's is an accident waiting to happen.
- Not in keeping with the area. Such a development must have a significant environmental impact.
- Loss of prime arable land.
- MP Maria Miller's Private Members Bill is calling for England's Fire & Rescue Services, to be made statutory consultants in the planning applications for proposed industry Lithium-ion Battery Storage Facilities. BESS are highly complex, with the potential to create dangerous events & hazardous substances. The second reading of the bill is scheduled for November 24th, and aims to ensure that Industrial Lithium-ion Battery Storage Facilities are correctly categorised as hazardous so that the Environment Agency, the Health and Safety Executive and Fire and Rescue Services are consultees when planning applications are considered.
- Comments that neighbours letters weren't received, placing of site notices were unintentionally misleading and express and star press notices are not engaged with by the public.
- Can land suffocated by such substantial concrete layers feasibly be reverted to its original agricultural state in future decades?
- Potential harm to Longridge House, a Grade I listed asset. The presence of a school for special needs children at Longridge further accentuates the potential adverse impacts.
- Increased flood risk from concrete surfaces.
- Water Contamination: The proximity of the proposed site to the River Penk and drains directly feed into the local pools, ditches, and streams.

1.6 APPRAISAL

The application is referred to planning committee for determination as the recommendation to approve is contrary to the Development Plan (Council Constitution, Appendix A, page 74, paragraph 3.2).

1.7 Key Issues

- Policy & principle of development
- Impact upon landscape character
- Contribution to climate change targets
- Site selection/sustainability of location
- Loss of agricultural land
- Impact on heritage assets/archaeology
- Highway Safety
- Impact on neighbouring amenity/noise and health
- Ecology & trees
- Drainage and flooding
- Human Rights

1.8 Policy & principle of development

1.8.1 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).

1.8.2 The site is situated within the Open Countryside where Core Strategy Policy OC1 applies. Policy OC1 states that Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Policy OC1 therefore places a presumption against development except for the development types listed within the policy. One of these is C(f) '*the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt'.*

1.8.3 The area in which the battery energy storage facility would sit measures 150m x 100m. This area would comprise the batteries and inverters along with the sub-station, CCTV cameras and perimeter fencing. Given that this area is currently agricultural land with no buildings or structures present, the proposal would clearly have a material effect on the appearance and character of the Open Countryside. The proposal is therefore contrary to Core Strategy Policy OC1.

1.8.4 As a result of the clear conflict with Core Strategy policy OC1, which is the relevant strategic policy, the proposal is a departure from the development plan and should be refused, unless material considerations indicate otherwise (TCPA 2004 38(6)). The relevant material considerations here include the National Planning Policy Framework 2023 (NPPF), emerging South Staffordshire Local Plan and the National Policy Statement for Energy (EN - 1) (July 2011) and Draft National Policy Statement for Energy (EN - 1) (September 2021). These are set out below.

1.8.5 The remainder of this report will set out the impacts of the proposal within the context of the detailed policies of the development plan and relevant material considerations.

1.9 Impact upon landscape character

1.9.1 With regard to national planning policy, Policy OC1 and the requirement to protect the open countryside 'for its own sake' was reflected in government policy (PPS7) at the time of adoption of the Core Strategy in 2012. Since then, national planning policy in the form of the National Planning Policy Framework (NPPF) has shifted from the idea of blanket protection to protecting 'valued landscapes' and for the rest of the countryside, recognising its intrinsic character and beauty (NPPF paragraph 174). The concept of 'valued landscapes' is undefined, but it is generally agreed that whilst they need not be designated, they should have 'sufficient landscape qualities to elevate it above other more everyday landscapes' (Landscape Institute Technical Guidance Note 02/21) also noting that 'everyday landscapes' are also valuable to people, but a distinction must be made for the concept of 'valued landscapes' to have any meaning.

1.9.2 Non-strategic Core Strategy Policies EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Policy EQ4 advises that 'the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views'.

1.9.3 It is noted that the council's draft Local Plan (Pre- Submission Plan 2022) includes battery storage within the relevant renewable/sustainable energy policy (NB5) and states that they will be supported throughout the district, subject to conformity with other local plan policies and cumulative impacts of other planned, committed or completed development.

1.9.4 The application site reflects the landscape character of the wider area, a landscape of mixed arable and pastoral farmland, the character of which is strongly influenced by existing land use and farming practices.

The site itself comprises of half a field with the field as a whole being bounded by hedges between 2.5m-6m in height interspersed with 12m-15m tall oak trees. There are no public rights of way within the site and the closest public right way is located 850m south of the site (Penkridge 41).

1.9.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies visual receptors (people who are likely to experience changes in views or visual amenity as a result of the proposed development). Public views from the nearest streets within the vicinity of the development were considered from No. 1 Holding Levedale, Oak Barns and Poppywell Farm. Recreational receptors and road user receptors within the surrounding landscape were also identified. The assessment is undertaken in accordance with 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition, published by The Landscape Institute and Institute for Environmental Management & Assessment (April 2013).

1.9.6 The report identified that, absent landscape mitigation, glimpses of the development would be possible from Levedale Road and residential receptors with existing hedge along Levedale Road partially obscuring views. The magnitude of change would be 'slight' with a Moderate/ Minor Effect at Year 1, leading to a Negligible magnitude of change with a Minor Effect at Year 15. This reduction in visual impact would be due to the landscape mitigation proposed which includes hedgerows and tree planting on the south eastern side of the access track and south eastern boundary of the site which would screen the battery storage units over time.

1.9.7 The planning officer's site visit included a walkover of the site, surrounding fields and along Levedale Road. The site is considered to be well contained within its local setting as described above, and as a result there are unlikely to be short, medium or long-distance views adversely affected by the proposals. The Ramblers Association have reviewed the proposals and comment that, 'the proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal'.

1.9.8 Along with the mitigation strategy, the details of which can be secured by condition, there is unlikely to be a harmful impact on landscape character as the battery units and infrastructure would be barely visible by year 15 as shown within Appendix E of the LVIA. The proposed planting would strengthen the existing character of the area as well as screening the site from views. Whilst there would be a visual impact during construction and a minor impact within the first years following completion, this would be temporary, and on a medium to longer timeframe the intrinsic rural character and local distinctiveness of the South Staffordshire landscape would be maintained in accordance with Core Strategy policies EQ4 and EQ12 as well as NPPF paragraph 174. Any permission should include conditions to agree a soft and hard landscaping scheme, boundary treatments and external materials/colours.

1.9.9 It is noted that whilst the landscape here is valuable to people, it is not considered to have sufficient landscape qualities (historical, cultural, recreational, ecology etc) to elevate it above other landscapes. As a result, the stricter policy test within NPPF paragraph 174 regarding 'valued landscapes' is not applied here.

1.9.10 With regard to cumulative impacts, it is noted that there is a proposal for a solar farm at Land Around Preston Hill Farm (planning application 23/00009/FUL). That application is pending consideration and is likely to be determined at a later date than this application. As there is no certainty that application 23/00009/FUL will be permitted and then implemented, the cumulative impact of both applications together in determining this application can only be given limited weight. Nevertheless, it is recognised that the two sites are approximately 400m apart at their closest but with the bulk of the proposed solar farm extending further south away from this site. There is one middle distance view (as in within 2km) of the site from the Public Right of Way ref no 13 (Viewpoint 5 of the submitted LVIA) where both the proposed site and the proposed solar farm may be seen near each other as a cumulative impact. However, the proposed battery storage site is

screened by natural mitigation comprising of the existing intervening vegetation and rolling topography. As a result, there would be a negligible cumulative impact with regard to views or how the landscape is experienced around these two application sites. In the event that both proposals were implemented concurrently, there would also be an impact from HGV movements during construction. However, these would be temporary and once both sites were operational there would be no material increase in traffic.

1.10 Contribution to climate change targets

1.10.1 This proposal is for the storage of electricity which the government has stated is necessary to support an increased reliance on renewable energy such as wind and solar power to meet the government's climate change targets. In that respect, whilst battery energy storage does not come under Core Strategy policy EQ6 'Renewable Energy' the thrust of policy EQ6 to support a low carbon future is relevant here as proposals for battery energy storage are integral to this aim and also reflected in national energy policy.

1.10.2 The purpose of the proposal is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system. The proposed scheme is designed to store electricity within the batteries and would be able to release or absorb energy from the power network.

1.10.3 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 becomes 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).

1.10.4 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'.

1.10.5 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 National Electricity Transmission System Operator (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'

1.10.6 The provision of low carbon energy is also 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.

1.11 Site selection/sustainability of location

1.11.1 Public representations have been received supporting the purpose of the proposal but objecting to the location within the open countryside and on agricultural land. Excluding open countryside/agricultural land would leave the districts villages or urban areas of Wolverhampton for example. However, urban areas are usually prioritised for other forms of development, notably residential and employment development. A site would need to be found 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.

1.11.2 With regards to Core Policy 1 (Spatial Strategy) it is accepted that this area is outside of a service village and is not, therefore, intended for growth. However, given the nature of the proposal and the extent of land needed, it is not likely that a proposal of this scale could be accommodated within or close to a village boundary due to existing built form and physical constraints, coupled with the need to be situated next to an existing pylon/connection point. In any case, the aim of the Spatial Strategy is to direct growth in a sustainable way to ensure that development has access to services and facilities. In this case, once operational the battery storage facility would be subject only to very minimal visits for the purpose of maintenance and would not therefore create unsustainable vehicle trips.

1.11.3 The submitted Planning Statement states that the location chosen is driven by a number of factors which include the ability to connect to the national grid. The 132kV lines to the east of the site do have capacity to both deliver and receive power inputs and this is the main determining factor of location. The line into which the development would connect is the principal connection between the northern parts of the West Midlands conurbation and Stafford. It is one of the key distributors of energy for communities to the north west of Birmingham. The other considerations which have determined the exact location are landscape character (see LVIA), being outside Green Belt and the absence of other designations or rights of way close by.

1.11.4 With regard to site selection it is considered that the applicant has taken a reasonable and proportionate approach. It is also noted that there is no requirement for this type of proposal to undertake a sequential test. As a result, the proposal must be assessed on its own merits and whether it is acceptable here, not whether there may be a more preferable location elsewhere.

1.12 Loss of agricultural land

1.12.1 NPPF paragraph 174, it states that valued landscapes should be protected and that the economic and other benefits of the best and most versatile agricultural land should be recognised. The footnote further advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Best and Most Versatile (or BMV) land is defined within the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification.

1.12.2 Public representations have been received objecting to the proposal due to the loss of agricultural land.

1.12.3 An Agricultural Land Classification Assessment has been submitted and includes data form a survey of the land comprising 1 trial pit and 1 soil sample per hectare to depth of 120cm and a number of smaller trial pits at some of these locations. The report confirms that the land is in arable rotation and the total site area is 7.5ha in area.

1.12.4 Agricultural land is classified into one of 5 grades: grade 1 being of excellent quality and grade 5 being land of very poor quality. Grade 3 land, which constitutes approximately half of all agricultural land in the United Kingdom is divided into 2 subgrades – 3a and 3b. The application site is made up of Grade 3 agricultural

land and whilst parts of the site are considered to be Grade 2 and 3a, the majority of the site is considered to be 3b as the smaller areas of higher grade could not be farmed separately to the surrounding lower grade land.

1.12.5 A historic review of Google Streetview (dated 2009) does show that the field adjacent to Levedale Road contained oilseed rape which is listed within the Subgrade 3a but not Subgrade 3b. This area is also where the submitted survey identified an area of ALC Grade 2 surrounded by Grade 3b. Whilst the evidence within submitted report is not doubted, it is considered that the relatively recent use of the field adjacent to Levedale Road entirely for oilseed rape is more convincing as evidence that that field is Grade 3a rather than 3b. Nevertheless, it is apparent that only the proposed access track would run along the side of that field, the remainder of the field could still be used to grow oilseed rape or other Grade 3a crops. The area for battery storage, substation and other infrastructure would be located in the southern field which is entirely classed as Grade 3b. The total loss of Grade 3a agricultural land would total approximately 0.5ha and loss of 3b agricultural land would amount to approximately 2.6ha.

1.12.6 Reference to DEFRA's Agricultural Land Classification Maps confirms that the District benefits from extensive good quality agricultural land in the areas surrounding the site. On that basis, although it is accepted that the development would prevent any food production taking place on this site for the lifetime of the development, it is not anticipated that the temporary loss of this land from arable farming would compromise the District's overall farming ability.

1.12.7 In accordance with Paragraph 174 of the NPPF and associated footnote, it is considered that this proposal does not comprise the significant development of agricultural land. In that regard, the preference of areas of poorer quality land over those of a higher quality is not a requirement here. The best and most versatile agricultural land has been recognised in accordance with Paragraph 174 of the NPPF through the ALC report and it is noted that the majority of the developed part of the site is located on poorer quality land (Grade 3b) in the context of nearby Grade 2 and 3a agricultural land as well as the extensive good quality agricultural land in the areas surrounding the site as shown on DEFRA's Agricultural Land Classification Maps.

1.13 Impact on heritage assets/archaeology

1.13.1 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.

1.13.2 Paragraph 205 of the NPPF states that, 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

1.13.3 An Historic Environment Desk Based Assessment is submitted which assessed potential survival of archaeological deposits at the site, previous impacts at the site and scoping and assessment of the potential for impacts on the setting and significance of designated heritage assets within 1km and 2km study areas. The potential for significant buried archaeology at the site was assessed as low and no intervisibility of note between the site and Listed buildings were identified. The planning officer site visit undertaken on 06.04.2023 and 11.05.2023 confirmed that there is low intervisibility between the Listed Buildings and the site due to the distance, topography and intervening trees and buildings. As a result, it is considered that the proposal is not within the setting of the Listed Buildings (the surroundings in which an asset is experienced) and does not

therefore impact their significance or cause harm to their character or appearance in accordance with Core Strategy Policy EQ3 and Chapter 16 of the NPPF.

1.13.4 Staffordshire County Council's Historic Environment Team (HE) were consulted on this application and comment that the proposed development site is located within an area which has been subject to little archaeological investigation. Taking the uncertain archaeological potential of the site, and considering the potential impact of the scheme, HE advises that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). As a result, it is considered that the suggested HE condition be attached to any approval to ensure compliance with Core Strategy Policy EQ3 and NPPF paragraph 205.

1.14 Impact on the Highway

1.14.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

1.14.2 The construction and operational phases of the development would from a new access from Levedale Road. A Transport Statement (TS) has been submitted to support the proposals. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles accessing the site. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

1.14.3 Objections to the proposal 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. As a result, it is considered that the proposals would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission and the proposals being implemented in accordance with the Construction Traffic Management Plan (CTMP).

1.15 Impact on Neighbouring amenity/Noise and Health

1.15.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

1.15.2 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.

1.15.3 A Noise Impact Assessment has been submitted which uses the assessment methodology contained in British Standard 4142: 2014+A1:2019 *Method for rating and assessing industrial and commercial sound* in conjunction with supplementary acoustic guidance to assess noise impacts. The report states that the

proposed development will give rise to rating sound levels that do not exceed the measured background sound level in the area during the day and night, thus giving rise to a 'Low Impact'. This conclusion takes into account the proposed mitigation measures which would be a 3.5m high acoustic fence immediately to the north and east of the batteries/converters and also inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level. The report concludes that these measures would ensure that the noise impact would be within the 'No Observed Adverse Effect Level' in PPG Noise. This is defined as '*Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life*."

1.15.4 The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to incorporating the mitigation measures contained within the Noise Assessment. It is also considered that conditions to control dust and working hours during construction and operation to safeguard the amenity of residents should be attached to any approval.

1.15.5 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health in the event of a fire or explosion within the site.
1.15.6 The governments Planning Practice Guidance on Renewable and low carbon energy has recently added with advice on planning for lithium-ion battery energy storage systems (Paragraphs 32-36). The guidance says electricity storage is a key element of the future decarbonised energy system, helping balance the grid and maximise usable output from intermittent renewable power sources such as solar and wind.

1.15.7 The advice encourages local planning authorities to consider guidance produced by the National Fire Chiefs Council when determining the application and encourages consultation with the local fire and rescue service. This is to ensure that the fire and rescue service can 'provide their views on the application' and 'identify potential mitigations which could be put in place in the event of an incident,' which can be taken into account when determining the application.

1.15.8 The applicant has submitted a Battery Safety Management Plan which sets out the fire detection and suppression system and how the development would be managed from a fire safety risk mitigation perspective. This includes approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record for the site which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The guidance produced by the National Fire Chiefs Council was published during the course of this application and the advice to prepare an Emergency Response Plan should also be required prior to operation of the site. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have been consulted and have not raised any concerns in this regard.

1.15.9 The Health and Safety Executive (HSE) and Environment Agency (HE) were also consulted but neither provided comments regarding health and safety. This is likely to be because they are not currently statutory consultees for this type of application.

1.15.10 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.

1.16 Ecology and Trees

1.16.1 South Staffordshire Council adopted Local Plan 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.

1.16.2 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'.

1.16.3 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'.

1.16.4 Initial comments from the council's ecology officer raised concerns regarding the proximity of the access track to a veteran tree. It was also raised by the case officer that the access track encroached within a number of root protection areas of trees and that it should be possible to avoid these. The applicant submitted amended plans rerouting the access track to avoid the veteran tree and root proception areas of nearby trees. As a result, any unnecessary removal or negative impact on trees is avoided. Any permission should include a condition to agree a tree protection plan and method statement prior to commencement.

1.16.5 The scheme proposes tree planting and native hedgerow planting resulting in a biodiversity net gain of 13% for habitats and 36% for hedgerows. It is confirmed that the applicant is participating in the Naturespace's District-Level Licensing Scheme and subject to the conditions detailed within the Naturespace report being attached to any approval, constraints regarding great crested newts are now addressed.

1.16.6 The council's ecology officer has no objections and recommends a Habitat Management and Monitoring Plan to secure the long term management of the site along with other conditions to ensure the protection of important species. Whilst a number of public representations have objected to the proposals based on environmental impact, the proposals do incorporate a net gain in biodiversity and protect important species and habitats. Public representations also 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.

1.16.7 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.

1.17 Drainage/Flooding

1.17.1 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.

1.17.1 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

1.17.2 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.

1.17.3 The main site is within Flood Zone 1 which has a low risk of flooding. However, a Flood Risk Assessment is required as the site is over 1ha in area. The submitted Flood Risk Assessment summarises that the use of sustainable drainage features and permeable materials would allow the site to drain naturally through limited infiltration and evapotranspiration. A discharge from the site would also be possible, with a controlled drainage connection to the southern pond, which has an existing connection to the watercourse adjacent to the land ownership extent. A conceptual drainage strategy is shown in figure 5.2 of the report and includes gravelled surfaces, gravel trench, swales detention basin and controlled discharge to the southern pond which has an existing connection to the watercourse adjacent to the land ownership extent. In the normal operation of the site, the proposed drainage strategy would help deliver environmental benefits and would not have an adverse impact on the Whiston Brook.

1.17.4 The Lead Local Flood Authority LLFA) have been consulted and do not object to the application subject to a condition that a fully detailed surface water drainage scheme for the site is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to development taking place.

1.17.5 Severn Trent consider that the proposal has minimal impact on the public sewerage system and therefore have no objections to the proposals and do not require a drainage condition to be applied.

1.17.6 The Environment Agency have been consulted and have responded stating that there are no COMAH sites or high hazard assets within the vicinity of the proposed development and therefore have no comments to make.

1.17.7 A number of public representations have raised concerns with regard to pollution in the event of a fire at the site. Such a scenario is very unlikely, and I note that it would be unusual for an application to deal with the potential impacts from fire fighting activities. The proposals include a fire detection and suppression system. In addition, the scheme proposes interception swales/filter drains at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site. As with previous applications for battery storage facilities, pollution capture membranes should be installed underneath the battery containers, filter drains and swales. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company. Following a fire/contamination event, the impacted areas of the site would be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Any approval should include a condition requiring these measures.

1.17.8 As a result, it is considered that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions requested by the LLFA and requiring pollution capture and disposal as described above.

1.18 Human Rights

1.18.1 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.

1.19 CONCLUSION

National policy advises that developments should be located where impacts are, or can be made, acceptable. It is considered that the location of the proposed development together with the existing and proposed landscaping and other mitigation in relation to ecology, trees, drainage, noise, and health and safety and highways mean 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.

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 conflict with Core Strategy Policy OC1 and other harm such as the small loss of Grade 3a agricultural land. Consequently, the other materials considerations set out in this report do justify a departure from the development plan and a recommendation to approve, subject to the various conditions set out below.

1.20 RECOMMENDATION - APPROVE Subject to Conditions

DELEGATE APPROVAL TO THE DEVELOPMENT TEAM MANAGER TO ISSUE DECISION ON COMPLETION OF A NATURESPACE DISTRICT LICENSE.

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

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 and colours to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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 be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

6. No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
   a) A risk assessment of potentially damaging activities and the phases associated with them.
   b) Identification of biodiversity protection zones.
   c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
   d) The location and timing of sensitive works to avoid harm to ecological features.
   e) The times during construction when an ecological clerk of works (ECoW) needs to be present (as appropriate).
   f) Role and responsibilities of the ECoW if appropriate.
   g) Responsible persons and lines of communication.

   The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

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

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.

8. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

   B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

   C) The development shall not be occupied until the site investigation and post fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

9. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

10. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

    The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

11. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:
    - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
    - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

12. All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

14. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

15. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). The development shall thereafter be implemented and operated in full in accordance with the approved SUDSs Operation and Maintenance Plan throughout the life of the Development.

16. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record and Emergency Response Plan for the site which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. The agreed Plan shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site. The development shall thereafter be implemented and operated in full in accordance with the approved Outline Battery Safety Management Plan throughout the life of the Development.

17. Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
    a) Description and evaluation of features to be managed.
    b) Ecological trends and constraints on the site that might influence management.
    c) Aims and objectives of management.
    d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
    e) Detailed management prescriptions and a work schedule with annual plan
    f) Responsibilities of bodies/organisations for implementation against actions
    g) Monitoring and remedial measures

    The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

    The approved plan shall be implemented in accordance with the approved details.

18. The mitigation measures recommended in the noise assessment submitted with the application shall be implemented in full prior to operation of the site. For the avoidance of doubt, these measures are:
1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m2, or provide a minimum sound reduction performance of 15-20dB.

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

20. Mitigation for dust arising from construction activities shall be provided on siteto prevent dust being emitted across the site boundary during dry periods.

21. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed in accordance with approved plan 05-1095-301 revision P12

22. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.

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

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

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

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

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

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

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 interest of highway safety.

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

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

8. To determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation in accordance with Core Strategy Policy EQ3 and NPPF paragraph 205.

9. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

11. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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

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

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

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

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

17. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

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

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

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

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

22. In the interest of highway safety.

23. In the interest of highway safety.

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

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

INFORMATIVES

Ecology

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Highways

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

Staffordshire Fire and Rescue

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

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

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

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

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

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

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

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

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

Designing Out Crime Officer

I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

I support the intention to install a CCTV in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered.

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate

the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel.
The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing.
The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

Alarm System
A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

CCTV Systems
A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:
BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217). Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

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

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer

should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

Alarm Receiving Centres
If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:
i) Cyber Essentials
ii) BS 8418 Remotely Monitored detector Activated CCTV Systems
iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice
iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)
or
BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)
or
BS-EN50518:2019 Monitoring and Alarm Receiving Centre

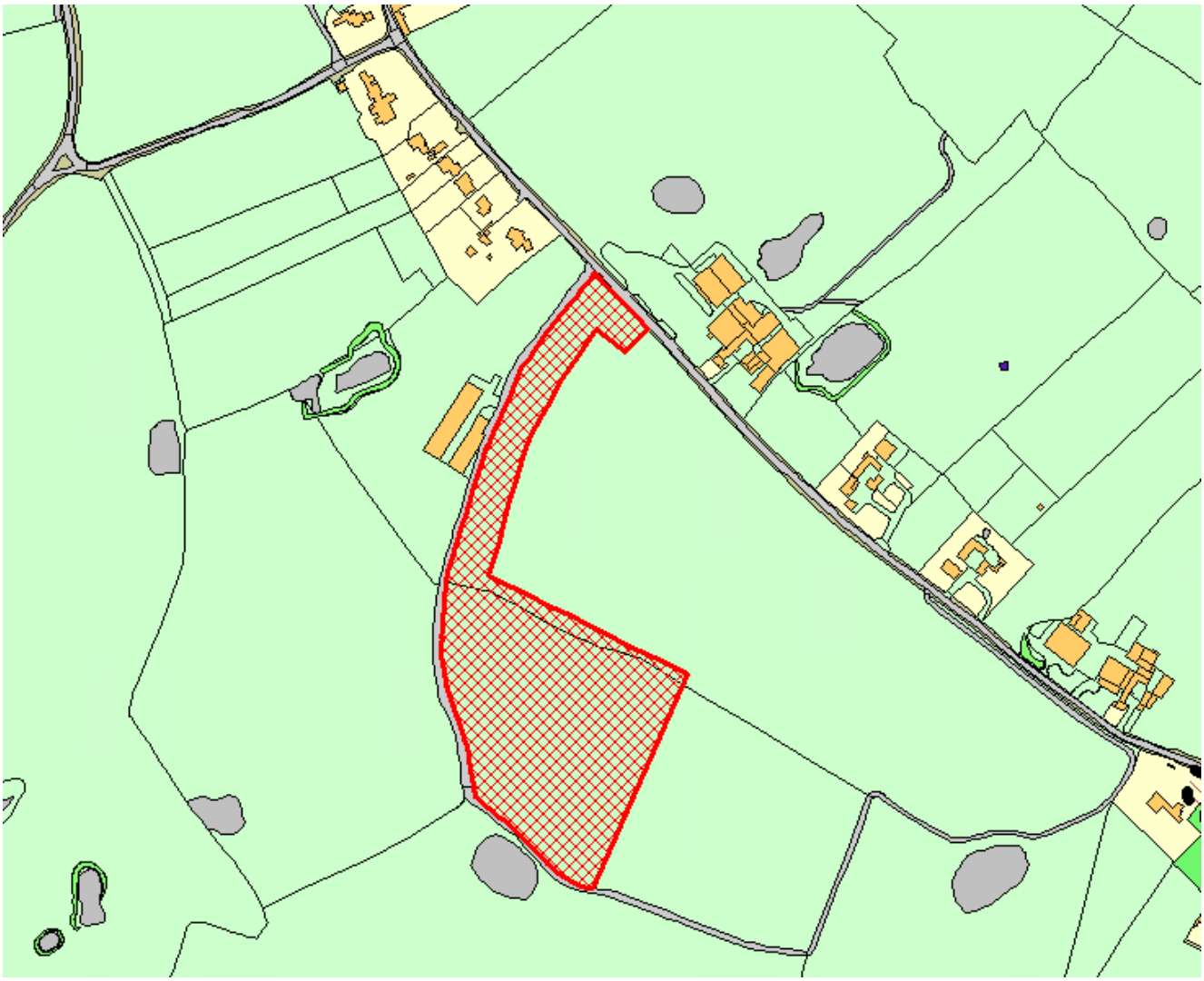
Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at www.securedbydesign.com

Construction Security
It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

Plans on which this Assessment is based:

Plan Type	Reference	Version	Received
Location Plan	PLO1	A	20 February 2023
Site Plan	SK01		30 October 2023
Fence and Gate Detail	D01		20 February 2023
Proposed Plans and Elevations	D02		20 February 2023
Proposed Plans and Elevations	D03		20 February 2023
Proposed Plans and Elevations	D04		20 February 2023

Proposed Plans and Elevations	D05		20 February 2023
Proposed Plans and Elevations	D06		20 February 2023
Proposed Plans and Elevations	D07		20 February 2023
Noise Impact Assessment	Document		20 February 2023
Biodiversity Metric	Document		20 February 2023
Design and Access Statement	Document		20 February 2023
Ecology Survey	PEA		20 February 2023
Tree Protection Plan	MWA TPP 02 NORTH		28 August 2023
Proposed Plans and Elevations	SK01 SUBSTATION		12 October 2023
General Arrangement	05-1095-301 S3		12 October 2023
Arboricultural Survey	Document		28 August 2023
Tree Protection Plan	MWA TPP 02 SOUTH		28 August 2023
Other Plans	05-1095-301_P09		30 June 2023
Flood Risk Assessment	Document		16 November 2023
Construction Traffic Management Plan	CTMP		16 November 2023
Transport Statement	Document		16 November 2023
Battery Safety Management Plan			2 June 2023
Ecology Survey	DORMOUSE		14 April 2023
Ecology Survey	ECIA		13 February 2023
ALC report and appendices			3 February 2023
LVIA			22 August 2023
Ecology Survey	GCN Naturespace report		30 October 2023
Ecology Survey	GCN Impact Plan		30 October 2023



Land On South West Side Of Levedale Road, Levedale