



Appeal Decision

Hearing held on 4 & 5 March 2025

Site visit made on 5 March 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/B3438/W/24/3351328

Land East of Bemersley Road, Ball Green, Staffordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Anesco against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2022/0076.
 - The development proposed is Construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure at Land East of Bemersley Road, Ball Green, Staffordshire in accordance with the terms of the planning application Ref. SMD/2022/0076, dated 9 February 2022, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appellant requested the appeal was determined based upon amended plans. The amendments include altering the layout, moving built development away from the eastern boundary, adding a turning area, altering drainage, removing an acoustic fence, and landscaping alterations. Overall, the amended scheme would not amount to a substantial or fundamental change.
3. The appellant consulted addresses that previously made representations, and those within a given proximity to the site. Though some questions were raised as its effectiveness, the Council notified those who were contacted about the application, and those who made representations to the application and appeal notification. Having regard to the nature of the amendments and the extent of consultations undertaken, following hearing discussion, I concluded that no party would be prejudiced by deciding the appeal based on the amended scheme.
4. The Lead Local Flood Authority (LLFA) objected to the level of drainage detail in the amended scheme. Following exchanges, the appellant submitted detailed technical evidence. While that is not before me, noting the removal of the LLFA's objection, and the evidence I heard, this matter has not formed a main issue.
5. The Council considered the contents of that detailed evidence could result in the scheme, constituting a substantial change from that originally determined. From the proposed drainage layout in the indicative plans, noting the volumetric drainage

capacity is unlikely to be substantially greater, and that a range of potential drainage options are available to the appellant, the totality of changes is not likely to amount to a substantial change. In considering any future drainage scheme, were this not the case, then it is at the Council's discretion not to approve any future scheme.

6. Since the appeal was lodged the National Planning Policy Framework (2024) (the Framework) was revised. I allowed the Council and appellant the opportunity to comment upon this matter and I have taken the submissions into account in determining this appeal.

Main Issues

7. The main issues are:

- whether or not the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal upon the living conditions of neighbouring occupiers with particular reference to noise and disturbance; and,
- the effect of the proposal upon the character and appearance of the area.

Reasons

Green Belt

8. Policy SS10 of the Staffordshire Moorlands Local Plan (2020) (the LP) seeks to maintain the Green Belt, apply a strict control over inappropriate development, allowing only exceptions defined by Government policy. Therefore, despite the recent Framework changes, Policy SS10 can be considered to have consistency with national Green Belt policy in the Framework.
9. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states development in the Green Belt is inappropriate, unless one of the listed exceptions apply. The Council and appellant agree the scheme does not fall within the exceptions in paragraph 154. Paragraph 155 of the Framework states the development of commercial and other development should not be regarded as inappropriate where specific criteria are met. The main parties have differing views in respect of some of the criteria.
10. Noting the grey belt definition in the Framework Annex, this scheme is not excluded from being grey belt by virtue of the application of policies relating to areas or assets in footnote 7 (other than Green Belt) providing a strong reason for refusing or restricting development. In consequence it is necessary to consider whether or not the land strongly contributes to Green Belt purposes a), b) and d) in Framework paragraph 143. The Council considers there would be a conflict with Green Belt purpose a), which is to check the unrestricted sprawl of large built-up areas.
11. Given the reference to 'land' in the Framework grey belt definition, the Council's view is that both the appeal site and surrounding land should be assessed. The updated Planning Practice Guidance (the PPG) for Green Belts was discussed at the hearing. The PPG explains how Green Belt assessments should be used to identify grey belt land¹ and can be used in the development management process.

¹ Paragraph: 002 Reference ID: 64-002-20250225.

12. PPG paragraph 009² states that where grey belt sites are not identified in existing plans or Green Belt assessments, authorities should consider evidence in light of its guidance on whether the 'site' strongly contributes to Green Belt purposes a), b) or d), footnote 7, and whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area.
13. Paragraph 005³ sets out criteria against which to assess whether land is grey belt 'land' in relation to purposes a), b) and d). While 'land' is not definitive and does not preclude wider land being considered there is no requirement in the PPG that for individual applications additional surrounding land is assessed. I have taken the approach that the site is the correct starting point for assessment, but that regard should be had to the appeal site in its context, in my assessment.
14. The Green Belt Review (2015) (the GBR) concludes parcel N19 makes a significant contribution to checking eastward sprawl. The appeal site is a minor part of it. The land around it which has the greater physical and visual connectivity with it on the ground, defined by the river valley to the east and a row of trees two fields to the north is only a modest part of N19. Applying the value that a very large land parcel contributes to purpose a), is not reflective of the contribution of the site and reasonably connected and surrounding land.
15. The site is free of built development. The access road area is lined on one side by a hedgerow, and the field comprising the main development area is lined by combinations of established hedgerows and lines of trees on four sides. These would be maintained, improved and retained. The land is part of a valley slope, with much of the built development to be on a shallower part. Due west it is steeper. These physical features would help restrict development around the site.
16. There are similar tree and hedgerow features lining adjoining fields and while the topography varies, it is not dissimilar in its characteristics along this part of the valley. These features would restrict and constrain development. I consider both the site and wider land makes a moderate contribution to purpose a) in this regard.
17. The closest part of the appeal site is approximately 180m from Ball Green with much of that containing the main area of built development significantly further away. This would be down the valley slope, separated from Ball Green by two tree and hedgerow lined open agricultural fields. Such are the distances and nature of open and undeveloped land, I do not regard the site as near the large built-up area. The appeal site situation, in isolation, is one that paragraph 005 indicates could mean the site has a weak or no contribution to purpose a).
18. The appeal site forms part of a wider area of open and undeveloped valley slope farmland also largely free of built development. Land to the south can be regarded as closer and eventually adjoining a large built-up area. However, given the combination of the landscape features I have described above in its proximity, it would certainly be by no means inevitable that development of the appeal site would lead to development of the land between it and the built-up area. Therefore, taking it in a wider context, the land makes moderate contribution in this regard.
19. The area is characterised by settlements of various sizes, groups of buildings along the roadside and a more limited number of isolated farmsteads and other

² Paragraph: 009 Reference ID: 64-009-20250225.

³ Paragraph: 005 Reference ID: 64-005-20250225.

development clusters served by highway accesses. These are more to the east of the valley side. While the appeal site is not partially enclosed by such development and development off the valley top is limited to the west, some examples of lower and mid-valley development are visible from the appeal site and the appeal site can be viewed in their context.

20. The site would also be viewed in the close context of large pylons which are an established prominent part of the local landscape and have some similarities with aspects of the proposal. I do not consider the development would be one that could be described as an 'extended finger'. As a matter of judgement, in its wider context, the layout and position would not be incongruent with the surrounding pattern of development. On-balance both the 'site' and the 'land' make an overall moderate contribution and so do not strongly contribute to Green Belt purpose a).
21. The Council and appellant do not advance that the site and land strongly contribute to b) preventing neighbouring towns merging into one another, or d) preserving the setting and special character of neighbouring historic towns. It is not put to me the site is part of a gap between towns or that the site forms part of the setting of historic towns with a special character. The closest settlements are part of a large conurbation, and the village of Brown Edge. The GBR also assessed N19 and concluded it has no clear role in purposes b) and d). I consider the site does not strongly contribute towards these purposes.
22. The purposes (taken together) of the remaining Green Belt across the area of the plan must also not be fundamentally undermined. The site and land are a very small proportion of the Green Belt within the District. In-light of my findings upon purposes b) and d), it would not fundamentally undermine these purposes. The appeal scheme would conflict with the aim safeguarding the countryside from encroachment, but to a localised degree. Given its moderate impact upon a), its limited size, position, surrounding topography, specific merits and grid location requirements, it would not fundamentally undermine purpose a) or c).
23. In respect of purpose e), noise emissions are such that they can be incompatible with noise sensitive uses being in close proximity, so in practice suitable urban sites are likely to be limited. Seeking to locate the development on derelict or other urban land could well limit any regeneration near to it. While I note suggested shortcomings in the appellant's Alternative Site Assessment (ASA), there are a number of limiting constraints on such facilities.
24. Proximity to an available grid connection is of fundamental importance, with over 2km being a distance where it may be unfeasible. The ASA explains how sites were discounted and the appeal site chosen having regard to grid connections of sufficient capacity and land designations. That other BESS facilities have been permitted, including within Stoke City's boundary is noted. However, these matters and perceived deficiencies advanced do not convince me there would be a fundamental conflict with purpose e) across the plan area. References are made to refused schemes of small numbers of dwellings, however, I suspect these would have been considered under previous Green Belt policies.
25. For the reasons set out above this scheme would not result in the purposes taken together of the remaining Green Belt across the plan area being fundamentally undermined. In consequence, criterion a) of Framework paragraph 155 is met.

26. Paragraph 155b) requires there is a demonstrable unmet need for a proposal. The need to reduce carbon emissions from energy is of fundamental importance and well documented. The UK government has declared a climate change emergency, the 6th carbon budget is to cut emissions by 78% by 2038, and the Government is statutorily bound to net zero carbon emissions by 2050. Framework paragraph 161 states the planning system should support the transition to a low carbon future, renewable and low carbon energy, and associated infrastructure.
27. While this is not a Nationally Significant Infrastructure Project (NSIP), National Policy Statement (NPS) EN-1 (EN-1) (2023) may be a material consideration for applications under the Town and Country Planning Act (1990) (as amended). Many types of renewable energy are intermittent, so storage capacity is an important means of utilising energy generated in this way. EN-1 states⁴ that storage has a key role in achieving net zero and providing flexibility to the energy system, so high volumes of low carbon power can be integrated.
28. Storage is needed to reduce electricity system costs and increase reliability by storing surplus electricity in times of low demand to provide it when demand is higher. Storage maximises usable output from intermittent low carbon generation, reduces the amount of generation capacity needed, provides balancing services to the National Electricity System Operator (NESO) and Distribution Network Operators (DNOs) to help operate the system, reduce network constraints and defer or avoid costly network upgrades as demand increases⁵.
29. When NPS EN-1 was published there was around 4GW of operational electricity storage in Great Britain, of which approximately 1GW was battery storage. In its Clean Power 2030 Advice⁶ NESO identifies clean power pathways. It explains that these pathways involve early electrification of heat, transport and industry, so it does not undermine the core objectives of cutting energy costs and supporting net zero⁷. It sees a four-to-fivefold increase in demand flexibility, an increase in grid connected battery storage from 5GW to over 22GW by 2030, and more after.
30. I am informed of other facilities permitted in the area, so the Council could be regarded as having taken a reasonable share. From what I heard this is due to its proximity to two substations, and there are no specific local targets for battery energy storage. It was suggested there is sufficient storage capacity and it was indicated by an interested party, there could be of the order of approximately 61 GW of capacity approved. However, it is unclear as to how much is of the type proposed in this appeal and would actually be deliverable. What I heard does not outweigh the appellant's evidence in respect of need for this type of facility.
31. Grid connections are a significant constraint, and I was informed there is currently a moratorium on new connections before 2040. It is agreed in the Statement of Common Ground (SoCG) this scheme has a grid connection offer. The appellant provided a signed Modification Offer (MO) for connection. Though I note some concerns from the Council, it is a signed offer with a defined end date of 31 October 2028. I see no reason why it would be invalid or to assume it has been further modified. Despite some reinforcement works being needed, a signed MO having a fixed completion date gives me sufficient assurance connection can take place.

⁴ EN-1 paragraph 3.3.25.

⁵ Ibid, paragraphs 3.3.26 – 3.3.27.

⁶ Clean Power 2030 Advice on achieving clean power for Great Britain by 2030.

⁷ Ibid, Page 8.

32. Though it would invariably result in emissions from processes such as production and construction, battery storage is a proven established technology. This appeal scheme would be a material overall benefit, and contributor to the clean power pathway required to achieve net zero and the imperative of mitigating climate change. In-light of this, I consider there is a demonstrable unmet need for deliverable BESS facilities, so Framework paragraph 155b) is met.
33. Criterion c) requires development to be in a sustainable location, with particular reference to Framework paragraphs 110 and 115. Paragraph 110 seeks to manage growth to support paragraph 109 objectives and focus significant development towards sustainable locations. Amongst other things, paragraph 115 expects sustainable transport modes to be prioritised, safe and suitable access is achieved for all users, and that any significant impacts upon the network or highway safety can be mitigated.
34. The transport of goods, equipment and skilled workers means the number of trips by public transport during construction and operation would be quite limited. However, if it is possible, the proximity to Stoke-on-Trent offers a range of sustainable transport modes. Once constructed vehicle movements associated with operation and maintenance would be very small. Therefore, the proposal performs well in relation to locational and sustainability objectives.
35. I heard concerns from interested parties including in respect of the construction route width, pinch points, uses lining the route, and past accidents. The site access could be conditioned to ensure it is of a safe specification based upon survey data. The Transport Statement (TS) indicates the construction period would be around 36 weeks, requiring approximately 4 – 5 commercial vehicles each way per day. Battery banks, substations and other construction materials are expected to be delivered using articulated lorries.
36. Though my visit can only be a snapshot in time, I travelled the construction route twice and an alternative suggested route, considering matters such as restrictions, widths, alignments, tracking, parking, markings, land uses and movement patterns. Much of the route was of good width and capacity with limited traffic. Bemersley Road around Bew Street, Knypersley Road and Norton Lane were narrower, with various accesses and land uses. However, it was quite lightly trafficked, two-way, with yellow lines along significant stretches of the latter two sections.
37. Likely levels of additional traffic during construction would be limited, particularly larger vehicles. I am satisfied that subject to imposing suitably worded conditions in respect of construction management details, such as the route and delivery timings, any adverse effects upon the network and highway safety can be mitigated to an acceptable degree, and there would not be an unacceptable impact upon highway safety. Therefore, the requirement of Framework paragraph 155c) is met.
38. I heard concerns over the proposed grid connection. However, this is an operation that is anticipated to be a short-term construction, largely underground, and consented under a different process under the GPDO⁸. Therefore, though the route is not determined yet, for the most part it would be unlikely to have any significant effect upon openness, have to adhere to any restrictions and conditions outlined in the GPDO, and if appropriate highway requirements.

⁸ Town and Country Planning (General Permitted Development) Order 2015 (as amended).

39. For the reasons set out above, the appeal scheme meets the exception in Framework paragraph 155, and is not considered to be inappropriate development in the Green Belt. Therefore, it does not conflict with Policy SS10 (6) of the LP, or the Framework, the relevant provisions of which I have set out above.
40. Some evidence discusses effects upon Green Belt openness. In particular, the Council refers to built development, ground levelling and engineering. However, as indicated in Framework paragraph 153, footnote 55, and PPG paragraph 014, it follows that the tests of impacts to openness and purposes are addressed, and a proposal does not have to be justified by very special circumstances.

Noise and disturbance

41. LP Policy SD4 seeks to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects, and only permitting proposals that result in pollution, if after mitigation, the adverse effects are deemed acceptable. Framework paragraph 198 states that decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise, and development should avoid noise giving rise to significant adverse impacts upon health and quality of life.
42. Framework footnote 72 refers to the Noise Policy Statement for England (2010) (NPSE), identifies three policy aims⁹ and the concepts of No Observable Effect Level (NOEL), Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL). The PPG provides guidance on how decisions can manage potential noise impacts and it includes a Noise Exposure Hierarchy Table (NEHT), which explains the NOEL, LOAEL and SOAEL categories.
43. LOAEL is present and intrusive, where noise can be heard and causes small changes in behaviour, attitude or other physiological responses, with some potential reported sleep disturbance. Its effects mean there is a small actual or perceived change in quality of life. It should be mitigated and reduced to a minimum. SOAEL is present and disruptive. Noise causes a material change in behaviour, attitude or other physiological response. There is potential for sleep disturbance, difficulty getting to sleep, premature awakening and difficulty getting back to sleep. Quality of life is diminished. The action response is to avoid.
44. Depending upon the context, a difference of around +5 dB is likely to be indicative of an adverse impact, and a difference of around +10 dB or more, likely to be indicative of a significant adverse impact. The Council's considers +5 dB is indicative of the LOAEL and +10 dB of SOAEL. Stoke-on-Trent City Council seek day-time noise no greater than +5dB above background and night-time no higher than background¹⁰. The Council has similar expectations with reference to 15-minute LA90 levels.
45. The appellant's Noise Assessments (NAs) identifies residential properties that are representative properties for noise monitoring (NSR points 1 – 4¹¹). The Council's reason for refusal cites night-time noise (23:00 – 07:00hrs) having the potential for adverse effects, based upon the previous scheme and it maintains this objection for the revised scheme. It also expressed concerns over levels in the evening.

⁹ 2.23 – 2.25 of the Noise Policy Statement for England (2010).

¹⁰ Page 2 of the Memorandum dated 19 December 2024 Ref. smd/2022/0076.

¹¹ NSR1: 276-8 Bemersley Road, NSR2: 1 Heather View, NSR3: 5 Woodhouse Lane, NSR4: Old Woodhouse Farm.

46. Interested parties implied roadworks and increased traffic flows during noise measuring elevated background levels. In the SoCG both parties agreed measured noise levels were representative of the typical noise environment. The appellant advised me there were no works recorded as contributing to noise levels. Works and greater traffic flow would have had the most effect during the working day. The evidence does not lead me to believe any influence would have caused such a large change to background levels, that resultant day time noise from the appeal scheme should be considered unacceptable during typical working hours.
47. The main parties disagree about the level of mitigation provided by building fabric with an open window. The appellant applies BS8223:2014 (BS8223) which allows a reduction of 15dB, which I suspect is based upon a relatively modern (2014) window. The Council feels this is inappropriate as it is based upon new buildings, and a figure of 12dB is more typical. The appellant referred to research by Napier University which indicates performance of windows can typically be -15dB – -18dB.
48. It would be difficult to cater for every window type. From what I could see of houses at and around NSRs, they were of standard, mostly brickwork, construction with double glazed windows of typical sizes. BS8223 is an industry standard referred to as appropriate in BS4142. There is no substantive evidence demonstrating the dwellings and windows I saw, are of inferior insulative specifications than would have been allowed for when BS8223 was drafted. In-light of the foregoing, I am satisfied that -15dB is a realistic level of mitigation.
49. The Council considers noise should attract tonality and intermittency corrections of +2dB and +3dB respectively. Given that noise would be audible outside NSRs at night, in my view, distance to receptors would not be a sufficient reason to not apply corrections. However, despite the Council's concerns the raw noise data is not based upon an operational facility, I consider the frequency breakdown data is of sufficient quality and granularity to demonstrate noise has significant broadband characteristics and not significant or dominant proportions of low frequency noise.
50. Adopting the Council's position upon corrections, would result in external night-time noise levels of 39 dB (+17 dB), 41 dB (+19 dB), 38 (+13 dB) and 37 dB (+12 dB) at NSRs 1 – 4. However, typically most people live indoors at night, so internally, with mitigation, noise levels would be 24dB, 26dB, 23dB and 22dB $L_{Aeq, 1hr/15min}$. The Council's view is that internal noise levels could be as low as 18 dB at night-time in properties. On this basis noise from the scheme would be of the order of +4 dB - +8 dB above internal background noise levels.
51. BS8223 implies 30dB $L_{Aeq, 8 Hour}$ provides an adequate sleeping environment and World Health Organisation (WHO) Guidelines state that if negative effects on sleep are to be avoided the equivalent sound pressure level shouldn't exceed 30 dBA for continuous noise¹². Though the Council considers these are not relevant to a new noise source for existing residents, I consider they provide a useful guideline. That the noise levels would be 4 – 8 dB below this, indicates the perceived changes would be limited and unlikely to result in significant sleep disturbance.
52. Applying the +5dB acoustic correction, based upon average day-time levels, external day-time noise would be 38 dB (+3), 40 dB (+5) 38 dB (+5) and 33 dB (+0), indicating low to adverse effects across the day as a whole. In the later evening measured background noise was significantly lower at around 28 – 30 dB,

¹² Page 28 of the World Health Organisation: Guidelines for Community Noise (1999).

so noise would be significantly above background at the NSRs for a period in the late evening. The Council considers the 50 dB $L_{Aeq,T}$ indicated by the WHO¹³ as providing an adequate standard of amenity, would not be an appropriate criterion for existing residents in a quiet area, and the scheme could result in complaints. However, it is indicative there would not be unacceptable living conditions.

53. It is possible construction could result in greater noise than anticipated for the operational phase, but it is not disputed by the main parties the effects can be mitigated to acceptable levels through suitably worded planning conditions.
54. Some interested parties advance that the scheme would breach the human rights of some and be harmful to those with some protected characteristics. Reference was made to the adverse health implications of noise upon hearing development in young persons, those on the autistic spectrum, the elderly and those undergoing the menopause, including through loss of sleep and enjoyment of their home.
55. Article 1 of the European Convention on Human Rights (ECHR) concerns the peaceful enjoyment of possessions. No-one shall be deprived of this except in the public interest and subject to the conditions provided for by law and the general principles of international law. Article 8 concerns the right to respect for private and family life, and the home. There shall be no interference by a public authority except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health or morals, or for the protection of the rights and freedoms of others. These are qualified rather than absolute rights, which I return to later.
56. Paragraph 198a) of the Framework expects that proposals mitigate and reduce noise to a minimum. The second aim of the NPSE is to mitigate and minimise adverse impacts on health and quality of life. Paragraph 5.12.6 of NPS EN-1 requires that all reasonable steps are taken to mitigate and minimise potential adverse effects on health and quality of life, 4.1.7 requires an applicant to mitigate a particular impact as far as possible and 4.2.10 of NPS-1 requires that the mitigation hierarchy is applied. This does not mean that adverse effects cannot occur, but impacts must be mitigated as far as possible.
57. The new battery technology in the revised scheme reduces noise emissions by up to 7dB, forming a significant element of mitigation. While consideration was given to providing an acoustic fence, due to the land slope, even a 4m high barrier would achieve only between a 0 – 2dB difference, of which 3dB is the lowest perceptible to the human ear in the field. Omitting the barrier reduces the landscape impacts, which is another aspect of the appeal scheme for which regard should be had to the mitigation hierarchy. Therefore, there is a balance to be struck, and overall, I am satisfied the impacts have been mitigated as far as possible.
58. Nevertheless, for the reasons set out above, the proposed development would have an adverse effect upon the living conditions of neighbouring occupiers. It would conflict with Policy SD4 of the LP insofar as this seeks that proposals avoid potential adverse effects. It would also conflict with Framework paragraph 198, the relevant provisions of which I have set out above.

¹³ World Health Organisation: Guidelines for Community Noise (1999).

Character and appearance

59. Amongst other things Policy SS10 of the LP gives priority to protecting the quality and character of an area, requiring proposals respect and respond to the distinctive qualities of the surrounding landscape, and ensuring renewable energy schemes are of an appropriate, scale, type and location. The supporting text refers to Policy SD2. While not referred to in the reason for refusal and relating to renewable or low carbon energy schemes it states schemes will be supported subject to considerations including the degree to which it impacts upon the landscape.
60. Policy DC1 of the LP expects development to be well designed and complement the area's special character, respect a site, and surroundings. Policy DC3 seeks to protect, respect and where possible enhance the landscape and setting of settlements, by resisting development that would lead to a prominent intrusion into the countryside, have a significant adverse impact upon the character or setting of, or important views into and out of, a settlement. The main parties agree the landscape is not a valued landscape in Framework paragraph 187a). Paragraph 187b) states that decisions should recognise the intrinsic character and beauty of the countryside.
61. The site is within the Ancient Slope and Valley Farmlands (ASVF) Landscape Character Type (LCT) in Planning for Landscape Change 1996-2011 (2000) (PLC) and the Staffordshire Moorlands District Council Landscape and Settlement Character Assessment (2008) (LSCA). PLC designates it a landscape maintenance area, where there is a substantial emphasis upon ensuring development blends unobtrusively into the landscape and does not lead to the loss of features characteristic of it.
62. Within the vicinity of the appeal site, the area can be characterised as including undulating and sloping landscapes cut by stream valleys, varying sized irregular fields bound by trees and hedgerows, small wooded valley side areas, extensive views from higher ground, scattered farms and other properties. It is however, also strongly viewed in the context of electricity pylons and lines, and residential areas of Ball Green, Norton Green and Brown Edge. While the landscape can, on the whole, be described as being in good condition, development on the upper slopes has quite wide visibility, having an urbanising influence. The appeal site comprises part of the valley slope, rough grassland and largely vegetated field boundaries, free of development, which makes a positive contribution to the character and appearance of the area, including the wider landscape setting.
63. The appeal scheme includes the provision of a new access, road of a significant length across the valley slope to the turning and main development area. This would include an array of containers, DNO and customer substations, DNO control rooms, and auxiliary transmitter, enclosed within fencing with drainage swales and associated infrastructure. It would require a cut and fill operation to alter the landform and create drainage capacity, elevating some of the built development.
64. The proposed land levels would not be totally at odds with the surrounding land and would maintain some synergy with it and I note landscaping measures proposed. However, it would involve the significant reduction of a prominent roadside hedgerow and land level alterations. There would be marked urbanising effects with the development appearing as an industrial compound that would be harmful to the character and appearance of the appeal site and the area. It is also possible

some additional elements would be required to integrate appropriate fire safety equipment. Though not a permanent change, I note the Inspector's view in 3324608¹⁴. I consider up to approximately 40 years is still a very significant amount of time before the land would be restored.

65. Both the main parties provide an extensive analysis of the landscape and the effect of the proposal, applying some differing methodologies and perspectives, viewpoints, with differing conclusions. At the hearing I questioned where there are differences on matters within the technical assessments. I have reflected upon these and the views of interested parties, viewing the site from many of the points and areas identified in reaching a judgement upon the effect of the appeal scheme.
66. The ASVF landscape is of medium/high value, a medium sensitivity and susceptibility. Having regard to the features and facets of the appeal site and its immediate vicinity, it is of a medium/high value and sensitivity, and the effects upon the appeal site and its immediate vicinity would be major-moderate adverse at year 1. While noting the degree of change, this would to some extent be mitigated by the proposed landscaping, and at year 15 the effects would be reduced to moderate adverse, reducing by a limited further amount through the development life, prior to a betterment at restoration. The effect upon the wider ASVF landscape would be moderate-minor adverse at year 1 and minor adverse at year 15.
67. Considering identified viewpoints and areas they are representative of, I consider for the users of public rights of way (PROWs) Nos 6, 8 and 13, the effects would be major-moderate adverse at year 1 and moderate adverse at year 15. For users of PROW No 15 and residents at the western edge of Brown Edge the effects would be minor adverse at year 1 and year 15. For some other wider residents within Brown Edge, and users of PROW No 32 and Marshes Hill Common would experience minor adverse effects at years 1 and 15.
68. For users of Greenhall Road and Willfield Lane, residents of Endon Road and PROW No.6 in that vicinity the effects would be neutral. From Woodhouse Lane the effects would be moderate-minor adverse at year 1 and minor adverse at year 15. From Bemersley Road around the entrance the effect would be minor adverse at year 1 and 15. Following restoration there could be an overall limited betterment from the majority of viewpoints and areas assessed.
69. An interested party suggested the scheme would be visible from the Peak District National Park (NP). However, due to the long distance, intervening topography and landscape features I struggled to see this would be the case. Visibility was not indicated in either of the main parties' technical evidence, or the Zone of Theoretical Visibility. From what I heard from both main parties at the hearing, it implied there would be no discernible adverse effect upon the NP.
70. As I set out at the hearing, I have also had regard to the noise evidence before me, as noise is a component of character. The level of noise would have a localised adverse effect upon the character of the area.
71. Though the Council doubts the mitigation hierarchy has been applied, there are a number of landscape mitigations built into the amended scheme from that originally sought. These include some positional changes, rotating the batteries to align with topography, reducing their prominence, removing the acoustic barrier, changing

¹⁴ APP/P3040/W/23/3324608.

container colour, and alterations to landscape planting. I am unsure an additional hedgerow along the opposite of the access road would be of benefit to character and appearance. The mitigation as outlined by the appellant strikes a suitable balance between operational and other requirements, and mitigating the appeal scheme, as well as ensuring good levels of biodiversity net gain.

72. Taking into consideration the effects of the appeal scheme upon the character and appearance of the area including the landscape, overall the effects would be of a moderate adverse level. This would conflict with Policies DC1, DC3 and SS10 of the LP, the relevant provisions of which are summarised above. It would conflict with the aims of Policy SS1 which has similar objectives. It would also conflict with paragraphs 135 and 187 of the Framework insofar as these seek that decisions ensure developments are sympathetic to local character including the surrounding built environment and landscape setting and should contribute to and enhance the environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

73. The appeal site is at low risk of flooding. Matters of the LLFA's concern related to the detail of drainage infrastructure, including the detailed design of the swale and ditch, its constructed levels, the permanent water level, the point of surface water discharge, updated modelling and simulation to demonstrate successful operation.
74. Run-off levels would be quite limited and there are a range of solutions. It is perfectly possible to achieve functioning infrastructure in accordance with relevant Framework and development plan policies, and the Staffordshire SUDS handbook, to ensure satisfactory drainage is achieved and managed, and the risk of flooding would not be increased elsewhere.
75. There might be implications for some site levels and detailed landscape proposals, but in practice these would be limited. However, based upon what I heard, I have good assurance the matters could be addressed within the scope of the appeal scheme, subject to suitably worded planning conditions. Were the Council ultimately unsatisfied about proposed revised drainage arrangements, it is at their discretion not to discharge the condition.
76. It is important that a BESS is positioned as close as possible to the main Point of Connection (POC). Being close to a cable connection or substation reduces energy losses and means the BESS can operate more efficiently thereby maximising its contribution to the grid. Though the connection and exact route are matters to be addressed under the GPDO¹⁵, it is expected to be around 1km, so the scheme can be considered close to a POC.
77. I have considered consultation responses from the Police, Fire and Rescue Service (FRS), and the views of interested parties in respect of the potential fire risk and crime. The FRS expect a robust Emergency Response Plan should be developed and has set out the detailed evidence it would expect, having regard to the National Fire Chiefs Council Grid Scale Battery Energy Storage System planning guidance.
78. The Revised Fire Risk Management Plan explains at some length the measures inherent and designed into the equipment and scheme to minimise risks. These include use of retardant materials, continuous monitoring, battery management

¹⁵ Town and Country Planning (General Permitted Development) Order 2015 (as amended).

systems, internal detection, suppression and extinguishment systems, preventing thermal runways, remote isolation and shutdown, access, and how the detailed site design would be prepared having regard to detailed guidance. There are also various details set out in the application in respect of crime prevention measures.

79. The proposal would be subject to a Fire Safety Order¹⁶, and the design benchmarked against onerous measures in the NFPA855¹⁷ Standard, to develop detailed design, layout, operation, testing, environmental protection measures and an Emergency Response Plan. Preparation of the details of which, as well as crime prevention measures, can be secured by suitably worded planning conditions. This gives me assurance risks would be managed to acceptable levels.
80. The Ecological Impact Assessment explains the site is of limited ecological value, with limited potential to host protected species other than nesting birds. In this regard, Staffordshire Wildlife Trust raised no objection to the initial application subject to planning conditions. There would be no effect upon designated sites of nature conservation value. Reasonable avoidance measures and appropriate precautionary searches could be secured by conditions to ensure that protected species would not be harmed, and an overall biodiversity net gain is achieved.
81. The scheme would result in the loss of some truncated ridge and furrow, and there is quite a low potential for archaeological remains of significance. Based on the appellant's geotechnical and preliminary coal mining risk assessment, there is a sufficient ground thickness to ensure that any potential underground coal workings are at a depth that are not considered a risk. There is no objection from the Coal Authority in this regard. As a temporary development it would not permanently sterilise the underlying mineral resources. I am also satisfied conditions would prevent and manage any risks of ground and water pollution.

Planning Balance

82. There would be carbon emission savings because of the appeal proposal, resulting in benefits in limiting climate change, helping to meet local, governmental and international ambitions and obligations in respect of these matters, which are of a very high importance. NPS EN-1 highlights the benefits increased flexibility from new storage to reduce costs in support of affordable energy supply. Storage provides flexibility, meaning that less plant output is wasted as it can either be stored or exported when there is excess production, and can supply electricity when demand is higher than generation, supporting security of supply.
83. This means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside the demand side response. That the appeal scheme has a grid connection offer, means the benefits are deliverable in a relatively short time frame. I attribute these combined benefits of the appeal scheme very significant weight.
84. On-site biodiversity benefits of the order set out in the appeal scheme are a matter that attract limited weight in favour of the scheme. The scheme would involve a high level of investment, and result in direct and indirect employment during the construction phase, and once complete and operational there would be some

¹⁶ The Regulatory Reform (Fire Safety) Order 2005.

¹⁷ Standard for the Installation of Stationary Energy Storage Systems.

limited continued employment benefits. These matters attract limited weight in favour of the appeal scheme.

85. The level of harm to the character and appearance of the area is a matter that attracts moderate weight against the appeal scheme. The harm to the living conditions of surrounding occupiers through noise and disturbance attracts moderate weight against the scheme. There would be the loss of a very small amount of Best and Most Versatile agricultural land comprising approximately 0.2 hectares of the appeal site, and the loss of some truncated ridge and furrow, which attract minor weight against the scheme.
86. Dealing with qualified rights under the EHCR involves balancing the fundamental rights of the individuals against the legitimate interests of other individuals and the wider community or public interest. Based upon the evidence before me, it is possible it could be regarded that there would be a limited infringement upon human rights through the audibility of evening noise and night-time noise reducing the ability to sleep. However, the magnitude of the interference would be limited.
87. The benefits of the appeal scheme significantly outweigh the harm that would result. I am satisfied that allowing the appeal would not unacceptably interfere with people's human rights. Therefore, given the wider public benefits to economic well-being of the country and the protection of health that would come from mitigating climate change, contributing towards energy security and providing electricity, it is proportionate and in accordance with the law to allow the appeal.

Conditions

88. I have considered the suggested planning conditions in the context of the advice in the Framework and the PPG. Conditions specifying the time limit and plans submitted are necessary in the interests of certainty. In the interests of the character and appearance of the area, and site security, details are required of hard landscaping, including means of enclosure and site security measures. It is necessary for these to be pre-commencement due to the early stage at which it would be necessary for some of these measures to be implemented.
89. In the interests of the character and appearance of the area a condition is necessary to limit the period of the consent and require site restoration. I have amended the condition to ensure it is sufficiently precise and makes provision for all structures and hardstandings to ensure a benefit after restoration. To ensure that the development integrates satisfactorily into its surroundings it is necessary to require the submission of a materials management plan. It is necessary for this to be pre-commencement because it will have an influence upon early site operations.
90. In the interests protecting important landscape features, biodiversity and protected species, conditions are necessary to require tree protection is secured and to prevent removal of vegetation other than strictly necessary for the development. It is necessary for the tree protection to be pre-commencement as it needs to be implemented before significant works take place. Due to its importance to the design of the site landform and securing satisfactory drainage, a pre-commencement condition is necessary to require the detailed design and specification of surface water drainage infrastructure. It is also necessary to submit pre-commencement details of the temporary site compound.

91. Due to their importance to ensuring protected species are not harmed, pre-commencement conditions are necessary for a Landscape & Ecological Management Plan and Construction Environment Management Plan. In the interests of the character and appearance of the area conditions are necessary to require the submission and approval of details of hard and soft landscape planting and maintenance. I do not consider it is necessary for these to be pre-commencement conditions and have amended the timescales accordingly.
92. In the interests of the character and appearance of the area and the living conditions of neighbouring occupiers, conditions are necessary to manage emissions during construction and limit construction hours. In the interests of preventing pollution conditions are necessary to maintain batteries in accordance with an appropriate specification, prevent general discharges and spillages, ensure coal and contamination remediation if any is found, and submit for prior approval the details of any external lighting.
93. In the interests of highway safety conditions are necessary to secure the provision of appropriate visibility splays, the construction and surfacing of the access, the position and opening direction of any entrance gates, and a Construction Traffic Management Plan (CTMP). It is necessary for the CTMP to be a pre-commencement requirement to ensure all construction traffic is managed.
94. In the interests of ensuring the safe operation of the site and to manage fire risk a condition to secure a detailed fire management scheme is necessary. In the interests of the living conditions of neighbouring occupiers and the character and appearance of the area conditions are necessary to require the noise emissions are in accordance with those levels modelled, and that verification testing is undertaken, submitted and approved in writing.
95. Informative advice cannot be used in the place of planning conditions. The advisory notes set out by the Environmental Health Officer can be viewed in the appropriate consultation responses and are guiding principles for adherence, primarily to the Environmental Protection Act 1990 and planning conditions. Similarly, the advice set out in the Highway Authority consultation response is useful for the appellant seeking to discharge conditions, but not appropriate to apply as site specific conditions.

Conclusion

96. The proposed development would be contrary to the development plan read as a whole and the Framework read as a whole. However, there are material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given above, the appeal is allowed.

Mr D Szymanski

INSPECTOR

----- Schedule of Conditions -----

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location and Block plan C0002462_03 Rev C;
 - Site Layout C0002462_02_PL Rev J;
 - BESS Container and LV Substation plans and elevations C0002462_04 Rev C;
 - Access track sections M0002308_04 Rev A;
 - 132kw Substation plan and section and fence detail C0002462_06 Rev C;
 - Customer substation plan C0002462_08 Rev C;
 - Ground levelling elevation C0002462_10 Rev H;
 - Auxiliary Transformer Plan & Elevations C0002462_12 Rev A;
 - Landscape Strategy Plan 33489 Rev F.

- 3) Notwithstanding the submitted details, no development shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Fencing, retaining structures and any other means of enclosure;
- Hard surfacing, including materials and colour finish;
- Facing materials of all structures, including finished colour;
- Site security measures.

The development shall be carried out in accordance with the approved details.

- 4) Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the Local Planning Authority within 14 working days of the date of its receipt from the DNO.

Not less than 6 months before the 40-year anniversary of the date of receipt of the FON by the Local Planning Authority, or no more 6-months following a permanent cessation operational use, whichever is the sooner, a detailed restoration scheme to include the removal of the batteries, substation, transformer units, inverters, all associated structures, hardstandings, and fencing, and the restoration and planting of the site including the timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The site shall be restored in accordance with the approved scheme and timescales.

The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of the operational use.

- 5) No development shall commence including site stripping and clearance until a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP shall include amongst other things, existing and proposed finished levels, full details of the excavation and land/bund formation processes including drawings and method statements for the proposed raised and excavated earthworks (bunds, substation area etc) and information to demonstrate that the movement of material within the site will be a neutral operation. The development shall be carried out in accordance with the approved details. All bunding shall be completed prior to first operation of the site.
- 6) No development shall commence including site clearance, stripping, site establishment or formation/improvement of the temporary/permanent access until temporary tree protection barriers and advisory notices are erected to protect the existing trees and hedges to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or the prevailing standard. These shall be retained in position for the duration of the period that construction takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.
- 7) No development shall commence until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority. The design shall be in accordance with the Staffordshire SuDS Handbook and must conform with the approved Flood Risk Assessment and Surface Water Drainage Strategy v.02, November 2024. Amongst other things, the design must contain:
 - Measures to limit discharges of surface water to 1 l/s for all events up to 100yr + 40% CC storm.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - Detailed designs and cross sections for the swale(s) and embankment that spans the eastern extent of the proposed infrastructure in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
 - Detailed design of the proposed ditch between the end of the swale and existing ditch system, including level detail to demonstrate a gravity connection.
 - Calculations to demonstrate the performance of the designed system and attenuation storage for a range of return periods and critical storm durations (15 mins up to 48 hours), to include as a minimum the 1:2 year, 1:30 year and the 1:100-year plus climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
 - Details that the existing southern field boundary ditch is cleared and remediated to ensure that flow is not impeded.
 - Details that the existing track culvert is excavated and replaced with a new culverted crossing comprising a minimum capacity of 1.44m³ /s.

- Details that the section of ditch between the new track culvert and the outfall is cleared and de-silted to ensure that flow is not impeded.
- A management and maintenance plan to ensure surface water drainage systems are maintained and managed for the lifetime of the development, including the name and contact details of the body(-ies) responsible.
- A construction phase Surface Water Management Plan (SWMP) plan to ensure that surface water runoff and contamination is temporarily intercepted, stored, treated, and discharged from the site.

The development hereby permitted shall be implemented and maintained in accordance with the approved details.

- 8) Notwithstanding the submitted details, no development including site stripping and site clearance shall commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the Ecological Impact Assessment (February 2022) and Supplementary Ecological Information (2024), and the Landscape Strategy Plan (33489 Rev F). The LEMP shall, amongst other matters, include:
- a) Precautionary method statements for protected species during construction;
 - b) Details of the proposed habitat enhancement, creation and management;
 - c) A sensitive lighting scheme to minimise disturbance to wildlife;
 - d) An Ecology Enhancement Plan to show proposed enhancement features, namely bat and bird box locations, numbers, and specifications;
 - e) An updated BNG calculation using Defra metric 4.1;
 - f) Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) to demonstrate how the stated BNG will be achieved;
 - g) Soil preparation details;
 - h) Appropriate planting/seeding specifications;
 - i) Timescales for implementation;

The development shall be carried out strictly in accordance with the approved LEMP.

- 9) Notwithstanding the submitted details, no development including site clearance and site stripping shall take place until such time that a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall set out protection and mitigation measures for protected species during construction and site establishment. The development shall subsequently be carried out strictly in accordance with the approved CEMP.
- 10) Prior to the commencement of development excluding works required to create the site access but including other site clearance and stripping, details of the temporary compound shall be submitted to and approved in writing by the Local Planning Authority. It shall include amongst other matters, level information, surfacing, means of enclosure, earthworks/bunding and a Statement of Condition

showing the condition of the site before works begin. The development shall be carried out strictly in accordance with the approved details and the compound provided before any work on site commences, excluding works required to create the site access. The temporary use of land for the compound shall be discontinued and, the land restored to its former condition on completion of the construction of the development hereby approved in accordance with a scheme of work and timescale, based on the Statement of Condition, which shall first have been submitted to and approved in writing by the Local Planning Authority.

- 11) No development shall commence, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities;
- vi) mechanical road sweeping for the existing carriageway;
- vii) vehicle routing; and,
- viii) management of the timing of deliveries.

The approved CTMP shall be adhered to at all times throughout the construction period of the development hereby permitted.

- 12) No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal, to establish that such trees, shrubs or hedgerows are not in active use by nesting wild birds.
- 13) Notwithstanding the submitted details, no development above slab level shall take place until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Landscape Strategy Plan (33489 Rev F) and include implementation timescales. The development shall subsequently be carried out strictly in accordance with the approved details. Replacement of dead, diseased or dying stock shall be undertaken in accordance with the Landscape Maintenance and Management Plan to be approved under Condition 14.
- 14) Notwithstanding the submitted details, no development above slab level shall take place until a Landscape Maintenance and Management Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority including measures for its operation for the life of the development. The LMMP shall

include for the replacement of failed stock for the first 10 years after planting. The development shall be carried out strictly in accordance with the approved LMMP.

- 15) During the construction phase the following must be adhered to at all times:-
- a) Any waste material associated with demolition or construction shall not be burnt on site and shall be kept securely for removal to prevent escape into the environment. All waste transfer records shall be retained for inspection by officers of the Local Planning Authority;
 - b) No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties, other sensitive uses, and the local environment.
 - c) In the event dust escapes the site boundary, the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority;
 - d) Any generator used during the construction phase should be suitably enclosed and attenuated so it is inaudible inside any neighbouring residential property.
- 16) All construction works and deliveries shall be restricted to the following times of operations:
- 08:00 – 18:00 hours (Mondays to Fridays);
 - 08:00 – 13:00 hours (Saturdays); and,
 - No working is permitted on Sundays or Bank Holidays.
- 17) In the event that coal measures or contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Development shall not continue further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any coal measures or contamination. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been prepared, and has been approved in writing by the Local Planning Authority.
- 18) All equipment and infrastructure associated with the development hereby permitted must be constructed and maintained throughout the life of the development so as to prevent any discharges or spillage that may cause pollution of the surrounding land, underground strata or watercourses.
- 19) Prior to the installation of any external lighting, full details of its design, siting and luminance shall first have been submitted to and approved in writing by the Local

Planning Authority. Any artificial lighting shall not increase the pre-existing illuminance at the adjoining light sensitive locations (residential) when the lighting is in operation.

- 20) The development access hereby permitted shall not be brought into use until the visibility splays shown on plan 2110063 01 A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.
- 21) Any gates shall be located a minimum of 5m rear of the highway boundary and shall open inwards, away from the highway.
- 22) The access to the development shall not be brought into use until details of the access, including precise location; width at channel and at 5m, 10m and 15m in; detail of interface with carriageway; and construction detail have been submitted to and approved in writing by the Local Planning Authority. The access route within the site rear of the public highway shall be surfaced and thereafter maintained in a bound material for a minimum distance of 15m back from the carriageway edge. The development shall thereafter be carried out in accordance with the approved details and be completed prior to its use for construction.
- 23) No battery unit or associated electrical equipment shall be brought on the site until details of an overarching Fire Safety Precaution Statement for the development has been submitted to and approved in writing by the Local Planning Authority (following consultation with the Fire Authority). This statement shall be guided by the appellant's submitted Fire Safety Strategy and the "Grid scale battery energy storage system planning – Guidance for Fire and Rescue Services" published by the National Fire Chiefs Council (or any subsequent update). Thereafter, the development shall operate in accordance with the measures outlined in the Fire Safety Precaution Statement.
- 24) Noise emitted from the site shall not at any time exceed 55db Laeq (15mins) when measured at any point on the northern, eastern and western boundaries of the site, and 60db Laeq (15mins) at any time when measured at any point on the southern boundary of the site.
- 25) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed:
 - i) the daytime (07:00-23:00) noise rating levels as set out in Table 5.1, measured over 1 hour at the nearest sound-sensitive premises ref. Table 1.1; and,
 - ii) the night-time (23.00–07.00) noise rating levels as set out in Table 5.2, measured over 15 minutes at the nearest sound-sensitive premises ref. Table 1.1;As referred to in the Noise Impact Assessment prepared by BWB ref. MCA2212-004, dated August 2024.

All measurements shall be undertaken in accordance with the methodology in BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the time interval stipulated above shall be agreed upon in writing with the Local Planning Authority.

- 26) Prior to the first operation of the development hereby permitted, a compliance test shall be undertaken by the operator to demonstrate compliance with the required rating noise levels at the properties listed in Table 1.1 of the submitted Noise Impact Assessment by BWB ref. MCA2212-004 dated August 2024. The development hereby approved shall not commence operation until compliance is demonstrated, submitted to and approved in writing by the Local Planning Authority.

End of Schedule.

APPEARANCES

FOR THE APPELLANT:

Mr Nick Pleasant BA(Hons) DipTP MRTPI, Planning Director, Stantec;

Mr Andrew Dannatt CEng BEng (Hons.) MICE MCIWEM C.WEM, Technical Director Hydrology & Hydrogeology, SLR;

Mr Matthew Filer BA(Hons) Pg Dip LA, Associate Director Landscape Planning, Stantec;

Mr Mike Barratt BSc(Hons) MIOA, Director (Energy Sector), BWB;

FOR THE COUNCIL:

Mr Declan Cleary MTCP MRTPI, Director, DC Planning Consultancy Ltd, on behalf of Staffordshire Moorlands District Council;

Mr Henry Wood MSc BSc, Flood Risk Officer – Staffordshire County Council;

Mr Stuart Ryder BA(Hons), Dip LA (Dist), CMLI, Director, Ryder Landscape Consultants Limited;

Mr Denis Colgan MSc Environmental Protection, Dip. in Acoustics and Noise Control (Institute of Acoustics), MCIEH, BA Hons, Specialist Pollution Officer – Environmental Health – High Peak District Council and Staffordshire Moorlands District Council;

INTERESTED PARTIES:

Mrs Kirton (Local Resident);

Mr Cuthbertson (Local Resident);

Councillor David Evans (Local Resident/ Councillor for Stoke Council);

Mrs Stitson (Local Resident);

Mr Bishop (Local Resident);

Mrs Bruce (Local Resident);

Mr Russell (Local Resident);

Mrs Haywood (Local Resident);

Mr Clowes (Local Resident);

DOCUMENTS ACCEPTED DURING THE HEARING:

BR – 1: Photograph of Site looking over Lingfield Avenue;

BR – 2: Photograph of Site looking over Church Road;

BR – 3: Letter from Western Power Distribution dated 12 July 2022.