Planning Inspectorate

Appeal Decision

Hearing held on 2 July 2025

Site visit made on 1 July 2025

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/C3240/W/25/3362344
Land off Buildwas Bank, Telford TF8 7EH

- 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 Lower Coalmoor BESS Limited against the decision of Telford and Wrekin Council.
- The application Ref is TWC/2023/0714.
- The development proposed is the erection of a battery energy storage system including access track, CCTV and light poles, car parking spaces, perimeter fencing and gates, and associated infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a battery energy storage system including access track, CCTV and light poles, car parking spaces, perimeter fencing and gates, and associated infrastructure, at Land off Buildwas Bank, Telford, TF8 7EH, in accordance with the terms of the application, Ref TWC/2023/0714, and the plans submitted with it, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for a full award of costs was made by Lower Coalmoor BESS Limited against Telford and Wrekin Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Telford and Wrekin Local Plan Review (2020-2040) has reached Regulation 19 Stage. Neither main party rely on its emerging policies, which they have agreed should be afforded limited weight, a position with which I concur.

Main Issues

4. The main issues are:

   - the effect of the proposed development on land stability;
   - the effect of the proposed development on the character and appearance of the area, with particular regard to the preservation or enhancement of the Severn Gorge Conservation Area and the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site; and
   - The level of community participation of the scheme.

Reasons

Land Stability

5. The Ironbridge Gorge landscape topography is still immature, dynamic, and evolving. It is considered to be the result of glacial waters incising a relatively deep and steep sided valley into an otherwise gently undulating plateau. Short but well incised valleys drain into the Gorge on both banks. This geology and the processes working upon it form the main reason for historic industrial activity. Ground movement related problems are related to three key factors, being geology, stream incision, and human activity from mining and historic building methods.

6. The Council observed at the hearing that the land stability reporting undertaken so far is of high quality. The main dispute is whether further investigative works should have been undertaken prior to the application's determination. Section 9 of the Phase 2 Site Investigation Report[1] recommends rotary boreholes to the bedrock, in order to prove competent bedrock and rockhead, assess opencast ground conditions and provide information for formation design, and to determine the structure of the underlying bedrock in relation to slope stability. The report also recommends a series of robust trial pits and slip trenches, and further contamination and geotechnical earthworks testing based on the additional fieldwork.

7. Failure mechanisms are present immediately adjacent to the site along Jiggers Bank, being bentonite layers at very shallow depth, and extreme valley cambering. This area lies within Zone 5 on the Council's Instability Zoning Map[2], being an area very unlikely to be suitable for built development. An extract from the Council's topographical survey during recent Jiggers Bank rock face stabilisation works also denotes very deep vertical cracks of up to 0.5m. They pre-date the formation of the Gorge by millions of years, with their opening up attributed to relaxation of the valley sides when the Gorge was formed much later. The Council is concerned that the appeal site may also be underlain by similar tectonic cracks which may be vulnerable to movement. The current risk rating is low to medium, but this could change following the additional works.

8. The Telford and Wrekin Local Plan (2011-2031) (LP) Policy BE9 requires the proposal to demonstrate that (i) its structural integrity would not be compromised by slope instability; (ii) it would not exacerbate any instability; (iii) it could tolerate the ground conditions by special design; and (iv) that there would be long term stability of any structures built on filled ground. The National Planning Policy Framework ('the Framework') (2024) paragraph 196 similarly requires that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, including from natural hazards or former activities such as mining, and that adequate site investigation information is available to inform these assessments.

9. It is clear that the Gorge and Jiggers Bank comprise unusual geological nuances, and I am highly mindful of the catastrophic outcome of any land stability failure, including on the Ironbridge Gorge World Heritage Site (WHS). However, Jiggers

[1] Phase 2: Site Investigation Inc. Mineral Safeguarding, S221207/SI Rev 3, Solmek Ltd, Jan 2024
[2] Ironbridge Gorge Landslides – Ironbridge and Coalbrookdale Ground Behaviour Study, High-Point Rendel, 2005

Bank is identified as being geotechnically and geomorphologically different to the appeal site, with a fault lying north/south in between them according to British Geology Site mapping, and with the site's geology dipping away from the slope to its south. Although this information does have the caveat of being at user risk, and is prepared on a regional basis so is not especially detailed, the appellant posits that the instability across the adjacent Silvertrees property further indicates the presence of a fault line running outside of the site boundary.

10. Although the information presented up to this stage is not a complete risk assessment, the appeal site and the valley slope to Lydebrook Dingle to the south have been assessed against the seven defined causes of slope instability identified within the Ironbridge and Coalbrookdale Ground Behaviour Study. All potential residual risk elements are identified as being low or low/medium. Overall the evidence demonstrates that the proposal poses a low residual risk of causing slope instability within the existing valley slope, with no evidence of pre-existing instability, slippage, or rockfall.

11. Ground failure mechanisms alongside more conventional mechanisms of slope failure would be amplified by the introduction of water, as identified by the Council's Geotechnical Officer in their November 2023 consultation response, with their main concern being that drainage from the site does not cause erosion to the underlying geology. Following submission of additional information, the Council's Drainage Engineer subsequently confirmed that the drainage strategy plus appropriate planning conditions would achieve this aim. The Officer report thus identified that the Council's Geotechnical Specialist agreed with the appellant's findings and recommendations (paragraph 8.34, September 2024). No standalone drainage issues have been raised, and I am satisfied with the drainage proposals, subject to relevant conditions.

12. The Policy BE9 justification text paragraph 9.3.1.5 expects developers to produce various types of information for development in a Mining Consideration Area, typically in the form of a Coal Risk Mining Assessment to demonstrate compliance with the Policy. This has been undertaken, with no objection from the Coal Authority, subject to imposition of conditions for intrusive site investigations in the form of rotary boreholes. Paragraph 9.3.1.6 further requires that the Council's relevant reports indicate where developers are required to submit additional detail with their proposals, and again, this has been undertaken.

13. The Council also provides standard guidance for ground movement monitoring for areas of known instability. This is a development management expectation, not policy, but is linked to validation requirements, and the LP Policy BE1(x) whereby there should be demonstration that sufficient investigation has been undertaken to ascertain the type and extent of any land contamination and land instability issues. The Council explained that this would normally be 12 months monitoring of inclinometer into boreholes to take into account seasonal variation in rainfall, which has not been undertaken.

14. However, the Council also acknowledged that this would be a next step output, depending on the appellant's level of confidence as to whether they consider it is necessary. Moreover, the site's existing features have acted as proxy monitoring over a long period. The 30m high pylon has been in place for approximately 70 years, with no indication of movement of the concrete base or steelwork. The Council acknowledged at the hearing that this was a beautiful piece of evidence

that they had not previously appreciated, notwithstanding that the neighbouring resident stated that they had used an inclinometer for the pylon which did show movement. The appellant's evidence also indicates no ground movement patterns displayed by the 20-50 year old trees on the slope below the site.

15. The Council considers that it would be inappropriate and premature to delay the further necessary investigative works until condition stage, as the matter is too sensitive and too complex, with inadequate demonstration of a lack of harm to the Gorge. If the risks could not be sufficiently mitigated, then the conditions could not be discharged, and the permission could not be implemented.

16. However, although the appeal site's relationship to Ironbridge Gorge is unique, the inability to implement a permission without discharge of relevant conditions would apply to many BESS proposals. They would enable a staged approach to considering risk, with each stage informing the next. No harm would thus arise to the Gorge, were the risk profile to increase such that the conditions could not be discharged. It is at the appellant's risk as to whether any geotechnical and land stability issues which may arise at condition discharge stage could not be appropriately mitigated. The Planning Practice Guidance (PPG) section on land stability advises that developers may choose to adopt phased reporting, such as desk study results followed by ground investigation results[3].

17. In taking all of the above matters into account, if I were to allow the appeal with geotechnical conditions requiring submission of further information, their imposition would be reasonable at this point as I do not find it inevitable that they could not be discharged. I find the works undertaken so far to be proportionate at this stage. In this regard I also note the PPG advice on conditions[4]. This is relevant despite referring specifically to conditions relating to land not in the appellant's control, because it highlights that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. In this instance, there is more than 'no prospect' that further investigative ground works and implementation of necessary mitigation would allow for the conditions to be discharged.

18. Overall therefore, I find the proposed development would not cause harm to local land stability, and so there would be no conflict with the LP Policy BE9.

Character and Appearance

19. The site forms part of an open agricultural field enclosed by hedgerows and adjoining sloped dense woodland on the valley side. Access would be off the A4169 bypass, with Jiggers Bank running alongside the site's south-eastern boundary. The BESS grid connection point would be via the site's existing pylon. The LP Policy SP3 designates the site as within the rural area.

20. The Ironbridge Gorge WHS is approximately 800m from the site's southern boundary, and the Severn Gorge Conservation Area (CA) is approximately 500m away. Section 16 of the Framework requires that great weight should be given to the conservation of designated heritage assets. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed

[3] Paragraph: 006 Reference ID: 45-006-20140306, Revision date: 06 03 2014
[4] Paragraph: 009 Reference ID: 21a-009-20140306, Revision date: 06 03 2014

buildings, with numerous lying within the WHS/CA. The LP Policies BE3 and BE5 align with the Framework approach to the preservation of heritage assets.

21. The WHS incorporates a 5km length of the steep-sided, mineral-rich Severn Valley, from west of Ironbridge downstream to Coalport, together with two smaller river valleys extending northwards to Coalbrookdale and Madeley. Its significance lies in its global recognition as the birthplace of the Industrial Revolution, whereby a series of pioneering 18th century industrial developments transformed both local and global economies and societies, based on the unique landscape which provided the raw materials. It retains an extraordinary concentration of mining, foundries, factories, workshops, and warehouses, within a network of lanes, paths, roads, ramps, canals, and railways, and the substantial remains of traditional landscape and housing. The retention of its 18th-century character provides integrity, and allows an authentic understanding of the early industrial era.

22. Its designation as a WHS cultural site incorporates four Outstanding Universal Value (OUV) criteria. It is a masterpiece of human creative genius, due to the Coalbrookdale blast furnace having the first successful smelting of iron using coke in 1709, and the 1779 Iron Bridge as the world's first known metal bridge. It displays an important interchange of human values in the great influence it had on technological and architectural innovations. It is an outstanding example of industrial landscape, and presents a direct association with significant events and ideas from its role in the Industrial Revolution, and enduring cultural and historical significance as experienced by over a million annual visitors.

23. The significance of the CA derives from the same elements as for the WHS. It preserves a rich archaeological and architectural landscape, including workers' housing, ironmasters' residences, and industrial infrastructure.

24. The parties dispute whether the appeal site lies within the settings of the WHS and the CA. There is no intervisibility between the appeal site and any specific component of the WHS and CA due to the woodland buffer in between. The Ironbridge Gorge WHS Management Plan (WHSMP) (2017) considered the WHS boundary, and does not identify any key views, or reference the surrounding agricultural land as being a factor which contributes to the WHS OUV. The Ironbridge Gorge WHS Supplementary Planning Document (SPD) 2023 Annex 1 identifies only one viewpoint outside of the WHS, in Madeley.

25. The CA Plan (CAMP) (2016) identifies that in general, the top of the Gorge where it levels out as a plateau provides a natural line of demarcation. The CA boundary was extended in the direction of the appeal site in 2024, but did not encompass it. The multiple opportunities to identify characteristic and important views, have therefore not identified any to or from the appeal site. Unlike other entrances, there is also no reference within the WHS documentation to the Jiggers Bank approach as having a gateway or setting function. Jiggers Bank is not itself a historic asset or a heritage view with its own setting.

26. However, the SPD paragraph 3.15 does identify that the setting may comprise the physical location and surroundings of the various character areas within the IGWHS, including open agricultural fields around Ironbridge, and also infrastructure such as roads that connect with or run through the WHS. Jiggers Bank is a primary and well-used historic route into the WHS. This is particularly as it is the main route for coach access, and the only signposted entrance to

Coalbrookdale and the Darby Ironworks from the north-west. It also includes a footway which joins the WHS public right of way (PROW) network.

27. As such, the descending topography of Jiggers Bank as a carriageway, the appeal site slope, the woodland beyond, and the sloping side of Jiggers Bank, together form the start of the physical gorge. The many visitors unfamiliar with the WHS would therefore be likely to generally experience this as its entranceway. They would not typically appreciate that the precise formal extent of the WHS lies further away, until reaching the welcome signpost further along.

28. The experience of leaving the WHS is fundamentally different, whereby the approach up Jiggers Bank to the appeal site and the expanse of open sky in that direction indicates leaving the Gorge behind. The appeal site slope cannot be directly appreciated behind the Silvertrees close boarded fence.

29. Nonetheless, for the above reasons I find the appeal site contributes towards the setting of the WHS overall. It thus contributes, albeit in a limited fashion, to the OUV attributes of (a) a 5km length of steep sided, mineral-rich Severn Valley; (b) two small river valleys leading from the Gorge to Coalbrookdale and Madeley; and (j) the traditional landscapes and woodland of the Severn Gorge.

30. Many of the elements discussed above regarding intervisibility and experience of physical features of the Gorge similarly apply to the CA, which lies closer. For very similar reasons, I therefore also identify that the site lies within the setting of the CA. Having come to this conclusion, I must determine whether there would be harm to the OUV attributes as the focus of the WHS's protection and management, and to the preservation or enhancement of the CA.

31. The permission would be for a 40 year operational period. Although generationally experienced, this lack of permanence would temper the level of any harm, and decommissioning requirements would reinstate the site to at least its current condition. My reasoning is therefore made on this basis. The proposal would incorporate the 2.5m high BESS containers themselves as well as several buildings up to approximately 3.7m high, a substation up to 6.8m high, 2.4m high fencing, and 5.0m high light poles and CCTV columns.

32. At the appeal stage the Council referred to the proposed landscaping being tokenistic, and with no details as to how it has been developed or how it would sufficiently screen the site. Planting would be within the existing hedgerow, new hedgerows around the main part of the site, and a copse of trees adjacent to the existing woodland. However, I see no reason why precise landscaping details could not be determined via conditions, including additional planting if deemed necessary. I do not find the planting so untoward so as to suggest harm in itself.

33. Nevertheless, although the tree screening would reach around 12m once grown, it would only mature after approximately 15 years, with seasonal leaf-drop. The proposal would represent a relatively substantial industrial insertion into the currently open field, notwithstanding some mitigation from the existing pylon acting as a backdrop to the highest substation equipment. It would thus be a harmful visual intrusion to the character and appearance of this part of the rural landscape.

34. There would be a lesser impact in relation to the significance of the WHS and the CA. The proposal would be a modern contemporary design which would not cohere with the overall visual character of the WHS and immediate locality, and thus would conflict with the SPD key guidance points (page 89). It would also not be a design of new infrastructure development which reflects its immediate surroundings both in appearance and materials (page 120). The LP Policy BE3 does not support proposals adjacent to the WHS that adversely affect its setting, including the existing skylines and views to, and from, the Gorge.

35. However, the Framework paragraph 220 identifies that loss of an element which makes a positive contribution to the significance of the WHS should take into account the relative significance of the element affected, and its contribution to the significance of the CA and WHS as a whole. The site plays a very limited contribution to their overall significance, in only contributing in a minor way to their setting. Although the whole proposal would be visible in the gateway to the WHS as described above, the gateway vista would only be slightly diminished, and its function still experienced. Overall, I conclude that the attributes of the WHS OUV as described above would be slightly harmed on this basis.

36. Regarding protection of the CA setting, the CAMP page 69 identifies that development should be controlled along the valley's skyline where infrastructure may break the illusion of continuing woodland or interrupt the skyline. The northwards approach along Jiggers Bank would allow glimpses of the substation breaking the skyline when nearby, but again this would be behind the foreground of a residential property, and against the pylon backdrop. It would also not comprise solid massing.

37. Overall, there would be a very limited harm to the settings of the CA and the WHS as designated heritage assets. This would be therefore categorised as less than substantial harm, albeit at the lower end of that spectrum, to which the Framework Paragraph 212 requires that I give great weight. The main parties agree that there would be no impact on the setting of any listed buildings. Due to the separation distances and the lack of direct intervisibility, I make the same conclusion.

38. The Framework Paragraph 215 requires that less than substantial harm to the significance of a designated heritage asset should be weighed against any public benefits. The LP Policy BE3 also requires giving significant weight to the international value of the Severn Gorge area as a WHS, and the LP Policy BE5 does not support development where it would not do justice to the setting and surroundings of a CA. Both policies require that any harm or loss must be clearly justified. I address the scheme's benefits in my Planning Balance, and therefore reserve conclusion against the LP Policies BE3 and BE5.

39. The LP Policy BE1 criteria (i), (iii), and (v) require the development to respect and respond positively to its context, enhance the quality of the local built and natural environment, respect the landscape setting and topography, maintain important landmarks, gateways, and views to and from the site, and respect the quality of the skyline. Insofar as the proposal's impact on the character and appearance of the area predominantly echoes its impact on the WHS and the CA, I find harm and Policy BE1 conflict in this regard.

40. The decision notice also references Policy ER1(ii) conflict, with the relevant matter being that there must be no significant adverse impact on local amenity as a result of outlook through unacceptable visual intrusion. I find this criterion to relate more to matters of living conditions rather than general outlook across the site, but even for the latter, do not find the impact to be so significantly adverse to suggest ER1 conflict. Similarly for Policy ER1(i), I find no conflict because the harm would not be to the extent of being a significant adverse effect on landscape or townscape, heritage assets, or areas or features of historical significance or amenity value.

Community Participation

41. The third reason for refusal cites Policy ER1(v) conflict, whereby when considering the social and economic benefits, account will be taken of the degree of community participation/ownership of a scheme. The Council confirmed at the hearing that the conflict only relates to the extent of community participation, although the written evidence conflated this with community ownership throughout.

42. The Council's interpretation of Policy ER1(v) is unjustified. It is not a 'gateway test', to use the appellant's terminology. The policy identifies that community participation acts to increase the weight to be given to a proposal's social and economic benefits. As such, this does not indicate that a lack of consultation would conversely create policy conflict so as to justify refusing planning permission. Furthermore, some pre-application public consultation was undertaken, being attendance at a Little Wenlock Parish Council meeting, and a public consultation drop-in session. I also note the appellant's letter to the Council of 10 April 2024 which states that it seeks to highlight some details which may provide some answers and reassurance to common queries from members of the public.

43. Overall therefore, regardless of whether additional consultation, or scheme amendments made as a result would have reduced community objections, I find no conflict with Policy ER1(v). The reason for refusal also cites conflict with Policies SP3 and SP4, which I address in the Planning Balance below.

Other Matters

44. I have paid regard to interested party comments, including the hearing discussions, and have considered these above as part of my reasoning where relating to the main issues. However, in the absence of any additional technical evidence submitted at appeal stage to contradict that already considered by the Council and relevant statutory consultees, they do not affect my conclusions on the main issues. No other matters are disputed by the Council, including drainage, noise, ecology and biodiversity, highways, residential amenity, and safety.

45. I specifically note the matter raised at the hearing by the Silvertrees resident, who identified that the health conditions of their family member living at the property would cause particular difficulty in an emergency evacuation scenario. As such, I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but am satisfied that the very minimal risk of fire evacuation, based on the evidence before me, would not cause discrimination in particular against persons with the protected characteristics of age and/or disability.

46. Although I also have significant sympathy as to the cited stress caused to the Silvertrees residents resulting from the process of this application and appeal, I have to assess the proposal on the evidence before me. The Council raised no objection on the basis of any impact to these residents, and I similarly find the

proposal to have acceptable separation distances and safety measures, subject to relevant conditions. There would only be motion sensor lighting to identify human presence. I therefore conclude that it would be proportionate to allow the appeal on this basis, if so minded subject to my Planning Balance below.

47. At application stage, the proposal was not subject to the flood risk sequential test. As the Environment Agency (EA) subsequently revised the National Flood Risk Assessment data which indicated a slight increase in risk of surface water flooding on the site, the appellant added a Flood Risk Sequential Assessment[5] (SA) to their appeal evidence. However, the flow routes as now indicated on the EA maps as a surface water flood risk, were already a previously known constraint and a point of consideration in the Drainage Strategy, and the Council therefore remains satisfied that there would be no impact on these flow routes.

48. The Council does question the 2km search radius, and highlight its uncertainty that this site is the most sequentially preferable due to a lack of clarity in some of the SA areas. Nonetheless, the Council acknowledges that it could have agreed that a SA was unnecessary, and that the development would be essential infrastructure within Flood Zone 1 which could be designed to be operational and safe during times of flood, and offer betterment through a reduction in erosion potential. The site has an existing connection into Lydebrook Dingle, and its drainage system would replicate existing flows without increasing flow rates or point discharge. Neither the Council nor any relevant consultees have objected on drainage or flood risk grounds. On this basis, and subject to appropriate planning conditions, I make the same conclusion.

49. I note the objections relating to the risk and effects of fire, and the potential impact on the Lydebrook Dingle SSSI and the River Severn. However, the Shropshire Fire Service raises no objection, and the detailed consideration of the fire safety approach in the Council's Officer Report also confirms no objection on these grounds. The BESS design and operation would take account of advice from the National Fire Chiefs Council, and would ensure no run-off of contaminated water. It is commonplace for BESS approvals to include a condition to require a further detailed Battery Safety Management Plan and Emergency Response Plan. As such, this would require further approval on fire safety matters following consultation with relevant parties, and so provide additional assurance. I am therefore content that fire safety matters have been satisfactorily addressed.

50. The Council contends that the dismissal of the appeal at Roberts Road in Madely[6] lends support to dismissal of this appeal. I viewed that site during my visit to the wider area. Although it has some similar features relevant to setting and character, I do not find it determinative in this instance due to its significant differences. A PROW runs through that site, leading into the WHS which lies directly adjacent, and the proposal was for 20 dwellings.

Conditions

51. I have imposed the Council's suggested conditions, as agreed by the appellant, subject to slight amendment to reflect the Framework paragraph 57 and the PPG. The statutory condition will limit the lifespan of the planning permission (1). Specifying approved plans will provide clarity for the terms of the permission (2).

[5] P22-1312_R004v2 PL Rev 4, Pegasus Group, 25 June 2025
[6] APP/C3240/W/24/3340770 Site off Roberts Road, Road, Telford TF7 5JL; dismissed 10 October 2024

Limiting the operational period to 40 years (3) will bind the proposal to that on which my determination was based.

52. Details of further site investigation activities (4, 5, 6), and confirmation that the site is safe and stable for the approved development prior to its first use (25), will ensure no geological impact upon the Gorge, with adequate ground condition and coal mining legacy information enabling any appropriate remedial and mitigatory measures before building works commence. A suite of drainage conditions to be addressed prior to commencement will similarly ensure no impact, and that drainage is adequately controlled (7, 8, 9, 10). Alongside this, a Written Scheme of Investigation for archaeological work will ensure appropriate heritage considerations (14).

53. It is necessary to provide specific biodiversity protection for great crested newts and for badgers from the beginning of the development (11, 12). Wider biodiversity improvements and tree protection measures will be ensured through conditions to require a Habitat Monitoring and Management Plan (13), for the development to be carried out in accordance with approved details relating to tree protection (16) and ecological impact (17), and specific habitat provision (26). Of note, to avoid duplication I have removed reference to fencing and biodiversity enhancements from the landscaping condition, as other conditions deal with these matters.

54. A Construction Environmental Management Plan (15) will also provide environmental protection, as well as being required for highway safety and maintaining the amenity of local people. To further ensure appropriate amenity for local residents, the development shall be carried out in accordance with approved details relating to noise (18). Retaining the laid out parking and turning spaces for their intended use is also necessary to maintain highway safety.

55. Further details of hard and soft landscape works (19) and lighting (22) are required in order to protect the character and amenity of the area, as well as improve biodiversity. Details of the appearance of the BESS containers, fencing, and CCTV (20, 21) will also ensure protection for the character of the area.

56. A detailed Battery Safety Management Plan (23) and Emergency Response Plan (24) are required prior to installation of the battery equipment and then its first use, to ensure that safety matters are fully considered for the lifetime of the permission and once the final equipment specification is known. Discussion at the hearing concluded that due to the importance of the penstock valve within the drainage system, including relating to any fire-fighting drainage, the Battery Safety Management Plan condition should include a specific reference to its maintenance. I have therefore added this. Requiring decommissioning and site restoration (28) will protect the area's character and appearance, and reinforce the 40 year timeframe or an earlier timeframe if the development ceases to export electricity for more than 12 months.

Planning Balance and Conclusion

57. The PPG identifies that Battery Energy Storage Systems enable the use of energy more flexibly and cost-effectively de-carbonise the energy system[7]. The Framework Paragraph 161 states the planning system should support the transition to net zero by 2050, and support renewable and low carbon energy and associated infrastructure.

[7] Paragraph: 032 Reference ID: 5-032-20230814

58. The Council declared a Climate Emergency in 2019, committing to carbon neutrality from its controlled operations and activities by 2030. A further commitment was made to engage with residents, businesses, public sector organisations and partners to work together, with the aspiration for the borough to also be carbon neutral by 2030. The Council acknowledges the significant benefits provided by BESS developments, with the Climate Change SPD (2023) confirming that it is clear that more energy from renewable sources needs to be provided within the UK. The SPD identifies that rising costs, including the cost of energy, are impacting businesses and residents, and so strongly encourages new development which incorporates low and zero carbon technology.

59. The proposal has demonstrated its locational need, with a convenient and confirmed on-site point of connection which would negate the need to lay lengthy cable routes and/or install additional overhead power lines and pylons. This 50MW capacity BESS would support secure, distributed, and diversified energy generation, and is intended to connect prior to 2030 if the appeal were allowed, helping to reduce CO2 emissions in line with the Government's well publicised net zero by 2050 ambitions and targets. Overall, it would clearly contribute to the achievement of these national and local ambitions, and would comply with the LP Policy ER1 which supports renewable energy development in principle. I give significant weight to the proposal's benefits associated with renewable and low carbon energy generation and its contribution to a net zero future.

60. There would also be economic benefits including construction jobs, and business rates. The Government's Clean Power 2030 Action Plan confirms that battery storage is integral infrastructure for the renewable energy system, as well as being part of the overall economic growth sought from essential new energy industries, supporting the wider growth strategy. I give economic benefits moderate weight.

61. Biodiversity net gain (BNG) is not a statutory requirement in this instance. There would be a BNG of 79.13% habitat units and 29.59 hedgerow units, and other biodiversity enhancements from aspects such as bird and bat boxes. I give these benefits minor weight. There would be a slight drainage betterment in reducing erosion of the outfall land below the site, which I give minor weight.

62. I have found there would be very limited harm to the settings of the CA and the WHS as designated heritage assets, which would be less than substantial harm but nevertheless of considerable importance and which holds great weight. In considering this against the benefits identified above, I find this harm to be clearly justified, such that it would comply with the LP Policies BE3 and BE5, and with the Framework section 16 on conserving and enhancing the historic environment. It follows that as the public benefits would outweigh the heritage harm, no conflict arises in relation to the LP Policy SP3 as cited in the reason for refusal.

63. Given my findings above, the proposal would conflict with the LP Policy BE1 regarding the character and appearance of the area, drawing it into conflict with the development plan as a whole. However, I find the material considerations of its benefits to weigh in its favour to the extent of outweighing the development plan conflict and the identified harm, as well as bringing it into accordance with the LP Policy SP4. I therefore allow the appeal

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans;

   Location Plan P22_1312_EN_19

   Site Layout 88-10-16-PL-LA-SL Rev 03

   Landscape Strategy P22-1312_EN_18 Rev G

   Drainage Strategy Drawing P22-1312-PEG-XX-XX-DR-C-0150-P6

   Proposed Elevations- BESS Units and MV 88-10-16-P-PL-EQ-03 R.01

   Proposed Elevations and Floor Plan Customer Switchgear Building 88-10-16-P-PL-EQ-05 R.01

   Swept Path Analysis- Fire Appliance C22134-ATP-DR-TP-004

   Vehicle Turning Point C22134-ATP-DR-TP-003

   Cross Section P22_1312_EN_20 Rev A

   Proposed Floor Plan & Elevations of DNO Control Building 88-10-16-C-PL-EQ-01

   Proposed Floor Plan & Elevations of DNO Storage Container 88-10-16-C-PL-EQ-02

   Proposed Fence & Gate Elevations 88-10-16-PL-FG

   Proposed Elevations and Sections 132kv Metering Substation 88-10-16-PL-SS-ELV-01

   Proposed Elevations and Floor Plans - Storage Container and Auxiliary Transformer 88-10-16-P-PL-EQ-04

   Plan and Elevations of Customer Control Building 88-10-16-P-PL-EQ-06

   Plan and Elevations of CCTV Camera Column 88-10-16-P-PL-EQ-07

   Light Spill Plan 2932-DFL-ELG-XX-LD-EO-13001 Rev P04

   Proposed Levels 8590-MJM-XX-XX-DR-C-6600 Rev P06

   Cross Sections Proposed Levels 8590-MJM-XX-XX-DR-C-6604-S2 Rev P04

   Cut / Fill Volumes 8590-MJM-XX-XX-DR-C-6800-S2 Rev P06

3) The development hereby permitted shall be limited to a period of 40 years from the date of the first export of electricity to the Grid. This date is referred to hereinafter as ‘the First Export Date’. Written notification of the First Export Date shall be given to the local planning authority within 1 month of the First Export Date.

4) No development shall commence until a scheme of intrusive site investigations has been carried out on site in accordance with authoritative UK guidance, to establish the risks posed to the development by past coal mining activity. Prior to the First Export Date, the following details shall be submitted to and approved in writing by the local planning authority:

   (a) The scheme of intrusive site investigations;

   (b) A layout plan to illustrate the position of the mine entries and extent of the opencast workings;

(c) The implementation in accordance with authoritative UK guidance of any necessary remediation works and/or mitigation measures to address land instability arising from coal mining legacy on site, in order to ensure that the site is made safe and stable for the development hereby permitted.

5) No development shall commence until a Final Slope Stability Assessment has submitted and approved in writing by the local planning authority. The Final Slope Stability Assessment shall be prepared in accordance with the principles set out in the previously submitted Slope Stability Desk Study Assessment S221207/SSA (Solmek Ltd), and shall include (but is not limited to):

(a) A review of existing sources of geological information;

(b) Site history;

(c) Site inspection;

(d) An assessment of the 'future works' set out in the Site Investigation Report S221207/SI (Solmek Ltd);

(e) Intrusive site investigation (if necessary);

(f) An assessment of whether or not the site is stable and has an adequate level of protection;

(g) An assessment of whether or not the site is likely to be threatened or affected by reasonably foreseeable slope instability originating outside the boundaries;

(h) An assessment of whether or not the proposed development is likely to result in slope instability and the extent to which it will affect the development or nearby property or designated heritage features;

(i) Any mitigation measures and foundation designs;

(j) Methods of reporting and feedback to the local planning authority.

The development hereby permitted shall be implemented in accordance with the approved Final Slope Stability Assessment for the duration of the permission.

6) No development shall take place until a scheme in general accordance with Drainage Strategy Drawing P22-1312-PEG-XX-XX-DR-C-0150-P6 for both foul and surface water drainage from the development, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage details shall include:

(a) If soakaway drainage is proposed: the results of soakaway tests carried out 3 times in accordance with BRE Digest 365; soakaway calculations based on the worst case result from the on-site tests; and a detailed drainage design including a plan showing the location of any soakaway. Soakaways should be located no less than 5m from any building or boundary.

(b) If drainage to a watercourse, sewer or other waterbody is proposed: a detailed drainage design restricting surface water discharge to 5.3 litres per second per hectare and attenuating all flows up to and including the 1 in 100 year event +40% for climate change; a drainage layout showing the location of any attenuation and flow control features; and details of a SuDS treatment and management train identifying the water quality, amenity, and biodiversity benefits of the proposed SuDS system, with a suitable planting plan.

The development hereby permitted shall be implemented in accordance with the approved drainage details prior to the First Export Date, and maintained for the duration of the permission.

7) No development shall take place until details and a method statement for interim and temporary drainage measures during the demolition/site clearance and construction phases have been submitted to and approved in writing by the local planning authority. This information shall include details of future management responsibilities, and maintenance schedules, and demonstrate how the site will be drained to ensure no increased off-site flows, and no pollution, debris, or sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, prior written confirmation of acceptance from the sewer owner shall be included. The site works and construction phase of the development hereby permitted shall be implemented in accordance with the approved details and a method statement.

8) No development shall take place until a SuDS Management Plan has been submitted to and approved in writing by the local planning authority. Any SuDS feature should be located in an appropriate open space location, and the plan shall include details on future management responsibilities, and maintenance schedules for all SuDS/attenuation features and associated pipework. The development hereby permitted shall be implemented in accordance with the approved SuDS Management Plan, and maintained for the duration of the permission.

9) No development shall take place until an exceedance flow routing plan in accordance with CIRIA C635 above the design return period of 1:100 +40% climate change has been submitted to and approved in writing by the local planning authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography, with flows being directed to highways and areas of open space. This should include a levels design for the development highway with back edge of kerb details in any low points. Flow routes through gardens and other areas in private ownership will not be permitted. The development hereby permitted shall be implemented in accordance with the approved details prior to the First Export Date.

10) No development shall take place including demolition or site clearance until a District Level Licence for impacts from the development to great crested newts has been obtained from Natural England, and submitted to the local planning authority.

11) No development shall take place including demolition or site clearance until a Badger Mitigation Strategy has been submitted to and approved in writing by, the local planning authority. This shall set out appropriate actions to be taken during the works which may include; precautionary methods of working, timing restrictions, restrictions of activities around any identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary. Where a Badger Disturbance Licence is required a copy of the licence must be submitted to the local planning authority prior to the commencement of licensable works. The development hereby permitted shall be implemented in accordance with the approved details.

12) No development shall take place until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity

Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include details of:

(a) Description and evaluation of the features to be managed;

(b) Ecological trends and constraints on site that may influence management;

(c) Aims, objectives and targets for management – links with local and national species and habitat action plans;

(d) Description of the management operations necessary to achieving aims and objectives;

(e) Prescriptions for management actions;

(f) Preparation of a works schedule, including annual works schedule;

(g) Details of the monitoring needed to measure the effectiveness of management;

(h) Details of the timetable for each element of the monitoring programme;

(i) Details of the persons responsible for the implementation and monitoring;

(j) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;

(k) Provisions for reporting to the local planning authority in years 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

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

13) No development shall take place until a Written Scheme of Investigation (WSI) of a phased programme of archaeological work has been submitted to and approved in writing by the local planning authority. The WSI must be carried out under the supervision of an archaeologist. The development hereby permitted shall be implemented in accordance with the approved details.

14) No development shall take place until either parts (a) or (b) of this condition have been complied with to ensure no buildup or ingress of gas occurs within the development. Any site investigation and/or scheme for precautionary gas measures shall be undertaken by a competent person and conducted in accordance with current guidance (NHBC: Hazardous ground gas – an essential guide for house builders CIRIA 665):

(a) A site investigation scheme has been submitted to and approved in writing by the local planning authority to ascertain whether the site is affected by the presence of landfill gas (including gas monitoring), and to provide details of any gas protection measures required for the development; or

(b) A scheme for precautionary gas protection measures (without first investigating the site) has been submitted to and approved in writing by the local planning authority.

Any gas protection measures approved under parts (a) or (b) of this condition shall be installed prior to the First Export Date, and maintained for the duration of the permission.

15) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall comply with the Considerate Constructors Scheme and include the following details:

(a) Location of site compound;

(b) Parking of vehicles of site personnel, operatives and visitors;
(c) Loading and unloading of plant and materials;
(d) Storage of plant and materials in constructing the development;
(e) Storage of oil, fuel and chemicals;
(f) Protection of ecology, trees and archaeology;
(g) Prevention of mud being deposited on highway;
(h) Measure for the control and reduction of noise from construction works;
(i) Measures for the control and prevention of dust spreading beyond the boundaries of the site from construction works;
(j) Measures for control of construction traffic within the site and on the surrounding highway network (including construction traffic routes);
(k) Hours of operation of construction works and others works on the site, opening hours, operational hours, noise hours and deliveries;
(l) Measures for the monitoring and enforcement of the plans (including contact details for Site/Project Managers);
(m) The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
(n) Key features outlined above being identified on an appended site plan.

The development hereby permitted shall be implemented in accordance with the approved CEMP for the entirety of the construction period.

16) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Arboricultural Impact Assessment (1807.006.ENZ.XX.00.RP.AR.45.102, May 2023, Enzygo) and Tree Protection Plan (1807.006.ENZ.XX.00.RP.AR.45.102 Rev PL03). All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with British Standards 5837:2012.

17) The development hereby permitted shall be carried out in accordance with the Ecological Impact Assessment (EcIA) (CRM.1807.006.EC.R.001C Rev.D, 21 March 2024, Enzygo). Works shall be overseen and undertaken where appropriate by a licensed and suitably qualified and experienced ecologist.

18) The development hereby permitted shall be carried out in accordance with the Noise Impact Assessment (P22-408-R02v3, February 2024, Hepworth Acoustics) and its recommended mitigation measures.

19) Notwithstanding condition 2, no development above ground level shall take place until a detailed landscaping scheme including details of hard and soft landscape works for the development has been submitted to and approved in writing by the local planning authority. These details shall align with the main principles within the Landscape Strategy P22-1312_EN_18 Rev G, and shall include:

(a) Existing and proposed finished levels or contours;
(b) Car parking layouts;
(c) Other vehicle and pedestrian access and circulation areas;

(d) Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs);

(e) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.);

(f) Location of additional tree planting;

(g) Planting plans;

(h) Written specifications including cultivation and other operations associated with plant and grass establishment;

(i) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. The planting scheme shall include a mix of native species of local provenance, berry-producing shrubs and/or nectar-rich flowers;

(j) A landscape maintenance schedule for a minimum period of five years;

(k) Implementation arrangements and timetables.

The development hereby permitted shall be implemented and maintained in accordance with the approved landscaping scheme. If within a period of five years from the date of the planting or establishment of any tree, shrub, or plant specified in the approved details, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted, shall be planted at the same place by the end of the first available planting season.

20) Notwithstanding condition 2, no development above ground level shall take place until details of the types and colour specification to be used for the BESS containers and all fencing and means of enclosure, have been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained for the duration of the permission in accordance with the approved details.

21) Notwithstanding condition 2, no CCTV columns and lamps shall be installed on site unless details of their finish and colour have been submitted to and approved in writing by the local planning authority. The CCTV columns and lamps shall be installed in accordance with the approved details and maintained for the duration of the permission.

22) No external lighting shall be installed on site unless details of any external lighting have been submitted to and approved in writing by the local planning authority, to show the location of proposed external lighting, and the specification and design of the fixtures to be erected. Any approved lighting equipment shall then be installed in accordance with the approved details and maintained for the duration of the permission.

23) Prior to the installation of any Battery Energy Storage Equipment, a detailed Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the local planning authority. The BSMP shall align with the general principles set out within the Outline Battery Safety Management Plan (OBSMP) (SHF.1807.013.PL.R.001.01, August 2023, Enzygo) and the Outline Battery Safety Management Plan Addendum (OBSMP Addendum) (25 March 2024, Enzygo), and shall include details of safety measures and risk mitigation (including fire risk and

safety, and maintenance of the penstock valve) across the construction, operational, and decommissioning phases of the development. The development shall be carried out and maintained for the duration of the permission in accordance with the approved BSMP.

24) Prior to the First Export Date, a detailed Emergency Response Plan (ERP) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained for the duration of the permission in accordance with the approved details.

25) Prior to the First Export Date, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This statement or declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

26) Prior to the First Export Date, details of the type and location of specific biodiversity features shall be submitted to and approved in writing by the local planning authority. The details shall include the provision for:

(a) A total of 1 woodcrete, woodstone, or wood concrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species;

(b) A total of 1 large multi-chamber bat box to be installed on a mature tree;

(c) A total of 2 woodcrete, woodstone, or woodconcrete artificial nesting boxes suitable for bird species such as robin, blackbird, and tit species;

(d) At least 4 log/brash piles measuring at least 50x50x100cm placed adjacent to retained trees or hedgerows.

The development shall be carried out and maintained for the duration of the permission in accordance with the approved details.

27) Prior to the First Export Date, the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles shall be properly laid out, hard surfaced, and drained, and shall be maintained thereafter free of any impediment to their designated use.

28) Within a period of 39 years and 6 months following the First Export Date, or in the event of the development hereby permitted ceasing to export electricity to the grid for a continuous period of more than 12 months then within 6 months from the end of that 12 month non-electricity storing period, a Decommissioning Scheme shall be submitted to the local planning authority. The Decommissioning Scheme shall include details of an updated ecological assessment report. Additional details or a revised Decommissioning Scheme must be submitted if requested by the local planning authority, within its stated timescale. Once the Decommissioning Scheme is approved in writing, the development hereby permitted shall be decommissioned in accordance with the approved details.

END OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Mr David Hardy	Partner, CMS Law
Mr Nigel Cussen	Senior Planning Director, Pegasus Group
Mr Paul Cooper	Director, Paul Cooper Consulting
Mrs Laura Garcia	Senior Heritage Director, Pegasus Group
Mr Jonathan Evans	Senior Landscape Director, Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Ms Penny Stephan	Principal Planning Officer
Mr Andrew Gittins	Development Management Area Manager
Mr Declan Kearney	Team Leader, Geotechnical and Structures
Dr Andy Wigley	Shropshire Council, Policy and Environment Services Manager
Cllr Stephen Reynolds	Chair of Planning Committee

INTERESTED PERSONS:

Mr C Deeley	Local resident
Mrs J Madeley	Clerk, Little Wenlock Parish Council
Cllr G Luter	TWC, Planning Committee Member
Cllr A England	TWC, Planning Committee Member
Cllr S Handley	TWC, Planning Committee Member
Cllr A Jhawar	TWC, Planning Committee Member
Cllr G Thomas	TWC, Ward Member
Mr G Sinclair	CPRE Telford