

## Statement of Case.

Appeal by Newfields BESS Limited against the refusal of full planning permission for the development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid.

In respect of:

Land at Newfields Farm, Rownall Road, Wetley Rocks, ST9 OBS.

Date: March 2025 | Pegasus Ref: P23-0415 | LPA Ref. SMD/2024/0019

---

## Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
1	January 2025	AG/DP	NC	-
2	February 2025	AG/DP	NC	Client comments
3	March 2025	DP	NC	Counsel comments
4	March 2025	DP	NC	Further counsel & client comments

# Contents

Document Management.....	i
1. Introduction.....	1
2. The Appeal Site and its Surroundings.....	5
3. Appeal Proposals.....	7
4. Planning History.....	9
5. Planning Policy Context.....	11
6. The Appellant's Case.....	25
7. Planning Conditions and Obligations.....	48
8. Summary and Planning Balance.....	49

## Appendices

**Appendix 1 – Relevant policy extracts from the Staffordshire Moorlands Local Plan 2014–2033**

**Appendix 2 – Noise Impact Assessment (reference P23-129-R02v3)**

**Appendix 3 – Biodiversity Net Gain Metric (reference MAN.1807.010.EC.R.002)**

**Appendix 4 – Flood Risk Sequential Assessment (reference P23-0415\_R005v4 PL)**

**Appendix 5 – FRA & Drainage Strategy Addendum by Rennard Consulting Limited**

**Appendix 6 – Landscape, Visual and Green Belt Statement**

**Appendix 7 – National Fire Chiefs Council Planning Guidance for Battery Energy Storage System (BESS) Compliance Report (reference ARC-1247-002-R1)**

**Appendix 8 – Outline Battery Safety Management Plan (reference SHF.1807.005.PL.R.001.03)**

# 1. Introduction

- 1.1. Pegasus Group is instructed by Newfields BESS Limited (**"the Appellant"**) to act on their behalf in respect of an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning application reference SMD/2024/00190019 (**"the Planning Application"**) by Staffordshire Moorlands District Council as the relevant Local Planning Authority (**"the LPA"**) on 27th September 2024, related to land at Newfields Farm, Rownall Road, Wetley Rocks (**"the Site"**).
- 1.2. With reference to the criteria in Annex K of the Appeals Procedural Guide, the Appellant considers that this appeal should be determined by way of a Hearing. As such, this Statement of Case is submitted pursuant to the Town and Country Planning (Hearings Procedure) (England) Rules 2000, as amended by the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2009 and by the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013. The Appellant considers that 2 days would be required for the Hearing, as is standard for the Hearing procedure.
- 1.3. The Planning Application subject to this appeal was submitted on 12<sup>th</sup> January 2024. It was validated by the Council on 25<sup>th</sup> January 2024 and given the reference number SMD/2024/0019. The location of the Site is shown outlined in red in the Site Location Plan (see **Core Document CD 3.4**) submitted with the application, and this appeal. The Appellant worked positively and proactively with the Council, with amended documents and additional information provided to statutory consultees and officers as necessary to address queries and issues raised.
- 1.4. The planning application was reported to Staffordshire Moorlands District Council's Planning Committee with an officer recommendation for approval on 19<sup>th</sup> September 2024. Please see **Core Document CD 2.1** for a copy of the Committee Report. Members resolved to depart from the positive recommendation made by officers and planning permission was refused. Please see **Core Document CD 2.2** for the Decision Notice, which is dated 27<sup>th</sup> September 2024. The reason for refusal by the LPA was as follows:

***"In the opinion of the Local Planning Authority, the proposed development would result in inappropriate development within the Green Belt. The development would fail to preserve the openness of the Green Belt and would conflict with the purposes of including the land in the Green Belt through encroachment into the countryside. The harm to the Green Belt attracts substantial weight against the proposals.***

***There are also concerns regarding the overall cumulative effect of similar development in the area and the industrialisation of the landscape, increased risk of a safety incident in a localised area and wider environmental implications. The development would be prominent to the users of the adjacent public right of way (Cheddleton 48), due to insufficient landscaping and lack of information regarding maintenance arrangements for existing and proposed vegetation and would have a harmful effect on the visual amenities of the countryside.***

***The development has an unsustainable relationship with Newfields Farmhouse due to noise effects and, as such, requires its occupation to cease. The loss of housing stock, at a time when the Council cannot demonstrate a 5 year supply of housing is considered to weigh against the proposal.***

*The development would have only one point of access into the site through the farm buildings, contrary to guidance, which leads to concerns for fire service access and the overall safety of the site.*

*These factors all amount to additional harm which weigh against the proposed development. It is noted that there are other considerations which weigh in favour of the development. However these do not clearly outweigh the harm to the Green Belt and other harm identified above and, as such, very special circumstances do not exist.*

*The development is therefore contrary to Policies SS1, SS10, SD2, DC1, DC3, C3, and NE1 of the Staffordshire Moorlands Local Plan (Adopted September 2020) and the guidance contained within National Planning Policy Framework."*

1.5. The policies the proposal is alleged to conflict with are included in full at **Appendix 1**.

1.6. This Statement is structured as follows:

- Section 2 – The Appeal Site and its Surroundings
- Section 3 – Appeal Proposals
- Section 4 – Planning History
- Section 5 – List of Documents
- Section 6 – Planning Policy Context
- Section 7 – The Appellant's Case
- Section 8 – Planning Conditions and Obligations
- Section 9 – Summary and Planning Balance

1.7. The Appellant will demonstrate that the submitted scheme complies with the Development Plan, when read as a whole, and when taking into account material considerations, and that the appeal should, therefore, be allowed without delay in accordance with Paragraph 11 (c) of the National Planning Policy Framework ("NPPF").

#### **Updated Proposals and Information**

1.8. The Appellant submits updated proposals as part of this appeal, shown on the following new submitted drawings:

- **Site Layout Plan drawing reference 1105-02-05-NF-SL-04032025 Rev 5.0 (see Core Document CD 3.86);**
- **Elevations and Sections of 132kV Metering Substation drawing no. 88-10-05-PL-SS-ELV-01 Rev 6 (see Core Document CD 3.87);**
- **Elevations and Sections of 132kV Metering Substation drawing no. 88-10-05-PL-SS-ELV-02 Rev 5 (see Core Document CD 3.88);**

- **Elevations and Sections of 132kV Metering Substation drawing no. 88-10-05-PL-SS-ELV-03 Rev 5 (see Core Document CD 3.89);**
- **Plan and Elevations of BESS Units and MV SKID Solution drawing no. 88-10-05-P-PL-EQ-03 Rev 6 (see Core Document CD 3.90);**
- **Figure 7: Strategic Landscape Planting Plan Drawing no. P23-0415\_EN\_0007\_G\_0001 (see Core Document CD 3.91)**
- **Figure 8: Illustrative Landscape Sections Drawing no. P23-0415\_EN\_0008\_J\_0001 (see Core Document CD 3.92)**

- 1.9. These new drawings would replace drawing references 88-10-05-PL-LA-OA Rev R.11, 88-10-05-P-PL-EQ03 Rev R.05, 88-10-05-P-PL-EQ04 Rev R.04, P23-0415\_EN\_0007\_F\_0001 and P23-0415\_EN\_0008\_H\_0001, which formed part of the Planning Application. The updated proposals relate to changes in proposed equipment with in-built noise suppression included. The changes in equipment also result in smaller energy storage containers and have also resulted in the nearest battery storage container being located 46 metres away from Newfields Farmhouse, compared to a 40 metre separation distance shown on the Overall Site Layout drawing reference 88-10-05-PL-LA-OA Rev R.11, which formed part of the Planning Application.
- 1.10. An amended **Noise Impact Assessment (reference P23-129-R02v3)** is also submitted with this appeal, contained at **Appendix 2**. It assesses the noise generation impacts of the new equipment proposed as part of the Appeal Scheme. The amended Noise Impact Assessment demonstrates that the equipment will result in very low absolute levels of noise, and therefore the previously proposed acoustic mitigation strategy is no longer required in full and has therefore been amended. For clarity, these amendments comprise the removal of acoustic fencing from the top of the proposed 3 metre high landscaping bund to the west, whilst acoustic fencing with a height of 3 metres is proposed to the southern and eastern boundaries, as shown on the abovementioned updated drawings.
- 1.11. An amended **Biodiversity Net Gain Metric (reference MAN.1807.010.EC.R.002)** is submitted with this appeal, contained at **Appendix 3**, which shows that the appeal scheme will achieve a 99% gain for hedgerow units and 12.78% gain for habitat units.
- 1.12. A **Flood Risk Sequential Assessment (reference P23-0415\_R005v4 PL)** is submitted with this appeal, contained at **Appendix 4**, which concludes that there are no reasonably available alternative sites that could accommodate the proposed development, with a reasonable prospect of being available to be developed at the point in time envisaged for the Appeal Scheme. It is therefore concluded that the Site is a sequentially preferable site for the proposed development, and the sequential test is therefore passed.
- 1.13. A **FRA & Drainage Strategy Addendum by Rennard Consulting Limited** is submitted with this appeal, contained at **Appendix 5**. This report shows amended drainage mitigation including removal of a small part of the proposed landscape bund to the north (without effecting noise mitigation) and siting all equipment on concrete pads raised 300mm above ground level, which would raise all equipment above the maximum depth of flood water identified in the originally submitted Flood Risk & Surface Water Drainage Assessment (**Core Document CD 3.33**).
- 1.14. An updated **Outline Battery Safety Management Plan (reference SHF.1807.005.PL.R.001.03)** is submitted with this appeal, contained at **Appendix 8**. This

report outlines how the amended proposals, the subject of this appeal, will be suitably managed to ensure the proposed development will remain safe during its construction and operational lifetime.

- 1.15. The Appellants submits that the proposed amended scheme and aforementioned associated supporting new and updated reports, can be considered as part of this appeal in accordance with the "*Wheatcroft principles*" set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982) (see **Core Document CD 6.23**) and refined by *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018) (see **Core Document CD 6.25**). In line with the "*Wheatcroft principles*" the proposed amendments are considered minor and therefore not a "*substantial difference*" or a "*fundamental change*" to the proposals. The proposed amended scheme and aforementioned associated supporting new and updated reports, will also be the subject of consultation with all local residents and consultees, consulted upon the original Planning Application, once the appeal has been submitted. This will allow the opportunity for further representations to be made with regard to the amended proposals, the subject of the appeal, and therefore ensure that no "*unlawful procedural unfairness*" would be caused as result of the proposed changes, therefore according with the "*Wheatcroft principles*".

## 2. The Appeal Site and its Surroundings

- 2.1. The Site, including land to be used for access, comprises 2.48 hectares, is located within the administrative boundary of Staffordshire Moorlands District Council. It is situated within Cheddleton Parish, around 1.2 kilometres to the north of the village of Werrington and approximately 11 kilometres east of the urban area of Stoke on Trent. The main part of the Site comprises agricultural land used for sheep grazing. The Site and the surrounding area are designated Green Belt land.



*Figure 1: Site Location Plan*

- 2.2. The Site is accessed from Rownall Road to the east and includes an existing tarmac access track. Agricultural buildings and a farmhouse, comprising Newfields Farm, are located to the south. The Site immediately adjoins the National Grid Cellarhead Substation to the east and north with intervening mature boundary vegetation. Beyond the Cellarhead Substation to the east are two sites approved for BESS development pursuant to planning permission references SMD/2022/0548 and SMD/2022/0444. Another site approved for BESS development is located to the south-east, pursuant to planning permission reference SMD/2024/0055, with a further site approved for BESS development located to the south-west, pursuant to planning permission reference SMD/2022/0574, granted at appeal.
- 2.3. The only statutory designated ecological site within 2km of the Site is Wetley Moor Site of Special Scientific Interest (SSSI) which is located circa 1km to the west. The closest non-statutory designated site is The Rookery, Rownall Local Wildlife Site (LWS) which is located 1.5km to the north-east.
- 2.4. The main part of the Site is a single parcel of pastoral farmland. According to Natural England, this is classified as Grade 4 (Poor), and therefore does not fall within the definition of 'best and most versatile agricultural land', as set out in the National Planning Policy Framework (NPPF). The topography of the Site rises gradually from 225 metres Above Ordnance Datum



(AOD) in the north-west of the Site to 230 metres AOD in the south-east. The Site falls within Flood Zone 1.

- 2.5. Footpath Cheddleton 60 runs east-west along the southern edge of the field which contains the Site, whilst Cheddleton 48 follows the eastern boundary of the field, running between the Site and Cellarhead Substation. There are other public rights of way within the vicinity of the Site which extend across the wider landscape, including Cheddleton 49, 47, 53, 58, and 59.
- 2.6. Within 1km of the Site, there are no scheduled monuments, registered parks and gardens or conservation areas. There are two Grade II listed buildings within this area: Stables to Rownall Hall (NHLE 1188808) located circa 750m to the east; and Milestone at SJ 943 475 (NHLE 1374659) located 1.5km to the south.

## 3. Appeal Proposals

3.1. The Appeal Scheme seeks full planning permission for the following development:

*"Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid."*

### **BESS Development**

3.2. The proposed BESS facility, shown on Overall Site Layout drawing reference 88-10-05-PL-LA-OA Rev R.11 (**Core Document CD 3.75**), the subject of the planning application refused by the LPA, comprised the following buildings and equipment:

- 14x battery energy storage cabinets
- 14x skid solutions (inverters and transformers), placed adjacent to each battery energy storage rack
- 1x 132/33 kV switchyard
- 1x auxiliary transformer
- 1x customer switch room
- 1x customer store building
- 1x customer control building
- 1x DNO control building
- 1x DNO store building
- CCTV cameras
- 2.4 metre high palisade security fencing
- 4 metre high acoustic barrier fence to the southern and eastern boundaries of compound area
- 2 metre high acoustic barrier fence atop a landscape bund along the eastern boundary

3.3. The updated proposals submitted with this appeal, shown on the aforementioned drawings submitted with this appeal (see **Core Documents CD 3.86 – 3.92**) changes the proposed design to include 12 rows of battery energy storage containers (from 14 rows), with revised dimensions of 2.89m high, 2.43m wide & 6.05m long (from 2.59m high, 2.44m wide & 12.19m long). Each of the 12 rows comprises transformer stations (from 14 no. skid solutions) with revised dimensions of 2.89m high, 2.43m wide & 6.05 metres long (from 3.75m high, 2.06m wide & 9.04m long).

3.4. The amended proposals feature more advanced equipment with in-built noise suppression. Correspondingly, these amendments include the removal of acoustic fencing from the top of

the proposed 3 metre high landscape bund to the west, whilst acoustic fencing with a height of 3 metres is proposed to the southern and eastern boundaries.

### **Landscaping Works**

- 3.5. The proposed development incorporates a landscape strategy, which includes proposed woodland and scrub planting to the west and north, which integrates with existing neighbouring woodland to the north and east, and merges with a proposed 3 metre high landscaping bund to the west. A native hedgerow is proposed along the eastern boundary adjacent to footpath Cheddleton 48.
- 3.6. The scheme creates enhanced opportunities for biodiversity and ecology. The biodiversity net gain metric submitted with this appeal, contained at **Appendix 3**, outlines that the proposal will achieve a 99% gain for hedgerow units and 12.78% gain for habitat units.

### **Access**

- 3.7. Access to the proposed BESS facility utilises an existing access track for Newfields Farm from Rownall Road, with some widening required in places to allow a 3.5m wide track, as shown on drawing reference C21133-ATP-DR-TP-001 – Rev PO5 (Proposed New Site Access and Access Tracks) contained at **Core Document CD 3.76**. A layby is also included, designed to allow construction and emergency vehicles to safely pass.
- 3.8. A track extends northwards into the BESS facility area, splitting to the south of the BESS facility, continuing in a northerly direction. One track bisects the facility, providing access to the battery energy storage containers, transformers, customer switch room, control, and store buildings, and auxiliary transformer from a southern gate. Meanwhile, another track diverges to the east, providing separate access to the switchyard, DNO control building, and DNO store building, with three associated parking spaces provided. The two tracks reconnect to the north of the facility creating a looped access route for construction and emergency vehicle access.

## 4. Planning History

- 4.1. The Appeal Scheme follows a previous scheme for a BESS development on the Site.
- 4.2. Prior to the submission of the planning application for this initial scheme, a request for an EIA Screening Opinion was submitted and validated by the Council on 24<sup>th</sup> December 2021 pursuant to reference **SMD/2021/0853**. The Screening Opinion was never received, and the application still shows as 'pending' on the Council's website as of February 2025.
- 4.3. A full planning application was submitted on 30<sup>th</sup> March 2022 and validated by the LPA on 21<sup>st</sup> April 2022. It was given the reference **SMD/2022/0180**. The Applicant chose to withdraw this planning application on 6<sup>th</sup> December 2022.
- 4.4. A request for an EIA Screening Opinion for a revised scheme was submitted and validated on 29<sup>th</sup> June 2023 (ref. **SMD/2023/0318**). The Screening Opinion was issued on 31<sup>st</sup> May 2024, which confirmed that the proposal was not EIA development.
- 4.5. Following the refusal of the planning application which is subject of this appeal (ref. **SMD/2024/0019**), a further planning application was submitted in January 2025. This has been validated by the LPA and given the reference **SMD/2024/0556**. Should the Appeal Scheme be allowed, the live planning application will be withdrawn.
- 4.6. A search of the Staffordshire Moorlands District Council's public register has been undertaken to identify other BESS schemes in the vicinity of the Site. The following sites have been identified:
  - Application Ref. **SMD/2022/0444**: Erection of a flexible energy facility (Land East of Cellarhead Substation, and West of Rownall Road, Wetley Rocks, Staffordshire) – **Approved 22<sup>nd</sup> December 2022**.
  - Application Ref. **SMD/2022/0548**: Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment (Land Adjacent to Cellarhead Substation, Rownall Road, Wetley Rocks, Staffordshire). **Approved on 27<sup>th</sup> June 2023**.
  - Application Ref. **SMD/2022/0574**: Erection of storage containers, support infrastructure and security fencing for battery energy storage facility along with landscaping and all associated works (Land Adjacent to Armshead Farm, Armshead Road, Werrington, Staffordshire). **Refused 25<sup>th</sup> June 2023**. An appeal was subsequently submitted, and this was **allowed on 23<sup>rd</sup> September 2024**.
  - Application ref. **SMD/2024/0055**: Erection of a Flexible Energy Facility, associated works, landscaping and habitat creation (Land South of Cellarhead Substation and west of Rownall Road). **Approved 12<sup>th</sup> February 2025**.
  - Application ref. **SMD/2023/0523**: Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW including mounting system, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 40 years (Land At Rownall Farm , Rownall Road , Wetley Rocks , Staffordshire , ST9 0BT). **Pending consideration**.

- Application ref. **SMD/2024/0423**: Battery Energy Storage System and substation with associated infrastructure and works (Land at Greenfields Farm, Thorney Edge Road, Bagnall, Staffordshire, ST9 9LA). **Pending consideration.**
- Application ref. **SMD/2024/0568**: Battery Energy Storage System (BESS) and associated infrastructure (EIA development) (New House Farm, Luzlow Lane, Bagnall, Staffordshire, ST9 9JZ). **Pending consideration.**

## 5. Planning Policy Context

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan for the area, unless material considerations indicate otherwise.
- 5.2. The Development Plan for the purposes of this Appeal consists of the Staffordshire Moorlands Local Plan (adopted September 2020).
- 5.3. This section provides an overview of the planning policies and guidance which have been identified to be of relevance. Material considerations, including the National Planning Policy Framework (“NPPF”), National Planning Practice Guidance (“NPPG”), and relevant legislation and energy policy statements, are also summarised.

### Development Plan

Staffordshire Moorlands Local Plan (adopted September 2020) – hereafter referred to as ‘the adopted Local Plan’ (see Core Document CD 4.1)

- 5.4. **Policy SS 1 (Development Principles)** states that the development and use of land should make a positive contribution towards the social, economic, and environmental improvement of the district. This includes development which contributes effectively to tackling climate change and reducing carbon emissions.
- 5.5. **Policy SS2 (Settlement Hierarchy)** notes that development in ‘Other Rural Areas’ and the Green Belt is generally unacceptable and inappropriate (subject to national policy).
- 5.6. **Policy SS10 (Other Rural Areas Strategy)** emphasises that rural areas and the Green Belt should only feature development which has an essential need to be in the countryside, supports rural diversification and sustainability, promotes tourism, and enhances the countryside. Priority will be given to protect the character and quality of the area, with all proposals having to respect and sensitively respond to the distinctive qualities of the landscape. Furthermore, renewable energy schemes should be of an appropriate scale, type, and location, and strict control will be exercised over inappropriate development within the Green Belt, although exceptions can be made as per Government policy.
- 5.7. **Policy SD1 (Sustainable Use of Resources)** makes clear that development should make sustainable use of resources and adapt to climate change. Regard should be given to the agricultural classification of land, with preference for the use of lower quality over higher quality agricultural land. Development should aim to minimise soil disturbance and retain ecological connectivity.
- 5.8. **Policy SD2 (Renewable/Low-Carbon Energy)** sets out the Council’s commitment to meet part of the district’s future energy demands through renewable or low-carbon energy sources. As such, the Council will support small and large scale standalone renewable or low carbon schemes, subject to the degree to which:
  - The scale and nature of a proposal impacts on the landscape
  - The developer has demonstrated environmental, economic, and social benefits of the scheme, as well as how any impacts (such as noise) can be mitigated against

- The scheme would have an impact on biodiversity
- The proposals reflect local evidence regarding the feasibility of different types of renewable or low-carbon energy at different locations across the district

- 5.9. **Policy SD4 (Pollution and Water Quality)** emphasises that the Council will protect residents from developments which may generate pollution (air, water, noise, vibration, light, and contamination). Schemes will only be permitted where such adverse effects can be deemed acceptable following mitigation.
- 5.10. **Policy SD5 (Flood Risk)** states that a sequential approach will be taken to managing flood risk, with new development being guided to the areas with the lowest risk of flooding. On greenfield sites, surface water runoff rates should not be increased, and where appropriate suitable measures to deal with surface water arising from development will be required to minimise the impact from the development.
- 5.11. **Policy DC1 (Design Considerations)** makes clear that development should be well-designed and reinforce local distinctiveness by positively contributing to and complementing the area's special character and heritage. It should be appropriate to the site and its surroundings, creating a positive sense of place, and protecting the amenity of the area. They should promote the maintenance, enhancement, restoration, and re-creation of biodiversity, and incorporate green infrastructure and landscaping. In addition, sufficient parking should be provided to meet the needs generated by the development.
- 5.12. **Policy DC2 (The Historic Environment)** states that the Council will conserve and enhance heritage assets and their setting. Development proposals should make a positive contribution towards the character of the built and historic environment.
- 5.13. **Policy DC3 (Landscape Character and Settlement Setting)** emphasises that development will be resisted where it would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of a settlement. Development which respects and enhances local landscape character will be supported, as well as those which conserve and enhance biodiversity and natural features of the landscape.
- 5.14. **Policy C3 (Green Infrastructure)** states that the Council will develop a network of high-quality green infrastructure, which supports and improves the provision of open space and recreational facilities, links existing sites of nature conservation value, creates new habitats, increases biodiversity, mitigate the negative effects of climate change, and create appropriate access for a wide range of users to enjoy the countryside (including through improved linkages to recreation opportunities, encouraging walking, cycling, and horse riding).
- 5.15. **Policy NE1 (Biodiversity and Geological Resources)** makes clear that biodiversity and geodiversity must be conserved and enhanced, including habitats and species of principal importance. Where possible, a biodiversity net gain should be achieved which is proportionate to the size and scale of the development. If a proposal would generate adverse impacts which are unavoidable, impacts should be mitigated against, with compensation measures implemented if necessary.
- 5.16. **Policy NE2 (Trees, Woodland, and Hedgerows)** states that the Council will protect existing healthy trees, woodlands, and hedgerows. They should be retained unless the need for, or benefits of, the development outweigh their loss. New developments should deliver a good

level of sustainability through tree retention, planting, and soft landscaping – landscaping schemes should mitigate against negative landscape impacts.

- 5.17. **Policy T1 (Development and Sustainable Transport)** requires developments to be located where the highway network can satisfactorily accommodate the traffic which will be generated by the development.

### **Material Considerations**

National Planning Policy Framework (December 2024) (see Core Document CD 5.1)

- 5.18. The National Planning Policy Framework (NPPF) dated December 2024 was amended on the 7<sup>th</sup> February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12th December 2024. The Appellant understands that the application was determined based on the policies contained within the previous iteration of the NPPF (December 2023 version).
- 5.19. **Paragraph 2** highlights that planning law requires that planning policies and decisions must reflect relevant international obligations and statutory requirements. In this context, the Paris Agreement 2015 and the Climate Change Act 2008 (as amended) set out the United Kingdom's obligation in relation to combatting climate change.
- 5.20. **Paragraph 88** states that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 5.21. **Paragraph 143** sets out the five purposes of the Green Belt. These are:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.22. **Paragraph 153** makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. **Paragraph 153** also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, other than in the case of development on previously developed or grey belt land, where development is not inappropriate. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.23. **Paragraph 155** states that development should not be regarded as inappropriate in the Green Belt where all the following apply:



- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location;
- d) For residential proposals, the development meets the 'Golden Rules' set out in Paragraphs 156–157.

- 5.24. For clarity, grey belt is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in **Paragraph 143**. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development
- 5.25. **Paragraph 160** emphasises that elements of many renewable energy projects will comprise inappropriate development, and that very special circumstances will therefore need to be demonstrated. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 5.26. **Paragraph 161** makes clear that the planning system should support the transition to net zero by 2050. Planning should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 5.27. **Paragraph 163** emphasises that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, considering the full range of potential climate change impacts.
- 5.28. **Paragraph 165** states that to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- 5.29. **Paragraph 168** confirms that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. It is made clear that significant weight should be given to the contribution of proposals to a net zero future. In addition, **Paragraph 168** states that LPAs should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It states that LPAs should approve the application if its impacts are (or can be made) acceptable.
- 5.30. **Paragraph 170** makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.31. **Paragraphs 172 and 174** refer to the sequential test, which seeks to steer new development to areas with the lowest risk of flooding from any source. **Paragraph 175** states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates

that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

5.32. **Paragraph 177** states that where it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied. **Paragraph 178** states that to pass the exception test, it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development can be made safe for its lifetime, without increasing flood risk elsewhere.

5.33. **Paragraph 187** makes clear that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. **Paragraph 193** states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

National Planning Practice Guidance (see Core Document CD 5.2)

5.34. The **Renewable and Low Carbon Energy** section of the NPPG provides further guidance for the determination of planning applications for renewable energy schemes.

5.35. **Paragraph 013** sets out the particular factors a local planning authority will need to consider with renewable and low carbon energy schemes, which include:

- encouraging the effective use of land by focussing schemes on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements
- the temporary nature of schemes – planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on the landscape and glare and on neighbouring uses;
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of renewable schemes on such assets. Depending on their scale, design and prominence, a large-scale renewable project within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- the energy generating potential, which can vary for a number of reasons.

5.36. **Paragraph 032** notes the benefits of BESS, stating that it allows for the flexible use of energy and decarbonisation of the grid, allowing for the balancing of the system, maximising useable output from renewable sources, and deferring or avoiding the need for network upgrades and new generation capacity.

5.37. **Paragraph 034** adds that applicants should engage with local fire and rescue services to discuss the siting and location of the battery storage units, and consideration should be given to ensure that emergency services could access the site in the event of an incident. The guidance produced by the National Fire Chiefs Council should also be taken into account.

5.38. **Paragraph 013** of the **Green Belt** section of the NPPG states that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. It notes that the courts have identified a number of matters which should be taken into consideration in making this assessment. These include:

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

5.39. **Paragraph 014** of the Green Belt section states:

*"Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness. This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore a proposal does not have to be justified by "very special circumstances"."*

Grid Scale Battery Energy Storage System planning – Guidance for FRS – National Fire Chiefs Council (November 2022) (see Core Document CD 5.3)

5.40. The guidance states that the battery chemistries proposed should be made clear as part of any planning application, as well as the form of the batteries, the type of BESS, the number of BESS units and how they will be laid out, and details of fire-resisting features, fire suppression systems, smoke or fire detection systems, gas and/or electrolyte detection systems, temperature management systems, ventilation systems, exhaust systems, and deflagration venting systems.

5.41. There should be a facility for alerting the emergency services in the event that thermal runaway conditions are detected, as well as detection systems to provide alerts for other types of fires. In addition, units should feature gas monitoring and gas detectors, and audible and visual warning devices. The latter can be linked to a battery management system and detection and suppression system activation.

- 5.42. Units should include fixed suppression systems, and the guidance encourages that water suppression systems are used rather than gaseous ones, as they are more effective against fires. Furthermore, the BESS containers should have deflagration venting and protection against explosions. Flames and materials should be directed to safe locations, so they do not contribute towards further fire propagations.
- 5.43. Crucially, there should be safe and suitable access into the site. It is advised that there should be two access points for the facility where possible, roads/hard standing to accommodate fire service vehicles, a perimeter road with passing places for fire service vehicles, unobstructed access into the facility, and turning circles and passing places within the site.
- 5.44. The guidance suggests guidance on spacing between units, although this is not a requirement, and smaller distances can be acceptable if justified and considered with other safety measures. It is also advised that there should be at least 25 metres between BESS units and occupied buildings. Moreover, they should not be adjacent to any combustibles, including potentially combustible vegetation within 10 metres of the units.
- 5.45. In terms of water supplies, it is recommended that there should be hydrant supplies for boundary cooling purposes in close proximity to BESS containers, in case of a fire. These should ideally be able to provide at least 1,900 litres of water per minute for two hours but low volumes can be considered acceptable with regard to other safety measures provided. Moreover, there should be suitable signage in the vicinity, highlighting relevant hazards, the type of technology, any suppression systems, and 24/7 emergency contact information.
- 5.46. Lastly, the guidance states that operators should develop a risk management plan, emergency response plan, post-incident recovery plan, and provide environmental protection measures.

Draft Guidance on Grid Scale Battery Energy Storage Systems (BESS) (July 2024) (see Core Document CD 5.4)

- 5.47. Updated guidance from the National Fire Chiefs Council was published in July 2024 in draft form and was subject to a two-month consultation. Guidance is provided on the siting of infrastructure to reduce hazards, access, the provision of adequate water supplies and firefighting infrastructure, the location and management of vegetation (to avoid the risk of bushfires/grassfires), prevention of on-site fire ignition, prevention of fire spread between infrastructure, and effective emergency planning and management.
- 5.48. With regards to access, it is emphasised that suitable facilities for accessing and egressing the site should be provided. It is “preferable” to have an alternative access point, taking account of the likely wind direction.

Staffordshire Moorlands District Council Design Guide – Supplementary Planning Document (February 2018) (see Core Document CD 4.2)

- 5.49. This SPD notes that developments should respond to the character and setting of their surroundings, making a positive contribution to the area. It is important for high standards of design to be achieved, and landscape character should be protected and, where possible, enhanced, with consideration given to views into and out of the site. In addition, existing landscaping should be retained where possible, and there should be plans for good landscaping – the planting of local species can engage the development into the countryside, and schemes should conserve or create opportunities for wildlife.

## Legislation and Energy Policy Statements & Strategies

### The Climate Change Act 2008 (as amended) (see Core Document CD 5.5)

- 5.50. The Climate Change Act 2008 (as amended) is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. In 2019 the Government amended the Climate Change Act to commit the UK to achieving net zero by 2050.
- 5.51. The Climate Change Act requires the government to set legally-binding 'carbon budgets' to act as stepping-stones to 2050. A carbon budget is a cap on the amount of greenhouse gases emitted in the UK over a five-year period.
- 5.52. Recent events and spikes in the price of natural gas, oil and electricity have starkly demonstrated how important renewable energy and a reliable supply of electricity are to bring energy security and price stability as well as to the achievement of net zero.

### Overarching National Policy Statement for Energy (EN – 1) (November 2023) (see Core Document CD 5.6)

- 5.53. The most recent National Policy Statement for Energy emphasises the important role that storage will play in ensuring that net zero targets can be achieved, through making the energy system more flexible. The balancing services BESS provide to operators can facilitate the maximization of usable output from intermittent low carbon sources, including solar and wind.
- 5.54. It notes that there is currently 4GW of operational storage within Great Britain, a quarter of which is battery storage.
- 5.55. Paragraphs 3.2.6 – 3.2.7 identify an urgent need for low-carbon infrastructure, with the Secretary of State concluding that substantial weight should be given to this need when determining planning applications (Paragraph 3.2.6 – 3.2.7). Section 4.2 goes further, identifying a critical national priority for this infrastructure, including storage. This is a key priority as it will allow for the decarbonisation of the energy grid by 2035 and achievement of net zero by 2050, as well as energy independence, resilience, and security.
- 5.56. Section 4.7 sets out the criteria for well-designed energy infrastructure. As well as visual appearance, this includes how well it sits within the landscape and functionality. It notes that well-designed infrastructure will ensure that it is sensitive to its place, minimising impacts on the landscape and heritage assets, for example. Notwithstanding, it is acknowledged that energy infrastructure, by its nature, is unlikely to enhance the quality and beauty of an area, and virtually all schemes will have some adverse effects on the landscape – however, beneficial landscape character impacts can ultimately arise from mitigation. It is made clear that potential impacts on the landscape should influence the design of schemes.
- 5.57. In terms of developing on Green Belt land, as with the currently designated EN-3, it is reiterated at Paragraph 5.11.37 that very special circumstances can include the environmental benefits associated with the increased production of energy from low carbon sources and renewables.

### Overarching National Policy Statement for Energy (EN – 3) (November 2023) (see Core Document CD 5.7)

5.58. Paragraph 2.9.9 states that electricity storage is essential for a net zero energy system. The following paragraph adds that the need for storage is greatly rising as we increase the volume of variable renewables and increase peak demand through the electrification of heat and transport. It is also noted that storage will be critical as we shift away from gas.

5.59. The rest of the Policy Statement refers to other forms of renewable energy infrastructure.

Proposals regarding the Planning System for Electricity Storage (July 2020) (see Core Document CD 5.8)

5.60. In July 2020, the Government published its response to a consultation held on the approach to electricity storage within the planning system. This confirmed that the government will relax legislation to make it easier to construct BESS. In the press release for the report, the Minister for Energy and Clean Growth at the time, Kwasi Kwarteng, noted the importance of BESS in capturing the full value of renewables through making the energy grid smarter.

5.61. The report argues that *"electricity storage is a key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net-zero by 2050."* This is because storage increases flexibility in where and when energy is generated and used, enabling the integration of lower carbon energy sources into the system.

Energy White Paper: Powering our Net Zero Future (December 2020) (see Core Document CD 5.9)

5.62. The Energy White Paper (EWP) sets out ambitious plans offering support for a variety of technologies and committing funds to support the growth of low-carbon green-technologies. At the core of the EWP is the commitment to achieve Net Zero and tackle climate change. The Paper provides a strategy to ensure that the UK's energy system:

- Transforms energy, building a cleaner, greener future for our country, our people and our planet
- Supports a green recovery, growing our economy, supporting thousands of green jobs across the country in new green industries and leveraging new green export opportunities

5.63. Page 5 of the EWP sets out the Government's 'Compelling case for tackling climate change'. The salient points presented by Government are (inter alia):

- We need to act urgently. The future impacts of climate change depend upon how much we can hold down the rising global temperature. To minimise the risk of dangerous climate change, the landmark Paris Agreement of 2015 aims to halt global warming at well below 2°C, while pursuing efforts to limit it to 1.5°C, increasing measures to adapt to climate change, and aligning financial systems to these goals.
- At the global scale, however, we are not presently on track to reach the temperature goal of the Paris Agreement. Based on current national pledges, and assuming the level of ambition does not change, the world is heading for around 3°C of warming by the end of the century.
- The cost of inaction is too high. We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year



would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.

- To meet the temperature goal of the Paris Agreement, the world must collectively and rapidly reduce global emissions to net zero over the next 30 years. Success will mean we are less exposed to flood and heat risks and preserve our national security, our prosperity, and our natural world which are threatened by the global disruption of climate change

5.64. The Government recognises that decarbonising the energy system over the next thirty years means replacing, as far as it is possible to do so, fossil fuels with clean energy technology such as renewables (EWP Introduction, page 9). The EWP identifies how clean energy will become the predominant form of energy, entailing in a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation (EWP Introduction, page 10). The Government recognises that growing and supporting green jobs across the country in green industries will also support a green recovery from COVID-19 (page 16)

5.65. It is acknowledged that, whilst a net zero system will primarily consist of wind and solar technologies, the system will only be reliable if there are also other technologies, such as battery energy storage systems, to complement them to ensure that demand can always be met. Energy storage and flexibility are named as a priority area within the £1 billion Net Zero Innovation Portfolio, and a target is set for there to be more low-carbon options, including long duration storage, by 2050.

5.66. The need for storage is further emphasised in more detail in page 72, where energy storage in batteries will provide “the flexibility needed to match supply to demand at peak hours, or when renewables output is low”, such flexibility will “lower future costs for consumers” and can “be deployed quickly to meet spikes in demand”.

Industrial Decarbonisation Strategy (March 2021) (see Core Document CD 5.10)

5.67. The Industrial decarbonisation strategy sets out how industry can decarbonise in line with net zero while remaining competitive and without pushing emissions abroad. The strategy recognises that reaching the net zero target will require extensive, systematic changes across all sectors, including industry and emphasises that the 2020s will be a crucial decade to lay the foundation to enable the switch away from fossil fuel combustion to low carbon alternatives, including electrification, hydrogen, and biomass.

5.68. The strategy describes that to deliver net zero a minimum of 20TWh of fossil fuel use will need to be replaced by low carbon alternatives in 2030.

5.69. The role of smart technologies, such as storage and demand side response, are emphasised in relation to facilitating this transition and the report highlights at page 31 that “smart technologies, such as storage and demand-side response, can also provide flexibility to the electricity system, helping industrial consumers use energy when it is cheapest and cleanest”.

5.70. The report makes clear that electricity networks will need to accommodate significant increased demand from the electrification of industrial processes and will therefore need to be fit for purpose to achieve this. Increasing the flexibility of the electricity system will make a positive contribution towards achieving this objective.

The Carbon Budget Order (June 2021) (see Core Document CD 5.11a)

5.71. The UK Government's sixth carbon budget came into force on 24th June 2021 via The Carbon Budget Order 2021. The carbon budget places a restriction on the total amount of greenhouse gases that the UK can emit over a 5-year period and are implemented to drive the requirements contained within the Climate Change Act to reach Net Zero emissions in less than 30 years.

5.72. This commits the UK Government to reduce emissions by 78% by 2035 compared to 1990 levels, which builds upon the previous commitment to reduce emissions in 2030 by at least 68% compared to 1990 levels .

5.73. The Seventh Carbon Budget Advice for the UK Government – Climate Change Committee (February 2025) (see Core Document CD 5.11b)

5.74. The Climate Change Committee published advice for the UK Government on the 26<sup>th</sup> February 2025 in relation to the Seventh Carbon Budget which includes a recommendation of reducing emissions by at least 81% by 2035, compared to 1990 levels in line with the UK's 2nd 'Nationally Determined Contribution' announced by the Prime Minister in November 2024.

Transitioning to a Net Zero Energy System: Smart Systems and Flexibility Plan (July 2021) (see Core Document CD 5.12)

5.75. The Smart Systems and Flexibility Plan sets out a vision, analysis, and suite of policies to drive a net zero energy system and replaces the previously published 2017 plan

5.76. The Ministerial Foreword to the Smart Systems and Flexibility Plan, 2021 makes clear that:

*"The government is committed to leading the way in the transformation of our energy system. A smarter, more flexible system will utilise technologies such as energy storage and flexible demand to integrate high volumes of low carbon power, heat and transport and reach a carbon neutral future. A smart and flexible energy system can deliver significant benefits for consumers, the system and the wider economy whilst lowering carbon emissions."*

5.77. The Executive Summary emphasises the need to deliver system flexibility quickly:

*"It will be very difficult to achieve the deep power sector decarbonisation needed to achieve the sixth Carbon Budget without significantly higher levels of system flexibility. The need for flexibility will rapidly increase as variable renewable power replaces fossil fuel sources, and we electrify heat and transport. The illustrative scenarios in our analysis indicate the scale of deployment that could be needed. Around 30GW of total low carbon flexible capacity in 2030, and 60GW in 2050, may be needed to maintain energy security and cost-effectively integrate high levels of renewable generation."*

5.78. The report highlights that this represents a significant increase in deployment needed relative to the 10GW of low carbon flexibility currently on the system and emphasises that failure to achieve the targets cited risks the need to have to build more fossil fuel generation instead to maintain energy security in the 2030s.

5.79. Whilst the battery storage pipeline is highlighted as growing there is a need to significantly increase the deployment of battery storage to approximately 18GW by 2050.



- 5.80. Chapter 2 states that, by 2030, energy storage should be located in optimal locations and at all scales, with the potential to generate “significant flexibility” to help address the challenges associated with low carbon systems. This will allow energy security and system stability to be achieved. In effect, storage will replace the role that fossil fuels currently play in meeting demand. Long-duration storage has the potential to greatly aid in decarbonising the grid and economy, providing a key service to integrate and maximise the use of low-carbon renewable energy sources. In sum, storage will be “an essential part of the solution for an increasingly decarbonised flexible grid” (emphasis added), which is critical to energy security in the future.

Sixth Assessment Report, IPCC (August 2021) (see Core Document CD 5.13)

- 5.81. The IPCC's Sixth Assessment Report (AR6) addresses the current scientific understanding of the state of the climate, how it is changing and the role of human influence, the state of knowledge about possible climate futures, regional impacts, and how to limit human-induced climate change.
- 5.82. AR6 states that in almost all emissions scenarios global warming is expected to hit 1.5C “in the early 2030s” and that without drastic actions taken today to deliver immediate, rapid and largescale cuts to greenhouse gas emissions, 3C of warming will occur by the end of the century. Restricting temperature rise to no more than 1.5–2C is considered the range that will minimise the likelihood of reaching critical environmental tipping points, beyond which the extent of unabated warming would be catastrophic.

Net Zero Strategy: Build Back Greener (October 2021) (see Core Document CD 5.14)

- 5.83. This document reiterates the Government's commitment to meet its net zero target by 2050, with all electricity being generated by low carbon sources by 2035. Increased investment in energy storage and the grid network is cited as a crucial part of the pathway which will deliver this, whilst ensuring that we remain energy secure.
- 5.84. There are also economic benefits to increasing the deployment of battery storage throughout the UK. The report notes that up to 7,000 jobs could be created in the power sector through the increased deployment of storage and flexibility schemes. Furthermore, “the deployment of smart technologies and flexibility will underpin our energy security and the transition to net zero. Flexibility from technologies such as energy storage... could save up to £10 billion per year by 2050 by reducing the amount of generation and network needed to decarbonise”.

British Energy Security Strategy (April 2022) (see Core Document CD 5.15)

- 5.85. The Government's April 2022 British Energy Security Strategy policy statement forms the Government's latest plan to boost Britain's energy security following rising global energy prices and volatility in international markets.
- 5.86. The Strategy outlines new national commitments to ‘supercharge’ clean energy and accelerate deployment, with an aim to see 95% of Great Britain's electricity usage from low carbon sources by 2030.
- 5.87. It emphasises the need to smarten the system with pricing which is more flexible, Time Use Tariffs, and battery storage.
- 5.88. It states that the Government will continue supporting the effective use of land by encouraging large scale projects on lower value land where possible and ensure projects are

designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.

UK Battery Strategy (November 2023) (see Core Document CD 5.16)

- 5.89. The strategy covers batteries and their contributions in a wider sense, and as such is not solely related to battery storage, nor does it explore this in depth. However, it is referenced in parts of the document. For instance, it is noted that the importance of battery technology is increasing, and that this will be key in enabling the transition to net zero. The strategy also notes that BESS can provide 10–20GW of capacity to the UK grid by 2030, and 30–35GW by 2050, which represented the largest installed capacity compared to other storage technologies.
- 5.90. Overall, the strategy seeks for the UK to design and develop the batteries of the future; strengthen the resilience of UK manufacturing supply chains and enable the development of a sustainable battery industry.

Clean Power 2030 Action Plan: A New Era of Clean Electricity (December 2024) (see Core Document CD 5.17)

- 5.91. Clean Power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for a secure and affordable energy supply, the creation of essential new energy industries, supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals.
- 5.92. The Action Plan notes the importance of flexible capacity in complementing wind and solar power, setting out ambitions for 23–27 GW of battery capacity and 4–6 GW of long-duration energy storage by 2030. It is stated that 40–50 GW of flexible capacity will be needed in 2030 to support our power system in periods of low renewable output. The plan emphasises that energy storage will be key to ensuring energy security, and that large amounts of distribution-connected renewable generation and storage must be accelerated to meet 2030 targets.
- 5.93. It is stated that a significant increase in short-duration flexibility of 29–35 GW across battery storage, consumer-led flexibility, and interconnection capacity from 2023 levels is possible and can play a role in achieving clean power in 2030. The opportunity is described as “huge”.
- 5.94. Currently, there is 4.5 GW of battery storage capacity in Great Britain, the majority of which is grid-scale. Based on NESO and DESNZ battery storage growth scenarios for 2030, the Government expect 23–27 GW of battery storage to be needed by 2030 to support clean power, which is a very significant increase. The government expects the majority of this increase to come from grid-scale batteries, with small-scale batteries also making a contribution.
- 5.95. In terms of the need to act immediately and take the opportunity for renewable energy where grid capacity is present, the Action plan states at page 50 that *“there is particular urgency to accelerate the planning process across Great Britain for energy infrastructure since we do not have long for many clean power projects to begin construction if they are to be operational for 2030”*.

- 5.96. In relation to existing network constraints and steps to deliver the decarbonised power system by 2030, the Action Plan states (at page 63) that *“wherever renewables can connect to the distribution network, this should be encouraged for reasons of speed and efficiency.”*

Staffordshire Moorlands District Council Climate Emergency (see Core Document CD 5.18)

- 5.97. Staffordshire Moorlands District Council declared a Climate Emergency in 2019. In declaring a Climate Emergency, the LPA set a target to make the District carbon neutral by 2030.

Connections Action Plan (November 2023) (See Core Document CD 5.20)

- 5.98. The Connections Action Plan highlights that grid connection times are a significant issue. It notes that there is a need to reduce connection timescales significantly to support net zero targets, affordability, and security of supply, and move to a more strategic and efficient connections process. A series of actions to accelerate connections for viable projects are identified, including raising entry requirements and removing stalled projects.

## 6. The Appellant's Case

### Introduction

- 6.1. The Appellant contends that this proposal is in accordance with the Development Plan, when read as a whole, and that this appeal should be allowed, and planning permission granted for the proposed development.
- 6.2. As required by the Procedural Guide to Planning Appeals, the Appellant's case focuses on the areas of disagreement between the Appellant and the LPA. The reason for refusal set out in the Decision Notice is addressed below.

### Reason for Refusal

- 6.3. The LPA's reason for refusal states that:

*"In the opinion of the Local Planning Authority, the proposed development would result in inappropriate development within the Green Belt. The development would fail to preserve the openness of the Green Belt and would conflict with the purposes of including the land in the Green Belt through encroachment into the countryside. The harm to the Green Belt attracts substantial weight against the proposals.*

*There are also concerns regarding the overall cumulative effect of similar development in the area and the industrialisation of the landscape, increased risk of a safety incident in a localised area and wider environmental implications. The development would be prominent to the users of the adjacent public right of way (Cheddleton 48), due to insufficient landscaping and lack of information regarding maintenance arrangements for existing and proposed vegetation and would have a harmful effect on the visual amenities of the countryside.*

*The development has an unsustainable relationship with Newfields Farmhouse due to noise effects and, as such, requires its occupation to cease. The loss of housing stock, at a time when the Council cannot demonstrate a 5-year supply of housing is considered to weigh against the proposal.*

*The development would have only one point of access into the site through the farm buildings, contrary to guidance, which leads to concerns for fire service access and the overall safety of the site.*

*These factors all amount to additional harm which weigh against the proposed development. It is noted that there are other considerations which weigh in favour of the development. However, these do not clearly outweigh the harm to the Green Belt and other harm identified above and, as such, very special circumstances do not exist.*

*The development is therefore contrary to Policies SS1, SS10, SD2, DC1, DC3, C3, and NE1 of the Staffordshire Moorlands Local Plan (Adopted September 2020) and the guidance contained within National Planning Policy Framework."*

- 6.4. The main issues raised in this reason for refusal, and as outlined in the draft Statement of Common Ground, are considered in turn below:

- Issue 1 – Whether the proposal represents inappropriate development in the Green Belt, and if so, the impact and level of harm the Appeal Scheme would have on the openness and purposes of the Green Belt.
- Issue 2 – Whether the Appeal Scheme; cumulatively results in the unacceptable industrialisation of the landscape; has an unacceptable harmful effect on local landscape character or visual amenity; and if the proposed mitigation effectively reduces any effects on local landscape character or on visual amenity which have been identified by the Council to a point where they would be acceptable.
- Issue 3 – Whether the relationship of the Appeal Scheme with Newfields Farmhouse is unsustainable in that the noise generated from the BESS equipment would require the occupation of the dwelling to cease during the lifetime of the scheme.
- Issue 4 – Whether the Appeal Scheme is acceptable in fire safety terms, with specific concerns regarding the single access point from the public highway.
- Issue 5 – Whether the benefits and considerations of the Appeal Scheme clearly outweigh any harm to the Green Belt and any other harm identified, such that very special circumstances exist, where required.

### **Issue 1 – Inappropriate Development in the Green Belt**

- 6.5. Policies SS2 (Settlement Hierarchy), SS10 (Other Rural Areas Strategy), and SD2 (Renewable/Low Carbon Energy) of the adopted Staffordshire Moorlands Local Plan are among the key Development Plan policies for the determination of this appeal. Policy SD2 notes that the Council will support renewable and low-carbon energy schemes, subject to a number of considerations, including the degree to which the benefits of a scheme have been demonstrated, and the extent to which the scale and nature of a proposal impacts on landscape and amenity. Policy SD2 does not make reference to how renewable and low carbon energy proposals in the Green Belt should be considered. Policy SS2 is clear that in the Green Belt *“further development is generally inappropriate”*. Meanwhile, Point 6 of Policy SS10 states that *“strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy”* (emphasis added). Meanwhile, the supporting text, at paragraph 6.67, explicitly states that *“national policy on Green Belts is set out in the NPPF and will apply to the whole of the Green Belt”* (emphasis added). Therefore, it is considered that the Development Plan relies on national Green Belt policy when considering proposals within the Green Belt, including whether development comprises inappropriate development and when considering any harm to the Green Belt. Therefore, it is necessary to assess the Appeal Scheme against latest national Green Belt policies.
- 6.6. In the reason for refusal, the Council allege that the Appeal Scheme represents inappropriate development in the Green Belt. The NPPF (December 2024) introduced the concept of the ‘grey belt’; proposals on such sites can be considered not inappropriate development, providing that the tests in Paragraph 155 of the NPPF are met. In such scenarios, substantial weight does not need to be afforded to Green Belt harm, in line with NPPF Footnote 55.
- 6.7. *Notably the PPG (paragraph 014 of the Green Belt section) states:*
- “Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded*

from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

*This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore a proposal does not have to be justified by “very special circumstances”.*

- 6.8. With regard to the above extract from the PPG, relevant court ruling is given within the Court of Appeal judgement; *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404* (see **Core Document CD 6.3**), which at paragraph 24 notably states:

*“On a sensible contextual reading of the policies in paragraphs 79 to 92 of the NPPF, development appropriate in – and to – the Green Belt is regarded by the Government as not inimical to the “fundamental aim” of Green Belt policy “to prevent urban sprawl by keeping land permanently open”, or to “the essential characteristics of Green Belts”, namely “their openness and their permanence” (paragraph 79 of the NPPF), or to the “five purposes” served by the Green Belt (paragraph 80). This is the real significance of a development being appropriate in the Green Belt, and the reason why it does not have to be justified by “very special circumstances”.*

- 6.9. In line with this CoA judgement, paragraph 25 of an appeal decision for a BESS scheme in Carrington, Greater Manchester dated 17<sup>th</sup> February 2025 (reference APP/Q4245/W/24/3354822, and contained at **Core Document CD 6.2**) notably states:

*“The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within.”*

- 6.10. The above paragraph is consistent with paragraph 43 of an appeal decision for a BESS scheme in Great Barr, Walsall dated 13<sup>th</sup> January 2025 (reference APP/V4630/W/24/3347424, and contained at **Core Document CD 6.1**).

- 6.11. In the abovementioned appeal decisions contained at **Core Documents CD 6.1 and CD 6.2** the Inspectors concluded that the sites in question met NPPF grey belt criteria, as well as the relevant Paragraph 155 tests, meaning that the BESS schemes were not inappropriate, and therefore not harmful to the Green Belt. A similar approach and conclusions was taken by an Inspector in appeal decision reference APP/Q3115/W/24/3350890 at Burcot Farm, Abingdon, Oxfordshire (**Core Document CD 6.4**) for a 49.9MW solar farm and associated BESS scheme, where the proposed development at the site was accepted to comprise grey belt and meet the provisions of Paragraph 155, and therefore the development was concluded to not comprise inappropriate development in the Green Belt.

- 6.12. With consideration to the above context, the Appellant contends that the Site is grey belt land, and that that the tests set out in Paragraph 155 can be satisfied, meaning that the development would not comprise inappropriate development in the Green Belt, as demonstrated below.

#### Grey Belt Definition

- 6.13. In order to be considered grey belt, the site in question must not provide a strong contribution towards purposes (a), (b), and (d) of including land in the Green Belt, set out in Paragraph 143 of the NPPF.
- 6.14. The LPA's latest commissioned Green Belt Review by Amec Foster Wheeler, assessed 61 parcels of land against the five Green Belt purposes. The report, dated November 2015, is included in **Core Document CD 7.8**. The Site falls within identified Parcel C8, 'Land to the north east of Werrington'. The assessment of Parcel C8 is included in **Table 1** below.

Purpose	Contribution	Commentary
(a) to check the unrestricted sprawl of large built-up areas;	Limited	A significant part of the core of the Green Belt of a largely rural aspect (notwithstanding some significant intrusions such as an electricity substation).
(b) to prevent neighbouring towns merging into one another;	Limited	No clear role
(c) to assist in safeguarding the countryside from encroachment;	Contribution (Moderate)	Largely open countryside character with clear boundaries through the edge of Werrington and roads. Settlement pattern comprises farmsteads and isolated dwellings which is sensitive to change, particularly in the vicinity of the A520 corridor and to the north of Werrington/Cellarhead.
(d) to preserve the setting and special character of historic towns; and	Limited	No clear role
(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	Limited	No clear role

*Table 1: Assessment of Parcel C8 against the Green Belt purposes, included in the November 2015 Green Belt Assessment*

- 6.15. The Site, when considered both as part of the wider Parcel C8 and in isolation, does not contribute strongly to purposes (a), (b), or (d). The Landscape, Visual and Green Belt Statement contained at **Appendix 6** concludes that the Site would conflict with Purpose (c) of the Green Belt in terms of encroachment in the countryside but only to a limited degree. Following an assessment of the Site's contribution to purposes (a), (b), and (d), and



consideration of any Footnote 7 areas or assets of particular importance, the Site is judged to satisfy the definitional requirements to be classified as Grey Belt, as outlined in Landscape, Visual and Green Belt Statement.

- 6.16. With regard to purpose (a), the LPA's latest Green Belt Review defines 'sprawl' as "spread out over a large area in an untidy or irregular way (Oxford Dictionary online)"; and 'large built-up areas' as "in the context of this study this is Stoke-on-Trent and to a lesser extent Leek, Biddulph and Cheadle". The Site is not immediately adjacent, or even in close proximity, to any large built-up area to strongly contribute to checking their unrestricted sprawl, with the nearest large built-up area located over 2.5km away comprising the eastern fringes of the built up area of Stoke-on-Trent, and even existing ribbon development extending from Stoke-on-Trent into Staffordshire Moorlands District, incorporating the villages of Werrington and Cellarhead, is located over 1km from the Site.
- 6.17. With regard to purpose (b), the LPA's latest Green Belt Review defines 'neighbouring towns' as "Stoke-on-Trent, Biddulph, Congleton and Cheadle". It defines 'merging' as "this can be by way of general sprawl [with regard to sprawl in the context of purpose a] or; Ribbon development – the building of houses along a main road, especially one leading out of a town or village (Oxford Dictionary Online). This includes historical patterns of, or current pressures for, the spread of all forms of development along movement corridors, particularly major roads". The Site and Appeal Scheme would not strongly contribute to the merging of any neighbouring towns, in this regard.
- 6.18. With regard to purpose (d), the LPA's latest Green Belt Review defines 'historic town' as "settlement or place with historic features identified in local policy or through conservation area or other historic designation(s). In Staffordshire Moorlands this relates to the towns of Leek, Biddulph and Cheadle". The Site is located circa 6.8km south-west of Leek, circa 7.7km north-west of Cheadle and circa 8.8km south-east of Biddulph, and clearly has no contribution to preserving the setting and character of any historic town.
- 6.19. Notwithstanding, the definition of grey belt, set out within the Glossary of the NPPF, makes clear that grey belt excludes land where the application of NPPF policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Table 2 provides commentary on each of the areas and assets listed in Footnote 7 in relation to the Appeal Site and Scheme.

Area or Asset in Footnote 7	Commentary	Conclusion
Habitats sites, irreplaceable habitats and/or SSSIs	The Site is not located in close proximity to any identified habitats site and/or an SSSI. Staffordshire Wildlife Trust commented on the Planning Application and confirmed no objections, and the reason for refusal of the Planning Application has no correlation to ecology matters including these areas/assets.	Not a strong reason for refusing the development.
Local Green Space	There is no Local Green Space on or in the vicinity of the Site.	Not a strong reason for refusing the development.



Area or Asset in Footnote 7	Commentary	Conclusion
National Landscapes/National Parks	The Site is not in or in the vicinity of a National Landscape or National Park.	Not a strong reason for refusing the development.
Designated heritage assets (including Footnote 75 archaeology)	The Appeal Scheme would not have an adverse impact on the significance of any heritage assets, and there is a low potential for significant archaeological remains within the Site, as concluded in the Built Heritage & Archaeological Assessment forming part of this appeal. Staffordshire County Council Archaeology commented on the Planning Application and confirmed no objections, and the reason for refusal of the Planning Application has no correlation to designated (or non-designated) heritage assets.	Not a strong reason for refusing the development.
Areas at risk of flooding	Whilst an area in the north of the Site is subject to a low risk of surface water flooding, this would not provide a strong reason for refusing the development. The Flood Risk Assessment concluded that the Appeal Scheme is acceptable in flood risk terms, and there was no objection from the Lead Local Flood Authority at the Planning Application stage, nor was flood risk a reason for refusal of the Planning Application.	Not a strong reason for refusing the development.

Table 2: Consideration of the areas and assets in Footnote 7

- 6.20. As highlighted in Table 2, none of the areas and assets in Footnote 7 provide a strong reason for refusing the proposed development. Indeed, none of these matters formed a reason for the refusal of the Planning Application itself, with the relevant consultees providing no objections to the proposals at the application stage.
- 6.21. As the Site does not strongly contribute to purposes (a), (b), and (d), and there are no issues with regards to the areas and assets referred to in Footnote 7, the Appellant clearly submits that the Site is grey belt land for the purposes of paragraph 155 of the NPPF (December 2024).

Paragraph 155 – Criterion A

- 6.22. Next, it is necessary to consider whether the tests of Paragraph 155 are met, to determine whether the Appeal Scheme should not be regarded as inappropriate development in the Green Belt.

- 6.23. Criterion (a) requires the grey belt land in question to not fundamentally undermine the purposes, when taken together, with the remaining Green Belt (across Staffordshire Moorlands District). As discussed above, the Site falls within a wider parcel which the Council have assessed to not contribute strongly or fundamentally to any of the Green Belt purposes. The assessment in the submitted LVIA and Landscape, Visual and Green Belt Statement at Appendix 6 likewise concludes the same for the Site when considered in isolation.
- 6.24. With regard to purposes (a) and (b), as noted above, the Site is not adjacent to any large built-up area and would not lead to the coalescence of neighbouring towns. Purpose (d) seeks to preserve the setting and character of historic towns, and the Site is not located in proximity to any such towns/cities.
- 6.25. Purpose (e) aims to encourage the recycling of derelict and urban land, and appeal decisions, including at East Hanningfield, Chelmsford (ref. APP/W1525/W/22/3300222, included at **Core Document CD 6.5**), have established that locating renewable and low carbon schemes on such sites would not represent an efficient use of urban land. Notwithstanding, due to the specific grid connection requirements and context of the Appeal Scheme adjacent to Cellarhead Substation, there are no derelict or other urban land sites available for the Appeal Scheme in any regard with regard to its purpose of connecting to Cellarhead Substation.
- 6.26. It is acknowledged that the Appeal Scheme will inherently conflict with purpose (c) to a degree, as it would involve the development of part of the countryside that is currently undeveloped and would thus constitute encroachment into the countryside. An open field would be developed to contain electrical equipment. It is submitted that this conflict would only cause limited harm in the context of the overall size of the wider Green Belt in the District and the relative scale of the proposed development. This is consistent with the findings of the Inspector in the aforementioned appeal decisions for BESS schemes in Great Barr, Walsall (APP/V4630/W/24/3347424, included at **Core Document 6.1**), and Manchester (APP/Q4245/W/24/3354822, included at **Core Document CD 6.2**), when considering purpose (c) in the context of criterion A of the paragraph 155.
- 6.27. Taking the above into account, it is concluded that the purposes would not be fundamentally undermined, with the strategic performance and function of the remaining Green Belt remaining intact. Thus, **criterion (a) is met**.

Paragraph 155 – Criterion B

- 6.28. Criterion (b) of Paragraph 155 requires there to be a demonstrable unmet need for the development. There is an immediate and pressing need to increase the deployment of battery storage in the United Kingdom. This will provide the necessary balancing services to enable the transition to renewable energy sources at scale, which will decarbonise the energy grid, and assist with achieving international, national, and local climate targets and ambitions, including the legally binding obligations to reach net zero by 2050.
- 6.29. The 'Renewable and Low Carbon Energy' section of the National Planning Practice Guidance (PPG) encompasses battery storage and acknowledges its de-carbonising role. The important role that battery storage will play in combatting climate change has been acknowledged at the national level, such as in the National Policy Statement for Energy EN-1, Energy White Paper, National Grid Future Energy Scenario Report, and the Net Zero Energy System: Smart Systems and Flexibility Plan, with the latter saying that storage is "*an essential part of the solution for a decarbonised grid*".

- 6.30. According to the National Grid's Future Energy Scenarios (2021), by 2050, it is expected that 40GW of storage capacity will be required to ensure that the UK's target of net zero carbon by 2050 can be met. The Clean Power 2030 Action Plan (2024) states that there is currently only 4.5 GW of operational electricity storage in Great Britain, thus a ninefold increase is required in the decades ahead. The Clean Power Action Plan 2030 envisages a four to five-fold increase in demand flexibility and includes a stated envisaged increase in grid connected battery storage to over 22 GW by 2030. Although the Appeal Scheme is modest in size, Paragraph 168 of the NPPF confirms that even "*small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions*".
- 6.31. A grid connection has already been secured for the Appeal Scheme; thus it presents an opportunity to make an early contribution towards increasing battery storage capacity across the United Kingdom, to help accelerate the transition to renewable energy sources.
- 6.32. The need for battery storage has consistently been recognised in appeal decisions, including APP/V4630/W/24/3347424 in Walsall (**Core Document CD 6.1**), APP/W1525/W/22/3300222 & APP/W1525/W/22/3306710 in Chelmsford (**Core Documents CD 6.5 & CD 6.6**), and APP/V1505/W/23/3332888 and in Basildon (**Core Document CD 6.7**). In the case of the aforementioned Walsall and Manchester appeal schemes (**Core Documents CD 6.1 & CD 6.2**), this need was recognised as sufficient to satisfy criterion (b) of Paragraph 155.
- 6.33. Thus, the Appellant affirms that **criterion (b) is met** in respect of the Appeal Scheme, as there is a clear, demonstrable, and pressing need which the development would contribute towards addressing in the short term, with a grid connection having already been secured.

Paragraph 155 – Criterion C

- 6.34. Criterion (c) requires development to be located in sustainable locations, with regard having to be given to Paragraphs 110 and 115 of the NPPF. These make reference to promoting sustainable transport, including through limiting the need to travel.
- 6.35. As outlined by the Inspector in the aforementioned appeal decision reference APP/V4630/W/24/3347424 in Walsall (contained at **Core Document 6.1**), paragraph 115 seeks to ensure amongst other things, that sustainable transport modes are prioritised taking account of the type of development and its location, safe access can be achieved and any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated. Paragraph 110 relates to development that would generate significant levels of vehicle movements, particularly by car.
- 6.36. In terms of the impacts of the proposed development on the transport network, the forecasted trips are within daily traffic variations and therefore the scheme will only have a negligible impact on the highway. The Transport & Access Statement provided as part of the Planning Application (and this appeal) states that, over the course of the circa 6 month construction period, there will be two HGV deliveries per day on average. During peak weeks of construction (amounting to approximately five weeks), this will increase to three HGV deliveries per day on average. In addition, it is anticipated that the average day during the construction period would see 60 two-way movements from staff. During the lifetime of the development, following the construction period, the impact will be significantly less, as just 12 trips per year are anticipated on average, for maintenance purposes. There are passing places and areas for parking proposed within the Appeal Site. With regards to access, it is submitted that the access arrangements are safe and suitable in highway terms. A response confirming no objection was received during the application stage from Staffordshire County

Council Highways, which considered matters such as safe access, highway safety and impacts on the highway network, and this is not a reason for refusal by the LPA.

- 6.37. As such, it is considered that the requirements of Paragraphs 110 and 115 which are relevant to a BESS scheme are satisfied, and the Site forms a sustainable location for this type of development having regard to the limited activity of the development during its operational lifetime. Therefore **criterion (c) is met**.

Paragraph 155 – Criterion D

- 6.38. Criterion (d) states that the ‘Golden Rules’ in Paragraph 156 need to be met. These relate to proposals involving the provision of housing. As such, **criterion (d) is not applicable** to this appeal.

Conclusion on Grey Belt and Inappropriateness

- 6.39. The Appellant submits that the Site meets the definition of grey belt set out in the Glossary of the NPPF and the relevant tests in Paragraph 155 are all satisfied. Therefore, the Appeal Scheme should not be regarded as inappropriate development, and therefore by definition, the Appeal Scheme is not harmful to the Green Belt, in line with appeal decisions contained at Core Documents **CD 6.1, CD 6.2 and CD 6.4** and correlating CoA judgement at Lee Valley **CD 6.3**.

- 6.40. Notably paragraph 4 of the Burcot Farm appeal decision (**Core Document CD 6.4**) states:

*“Given this, and having regard to paragraph 153 of the Framework, and the Court of Appeal judgement [**Core Document CD 6.3**], as the effect of the development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging the inappropriateness of the development, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it.”*

- 6.41. Correspondingly, on the basis that the provisions of paragraph 155 are met there is no need to proceed to assess the impact of the Appeal Scheme on the openness or purposes of the Green Belt. However, notwithstanding this position, for completeness and robustness, in any event that the decision maker determines that paragraph 155 is not met, the harm to openness and purposes of the Green Belt, as alleged by the LPA in their reason for refusal, is still considered below.

- 6.42. With regard to the above assessment in relation to Green Belt purposes when considering against the grey belt definition and NPPF Paragraph 155, if it was considered that provisions of paragraph 155 were not met, then for clarity, it is considered that the Appeal Scheme does not conflict with purposes (a), (b), (d) and (e) of the Green Belt, outlined in paragraph 143 of the NPPF.

- 6.43. With regard to purposes (a) and (b), the Site is not adjacent to any large built-up area and would not lead to the coalescence of neighbouring towns. Purpose (d) seeks to preserve the setting and character of historic towns, and the Site is not located in proximity to any such towns/cities. Purpose (e) aims to encourage the recycling of derelict and urban land, and appeal decisions, including at East Hanningfield, Chelmsford (ref. APP/W1525/W/22/3300222, included at **Core Document CD 6.5**) have established that locating renewable and low carbon energy schemes on such sites would not represent an efficient use of such land, and thus the Appeal Scheme would not conflict with this purpose either. Notwithstanding this,

due to the specific grid connection requirements and context of the Appeal Scheme adjacent to Cellarhead Substation, there are no derelict or other urban land sites available for the Appeal Scheme in any regard with regard to its purpose of connecting to Cellarhead Substation; and therefore there is clearly no conflict with this purpose.

- 6.44. It is accepted that the Appeal Scheme will inherently conflict with purpose (c) (but not strongly) as it would involve the development of part of the countryside that is currently undeveloped and would thus constitute encroachment into the countryside. A currently small agricultural field would be developed to contain the proposed BESS development. It is submitted that this conflict would cause limited harm in the context of the overall size of the wider Green Belt, and with the strategic performance and function of the remaining Green Belt remaining intact.

#### Openness

- 6.45. Paragraph 142 of the NPPF sets out the essential characteristics of Green Belts, which are their openness and permanence. The Appellant contends that that this harm would be **limited** and **temporary**, given the context of the Appeal Site, and the fact that the battery storage containers and associated infrastructure will be removed once the development has reached the end of its lifespan, with the land returned to a state of openness.
- 6.46. The NPPG (at ref ID: 64-001-20190722 in the Green Belt section) states that openness can be affected by the visual and spatial impacts of a proposal, the duration of the development, and the degree of activity likely to be generated. Each of these aspects are considered in turn below.
- 6.47. It is acknowledged that the Appeal Scheme, by its nature, will give rise to visual and spatial impacts. Having regard to the spatial aspect of openness, it is however considered that the battery storage containers and associated infrastructure have a relatively modest mass and footprint, having regard to the size of the proposed development.
- 6.48. The visual impacts of the proposal are considered in the Landscape, Visual & Green Belt Statement contained at **Appendix 6**. Having regard to the visual aspect of openness, although the Site is inherently open (undeveloped), the Landscape, Visual & Green Belt Statement demonstrates that the Site benefits from a strong degree of enclosure created by the adjacent Cellarhead Substation (to the north and east), boundary vegetation, and tree belts. Visibility of the Site is considered to be limited and highly localised, with there being no high points from which the Site is visible in long distance views, as discussed in the submitted LVIA (**Core Document CD 3.39**). Notable effects would be experienced only within the Site and its immediate environs, and in the longer term these effects would result in only **limited harm** to the openness of the Green Belt, having regard to the conclusions in the submitted LVIA and Landscape, Visual & Green Belt Statement.
- 6.49. Another consideration for assessing impact on openness, identified by the NPPG, concerns the degree of activity likely to be generated, such as traffic generation. As discussed above, and highlighted in the Transport & Access Statement Plan, the Appeal Scheme will not give rise to detrimental impacts on the safety or operation of the local or strategic highway network, nor will it have a material impact on activity. Once the construction period is completed, there would be only infrequent maintenance visits to the development which would be low intensity and low volume. It is therefore considered that the amount of activity generated by the development, overall, would be minimal and that this should be considered when assessing the level of harm to openness.

- 6.50. With regards to the duration of a development and its remediability, the Appeal Scheme has a 40-year operational lifespan. At the end of this period, the equipment will be removed, and the land will be returned to its agricultural use. Therefore, the impact on openness would be temporary and reversible. Once the BESS facility is decommissioned, the Site will be restored to become an undeveloped parcel of the Green Belt, able to support a far richer variety of flora and fauna than at the present time, related to the permanent landscaping and ecological improvements ensuing from the Appeal Scheme. There will be no permanent impact on the character or openness of the Green Belt, leaving only the boundary landscaping, and associated biodiversity benefits. As permanence is an essential characteristic of the Green Belt, then the temporary and reversible nature of the proposed development is a key consideration when assessing the level of harm generated. When determining appeals for renewable and low carbon schemes in the Green Belt, Inspectors have taken the temporary nature of such proposals into consideration in weighing the harm to the openness of the Green Belt. For example, for a BESS scheme in the London Borough of Barnet (ref. APP/N5090/W/22/3298962, **Core Document CD 6.8**) the Inspector, at paragraph 12 of their appeal decision, concluded that the proposal would only generate moderate harm on the openness of the Green Belt, due to the fact that the harm would not be permanent, limiting its long term effects, factoring in spatial and visual components of openness. The moderate level of harm identified was outweighed in the overall planning balance when determining that appeal (**Core Document CD 6.8**). Having regard to the conclusions in the submitted LVIA, and the Landscape, Visual & Green Belt Statement at **Appendix 6**, the level of harm on openness is considered less for this Appeal Scheme.

Conclusion on openness

- 6.51. Whilst the Appeal Scheme would inevitably result in harm to the openness of the Green Belt, this, when considering all relevant factors, is considered to be **limited**.

Conclusion on Issue 1

- 6.52. The Appeal Scheme is considered to not comprise inappropriate development in the Green Belt, as it meets the relevant requirements set out in NPPF Paragraph 155, meaning that the development would not conflict with Policies SD2 and SS10 of the adopted Staffordshire Moorlands Local Plan, which rely on national planning policy to assess proposals in the Green Belt. Appropriate (not inappropriate) development, by definition, is not harmful to the Green Belt, as established in the Courts [see Lee Valley CoA judgement – **Core Document CD 6.3**].
- 6.53. Notwithstanding, for completeness, in the event that it is considered that the provisions of Paragraph 155 are not met, the level of harm on the Green Belt including on openness has been assessed. It is acknowledged (in that event) that the proposal would generate limited harm to openness and limited harm to only one of the purposes of the Green Belt (to assist in safeguarding the countryside from encroachment), and that any harm to the Green Belt should be attributed substantial weight, in accordance with Paragraph 153 of the NPPF. In that event, it is necessary to determine whether the harm identified to the Green Belt, and any other harm identified, is clearly outweighed by other considerations, in order to form very special circumstances. This matter is returned to below in Issue 5.

**Issue 2 – Landscape**

- 6.54. The reason for refusal states that the Appeal Scheme cumulatively results in the unacceptable industrialisation of the landscape, alongside other similar development in the area. It also suggests that there would be an unacceptable harmful effect on landscape



character and the visual amenities of the countryside. This issue is addressed in detail in the Landscape, Visual & Green Belt Statement contained at **Appendix 6**.

6.55. The Landscape, Visual & Green Belt Statement, having regard to the Landscape & Visual Impact Assessment (**Core Document CD 3.39**) submitted with the Planning Application, concludes the following effects as a result of the proposed development:

- **Effect on Landscape Character** – there would be *Moderate (adverse)* effect upon the landscape character of the Appeal Site itself with effects reducing to *Minor (adverse)* following maturation of the Appeal Scheme’s proposed planting. Beyond the immediate environs of the Appeal Site, the effects upon landscape character of the area would be *Negligible*, with the magnitude of change *Low*, resulting in a *Minor (adverse)* effect.
- **Effect on Visual Amenity** – effects on visual amenity would be *limited* to within the immediate environs of the Appeal Site, notably to users of Footpaths Cheddleton 48 and Cheddleton 60 that pass through the eastern and southern parts of the Appeal Site. Within the immediate context of the Appeal Site, effects are predicted to be *Major (adverse)* during construction, reducing to *Moderate (adverse)* at Year 1. The level of effect will continue to reduce for users of Cheddleton 60 following maturation of the Appeal Scheme’s proposed woodland planting on the proposed bund. Furthermore, where the BESS facility may be visible in the local landscape, existing structures within the Cellarhead substation are generally already visible, and the Appeal Proposals would not therefore result in a notable change to the nature of the view or the balance of features within it. Overall, the level of visual effect will be *Negligible to Minor (adverse)* for users of the wider PRoW network beyond the immediate vicinity of the Appeal Site. The effects experienced by receptors within the environs of the Appeal Site would in any case reduce following maturation of the proposed mitigation planting.
- **Effect of Cumulative Development** – cumulative effects would be no greater than *Moderate (adverse)*, with these effects limited to;
  - perceptual/experiential effects on local landscape character within a limited area in close proximity to the Cellarhead substation where multiple cumulative schemes may be visible in addition to the Appeal Proposals; and
  - users along restricted sections of the local PRoW network, predominantly users of Footpath Cheddleton 60, who would experience sequential, and in places simultaneous, visibility of the multiple cumulative schemes to the east and south of the Appeal Site.
  - Cumulative effects would reduce as the proposed landscape mitigation measures on all the schemes establish and achieve greatest efficacy.

### Issue 3 – Noise

6.56. The Council’s reason for refusal alleges that the proposal would have an unsustainable relationship with Newfields Farmhouse due to noise effects of the proposed development. Policy DC1 of the adopted Staffordshire Moorlands Local Plan highlights that amenity should be considered as part of development proposals, whilst Policy SD4 stipulates that development should protect residents from pollution, including noise pollution. Policy SD2

requires noise effects from renewable and low carbon energy schemes to be addressed as part of proposals.

- 6.57. As noted previously in this Statement, the Appeal Scheme has been amended, with new drawings and material submitted with this appeal, and with the amended proposals including advanced equipment with in-built noise suppression. An amended Noise Assessment (reference P23-129-RO2v3) is submitted with this appeal (contained at **Appendix 2**) and assesses the noise generation and impacts of the updated scheme with regard to surrounding noise receptors. The Noise Impact Assessment, which is assessed in line with British Standard BS 4142, concludes that with the recommended noise mitigation scheme in place (as outlined in the Noise Impact Assessment), the noise impact from the Appeal Scheme, taking into account the context of the low absolute noise levels of the proposed development, would be **low** with regard to BS 4142 categories and would not give rise to any adverse/significant adverse noise impacts in line with the NPPF including paragraphs 187 & 198.
- 6.58. Consequently, the Appeal Scheme would not give rise to any significant adverse noise impacts to any surrounding noise receptors. including the nearby farmhouse at Newfields Farm, which is owned by the landowner who also owns the Appeal Site.
- 6.59. The recommended noise mitigation scheme outlined in the Noise Impact Assessment at Appendix 2 forms part of the Appeal Scheme and can be controlled via a suitably worded planning condition. The proposed mitigation includes a 3 metre high landscape bund and 3 metre high acoustic barriers, in locations shown in Figure 5 of the Noise impact Assessment. The bund would be located along the western boundary of the BESS facility and acoustic fencing located along the southern boundary and southern part of the eastern boundary.
- 6.60. Consequently, with the recommended mitigation in place, the Noise Impact Assessment shows that the occupation of Newfields Farmhouse, will not need to cease as a result of the amended proposals the subject of this appeal.
- 6.61. The dwelling at Newfields Farm can continue to be occupied throughout the operational lifespan of the development, and thus there would be no temporary loss in dwelling stock. Taking this into account, it is submitted that the Appeal Scheme has a sustainable relationship with Newfields Farmhouse with regards to noise, contrary to the reason for refusal.
- 6.62. Given that the noise levels would not harm the amenity of nearby occupiers, as demonstrated in the submitted amended Noise Impact Assessment (reference P23-129-RO2v3), the proposed development is in accordance with Policies SD2, SD4, and DC1 of the adopted Staffordshire Moorlands Local Plan in this respect. As the Appeal Scheme directly addresses the reason for refusal, with no adverse noise effects set to be generated, this matter does not weigh against the scheme, and neutral weight should be attributed to this in the planning balance.

#### **Issue 4 – Fire Safety**

- 6.63. The LPA's reason for refusal expresses concerns regarding fire service access and the overall safety of the Appeal Scheme. The Appellant disputes this, and notes that the Staffordshire Fire and Rescue Service (**SFRS**) did not register an objection to the proposals at the point of determination by the LPA. A 'National Fire Chiefs Council Planning Guidance for Battery Energy Storage System (BESS) Compliance Report' (reference ARC-1247-002-R1) is submitted with this appeal and contained at **Appendix 7**, which addresses this element of



the reason for refusal directly. An updated Outline Battery Safety Management Plan (reference SHF.1807.005.PLR.001.03) is also submitted with this appeal, contained at **Appendix 8**, relating directly to the amended proposals the subject of this appeal. This updated Outline Battery Safety Management Plan is submitted further to an Outline Battery Safety Management Plan (reference SHF.1807.005.PLR.001.01) (see **Core Document CD 3.41**) which formed part of the original Planning Application.

- 6.64. SFRS's final response to the Planning Application, comprising an email from SFRS and also a completed SFRS Checklist, are contained at **Core Documents CD 2.6E & CD 3.85**. This response had followed extensive discussions between the Appellant and SFRS over a long period of time pre, and post, application submission, leading right up to determination of the Planning Application at Planning Committee. These discussions are referenced in the National Fire Chiefs Council Planning Guidance for Battery Energy Storage System (BESS) Compliance Report (reference ARC-1247-002-R1) submitted with this appeal and contained at Appendix 7.
- 6.65. The 'renewable and low carbon energy' section of the PPG emphasises the importance of consulting with the relevant fire & rescue service and to take their views into account when determining applications for BESS development. The PPG is also clear that applicants and LPAs are encouraged to consider guidance produced by the National Fire Chiefs Council (NFCC) when preparing the application.
- 6.66. The NFCC Guidance for BESS developments dated November 2022 (contained at **Core Document CD 5.3**), states that "*suitable facilities for safely accessing and egressing the site should be provided*" and that "*designs should be developed in close liaison with the local FRS as specific requirements may apply due to variations in vehicles and equipment*".
- 6.67. As set out in the National Fire Chiefs Council Planning Guidance for Battery Energy Storage System (BESS) Compliance Report (reference ARC-1247-002-R1) contained at Appendix 7, the proposed access arrangements for the proposed development is considered entirely safe and suitable and this was supported by SFRS from a fire safety perspective and Staffordshire County Council as the relevant Local Highway Authority, from a transport perspective, at the application stage with regard to comments received from these consultees.
- 6.68. The Appellant acknowledges that the NFCC Guidance (**Core Document CD 5.3**) recommends that there should be at least two separate access points into BESS sites, to account for opposite wind conditions/directions. The guidance does not however specifically require at least two separate access points from the public highway, and therefore the Appellant contends that at least two accesses into the BESS facility itself (containing the BESS equipment, the source of any potential fire risk), within a site, can be considered equally acceptable. This is the case in respect of the Appeal Scheme, with multiple points of access and egress into the fenced BESS compound facility. There are gated accesses into the facility to the south, east and north, and a suitably diverged access route to the south of the facility allowing one route to the southern access gate and another route providing access to the east of the facility (with SFRS not objecting on this basis). The diverged access point to the south is over 25 metres from the southern access gate and so provides ample separation to allow vehicles to take the eastern access route, if the southern access route was blocked for any reason during an unlikely fire event. The access tracks have been designed as a loop, providing options for accessing and travelling through the facility. The arrangement of each individual component of the BESS development within the loop road has considered access for maintenance and servicing. The overall layout, including the internal access roads,

includes sufficient space for the Fire Service to establish cordons, keeping crews and responders safe, and enabling them to take up defensive firefighting from a safe distance.

- 6.69. SFRS in consultation on this Planning Application have made no mention or concerns over the access design arrangements for this proposed development and have confirmed that the design of the proposed development is acceptable as referenced in the supporting statement at Appendix 7. The turning circle to the south of the proposed BESS Facility, at the primary point of access into the compound, was added to the design in response to feedback received from the SFRS in May 2024.
- 6.70. As outlined in the supporting statement at Appendix 7, further review of the local metrological data indicates that the prevailing winds are from the south-east to south-west, there are very limited occasions when the wind is from the north to north-east, as such obscuration of the access into the facility from the south and north at the same time is not possible.
- 6.71. The Appeal Scheme can be delivered in an entirely safe manner, in line with NFCC Guidance, and in the unlikely event of a fire, there are several measures proposed to prevent thermal runaway and spread, allowing any event to be quickly isolated, ensuring the overall safety of the Site and its surroundings. This is outlined in detail in the supporting statement at Appendix 7 and the statement concludes that the proposed development is compliant with the recommendations detailed in the NFCC Planning Guidance for BESS (**Core Document CD 5.3**), the potentially emerging NFCC Guidance (**Core Document CD 5.4**), and this has notably been validated by the Staffordshire Fire & Rescue Service.
- 6.72. Policy SS1 of the adopted Staffordshire Moorlands Local Plan seeks all developments to deliver a safe, well-designed and well-maintained environment. Policy DC1 of the adopted Staffordshire Moorlands Local Plan seeks all development to create safe environments and provide safe and suitable access. The Appellant contends that the Appeal Scheme complies with policies SS1 and DC1, in this regard.

#### **Issue 5 – Other Material Considerations, Benefits & Very Special Circumstances**

- 6.73. The LPA contests in its reason for refusal that the benefits and considerations in favour of the Appeal Scheme, presented as part of the Planning Application, are insufficient to outweigh harm identified. It is alleged that very special circumstances do not exist.
- 6.74. It has been established in relation to 'Issue 1' of this Statement, that the Appeal Scheme is appropriate development in the Green Belt, being a grey belt site which satisfies the criteria in Paragraph 155 of the latest NPPF (December 2024), a concept that was introduced into national policy after the Planning Application was refused. This means that very special circumstances do not need to exist for the Appeal Scheme to accord with the Development Plan and national planning policy, allowing the granting of planning permission.
- 6.75. Notwithstanding this, for completeness, the benefits associated with the proposal, which together would comprise the very special circumstances, are outlined below. This reflects the two-pronged approach taken by the Inspector with regards to the BESS scheme in the aforementioned appeal decision at Great Barr, Walsall (**Core Document CD 6.1**).
- 6.76. The benefits and considerations in favour of the Appeal Scheme are material considerations in favour of the Appeal Scheme, regardless of whether it is concluded that paragraph 155 is met or not (whether the development comprises inappropriate development or not). These material considerations in favour of the Appeal Scheme should therefore weigh in the planning balance against any identified harm, in any scenario.

- 6.77. The judgement of Sullivan J. in *R (Basildon DC) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin) confirmed in relation to very special circumstances that “*a number of factors, none of them “very special”, when considered in isolation may, when combined together, amount to very special circumstances*” (**Core Document CD 6.21**). The Appellant contends that the benefits and considerations in favour of the Appeal Scheme are sufficient to outweigh any harm identified. Appeals such as APP/W1525/W/22/3300222 (**Core Document CD 6.5**) and APP/W1525/W/22/3306710 (**Core Document CD 6.6**) have acknowledged that whilst considerations in favour of a proposal might arise elsewhere and are not wholly unique, this does not limit the very special circumstances compared to those that might be wholly unique.
- 6.78. The Appellant submits that the following benefits and considerations should be attributed in favour of the proposed development, along with the associated agreed weight to be attached, as outlined in Table 3 below.

Benefit/consideration	Positive Weight
Contribution towards the achievement of international, national, and local climate targets.	<b>Substantial</b>  The Appeal Scheme will provide the necessary balancing services and flexibility to enable a greater reliance on renewable sources such as wind and solar energy generation and a reduction in the use of fossil fuels. This will help contribute towards international, national, and local climate targets, including the legally binding obligation to reduce emissions to net zero by 2050, and delivering clean power by 2030.
The specific and pressing need for additional battery storage schemes in the United Kingdom, facilitating energy security	<b>Substantial</b>  The Appeal Scheme will increase battery storage capacity within the United Kingdom, in line with the aspirations of both the Government and National Grid. An ninefold increase in energy storage is anticipated to be required to achieve net zero by 2050, and the proposal would make a small but valuable contribution towards this.  The Proposed Development would facilitate the transition to renewable energy, ensuring secure, distributed and diversified energy generation in accordance with Government policy on energy security.
Secured Grid Connection	<b>Significant</b>

Benefit/consideration	Positive Weight
	The Appeal Site is located immediately adjacent to the Cellarhead Substation, allowing for a direct connection to it. This substation has the capacity to accommodate the development, and a connection has already been secured and agreed with National Grid.
Ecological & Arboricultural Benefits	<b>Significant</b>  The Appeal Scheme includes significant new planting and ecological enhancements, with an overall net gain for habitats of 15.49% and a specific gain of 99% for hedgerow habitat.
Economic benefits and investment	<b>Modest</b>  The Appeal Scheme would contribute to the local rural economy, assisting with the future viability and stability of a farming business, through rural diversification. It will also create short term employment opportunities during the construction period.

*Table 3: Benefits and considerations in favour of the Appeal Scheme and weight to be attributed.*

- 6.79. The matter of dispute between the parties with regard to whether very special circumstances would exist is the level of any harm to the Green Belt including its openness, as well as to landscape character and visual amenity, and how this weighs with issues of noise and fire safety; against the agreed weight to be attributed to the benefits and considerations in favour of the Appeal Scheme.
- 6.80. The Appellant submits that neutral weight can be attributed to the following matters which are considered entirely acceptable, with such considerations subject to appropriately worded planning conditions where needed (with draft conditions outlined in the Statement of Common Ground):
- Flood Risk & Drainage
  - Highways & Transport
  - Heritage
  - Agricultural Land Classification (use of non-BMV land)

6.81. No objections were raised by relevant consultees in relation to the above matters during the course of the planning application.

6.82. The benefits and considerations in favour of the Appeal Scheme are considered further in turn below.

*1. Contribution towards the achievement of international, national, and local climate targets, including the achievement of net zero by 2050.*

6.83. The proposed BESS facility will make a valuable contribution towards the achievement of international, national, and local climate ambitions. There is an urgency to take drastic action to ensure this is the case, especially considering that many targets are not on track to be met. It is incumbent on decision-makers at all scales to help ensure that legally binding targets and goals are achieved. Permitting the Appeal Scheme would help to do so.

6.84. Climate change poses a challenge globally and requires all nation states to take drastic action to reduce greenhouse gas emissions so that warming is limited, as noted by the IPCC in their Sixth Assessment Report. At an international scale, the UK is bound by the Paris Agreement, a legally binding treaty signed in 2015 to limit global warming below 2°C. However, as noted in the Energy White Paper, we are not on track to meet this. Paragraph 2 of the NPPF makes clear that planning decisions should support international obligations, including the Paris Agreement. If permitted, this proposal would do exactly that, through providing the balancing services that are required to transition from polluting fossil fuels to renewable energy sources such as wind and solar. The resulting reduction in emissions would help to mitigate global warming and ensure that the UK fulfils its obligations as part of the Paris Agreement, playing a leading international role in the race to net zero and fight against climate change.

6.85. Nationally, the Climate Change Act (as amended) sets an ambitious target for the UK to reach net zero emissions by 2050. Paragraph 161 of the NPPF is clear that the planning system should support this transition. In order to realise this, the legislation emphasises that greenhouse gas emissions will need to be reduced, with the Sixth Carbon Budget committing to a reduction in emissions of 78% by 2035 (compared to 1990 levels), and the latest Government also seeks to decarbonise the energy system by 2030 as set out in Clean Power 2030 Plan, with the government aiming for clean power to meet 100% of electricity demand by 2030, with at least 95% of electricity generation coming from low-carbon sources. Paragraph 2 of the NPPF also states that decisions should reflect national statutory requirements. As stated above, through facilitating a transition to more renewable sources, BESS has the potential to greatly reduce emissions which arise from the use of fossil fuels and achieve net zero, as explicitly stated in the Overarching National Policy Statement for Energy and Proposals regarding the Planning System for Electricity Storage. Meanwhile, the Net Zero Energy System: Smart Systems and Flexibility Plan notes that it will be difficult to decarbonise the energy system and meet the Sixth Carbon Budget without greater flexibility, which BESS provides. The Appeal Scheme will play a part in helping to decarbonise the energy system so that the UK can meet its targets and achieve net zero.

6.86. Locally, Staffordshire Moorlands declared a climate emergency in 2019. As part of this, the Council unanimously voted in favour of plans for the District to become carbon neutral by 2030. In addition, the Council joined the 'Race to Zero' global coalition of regions in 2021, highlighting its commitment for the District to achieve net zero emissions by 2050. The proposal will help to ensure that Staffordshire Moorlands can successfully meet this goal.

6.87. Inspectors have consistently afforded positive weight to the role BESS can play in facilitating the achievement of energy targets, including net zero, and the benefits of increasing battery

capacity to do so. At Lowlands Farm, Halesowen (ref. APP/C4615/W/24/3341383, see **Core Document CD 6.9**), the Inspector gave significant weight to the contribution of BESS towards achieving net zero. Additionally, at Cutlers Green Lane, Thaxted (ref. APP/C1570/W/23/3319421, see **Core Document CD 6.10**), substantial weight was given to the generation of renewable energy which the proposal would facilitate. At Great Barr, Walsall (**Core Document CD 6.1**), great weight was attached to the contribution of BESS towards mitigating climate change, and at Wickford, Essex (ref. APP/W1525/W/22/3306710, see **Core Document CD 6.6**) the benefits of the BESS scheme, including with regards to climate change mitigation, attracted very substantial weight, whilst at Basildon, Essex (ref. APP/V1505/W/23/3332888, see **Core Document CD 6.7**), considerable weight was given.

- 6.88. It is important to note at this point that whether the adjective “substantial” or “significant” is used when considering weightings is a matter of planning judgement. This issue was examined in the High Court judgement of *Ward v Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 676 (Admin) (25 March 2024)* (**Core Document CD 6.11**). An alleged legal error suggested that “substantial” was greater than “significant”. However, Paragraph 124 of the judgement concluded that “the word ‘substantial’ does not denote a greater quantum of weight than ‘significant’”. This confirms that the adjectives “substantial” and “significant” should have an equal level of weighting in the planning balance.
- 6.89. There is an urgent need for further battery storage capacity to support the transition to a low carbon future in a changing climate and facilitate energy security. Paragraph 161 of the NPPF provides clear support for the transition to net zero by 2050 and the delivering of low carbon and renewable energy development is supported by Policy SD10 of the adopted Staffordshire Moorlands Local Plan. In line with Paragraph 168 of the NPPF, this Appeal Scheme’s ability to facilitate the transition to renewable energy attracts significant weight as a minimum. In light of the climate crisis, ever-ambitious international, national, and local targets, which the Energy Security Plan states are of “critical importance of to the country”, and pressing need to increase battery storage capacity in the United Kingdom, it is considered that **substantial positive weight** can be afforded in the planning balance for the Appeal Scheme, helping to ensure that Staffordshire Moorlands, and the United Kingdom decarbonise, achieve net zero, and fulfil legally binding national and international climate obligations.

2. The specific and pressing need for additional battery storage schemes in the United Kingdom, facilitating energy security

- 6.90. There is a pressing need for additional battery storage schemes in order to transition to renewable sources at scale and fulfil the abovementioned targets. Due to the variable nature of renewable technologies based on factors such as weather conditions and varied demand throughout different times of the day and year, storage will play a crucial role in ensuring a secure energy system which is able to meet demand at peak times. The important role that battery storage will play in combatting climate change has been acknowledged at Government and national level such as in the National Policy Statement for Energy (NPS) EN-1 (**Core Document CD 5.6**), Energy White Paper (**Core Document CD 5.9**), and the Net Zero Energy System: Smart Systems and Flexibility Plan (**Core Document CD 5.12**), with the latter saying that it is “an essential part of the solution for a decarbonised grid”. This has also been highlighted in appeal decisions, such as at Staythorpe, Newark (ref. APP/B3030/W/23/3334043, see **Core Document CD 6.12**), where the Inspector stated that battery storage is “essential” in ensuring that the amount of renewable energy generated will not be constrained, so that further coal and gas power plants can be decommissioned, and the energy grid decarbonised.



- 6.91. Both the Government and National Grid wish to see a wider deployment of battery storage in the coming decades. Energy storage is identified as a priority area within the Net Zero Innovation Portfolio. The Clean Power 2030 Action Plan (**Core Document CD 5.17**) advises that currently the energy storage capacity in the UK is 4.5GW and an ambitious target of 23–27 GW of battery capacity before 2030 is set. It is anticipated that 40GW of capacity would be required in order to meet the UK’s target of net zero carbon by 2050. Although the scheme is modest in size, Paragraph 168 of the NPPF confirms that even “*small scale projects provide a valuable contribution to significant cutting greenhouse gas emissions*”.
- 6.92. There are benefits to multiple sites in an area being developed for BESS, as the greater the amount of storage, the greater the degree of flexibility, allowing for more of the grid to be decarbonised, and a more significant reduction in emissions. The Appeal Site will make a valuable contribution towards increasing battery storage capacity within the UK in line with the aspirations of the NPPF.
- 6.93. The Site is well-located given that it sits immediately adjacent to the Cellarhead Substation. The Net Zero Energy System: Smart Systems and Flexibility Plan states that storage should be sited in optimal locations, and the Appellant contends that this is the case here. From a practical and visual perspective, placing an energy storage facility adjacent to existing National Grid infrastructure will enable a straightforward connection to the grid, and it is desirable to construct a facility here rather than in an isolated location surrounded by undeveloped open countryside, some distance from the nearest connection point. This makes it a preferential site for a BESS facility compared to others in the locale, where the impact could be more harmful. As such, this is a suitable and logical location for energy storage to meet local energy demand and serve as Staffordshire Moorlands’ contribution towards increasing capacity nationwide by 2050.
- 6.94. Given the need for additional battery storage within the UK, so that the grid can be fully decarbonised, as many BESS schemes as possible should be permitted in order to increase capacity to reach the 2050 requirements. Being located adjacent to a substation and National Grid infrastructure, the Application Site is appropriate to help meet the need for additional storage.
- 6.95. The Appeal Scheme will provide the balancing services to allow for greater ‘home-grown’ renewable energy to be generated, which will assist in ensuring energy security and price stability within the United Kingdom. The importance of this is underlined in the British Energy Security Strategy and is a benefit in its own right.
- 6.96. The important role energy storage plays in ensuring energy security is noted in the Net Zero Strategy: Build Back Greener, British Energy Security Strategy, and Clean Power 2030 Action Plan.
- 6.97. This benefit has been highlighted by Inspectors in numerous appeal decisions for BESS schemes, including Lowlands Farm (**Core Document CD 6.9**), East Hanningfield (**Core Document CD 6.5**), Wickford (**Core Document CD 6.6**), Basildon (**Core Document CD 6.7**), Great Barr (**Core Document CD 6.1**) and Wytheneshawe, Manchester (ref. APP/Q4245/W/24/3343250, see **Core Document CD 6.13**). At Cutlers Green Lane, Thaxted (**Core Document CD 6.10**), the Inspector afforded substantial weight to the contribution the scheme (which included solar) would make to a low carbon economy and the provision of low cost and secure energy. Similarly, in the cases of Hall Lane, Kemberton (ref. APP/L3245/W/23/3329815, see **Core Document CD 6.14**) and Great Wheatley Farm (ref. APP/B1550/W/23/3329891, see **Core Document CD 6.15**), the renewable energy benefit of the proposals in terms of its contribution towards energy security and resilience was given



“substantial weight”. This should likewise be afforded **substantial positive weight** in the planning balance for the Appeal Scheme.

### 3. Secured Grid Connection

- 6.98. The Site has a confirmed and secured connection to the National Grid with the energisation date scheduled for October 2028 with minimal transmission works required to accommodate this scheme. It will provide direct ESO auxiliary services (e.g., restoration services, formally Black Start) to Cellarhead Substation. The Appeal Scheme provides no restriction on the Distribution Network Operator and will feed directly into the balancing requirements to facilitate the achievement of targets outlined in the Clean Power 2030 Action Plan (**Core Document CD 5.17**).
- 6.99. The Energy Security Strategy 2023 (**Core Document CD 5.15**) and Connections Action Plan 2023 (**Core Document CD 5.20**) highlight that grid connection times are a significant issue. Therefore, the availability of a short-term grid connection offer for the Appeal Scheme is a significant benefit. This is consistent with appeal decisions such as East Hanningfield (**Core Document CD 6.5**) and Basildon (**Core Document CD 6.7**). In a recently published appeal decision for a BESS facility and solar farm in Wickford (**Core Document CD 6.6**), the Inspector concluded that *“it is important... for capacity to be taken up where it is available and the prospect of an early connection for the appeal scheme is an important factor in its favour”* (paragraph 77). The secured grid connection offer attracted significant weight in that instance. The Appellant contends that the same applies for the Appeal Scheme – the availability of a secured grid connection in this location, where a commercially viable scheme can be delivered, should likewise be given **significant positive weight** in the planning balance.

### 4. Ecological and Arboricultural Benefits

- 6.100. The proposed landscape strategy, which will limit visual harm to the landscape, comprises the planting of new woodland and scrub to screen the development as well as additional hedgerow and wildflower planting. This will increase the richness and diversity of flora and fauna on the Site. The scheme will create enhanced opportunities for biodiversity and ecology; indeed, the biodiversity net gain metric produced by Enzygo, submitted with this appeal (at **Appendix 3**), indicates that the proposal will achieve a 99% gain for hedgerow units and 12.78% gain for habitat units. These calculations notably exceed local and national biodiversity net gain requirements, despite this development being exempt from mandatory biodiversity net gains provisions under the Environment Act 2021, as a planning application for a development which was made before 12<sup>th</sup> February 2024. The biodiversity net gains of the development can be delivered through the delivery of the proposed landscaping strategy scheme and a condition related to the detailed landscape scheme can be imposed and used to ensure delivery, compliance and maintenance of proposed planting, to ensure the net gains are delivered and managed through the lifetime of the development. In line with the findings of Inspectors in numerous renewable and low carbon energy appeals including for schemes at Cutlers Green Lane (**Core Document CD 6.10**) Sheraton (ref. APP/X1355/W/22/3299829, see **Core Document CD 6.16**) and Kenilworth (ref. APP/T3725/V/23/3332671, see **Core Document CD 6.17**), **significant positive weight** should be attributed to these benefits.
- 6.101. The provision of these combined ecological and arboricultural benefits is an additional consideration that forms part of any VSC considerations. This aspect of the development is also supported by Local Plan Policies SD2, DC1, DC3, C3, and NE1, as well as Paragraph 180 of the NPPF and Paragraph 13 (ref: 5-O13-2015037) of the NPPG.

## 5. Economic Benefits

- 6.102. The Appeal Scheme would contribute to the local rural economy, assisting with the future viability and stability of a rural farming business, through rural diversification. It is well established in appeals that there is a pressing need to diversify farm businesses, due to the variable and volatile nature of farming income. A regular income from the proposed facility would be an invaluable support for the farming business to remain financially viable. Rural diversification is supported by Policy SS10 of the adopted Staffordshire Moorlands Local Plan, as well as Paragraph 88 of the NPPF.
- 6.103. It will take approximately six months to construct the BESS facility. The proposal would contribute to the local economy through the creation of employment opportunities in engineering, construction and transportation during the construction as well as related to the ongoing management of the Site during the development's operational lifetime. The development would provide employment opportunities associated with the ongoing management of landscaping and biodiversity at the Site and would also contribute toward the local economy via business rates.
- 6.104. The annual business rate liability for this scheme is projected to be £62,306, calculated based on the average Rateable Value for battery storage systems as listed in the 2023 VOA Rating List<sup>1</sup>. Over the anticipated 40-year operational lifespan of the project, this equates to a total estimated business rate contribution of £1,246,513 at present value. This substantial contribution underscores the project's long-term economic benefit to the local area. To ensure accuracy and transparency, the calculation assumes static rates and does not account for potential future adjustments in valuation or inflation.
- 6.105. Inspectors have attributed weight to such benefits for renewable and low carbon schemes elsewhere. In this instance, it is considered that these benefits attract **modest positive weight**, in line with recent appeal decisions for sites in Wythenshawe (**Core Document CD 6.13**), Fobbing (ref. APP/M1595/W/23/3328712, see **Core Document CD 6.18**) and Marden (ref. APP/U2235/W/23/3321094, see **Core Document CD 6.19**).
- 6.106. These benefits should be taken into consideration as part of the VSCs for the Appeal Scheme and can likewise be attributed **modest positive weight**.

## Summary

- 6.107. To summarise, the following benefits and considerations in favour of the Appeal Scheme have been identified:
- Contribution towards the achievement of international, national, and local climate targets.
  - The specific and pressing need for additional battery storage schemes in the United Kingdom, facilitating energy security;
  - A secured grid connection before 2030;

---

<sup>1</sup> <https://www.gov.uk/government/statistics/non-domestic-rating-change-in-rateable-value-of-rating-lists-england-and-wales-2023-revaluation-compiled-list> (accessed 9 December 2024).

- The significant ecological and arboricultural enhancements which the Appeal Scheme would generate, delivering significant biodiversity net gains; and
- Economic benefits such as assisting with the ongoing viability and stability of a farm business through rural diversification, and creating local employment during the construction period.

6.108. The Appellant contends that the considerable benefits and considerations in favour of the Appeal Scheme, as outlined above, clearly outweigh any harm to the Green Belt and any other harm identified. Therefore, even if the Appeal Scheme were to be considered inappropriate development in the Green Belt, these benefits would still constitute the necessary very special circumstances required to accord with the Development Plan and national planning policy.

Conclusion on Issue 5

6.109. Having regard to the above analysis of the benefits and considerations in favour of the Appeal Scheme, the Appellant submits that Appeal Scheme complies with the Development Plan policies cited by the LPA in their reason for refusal (Policies SS1, SS10, SD2, DC1, DC3, C3, and NE1 of the adopted Staffordshire Moorlands Local Plan). Even if there were to be a conflict with a policy, or part of a policy, in the Development Plan, this conflict would not automatically lead to the conclusion that there is conflict with the Development Plan taken as a whole, having regard to the principles set out in *R. (on the application of William Corbett) v The Cornwall Council [2020] EWCA Civ 508 (Core Document CD 6.20)*, and any conflict could be outweighed by material considerations, such as those outlined in this Statement.

## 7. Planning Conditions and Obligations

### Planning Conditions

- 7.1. A full set of conditions that were included within the Officer's report to Planning Committee is provided within the supporting Statement of Common Ground, with condition 2 amended to add additional & amended material submitted with this appeal.

### Planning Obligations

- 7.2. Given the amendments to the Appeal Scheme, there is no requirement for a planning obligation, with all matters capable of being suitably addressed by the imposition of suitably worded planning conditions.
- 7.3. If contrary to the above, in the event that the proposed amendments to the scheme are not taken into consideration by the decision maker, the Appellant reserves the right to submit a legal obligation at that stage in respect of the future occupation status of Newfields Farm.

## 8. Summary and Planning Balance

8.1. Pegasus Group is instructed by Newfields BESS Limited ("**the Appellant**") to act on their behalf in respect of a Section 78 appeal against the refusal of planning application SMD/2024/0019 on land at Newfields Farm ("**the Site**") by Staffordshire Moorlands District Council ("**the LPA**").

8.2. The planning application which is the subject of this appeal, seeks full planning permission for the following description of development:

*"Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid."*

8.3. The planning application was reported to Staffordshire Moorlands District Council's Planning Committee with an officer recommendation for approval on 19<sup>th</sup> September 2024. Members resolved to depart from the positive recommendation made by officers and planning permission was refused. The reason for refusal by the LPA was as follows:

*"In the opinion of the Local Planning Authority, the proposed development would result in inappropriate development within the Green Belt. The development would fail to preserve the openness of the Green Belt and would conflict with the purposes of including the land in the Green Belt through encroachment into the countryside. The harm to the Green Belt attracts substantial weight against the proposals."*

*There are also concerns regarding the overall cumulative effect of similar development in the area and the industrialisation of the landscape, increased risk of a safety incident in a localised area and wider environmental implications. The development would be prominent to the users of the adjacent public right of way (Cheddleton 48), due to insufficient landscaping and lack of information regarding maintenance arrangements for existing and proposed vegetation and would have a harmful effect on the visual amenities of the countryside."*

*The development has an unsustainable relationship with Newfields Farmhouse due to noise effects and, as such, requires its occupation to cease. The loss of housing stock, at a time when the Council cannot demonstrate a 5 year supply of housing is considered to weigh against the proposal."*

*The development would have only one point of access into the site through the farm buildings, contrary to guidance, which leads to concerns for fire service access and the overall safety of the site."*

*These factors all amount to additional harm which weigh against the proposed development. It is noted that there are other considerations which weigh in favour of the development. However, these do not clearly outweigh the harm to the Green Belt and other harm identified above and, as such, very special circumstances do not exist."*

*The development is therefore contrary to Policies SS1, SS10, SD2, DC1, DC3, C3, and NE1 of the Staffordshire Moorlands Local Plan (Adopted September 2020) and the guidance contained within National Planning Policy Framework."*

- 8.4. The Appellant affirms that the Appeal Scheme **does not represent inappropriate development in the Green Belt**, based on the latest NPPF, to which relevant Development Plan policies rely upon when determining applications within the Green Belt. The Site meets the definition of grey belt set out in the Glossary of the NPPF, in not making a strong contribution towards purposes (a), (b), and (d) of the Green Belt (as defined by NPPF Paragraph 143), and the application of NPPF policies related to the assets and areas set out in Footnote 7 of the NPPF not providing a strong reason for refusing or restricting the development. The relevant tests set out in Paragraph 155 are met; the Appeal Scheme would not fundamentally undermine the purposes of the Green Belt when taken together, there is a demonstrable need for battery storage, and the Site is sustainably located for the proposed development. Consequently, the proposal does not constitute inappropriate development in the Green Belt, and such development is, by definition, not harmful, in line with *Lee Valley CoA judgment (Core Document CD 6.3)*.
- 8.5. Notwithstanding, for completeness, the harm, alleged in the LPA's reason for refusal, on openness and conflict with the Green Belt purposes, have been considered, in any event that NPPF Paragraph 155 is considered to not be met. In this event, it is accepted that there will be an inevitable reduction in openness. The Appellant contends that this harm is **limited**. It is submitted that there would only be conflict with one of the Green Belt purposes, purpose (c), and it is considered that the level of harm is only **limited**. It is important to note that any harm on the Green Belt is **temporary** and **reversible**, after 40 years, the infrastructure will be removed, with the land returning to agricultural use, resulting in no level of permanent harm to the Green Belt or its openness. In any event that NPPF Paragraph 155 is considered to not be met, in line with NPPF Paragraph 153, it is acknowledged that substantial weight should be given to any harm to the Green Belt, including definitional harm of inappropriateness.
- 8.6. The Appellant acknowledges that the Appeal Scheme would generate effects on landscape character and visual amenity. However, this is not unique to this proposal, or the landscape character and features of the Site and its surroundings. The Overarching National Policy Statement for Energy (EN-1) is clear that renewable energy proposals will generally always result in some degree of adverse impacts on the landscape. This issue has been considered in detail in the Landscape, Visual & Green Belt Statement contained at **Appendix 6**. The Appellant contends that the Site is well enclosed and already screened in the landscape, due to the adjacent Cellarhead Substation and existing tree belts and vegetation. The Appeal Scheme would secure appropriate mitigation against inherent landscape and visual effects and not result in an undue level of landscape and visual harm. The Appeal Scheme has been carefully designed with robust landscape mitigation planting proposed which complements the character of the surrounding landscape, which will suitably screen the development from the surrounding public realm, in line with policies SD2, DC1, and DC3 of the adopted Staffordshire Moorlands Local Plan. It is important to emphasise that the impacts are temporary and reversible. Taking this into account, overall, the Appeal Scheme would have a **modest** and **localised** landscape and visual impact, and the cumulative effects would be no greater than **moderate adverse**.
- 8.7. The appeal is submitted with amended proposals which incorporate amended equipment with in-built noise suppression, and an amended Noise Impact Assessment (reference P23-129-RO2v3), contained at **Appendix 2**, is submitted with this appeal which assesses the noise generation and impacts of the amended proposals. This concludes that with the recommended noise mitigation scheme in place (as outlined in the Noise Impact Assessment), comprising a 3m high bund and 3m high acoustic fencing, the noise impact from the Appeal Scheme, taking into account the context of the low absolute noise levels of the proposed development, would be **low** with regard to BS 4142 categories and would not

give rise to any adverse/significant adverse noise impacts in line with the NPPF including paragraphs 187 & 198. Consequently, the occupation of Newfields Farmhouse will not need to cease, meaning there will be no reduction in dwelling stock as a result of the Appeal Scheme. Through the amendments made, the Appeal Scheme will have a sustainable relationship with Newfields Farmhouse in terms of noise, and thus this element of the reason for refusal has been suitably addressed, with the scheme in conformity with Policies SD2, SD4, and DC1 of the Staffordshire Moorlands Local Plan with regards to noise and amenity considerations. This attracts **neutral weight** in the planning balance.

- 8.8. A National Fire Chiefs Council Planning Guidance for Battery Energy Storage System (BESS) Compliance Report (reference ARC-1247-002-R1) is submitted with this appeal, contained at **Appendix 7**, which addresses the concerns of the LPA raised in the reason for refusal around fire safety, and outlines that the proposed development would comprise a safe, well-designed and well-maintained development. This submission is further supported by an updated Outline Battery Safety Management Plan submitted with this appeal (contained **Appendix 8**), and the no objections received from Staffordshire Fire & Rescue Service (**Core Documents CD 2.6E & CD 3.85**). The Appellant submits that, in line with Policy DC1 of the adopted Staffordshire Moorlands Local Plan, the proposed development creates a safe environment and provides safe and suitable access. This attracts **neutral weight** in the planning balance.
- 8.9. If the Appeal Scheme were to be considered inappropriate development in the Green Belt, it would only be able to be permitted in very special circumstances, and Paragraph 153 of the NPPF states that these will not exist unless the harm identified (as identified above) is outweighed by other considerations.
- 8.10. The Appeal Scheme would provide substantial environmental benefits, in providing low-carbon technology which will contribute towards the reduction of carbon emissions. There is an urgent need for further battery storage capacity to support the transition to a low carbon future in a changing climate. Paragraph 161 of the NPPF provides clear support for the transition to net zero by 2050 and the delivering of low carbon and renewable energy development is supported by Policy SD10 of the Staffordshire Moorlands Local Plan. In line with Paragraph 168 of the NPPF, this Appeal Scheme's ability to facilitate the transition to renewable energy attracts significant weight as a minimum. In light of the climate crisis, ever-ambitious international, national, and local targets, and pressing need to increase battery storage capacity in the United Kingdom, **substantial positive weight** can be afforded to these benefits, in helping to ensure that Staffordshire Moorlands and the United Kingdom decarbonise and achieve net zero, fulfilling legally binding national and international climate obligation. **Substantial positive weight** can be given to the associated benefit of increasing energy security, and clear specific need for battery energy storage. Case law confirms that "substantial" does not denote a greater amount of weight than "significant", and the weighting contended by the Appellant is consistent with many appeal decisions, such as those referenced in this Statement.
- 8.11. The fact that the Site has secured a grid connection to the adjacent Cellarhead Substation, to allow for an increase in battery capacity in the short term, before 2030, should be given **significant positive weight** in favour of the proposal.
- 8.12. The Appeal Scheme would deliver ecological and arboricultural enhancements, including significant biodiversity net gains of 12.78% for habitats and 99% for hedgerow habitats. These benefits are afforded **significant positive weight**; this is consistent with recent appeal decisions made by Inspectors elsewhere. In protecting and enhancing biodiversity and the



natural environment, the Appeal Scheme accords with Policies SD2, DC1, DC3, C3, and NE1 of the Staffordshire Moorlands Local Plan, as well as Paragraph 180 of the NPPF and Paragraph 13 (ref: 5-013-2015037) of the NPPG.

- 8.13. The economic and benefits associated with the scheme, comprising the contribution to the local rural economy, and assisting with the future viability and stability of a rural farming business, can attract **modest positive weight**.
- 8.14. The Appellant submits that the considerable benefits and material considerations of the proposal, as outlined above, clearly outweigh the identified harm on the Green Belt and other harm identified. The identified benefits and material considerations would clearly constitute the necessary very special circumstances required to accord with national planning policy, and by association Policy SS10 of the Staffordshire Moorlands Local Plan, were the Appeal Scheme to be considered inappropriate development. The Appellant contends that landscape impacts of the proposal are not unacceptable, and outweighed, in the planning balance, in line with Policies SS10, DC3 and SD2, and that the Appeal Scheme is also acceptable with regards to noise and fire safety considerations. With regard to policies SD1, SD5, DC2 and T1, the Appeal Scheme will also not result in unacceptable adverse impacts, subject to mitigation where appropriate, in relation to the following matters:
- Highways & Access – the Appeal Scheme would have no material impact in this regard, as outlined in the submitted Transport and Access Statement, with no objections during the application stage from Staffordshire County Council as the relevant Local Highway Authority. This carries **neutral weight**.
  - Flood Risk & Drainage – the Flood Risk Assessment concluded that the Appeal Scheme is acceptable in flood risk terms, and there was no objection from the Lead Local Flood Authority. This likewise carries **neutral weight**.
  - Heritage – the Built Heritage and Archaeological Assessment concludes that the scheme would not have an adverse impact on the significance of any heritage assets, and there is a low potential for significant archaeological remains within the Site. This equally attracts **neutral weight**.
  - Agricultural Land Classification – it is common ground that the Site does not comprise best & most versatile agricultural land with a preference to the utilisation of lower quality (non-BMV) agricultural land, where it is needed. This attracts **neutral weight**.
- 8.15. The Appellant submits that the Appeal Scheme is acceptable in planning terms – it accords with the policies of the Development Plan, when read as a whole, and with the requirements of national planning policy. The Appellant contends that the Appeal Scheme is not inappropriate development in the Green Belt, and the appeal should be allowed, with the benefits and material considerations of the Appeal Scheme outweighing the level of landscape & visual harm identified. Even if the view was taken that the development comprises inappropriate development, and substantial weight were to be given to Green Belt harm identified, the identified material considerations of the Appeal Scheme are significantly weighty to comprise the very special circumstances required to justify the grant of planning permission regardless; outweighing Green Belt harm, and other harm, identified. The Inspector is therefore respectfully requested to allow this appeal and to grant planning permission for the Appeal Scheme.

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

# Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, GL7 1RQ

We are ISO certified 9001, 14001, 45001



Pegasus\_Group



pegasusgroup



Pegasus\_Group

**PEGASUSGROUP.CO.UK**