



Planning Appeal under Section 78 of the Town & Country Planning Act 1990

Proposed Battery Energy Storage System on Land at Ball Green Farm, Staffordshire

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

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Hearing Statement

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Contents

1	Introduction.....	1
1.1	Background	1
1.2	The planning application and reasons for refusal	1
1.3	Summary of the appellant's case	2
1.4	Proposed changes to the development.....	3
1.5	Effect of the proposed changes.....	4
1.6	Structure of this Statement	4
2	Site context and history.....	5
2.1	The Site	5
2.2	Planning History	5
3	The development.....	6
3.1	Proposed development	6
3.2	Connection to the Grid	7
3.3	Proposed Changes Since Appeal Submission.....	7
4	Planning policy.....	9
4.1	Introduction.....	9
4.2	Development Plan	9
4.3	National Planning Policy and Guidance	9
4.4	Other relevant policy and guidance.....	11
5	The Appellants case.....	15
6	Matter 1 – Effects on residential amenity	16
7	Matter 2 – Impact on Landscape Character	17
8	Matter 3 – Green Belt.....	19
8.1	Context	19
8.2	Assessment against Green Belt purposes and Openness.	20
8.3	Harm to openness	22
8.4	Absence of Alternative Sites	23
8.5	The Very Special Circumstances	23
8.6	Summary	32
9	Summary and planning benefits.....	34

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1 Introduction

1.1 Background

1.1.1 This Hearing Statement is submitted by Stantec on behalf of Anesco (as 'the Appellant') in relation to a Planning Appeal against Staffordshire Moorlands District Council ('the Council') pursuant to Section 78(2) of the Town and Country Planning Act 1990 in respect of a full planning application (SMD/2022/0076) ('the Application').

1.1.2 The application sought permission to develop land south of Bemersley Road, Brown Edge, Staffordshire ('the Site') for a Battery Energy Storage System ('BESS'). The Application sought permission for:

"Construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure"

1.2 The planning application and reasons for refusal

1.2.1 The application was validated on 4th March 2022 and was considered at Planning Committee on 29th February 2024 where the application was refused.

1.2.2 There are three reasons for refusal. The reasons for refusal are:

- i. This site consists of agricultural land. It is greenfield and lies within the Green Belt. The proposal represents inappropriate development in the Green Belt which is harmful by definition. The development would, in addition compromise openness by replacing open fields with a development of industrial character and appearance. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green Belt harm is significant and Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the other considerations put forward by the applicant amount to the very special circumstances to clearly outweigh the harm to the Green Belt and other harm. It is for these reasons that the proposal is contrary to Policy SS10 of the Staffordshire Moorlands Local Plan and advice in the National Planning Policy Framework.*
- ii. There are a number of residential properties close to the site. The predicted night time noise levels set out in the updated Noise Assessment would exceed current night time*

background noise levels in this rural area. It is considered that this has the potential to adversely impact on the amenity of nearby residents in conflict with Policy SD4 of the Staffordshire Moorlands Local Plan and advice in the NPPF.

- iii. The site lies outside a settlement boundary in the open countryside. It is within the Landscape character type of Ancient slope and valley farmlands and part of the undeveloped Head of Trent river valley. The overall landscape character is of open rural pastoral fields. It is considered that introducing what is effectively an industrial compound into this landscape would result in a significant and harmful landscape and visual change. It would neither respect nor enhance local landscape character and would result in a prominent intrusion into the countryside. It would result in significant harm to the character and appearance of the area. For these reasons there is conflict with Policy DC3 of the Staffordshire Moorlands Local Plan and the NPPF which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside.*

1.3 Summary of the appellant's case

1.3.1 Relevant to those reasons for refusal this Statement of Case sets out the Appellants case for planning permission which is, in summary:

- Very Special Circumstances exist as the benefits of the development clearly outweigh harm by virtue of inappropriateness and any other harm.
- The development would make a very important contribution towards the UK's identified and established need for infrastructure which supports the transition to renewable energy in order to meet statutory embedded climate change and 'net zero' targets.
- There is extensive Planning Appeal and Case Law precedent that BESS development in the Green Belt is acceptable, including on sites where encroachment into the countryside with resultant landscape impacts have been considered acceptable.
- Noise from the development can be appropriately mitigated meaning there will be no unacceptable impact on residential amenity.
- The perceived visual impact of the development is not significant and the development can be assimilated into the landscape, meaning there will not be a prominent intrusion into the countryside.

1.3.2 The Appellant will work with the Council to agree a Statement of Common Ground ('SoCG') with a Draft SoCG having been submitted with the Appeal.

1.4 Proposed changes to the development

- 1.4.1 In preparing the Appeal, the Appellant has considered the potential for minor changes to the proposed layout and battery types to include the latest battery technology and specifications and proposes to submit revised plans in due course. These changes, in broad terms:
- Rationalise the layout of cabinets and batteries.
 - Reduce the overall area covered by cabinets and batteries.
 - Move the development area away from the eastern boundary.
 - Introduce a dedicated turning area within the site.
 - Allow for associated landscaping and screening enhancements.
 - Replace the proposed larger acoustic screen with a landscape design led screen solution which provides further visual benefits.
- 1.4.2 The Appellant has considered the procedural requirements related to the proposed amendments, in particular the Planning Inspectorate's Procedural Guide: Planning Appeals – England ('the Procedural Guide') which reflects the latest guidance on such, and the 'Holborn Studios' judgement which considered and refined the established 'Wheatcroft principles'. These relevant documents and judgements set out the two tests to be 'applied' when considering amendments to a proposed development at Appeal. These are:
- Whether the proposed amendment involves a "substantial difference" or "*fundamental change*" to the application; and
 - Whether, if accepted, the proposed amendment(s) would cause unlawful procedural unfairness to anyone involved in the appeal.
- 1.4.3 The amendments would not constitute a substantial difference or fundamental change to the application, relating largely to technical efficiencies in the design and layout of the batteries. These changes have no impact on the site access nor the wider landscaping and planting strategy and can be accommodated within the Description of Development. Whilst there is a difference in the battery types the change improves the design and efficiency of the scheme helping to reduce any potential visual and amenity impacts of the development. There is considered to be no substantial difference when compared to the planning application however, the revisions are considered to provide a betterment.
- 1.4.4 Regarding procedural matters, the revised plans will be subject to the necessary consultation undertaken immediately after the Appeal is validated to ensure that no parties are prejudiced. Interested parties will be notified and will be able to submit representations where their views on potential scheme amendments can be made. There will be no procedural unfairness.

1.5 Effect of the proposed changes

- 1.5.1 As a result of the proposed amendments, an updated landscape assessment (**Appendix D**), drainage strategy (**Appendix F**), and BNG Metric (**Appendix H**) have been prepared. These updates reflect the revised layout, confirming that the application remains compliant and acceptable.

1.6 Structure of this Statement

- 1.6.1 This remainder of this Statement is structured as follows:

- Section 2: the Appeal Site Context and History
- Section 3: the Proposed Development
- Section 4: relevant Planning Policies and Guidance
- Section 5: Overview of the Appellant's Case
- Section 6: Matter 1 Effect on Residential Amenity
- Section 7: Matter 2 Impact on Landscape Character
- Section 8: Matter 3 Green Belt
- Section 9: Summary and Planning Benefits

2 Site context and history

2.1 The Site

- 2.1.1 The 1.85ha site is located to the east of Bemersley Road. It is to the west of the settlement of Brown Edge and to the north of the village of Ball Green, which is approximately 250m south of the Site. The Site is bounded by agricultural fields, with farm buildings to the south, and a footpath that forms the Staffordshire Moorlands Walks located 200m east of the Site.
- 2.1.2 The Site is located within the Green Belt but is otherwise not subject to designations or particular planning policy restrictions. The Site is not a 'Valued Landscape', it is not within any designated landscape such as a National Landscape, National Park, or other similar designation. Similarly, it is not within or adjacent any statutory ecological designations such as a Site of Special Scientific Interest (SSSI) or designation.
- 2.1.3 It is classified largely Grade 3b agricultural land (1.8ha) which is not Best and Most Versatile (BMV) land, with a very small area (0.2ha) of Grade 3a land.
- 2.1.4 There are no designated heritage assets within close proximity of the Site. The Chatterley Whitfield Heritage Park and Heritage Centre is approximately 1km west of the site, which contains a Grade I Listed Building, 10 Grade II Listed Buildings and the Chatterley Whitfield Colliery Scheduled Monument.
- 2.1.5 The Site is not located within any flood risk areas and is in Flood Risk Zone 1. The Site is also at a very low risk from surface water flooding.
- 2.1.6 There are no Public Rights of Way (PROW) located on the Site. The closest footpath is located 200m east of the Site (ref. Brown Edge CP 13).
- 2.1.7 The Site is approximately 615m from the Point of Connection (PoC) to the grid which is to the south west of the site. The point of connection is agreed with the District Network Operator.

2.2 Planning History

- 2.2.1 A request for an EIA Screening Opinion for the development was submitted to the Council on 27th October 2021 (reference SMD/2021/0691). A formal Screening Opinion was subsequently issued by the Council on 19th January 2022. The response concludes that the development is unlikely to have EIA significant effects on the environment and the Council have confirmed that the development is not EIA development.
- 2.2.2 There is no other relevant planning history for the Site.

3 The development

3.1 Proposed development

3.1.1 The proposed Battery Energy Storage System (BESS) is capable of importing and exporting approximately 49.35 Megawatts (MW) of electricity.

3.1.2 The key elements of the proposal are as follows:

- Energy storage container units containing the batteries, associated control equipment, PCS inverters, cooling system and fire safety equipment;
- A 132kV substation compound, with a maximum height of 5.5m, with a District Network operator (DNO) substation (up to a height of 3.75m), customer substation (up to a height of 3.54m) and a communications hub;
- A dedicated access track and turning area.
- Security fencing and enclosures. The batteries will be enclosed with deer fencing which comprises of timber posts and wire mesh, with the 132kV substation enclosed with palisade fencing for safety and security purposes;
- Low Voltage (LV) substations each with a transformer installed with the rows of battery cabinets. The LV cabins are typically 3.5m high, 14.4m long and 5m wide which will be painted green. The transformers are generally 2.5m high, 1.5m long and 2.5m wide.
- High Voltage (HV) switchgear is required to accumulate all the HV cables from the transformers before connecting to the grid network.
- An intake substation, which is required as standard by the Distribution Network Provider (DNO) to protect the grid should a fault arise. This intake substation will be built in compliance with building materials approved by the local planning authority.
- A security system is required to prevent both unauthorised access into the battery storage system, and to protect the equipment. In addition to the proposed fencing, a security beam system will also be installed around the fence perimeter. The security beams will be raised approximately 1.2m off the ground and will employ laser technology, meaning no artificial lighting will be required.

3.1.3 The construction of the Site will take approximately 36 weeks with 4-5 commercial vehicles on average anticipated to visit the site daily. The battery banks, substations and other construction materials will be delivered to Site using 16.5-metre-long articulated lorries.

- 3.1.4 Once constructed, access to the BESS will typically generate one van accessing the application Site twice a month i.e. two two-way vehicle movements per month. The Site will be accessed during the operational phase by engineers for maintenance works including maintaining hedgerows and mowing the grass. There will be no onsite office or permanent staff on the Site, and those attending will do so utilising small vehicles such as transit vans.
- 3.1.5 The proposed development will have a relatively low impact on the existing ground conditions and will not have significant foundation or infrastructure requirements beyond those shown on the proposed plans to create the necessary development areas. It is intended that the BESS will have a lifespan of 40 years. At the end of its operational life, the infrastructure will be removed from the Site, and the field will be returned to its previous condition and can be returned to agricultural use.

3.2 Connection to the Grid

- 3.2.1 Battery Energy Storage Systems (BESS) must be located where there is available capacity within the electricity network. A connection point to the south west of the site has been agreed with the District Network Operator (DNO). The connection from the site to the grid will utilise other land within the landowners control and highways land, and will be managed separately by the DNO under their permitted development rights and is not part of this application.
- 3.2.2 It is critical that BESS are positioned as close as possible to the main Point of Connection ('POC') which is ideally a direct connection to a substation, or alternatively into a higher voltage line which then connects over a short distance to a substation. Proximity to the POC is critical as being close to a cable connection or substation reduces energy losses and means the BESS can operate more efficiently thereby maximising its contribution to the energy grid. Connections are also preferable on higher voltage networks as these networks typically have sufficient capacity, which is otherwise not available on lower voltage networks, meaning connection to a lower voltage network would require costly grid reinforcement works.

3.3 Proposed Changes Since Appeal Submission

- 3.3.1 The Appeal was submitted following refusal at Planning Committee. Given the timeframe that has lapsed since the submission of this application and its determination, the energy technology has advanced in this time. We propose transitioning to a more efficient and effective battery type. This change will enhance the design and efficiency of the scheme, thereby reducing any potential visual and amenity impacts of the development.
- 3.3.2 The overall scale, nature, use and extent of the development is unchanged and there are no changes to the Red Line Boundary. The proposed revisions help to address some of the reasons for refusal noted by the Planning Committee. These are matters which could have

been addressed by a subsequent variation of conditions or non-material amendment application had the permission been approved.

3.3.3 The changes are therefore amendments which crystallise the development in the form now proposed following changes in technology and battery development and the associated minor amendments to landscaping and acoustic mitigation necessary to make the development acceptable, but which could in any event be subject to finalisation through a suitably worded planning condition.

3.3.4 These changes plans include:

- The types of batteries have been updated to Titan 2 Batteries
- The location of the customer substation has been moved following the changes to the batteries.
- A turning area is shown to allow vehicles to more easily enter and egress the site in a forward gear.
- Two parking spaces are shown in place of the three previously provided, following a change in the operational management requirements.
- Auxiliary Transmitter Meter added to the plans adjacent to the customer substation.
- The batteries have been rotated 90 degrees to align with the slope and topography, thereby reducing their prominence and reducing the need for cut and fill.
- Site gradients are shown to demonstrate that all material will be managed within the site.
- Removal of the acoustic barrier as the barrier is not necessary to achieve acceptable noise mitigation.

3.3.5 These changes are also shown in consequential updates to the:

- Landscape and Visual Impact Assessment.
- Landscape Strategy Plan.
- Flood Risk & Drainage Report.
- Drainage Strategy Plan.
- Noise Assessment.
- Biodiversity Net Gain calculation.

3.3.6 The justification for the Appeal to proceed based on these updated plans is set out in Section 1 of this Statement.

4 Planning policy

4.1 Introduction

- 4.1.1 This Section identifies those planning policies and guidance which are most relevant to the Appeal proposal.
- 4.1.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is further endorsed by the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG).

4.2 Development Plan

- 4.2.1 The development plan, relevant to this application, is formed of the Staffordshire Moorlands Local Plan (September 2020). It is only policies within the above document and the NPPF that form reasons for refusal. The following policies are agreed to be key regarding the determination of this appeal:

Staffordshire Moorlands Local Plan (September 2020)

- Policy SS10 – Other Rural Areas Strategy
- Policy SD2 – Renewable/ Low-Carbon Energy
- Policy SD4 – Pollution and Water Quality
- Policy DC1 – Design Considerations
- Policy DC3 – Landscape and Settlement Setting
- Policy NE1 – Biodiversity and Geological Resources

4.3 National Planning Policy and Guidance

- 4.3.1 National Planning Policy for England is set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 4.3.2 The NPPF recognises 'National Policy Statements (NPS) form the overall framework of national planning policy and may be a material consideration in making decisions on planning applications. The NPPF (paragraph 6) also states that '*other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements*'.

- 4.3.3 Material considerations, at a national level, include the NPS for Energy (EN-1), the NPS for Renewable Energy Infrastructure (EN-3) and NPS for Electricity Networks Infrastructure (EN-5). NPS EN-1 is clear that NPSs may be a material consideration in decision making on applications that fall under the Town & Country Planning Act 1990 (as amended), with the extent of the relevance of NPSs depending on the extent to which matters are covered by applicable planning policy.

National Planning Policy Framework (2023)

- 4.3.4 The Council do not identify any specific NPPF paragraphs within the reasons for refusal. However, it is considered the following policies are relevant:

- Paragraph 11
- Paragraph 143
- Paragraphs 152, 153 and 156
- Paragraphs 163(a) and (b)
- Paragraph 180(e)

- 4.3.5 It is relevant that NPPF paragraph 156 identifies that the wider environmental benefits associated with increased production of renewable energy can form very special circumstances. Whilst the proposed development does not specifically produce energy it forms critical infrastructure to enable the increased production of renewable energy.

Planning Practice Guidance

- 4.3.6 National Planning Practice Guidance (“PPG”) recognises that Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (Paragraph: 001 Reference ID: 5-001-20140306). The PPG also considers impact on Green Belt and, in summary, advises that a judgement based assessment is required with relevant factors including:

‘... openness is capable of having both spatial and visual aspects;

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.’

- 4.3.7 Therefore, it is entirely relevant to consider the fact that the proposed development is entirely reversible with the land being capable of being returned to the current condition. Furthermore,

the development, even during construction will not generate significant activity or traffic generation with the level of activity being negligible once the site is operational.

NPPF Updates (Consultation Version) (July 2024)

4.3.8 The Government has very recently consulted on a number of changes to the NPPF which are anticipated to be adopted in early 2025, with the consultation accompanied by a Written Ministerial Statement. Weight should be given to the proposed NPPF changes, albeit the weight is limited at this time as the final changes are not known. Nevertheless, the proposed changes show a clear direction of travel and it is clear that enabling a significant increase in the consenting and development of renewable energy projects is at the forefront of Government policy as per the Written Ministerial Statement of 30th July 2024. The WMS itself is a material consideration.

4.3.9 The proposed changes which are most relevant to this Appeal include the following (with amendments underlined or struck through below, to follow the formatting in the NPPF).

~~164. In determining planning applications~~ Local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning applications⁵⁸ for renewable and low carbon these developments, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the proposal's contribution to renewable energy generation and a net zero future;

4.3.10 The changes also propose to amend footnote 63 as follows:

'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. ~~The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.~~

4.3.11 These changes, alongside the updated NPS documents, demonstrate an even stronger Government commitment to delivering significant amounts of new renewable and low carbon energy infrastructure throughout the UK.

4.4 Other relevant policy and guidance

4.4.1 The following guidance and documents are relevant:

- National Policy Statement for Overarching Energy (EN-1) (2024)

- National Policy Statement for Renewable Energy (EN-3) (2024)
- National Policy Statement for Electricity (EN-5) (2024)
- Government Energy White Paper (2020)
- Powering up Britain statements and reports (2023)
- UK Government Solar Strategy (2014)
- Appeal decisions and Case Law as relevant to the development.

4.4.2 The Appellant reserves the right to refer to relevant changes in policy, guidance, or other material matters which may follow from the recent Government consultations on planning, development, and specific renewable energy matters.

National Policy Statement for Energy (EN1) (2024)

4.4.3 The Revised Overarching National Policy Statement (NPS) for Energy (EN-1), came into effect in January 2024 and further reinforced the Government's commitment to achieving net zero and to respond to the ongoing climate emergency.

4.4.4 EN1 has a clear role in the wider planning system as defined in paragraph 1.2.1 of the document where it states EN1 '*may be a material consideration in decision making for applications that fall under the Town and Country Planning Act 1990 (as amended)*'.

4.4.5 The document lays clear that a significant amount of new energy infrastructure is needed at both local and national scale in order to meet UK energy demands (paragraph 2.1.3), and that meeting these objectives necessitates a significant amount of new energy infrastructure at the nationally significant scale and small-scale development determined at a local level (paragraph 2.3.4).

4.4.6 And in the context of energy storage (including BESS), at paragraphs 3.3.5 and 3.3.6 that:

'New generating plants can deliver a low carbon and reliable system, but we need the increased flexibility provided by new storage and interconnectors (as well as demand side response, discussed below) to reduce costs in support of an affordable supply.'

'Storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced...'

4.4.7 The critical role of energy storage, including battery storage is then emphasised in EN-1 paragraphs 3.3.25 to 3.3.28. Paragraph 3.3.25 states: *'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated'*.

4.4.8 In the context of residual effects of low carbon technology, paragraph 4.1.7 identifies that *'... For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero...'*. In this context, it has been recently concluded on Appeal that battery storage is CNP infrastructure (APP/V1505/W/23/3332888 – Whites Farm, Basildon).

4.4.9 Section 4.2 then sets out: *'The critical national priority for low carbon infrastructure'* and is clear at paragraph 4.2.4 that the *'Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure'*. This is reinforced at paragraph 4.2.8 which states:

'The policy (CNP) will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special circumstances have been met by a CNP Infrastructure application.'

4.4.10 And at paragraphs 4.2.16 and 4.2.17 that:

4.2.16. As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPPs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.

4.2.17. This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:

- where development within a Green Belt requires very special circumstances to justify development...*
- where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional...*

4.4.11 This shows a clear direction and message from Government that planning permission should be granted for development which meets the clear national need for new renewable energy and low carbon infrastructure.

National Policy Statement for Renewable Energy (EN3) (2024)

- 4.4.12 NPS EN3 sets out national policy in respect of renewable energy. Whilst battery storage is not specifically included within EN3, the NPS clearly states *‘there is an urgent need for new electricity generating capacity to meet our energy needs’* (paragraph 2.1.1). Evidently, storage technology is a key component of the wider energy strategy and is essential to support growth in generating capacity.

National Policy Statement for Electricity (EN5) (2024)

- 4.4.13 NPS EN5 sets out national policy for electricity networks infrastructure and is clear on the national need for secure energy networks, stating at the outset (paragraph 1.1.1) that:

‘The security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero, while maintaining energy security’.

- 4.4.14 Then at paragraph 1.1.5 that:

‘As identified in EN-1, government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. This includes: for electricity grid infrastructure... associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. These are viewed by the government as being CNP infrastructure and should be progressed as quickly as possible.’

- 4.4.15 EN-5 is therefore very clear on the importance of such projects.

5 The Appellants case

5.1.1 Within this Statement, the Appellant demonstrates that the proposed development accords with the Development Plan and National Policy, and as a secondary case that if the development is considered to be contrary to the Development Plan, that material considerations exist which mean the Appeal should be allowed.

5.1.2 The key issues are therefore considered to be aligned with the reasons for refusal:

- i. Impact on the Green Belt, and the extent of Very Special Circumstances to outweigh harm to the Green Belt and any other harm.
- ii. Effect on residential amenity by way of noise from the operation of the development.
- iii. Impact on the landscape character and appearance of the area.

5.1.3 Although the Green Belt issue is the first reason for refusal, this statement will assess the other issues first, as they can also be considered under the broader context of the Green Belt assessment and any other harm. Evaluating the impacts on residential amenity and landscape character will provide a comprehensive understanding of the development's overall harm and its relationship to the Green Belt considerations. This structure will assist in the balancing exercise of the proposed development, determining whether the harm and benefits are such that Very Special Circumstances exist to permit development in the Green Belt.

6 Matter 1 – Effects on residential amenity

- 6.1.1 The RfR relates to the predicted night time noise levels set out in the Noise Assessment submitted with the planning application, stating these levels would exceed current night time background noise levels in this rural area which has the potential to adversely impact on the amenity of nearby residents. The RfR refers specifically to Local Plan Policy SD4.
- 6.1.2 The Noise Report (**Appendix G**) demonstrates that any impacts will be localised in nature and in the worst-case scenario limited despite the size of the development.
- 6.1.3 The report identifies that:
- Daytime rating noise levels will be at or below existing background sound levels at the nearest existing noise sensitive receptors and therefore of a low impact.
 - The initial element of the BS4142 assessment shows a potential for a significant adverse impact during the night-time at receptors 1 and 2 only and a potential adverse impact at receptors 3 and 4. However, this initial element of the BS4142 assessment only considers external noise levels and it requires context to be taken into account which includes regard to absolute levels in order to complete the assessment.
 - During the night-time, residents are likely to be indoors meaning it is more relevant to consider internal noise levels. In this regard, internal noise experienced from the Site will be low and there will therefore be no adverse effects inside habitable rooms.
- 6.1.4 Policy SD4 ensures that development proposals avoid potential adverse effects by only permitting development that are deemed (either individually or cumulatively) to result in pollution if after mitigation, potential adverse effects are deemed appropriate. The noise evidence submitted in support of this demonstrates that there is no significant impact on residential amenity, with any adverse effects being minimal and localized. It concludes that with mitigation the resultant impacts are considered to be 'low' and that all internal criteria can be achieved at all NSRs during the daytime and nighttime period. Therefore, the proposal arguably has no material impact on residential amenity such that in accordance with Policy SD4 it can look to be deemed appropriate.
- 6.1.5 Furthermore, it is relevant that Government policy on Energy (Overarching National Policy Statement for Energy (EN-1)) is clear that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.
- 6.1.6 The proposed development demonstrates compliance with local policy SD4 and DC1 and is firmly in accordance with National Planning Policy Framework (paragraph 191 in particular).

7 Matter 2 – Impact on Landscape Character

- 7.1.1 The RfR relates to the landscape setting of the proposed development.
- 7.1.2 The Council's case is that the introduction of an 'industrial compound' in a landscape characterised by open pastoral fields would result in a significant and harmful landscape and visual change, which would neither respect nor enhance the local landscape character and appearance of the area. The RfR refers specifically to Policy DC3 of the Staffordshire Moorlands Local Plan.
- 7.1.3 The site is not located within a sensitive or designated landscape, nor is it a valued landscape under the terms of the NPPF Paragraph 180(a). The proposals are temporary in nature and completely reversible after the decommissioning of the development.
- 7.1.4 An updated LVIA has been submitted (**Appendix D**) which demonstrates that the perceived impacts on the character of the area and visual amenity are not sufficient to warrant refusal of the scheme. The LVIA demonstrates the proposed development will not create an incongruous feature of industrial character nor have a harmful nor permanent impact on landscape character or visual amenity. Indeed the site and the surrounding landscape area are currently being used for both cattle farming and horsiculture resulting in degraded neighbouring landscape along with a strong association of existing energy infrastructure including power cables.
- 7.1.5 The LVIA concludes that for the character of the site the level of landscape effect will be **Moderate** (adverse) at Year 1, and the magnitude of effect will continue to reduce over time as the proposed mitigation planting matures to provide greater containment of the Proposed Development. The level of effect is judged to be **Minor** (adverse) at Year 15.
- 7.1.6 Beyond the site the scale of the development will result in barely perceptible direct adverse effects on an extremely small extent of the Landscape Character Type given the nature and scale of the proposal with barely any change to the open rural character perceived from higher ground to the south-west.
- 7.1.7 The proposals provide a comprehensive hedgerow improvement strategy including reinforcement of the existing hedgerows and replanting of remnant or 'gappy' field boundaries with an appropriate species. The accompanying Landscape Strategy demonstrates how the scheme provides sufficient mitigation.
- 7.1.8 Users of PRoW 13 in the immediate vicinity of the Site will have filtered views towards the site, as the existing intervening vegetation restricts views during the winter months with a greater level of screening during summer months. The proposals will be experienced in the context of

the overhead powerlines and associated large pylons alongside the visible settlement edge, resulting in a limited change to the overall composition of the view and a **Moderate** (adverse) level of effect at Year 1. Following maturation of the proposed planting, the level of effect is predicted to reduce to **Minor** (adverse) by Year 15. Beyond the site and its immediate vicinity, visual receptors would experience minimal adverse effects, ranging from **Neutral** to **Minor** adverse at Year 1.

- 7.1.9 Overall, the site has the capacity to accommodate the proposals without the long-term unacceptable effects on landscape character and visual amenity, whilst the proposed landscape enhancements are judged to have the potential for longer term beneficial effects.
- 7.1.10 On this matter, it is relevant that Government policy on Energy (Overarching National Policy Statement for Energy (EN-1)) is clear that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it should be unlikely that consent should be refused on the basis of these residual impacts, if the Inspector finds that residual impacts occur.

8 Matter 3 – Green Belt

8.1 Context

- 8.1.1 The site lies within the Staffordshire Moorlands Green Belt, and it is accepted the proposed development is considered to be ‘inappropriate development’ in the Green Belt meaning Very Special Circumstances are required to justify inappropriate development in the Green Belt. Very special circumstances arise if harm (to the Green Belt and other harm) is clearly outweighed by other factors. In undertaking that balancing exercise, substantial weight is given to any harm to the Green Belt.
- 8.1.2 Therefore we assess the development against the purposes of the Green Belt before then considering potential harm by way of impact on openness to understand the degree of harm, before turning to the Very Special Circumstances and latterly considering any other Green Belt policy matters.
- 8.1.3 Notwithstanding that there is no policy or legislative requirement to consider alternative sites, there are no suitable or available non-Green Belt sites which could accommodate the proposed development.
- 8.1.4 It is also accepted that the proposed development will result in an urbanising impact on the open countryside albeit that this will be for a temporary (40 year) period and the effects of which will be mitigated by significant additional landscape planting.
- 8.1.5 The Appellant’s case demonstrates on this matter that:
- i. The development is a Battery Energy Storage System, which by its nature is functional in design and appearance, requires a connection to the grid and requires appropriate security. BESS can only be developed within locations with an available grid connection, many of which are rural (or at least non-urban) locations.
 - ii. A large majority of non-urban land in Staffordshire Moorlands is Green Belt, or is within the National Park, or is subject to other constraints, and there are no opportunities to use previously developed land within the Green Belt.
 - iii. A robust alternative sites assessment shows there are no other suitable sites.
 - iv. In considering harm to the Green Belt and any other harm, there is considered to be Green Belt harm by virtue of inappropriateness, but no harm from conflict with the purposes of the Green Belt and very limited harm with regards impacts on openness of the Green Belt.

- v. There are Very Special Circumstances which justify the development.

8.2 Assessment against Green Belt purposes and Openness.

8.2.1 Green Belt openness is a matter to be considered on a site-by-site basis. However, guidance is provided in the PPG (Paragraph: 001 Reference ID: 64-001-20190722) on which factors should be considered in making this assessment and the Guidance was recently updated to reflect recent case law. The PPG notes that visual impact may be relevant, along with the duration of the development and its remediability and the degree of activity likely to be generated from the development, such as traffic generation.

8.2.2 The RfR states that the development conflicts with the purpose of Green Belt by failing to safeguard the countryside from encroachment. However, any encroachment must be considered on the basis the proposed development is both temporary and entirely reversible meaning that encroachment is significantly limited to a very small area of a far wider area of Green Belt. It is common ground the development would not result in the merging of settlements, is not in the setting of a historic town, and would not prevent the recycling of derelict land.

8.2.3 The following points consider the development in the context of the purposes of Green Belt at NPPF paragraph 143:

- Purpose (a) to check unrestricted sprawl – **no conflict**
- Purpose (b) to prevent merging – **no conflict**
- Purpose (c) to safeguard the countryside from encroachment – **minor conflict identified**
- Purpose (d) to preserve the setting and special character of historic towns – **no conflict**
- Purpose (e) to assist in urban regeneration – **no conflict**

Sprawl (purpose a)

8.2.4 The Council does not allege conflict with purpose (a) and accepts the development will not result in sprawl. Nevertheless, for completeness, a summary of matters is set out below.

8.2.5 The first purpose of the Green Belt sets out that development should not aid in the unrestricted sprawl of 'large built-up areas'. The site is over 200m from the nearest properties and is visually and spatially separated from the edge of the urban area of Ball Green by hedgerows the existing topography and agricultural land.

8.2.6 The proposed development has a very different character to the existing main built-up areas around and is therefore not "sprawl" as sprawl is a spread of something existing rather than introduction of something different. The clearly different characteristics of low carbon

development compared to built-up areas means that low carbon development is read and experienced in an entirely separate way to existing built-up areas which further evidences the conclusions the development does not constitute 'sprawl'. Inspectors have taken a similar approach to considering sprawl, including the recent Harlow Road, Roydon, Appeal decision (APP/J1535/W/23/3334690).

8.2.7 On this basis the scheme does not constitute sprawl of a large built-up area.

Merging (purpose b)

8.2.8 The Council does not allege conflict with purpose (b) and accepts the development will not result in the merging of settlements. Evidently there will be no merging of settlements.

Encroachment (purpose c)

8.2.9 The introduction of new built form into an undeveloped site within the Green Belt is likely to result in some encroachment (arising from the physical loss of open land). In the case of the Appeal Scheme, this will be temporary for the life of the development, i.e. 40 years. Following the development the land would be returned to the existing condition. This temporary nature and reversibility are critical to understand the effect.

8.2.10 Encroachment must be considered in the context of the visual and spatial extent of the development and existing features. In that context, the site is well contained and has existing screening on all sides and the proposed landscape strategy will provide further screening.

8.2.11 As such, despite encroachment, in reality it is a very low impact in Green Belt terms.

Historic towns (purpose d)

8.2.12 The Council does not allege conflict with purpose (d) and accepts purpose (d) is not relevant in this case. There are no nearby historic towns, and the land is not necessary to preserve the setting or special character of historic towns.

Assist in urban regeneration (purpose e)

8.2.13 The scheme would assist in urban regeneration by encouraging the recycling of derelict and other urban land on the basis that if the BESS were located on brownfield land in the urban area it would prevent other uses (such as housing or employment) on such land meaning there would be an increased pressure on non-urban land for these other uses.

8.2.14 Therefore development in this entirely appropriate location will enable other land elsewhere in the authority to be utilised for other permanent development.

8.2.15 Furthermore, the Alternative Sites Assessment agreed with the Council, demonstrates that there are no available urban or brownfield land opportunities for this development.

8.3 Harm to openness

- 8.3.1 It is important to consider the key characteristics of the site and the proposed development when considering openness. There is a need to consider both the spatial and visual aspects. An overall assessment of openness is provided first within this statement and then spatial and visual matters are assessed in turn.
- 8.3.2 The PPG notes that in considering openness, visual impact may be relevant, along with the duration of the development and its remediability (including provisions to return land to its current or improved state), and the degree of activity likely to be generated from the development, such as traffic generation.
- 8.3.3 The site is not located within a sensitive or designated landscape, nor is it a valued landscape under the terms of the NPPF Paragraph 180(a). The proposals will be experienced in the context of the overhead powerlines and associated large pylons alongside the visible settlement edge, resulting in a limited change to the overall composition of the view. There will be very little traffic generated by the proposals.
- 8.3.4 The perceived landscape and visual effects would be significantly mitigated by the extensive landscape scheme which includes comprehensive hedgerow improvement and replanting of remnant field boundaries.
- 8.3.5 Whilst the Appeal Site is in the Green Belt, this is not a landscape designation and development of this relatively small site when seen in the wider context is not considered to adversely affect the openness of the Green Belt as a whole.

Visual Impact

- 8.3.6 The proposals will result in a change to the visual openness of the Site. The majority of the proposed built form is located on lower lying landform that is currently provided a level of enclosure by the existing mature vegetation that serves to screen and filter views into this part of the Site, in particular from the Brown Edge Green Vale Walk on the eastern side of the valley. Users of PRoW 13 in the immediate vicinity of the Site will have filtered views towards the site, as the existing intervening vegetation restricts views during the winter months with a greater level of screening during summer months.
- 8.3.7 As such, it is concluded that any impact on openness in visual terms is low. Nevertheless, there is conflict with NPPF policy in this regard.

Spatial Impact

- 8.3.8 The site lies within a shallow valley landscape the development site is defined by the existing post and wire fencing and fragmented native hedgerow with mature hedgerow trees providing

a clear spatial enclosure to the site. It does not adjoin the main urban area (or built-up area) and as such does not appear to extend an urban area into otherwise open land. The overall developed area of the site, i.e., the areas covered by the batteries, infrastructure, hardstanding and access is not more than 1ha and is less than 50% of the overall site.

8.3.9 The 'developed' part of the site if taken as a whole (1.85ha) constitutes only a small fraction of Green Belt Parcel N19 in which it is located and even less of the wider Staffordshire Green Belt. Nevertheless it is recognised that the change to a battery storage development will introduce physical development on an otherwise undeveloped site albeit for a temporary period, and this represents harm.

8.3.10 As such, it is concluded that any impact on openness in spatial terms is low. Nevertheless, there is conflict with NPPF policy in this regard.

8.4 Absence of Alternative Sites

8.4.1 There is no requirement in local or national planning policy or statute to undertake an alternative or sequential site assessment. The recent Berden decision (S62A/22/0006 at paragraph 58) states "*the Courts have set out that the PPG does not mandate the consideration of alternatives and still less does not require a sequential test to be adopted*". The Bramley Solar High Court decision refers to alternative sites being relevant in "*exceptional circumstances*" and with reference to the Bramley Solar judgement there is no mandatory requirement for such an approach in this case. Furthermore, the suite of NPSs do not mandate a sequential search for low carbon project in the context of BMV or Green Belt. Whilst there is a policy requirement for a sequential test related to flood risk for example, the site is within Flood Zone 1 meaning a sequential test is not required for the development.

8.4.2 Nevertheless, in order to demonstrate the absence of non Green Belt alternatives and to support the Very Special Circumstances an Alternative Sites Assessment was submitted, which demonstrates that there are no reasonable, suitable or viable alternative locations outside of the Green Belt where the development could be appropriately located. This has been agreed with the council during the planning application.

8.5 The Very Special Circumstances

8.5.1 The NPPF and the Development Plan are clear that given the identified harm, VSC's must exist to outweigh that harm and other harm. VSC's are considered on their merits and there is no definitive list, albeit the NPPF does highlight that they may include the wider benefits that the provision of renewable energy make.

- 8.5.2 It is therefore necessary to consider the potential harm alongside the benefits of the development noting that NPPF paragraph 153 provides that VSC will exist only where the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Harm

- 8.5.3 To set the context for the Very Special Circumstances position the harm is firstly considered (in the context of NPPF paragraph 153) which includes the following matters identified previously in this statement:

- Harm to Green Belt by way of impact on Openness and encroachment – limited harm
- Harm to residential amenity – limited harm
- Harm to the landscape character of the area – limited harm.

- 8.5.4 The extent of the identified harm is then relevant when considering the benefits of the development and the overall Green Belt and planning balance.

Benefits

- 8.5.5 Against this, the proposed development has a range of significant benefits which are capable of clearly outweighing any harm to the Green Belt and any other harm, including:

- Urgent need for Battery storage – BESS are essential to supporting the significant necessary growth of more intermittent renewable energy generation and to smooth out peak demand and power not being generated when and where necessary. BESS are a low carbon solution for meeting energy needs.
- Battery energy storage is a Critical National Priority as set out in Government Policy and is an essential component of the strategy to achieve net zero and to respond to the declared local and national climate emergency.
- This BESS is for 49.35MW facility which aligns with the capacity available in this location. This is not an insignificant amount of energy storage and plays an important role in terms of the overall requirements of NPG and the National Grid.
- Staffordshire Moorlands Council have declared a Climate Emergency, alongside Central Government. The significant forward-thinking change needed to meet climate change and net-zero carbon ambitions.
- The development is temporary (40 years) use, with the site will be returned to agricultural use following decommissioning. Therefore, any adverse effects (such as Green Belt,

landscape, and amenity for example) are temporary and entirely reversible once the BESS is decommissioned.

- The components to be used are recyclable and will be managed responsibly throughout, further enhancing the sustainability of the development.
- The project can connect to the grid in the short to medium term thereby contributing to the national and local energy security in the short to medium term.
- Very significant Biodiversity Net Gains of 16.35% habitat units and 98.83% hedgerow units will be delivered, notwithstanding there is no formal Biodiversity Net Gain requirement for the project. This is in addition to any benefits which may be realised offsite (such as improved habitat linkages) due to improvements onsite.
- The contribution the site can make to supporting more productive uses of brownfield land (for employment and housing developments for example), on the basis if the BESS were located within the urban areas, it would prevent other uses for which there is significant development pressures.
- Lasting landscape, planting, visual and environmental benefits, resulting from the proposed landscape strategy which will remain after the development.
- Financial, invest and economic benefits in delivering and operation the BESS.
- Suitability of the site for BESS, given the relatively unconstrained nature of the site when compared to other Green Belt sites in the authority.
- The fact the proposals avoid Best and Most Versatile agricultural land. Only 10% of the site falls within 3a however this is spread across the site meaning the land cannot be farmed as BMV land. Furthermore, the infrastructure can be installed and subsequently removed without downgrading the land quality. The land resource would therefore not be affected or lost as a result of the development.
- The cost of inaction is set out in the UK Energy White Paper (2020) and recent Powering Up Britain Statement (2023) and recent geopolitical events have reinforced the need to deliver secure and stable domestic energy networks. BESS is a key component in this change and directly supports key climate change commitments. National Policy Statements are clear in this regard.

8.5.6 These benefits are explained in further detail below.

Low carbon energy

8.5.7 The purpose of the battery storage is to enable intermittent energy sources and particularly renewable energy such as wind and solar to be stored when supply is high and then released to the electricity grid network during peak demand, on the basis that renewable energy may

not always be produced at times of greatest demand. This consistency, robustness and security of supply is critical if the UK is to transition to a clean energy grid.

- 8.5.8 The grid system must ensure that supply (generation of energy) meets and matches demand (the use of energy). If supply and demand do not match there are implications for the grid being imbalanced, which at critical times could lead to power cuts and shortages. Therefore a balanced grid is fundamentally critical to everyday lives and the functioning of the country and its economy.
- 8.5.9 However, balancing the grid is becoming more challenging as additional renewable energy generation (which is typically more intermittent) becomes live, fossil fuel generation is closed and reduced, but at the same time the demand for electricity increases due to factors such as electric car charging, the move away from fossil fuel heating for homes, and decarbonisation of industry. Therefore the continued growth in renewable energy generation, coupled with the ongoing consumer demand on the grid which may not immediately align with times of peak generation, means additional are BESS needed as a critical urgency and this urgency is reflect in national policy.
- 8.5.10 At the national policy level, the NPPF provides clear support for renewable and low carbon energy and associated infrastructure (paragraph 157) and specifically in Green Belt terms that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. (paragraph 156). National Policy Statements (NPS) EN-1, EN-3 and EN-5, which are material considerations, recognise the key role that electricity storage has to play in achieving net zero, providing flexibility in the energy system and ensuring the security and reliability of the UK's energy supply.
- 8.5.11 Battery energy storage is a Critical National Priority (CNP) as set out in NPS EN-1 and as confirmed in recent Appeals in Basildon (APP/V1505/W/23/3332888) and Halesowen (APP/C4615/W/24/3341383) and in EN-5, and the implication is that CNP development should be considered acceptable and, notably, that Very Special Circumstances are highly likely to exist. This places a clear position that development should be supported to meet statutory targets, and it is arguably for the Council to demonstrate residual effects are so significant that development should not proceed.
- 8.5.12 NPS EN1 also directs there is a Critical National Priority for such projects and it should be considered that Very Special Circumstances exist for such projects and low levels of residual harm should not prevent development. This approach is reflected in recent Appeal decisions such as the recent Basildon decision (APP/V1505/W/23/3332888). The proposed development sits firmly square with the ambitions of EN1 and CNP priorities which are reinforced in EN-5, and the recent Appeal decisions referred to reinforce this position.

- 8.5.13 It therefore follows that in order to meet legally binding 'net zero' requirements some harmful impacts on the landscape, heritage assets, and/or other considerations will need to be accepted, and the NPPF is specifically worded to support low carbon project where impacts can be made acceptable. Whilst not all development will be approved, if an excessively high bar of acceptability is set it will be impossible to achieve legally binding targets. A pragmatic approach is required, as advocated in the NPPF and various NPSS, where development should be supported.
- 8.5.14 In this instance, the residual effects are very limited and it is entirely reasonable to conclude that planning permission should be granted.
- 8.5.15 The critical importance of low carbon energy has been very recently reinforced in the Government's revised Industrial Strategy '*Invest 2035: The UK's Modern Industrial Strategy*' (October 2024) which is clear that... '*The Climate Change Committee estimates that by 2030, up to 725,000 jobs could be created in low carbon sectors⁷⁰ and that moving to clean homegrown sources of electricity will reduce the UK's dependence on volatile fossil fuel imports, improving energy security and helping to protect billpayers from rising and volatile energy prices*' it goes on to detail that '*The only way to guarantee our energy security and protect billpayers is to speed up the transition away from fossil fuels and towards homegrown clean energy*'.
- 8.5.16 The residual non-Green Belt effects in this case are no more than limited and are entirely mitigated, For the avoidance of doubt, although the effects of the development are mitigated, There is inevitably some definitional harm to the Green Belt and this harm has substantial weight in accordance with planning policy.
- 8.5.17 At a local level, Staffordshire Moorland Council has (along with UK Government) declared a climate emergency and has an Action Plan in place. Therefore, immediate and positive action is required in line with the Government's policy to urgently decarbonise, and this further adds to the case for Very Special Circumstances.
- 8.5.18 Furthermore, almost all non-urban land in the area is within the Green Belt, meaning it is likely that many opportunities for renewable developments will be within the Green Belt. Therefore, in order for the Council to achieve its own Climate Emergency targets and contribute to the UK requirement for 'net zero', it must deliver large scale low carbon projects and many (if not all of these) will be within Green Belt.
- 8.5.19 The need for, and importance of BESS, in the context of renewable transition is well established, and has been recognised in very recent Appeals. There is a clear and consistent approach from Government, most recently in Appeal decisions including a very recent decision in Staffordshire Moorlands at Werrington (APP/B3438/W/23/3335922) that battery

energy development in the Green Belt is accepted and the benefits should be afforded very significant weight in favour of development. In each of these decisions, the Inspector found harm to the Green Belt and as well as other harm (such as landscape and noise impacts) but that the benefits of the development outweighed this harm.

- 8.5.20 Whilst each decision must be made on the facts of the case, there is a clear thread through a host of Appeal decisions that BESS in the Green Belt can be accepted.

Availability of a grid connection

- 8.5.21 In order for BESS to function they require grid connections. Grid connections are now severely limited with dates of late 2030s being provided by the grid operators. The nearby substation is one of the few substations with available capacity, and the only local substation with sufficient available capacity. This project has a grid connection date of 2028, which broadly aligns with a realistic construction timescale on the basis it could take 18 months to 2 years following a grant of planning permission for the necessary equipment to be ordered, final details agreed with the grid operator, pre-commencement planning conditions discharged, the site being mobilised, and the equipment being installed and tested prior to the connection going live.

- 8.5.22 Inspectors and the Secretary of State consistently support renewable and low carbon projects with a secured grid connection, with the benefits of a connection being given substantial weight, for example:

- 8.5.23 In the 'Great Wymondley' appeal (APP/X1925/V/23/3323321), the Inspector notes:

'The appeal site is available and deliverable. If planning permission is granted, it is expected that the solar farm would be connected to the grid by 2025-26. In contrast, the current lead-time for connection following a new request is 46 months [7.2]. An alternative scheme could, therefore, take up to two years longer to come on stream once a proposal had been prepared. Given the urgency of addressing the climate crisis, that is a matter which lends significant support to the proposal.'

- 8.5.24 And in the Penhale Moor (Cornwall) appeal (APP/D0840/W/23/3334658):

'Of all the factors involved in site selection, the key one is the ability to obtain a network connection. NPS EN-3 specifically highlights that, "The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development." Indeed, the chatter around the development of solar energy indicates that access to the local grid is the biggest constraint facing the industry, with, in some cases, connection dates being offered as late as the mid-2030s...

This project, given the confirmed grid connection and as far as I am aware, no other constraints that would prevent early implementation, would make a very significant contribution to achieving the Council's aspiration. Accordingly, this contribution attracts substantial weight.

8.5.25 And the very recent Berden decision (S62A/22/0006):

'...importantly, the proposal has a ready grid connection so the contribution could come forward quickly. Moreover, the proposal would improve UK energy security. In an unstable world, that is an important consideration. Altogether, these are matters that attract considerable weight in favour of the proposal.

8.5.26 It is clear that battery storage is of fundamental importance to, and goes hand in hand with, renewable energy generation and delivering a secure and stable energy grid.

8.5.27 The development has a grid connection offer in place meaning it can make an early and significant contribution of achieving the statutory net target set by 2050 and reducing emissions by 78% by 2035. There are therefore clear associated social benefits of generating renewable energy including helping to mitigate climate change impacts e.g. on human health as a result of the proposed development which should be given significant weight.

Absence of alternatives

8.5.28 Relevant to the grid connection and scheme delivery, the fact there are no non Green Belt alternatives to be a material consideration in the Very Special Circumstances case. The lack of alternative sites is set out in the planning application documents and the Council does not consider there to be suitable alternatives. Even if the Inspector did conclude there were alternative sites, it is relevant that there is no statutory or policy requirement to consider alternatives meaning the matter would have a neutral effect.

8.5.29 NPS EN-1 is also relevant when considering the potential for alternative sites. It is clear that an assessment of alternatives should be guided by a consideration of whether an alternative site could deliver the same energy capacity in the same timeframe and, critically, that regard should be had to the possibility that all suitable site for such development may be needed in order to meet statutory targets. Whilst the relevant section of EN-1 relates to Secretary of State decision making, in the absence of other policy considerations the position in EN-1 is materially important to the current proposals

The development is reversible

8.5.30 The PPG notes that in considering openness, the duration of the development and its remediability (including provisions to return land to its current or improved state), is a relevant

consideration. The fact the development is temporary and that the land can be returned to its current condition to be a benefit of the development. The site decommissioning and subsequent reinstatement would be controlled through planning conditions.

Biodiversity net gain

8.5.31 The planning application was submitted prior to the Environment Act (2021) meaning there is no statutory requirement to deliver Biodiversity Net Gains. Nevertheless, the proposed development has been assessed using the standard Biodiversity Metric calculations and can deliver a measurable biodiversity gain of approximately:

- 16.35% increase in habitat units; and
- 98.83% increase in hedgerows units

8.5.32 This level of biodiversity gain could not be achieved without the development and is a very significant gain which far exceeds the Environment Act and goes significantly beyond local plan requirements for a simple net gain.

8.5.33 Therefore, the biodiversity net gain and potential is a very significant benefits of the proposed development and weigh heavily in support of Very Special Circumstances.

Hedgerows and landscaping

8.5.34 The proposed landscape screening, particularly along the northern boundary and along Bemersley Road will benefit those using the site and routes close to the site in the longer term. For example, the extensive hedgerow planting and screening along Bemersley Road will deliver a lasting benefit to users of the road as a recreational route with the hedgerow being retained following the development. These are benefits in their own right which are separate to landscape and visual matters.

8.5.35 As the proposed landscaping will be retained following the development, the visual, ecological, landscaping, and natural environmental benefits of the development will remain even in the absence of the BESS and associated infrastructure. The landscaping and biodiversity improvements will also provide enhanced green infrastructure and wildlife corridors in the area, linking to other such sites and infrastructure in the wider area.

8.5.36 The lasting positive benefits of the Development, both during operation and after decommissioning (such as biodiversity net gain, green infrastructure improvements, and significant landscaping) are benefits which would not be delivered without the proposed development and therefore support the Very Special Circumstances case.

Economic benefits

- 8.5.37 The development will result in a direct private investment (capital expenditure) which requires no grant funding or taxpayer contributions. It will also create new jobs during the construction phase with further supply chain jobs being supported. The operational development will support a small number of jobs.
- 8.5.38 Furthermore, the Government's latest Industrial Strategy (*Invest 2035: the UK's modern industrial strategy*) is clear that low carbon energy sector is a key growth sector in the UK and is a major driver of growth which the UK must utilise as part of a modern industrial strategy. This very recent Government position reinforces the economic benefits of such projects.
- 8.5.39 The economic benefits are materially relevant and add to the Very Special Circumstances.

Summary of benefits

- 8.5.40 There are a significant range of benefits associated with the proposed development which individually and cumulatively are sufficient to clearly demonstrate that Very Special Circumstances exist.
- 8.5.41 These benefits are further supported by numerous Appeal decisions which conclude the nature of these benefits have been given very significant weight to permit development.

Summary of the Green Belt Case

- 8.5.42 It is accepted the proposed development would be inappropriate development in the Green Belt, therefore VSCs must exist to clearly outweigh harm to the Green Belt and other harm.
- 8.5.43 Substantial weight is given to any harm to the Green Belt and any other identified harm, however, very significant weight must also be given to the clear benefits of the proposed development. It is concluded that 'Very Special Circumstances' exist and the very limited and temporary harm to the Green Belt (and any other harm) resulting from the development, is clearly outweighed by other considerations.
- 8.5.44 In terms of 'other' harm identified in paragraph 150 of the NPPF, the Appellant acknowledges there is some landscape harm resulting from the introduction of development into the countryside, as this change inevitably impacts on openness and results in a form of encroachment. The Appellant considers that the only other potential harm result from the very low level night-time impact of noise on residents. This is the case for Matters 1 and 2, and it is demonstrated that the benefits of the development outweigh this harm.
- 8.5.45 In summary the Appellant's case demonstrates, against the purposes of Green Belt that the development will:

- Not result in unrestricted sprawl within the Green Belt;
- Not result in neighbouring towns merging into one another;
- Not create permanent encroachment of the Green Belt, albeit, it is accepted there will be a temporary change during the operational lifespan of the BESS equipment;
- Not affect the setting and special character of historic towns.
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land on the basis that if the BESS were located on brownfield land in the urban area it would prevent other uses (such as housing or employment) on such land meaning there would be increased pressure on non-urban land for these other uses.

8.5.46 There are significant benefits of the proposed development related to:

- Contribution to meeting UK energy, climate change, and net-zero ambitions.
- The available grid connection.
- The temporary nature of the development.
- The absence of alternatives.
- Biodiversity net gain which significantly exceeds the statutory 10% requirement.
- The improvement of hedgerows and landscaping across the site which can be retained following the development, thereby creating a lasting benefit.
- Economic benefits associated with the investment and jobs created.

8.5.47 These are significant benefits associated with the proposed development which individually and cumulatively are sufficient to demonstrate that Very Special Circumstances exist.

8.5.48 In turn, these benefits weigh heavily in favour in the overall planning balance, such that the harm to the Green Belt and other harm are clearly outweighed. Planning permission should be granted.

8.6 Summary

8.6.1 In summary I consider the planning balance includes the following matters:

Benefits		Harm	
Matter	Weight	Matter	Weight
Climate and energy	Very significant	Green Belt	Substantial
Grid connection	Very significant	Landscape and visual	Low to Moderate
Biodiversity Net Gain	Significant	Residential amenity	Low
Landscape/hedgerow planting	Moderate		
Absence of alternative sites	Limited		
Temporary nature	Limited		
Economic benefits	Limited		

- 8.6.2 It is important to note that whilst substantial weight is attributed to Green Belt harm as per the NPPF the actual harm is significantly more limited and is arguably minimal. The impact on landscape/visual and residential amenity is considered to be mitigated, nevertheless low to moderate harm is identified for robustness in the event that residual adverse effects are identified by the Inspector.
- 8.6.3 In forming the planning balance, this Statement takes account of various planning and energy policy considerations including very recent Government statements and policy on such matters, alongside the fact the site is within the Green Belt. It also has regard to the overall decision-making approach and balancing undertaken in recent Secretary of State decisions, and notwithstanding that each decision is made on its own merits there is a clear approach being taken in these decisions where the benefits of low carbon and renewable energy supporting development are given very substantial weight.
- 8.6.4 In summary, the proposed development can be supported as the scheme delivers substantial benefits which clearly outweigh the minor harm caused by the scheme. As such, 'Very Special Circumstances' exist, and permission should be granted.
- 8.6.5 The accompanying Noise Assessment and LVIA similarly show that the impacts on amenity and character of the area are minor and outweighed by the public benefits.
- 8.6.6 There are therefore significant benefits to be delivered by the scheme including the support for the generation from renewable energy technologies, which is essential to realising a zero-carbon economy and responding to the ongoing drive to deliver significant growth in low carbon energy in order to meet statutory requirements.

9 Summary and planning benefits

- 9.1.1 This Appeal relates to a proposal by Anesco Ltd for a Battery Energy Storage System (BESS) and associated works and infrastructure, for a period of 40 years, on land south of Bemersley Road, Brown Edge, Staffordshire.
- 9.1.2 Planning permission was refused by Staffordshire Moorlands Council on 5th March 2024 for three reasons (Green Belt, landscape and visual impact, and residential amenity).
- 9.1.3 All other technical matters were addressed through the application with the only residual objections being from the Tree and Woodland Officer (related to landscape matters), and the Environmental Health Officer (related to noise). Such technical matters can be addressed through appropriately worded conditions and the proposed mitigation.
- 9.1.4 The very significant benefits resulting from the proposed development are linked to the accepted critical need for energy infrastructure including infrastructure which helps ensure stability and flexibility in supply. Battery energy storage is a Critical National Priority as set out in Government Policy and is an essential component of the strategy to achieve net zero and to respond to the declared local and national climate emergency, indeed NPSs direct that for CNPs it should be considered that Very Special Circumstances exist and low levels of residual harm should not prevent development. The proposed development sits firmly square against the ambitions of EN1 and CNP priorities which are reinforced in EN-5, and the recent Appeal decisions referred to reinforce this position.
- 9.1.5 Other significant benefits include the measurable biodiversity net gain which significantly exceeds the requirements of the Environment Act, extensive landscaping and planting which provide visual and environmental benefits, and economic benefits.
- 9.1.6 There is extensive Planning Appeal evidence and decisions which support the delivery of BESS development in the Green Belt. Whilst each decision is considered on its own merits, these Appeals show the principle of such uses in these locations can be supported.
- 9.1.7 Whilst it is accepted the scheme is inappropriate development in the Green Belt and there will be some conflict with Green Belt purpose (c), there are clear benefits which form Very Special Circumstances so as to allow the Appeal.
- 9.1.8 The Appellant considers that the development accords with the Development Plan and is supported by key material considerations which should be afforded very significant weight. Even if the Inspector finds that the proposals are not in accordance with the Development Plan, there are clear material considerations which mean planning permission should be granted in any event.