



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

Land at Ball Green Farm, Staffordshire

Statement of Case

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1 Introduction

1.1 Background

1.1.1 This Statement of Case is submitted by Stantec on behalf of Anesco (as 'the Appellant') in relation to Planning Appeal submitted pursuant to Section 78 of the Town & Country Planning Act 1990.

1.1.2 It follows the refusal of a full planning application (reference: SMD/2022/0076) ('the Planning Application') by Staffordshire Moorlands Council ('the Council') for a Battery Energy Storage System ('BESS') on land south of Bemersley Road, Brown Edge, Staffordshire ("the Site").

1.2 The planning application and reasons for refusal

1.2.1 The planning application sought permission for the:

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

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

1.2.3 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 This Statement of Case sets out the Appellants grounds for appeal and the 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.
- 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 (and any Rule 6 Party) to agree a Statement of Common Ground ('SoCG') with a draft SoCG being submitted alongside this statement.

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 Appeal Procedure

1.5.1 The Appellant considers a Public Inquiry is the most appropriate route due to the significance of the development and the public benefits. The Appellant has considered the Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals¹ and considers that an Inquiry is required as:

- i. There is a need for the evidence to be tested through formal questioning by an advocate. Given that there are notable differences between the two main parties on the matters of (1) inappropriate development in the Green Belt (2) noise and amenity impacts (3) impact on the character of the area and (4) planning balance.
- ii. The issues around noise concerns are complex and will require formal evidence to be given by relevant experts. This is likely to require testing by cross examination.
- iii. The appeal generated significant (72 neighbour objections) local interest to warrant an Inquiry as opposed to dealing with the case by a hearing. It is considered that a number of people may wish to attend the appeal in person and an inquiry is the most appropriate procedure for managing such significant public interest.
- iv. This scheme has significant public benefits.
- v. Other material considerations including those relating to the nationally recognised benefits of renewable energy and renewable energy infrastructure, to be properly tested and understood through the examination of oral evidence.
- vi. The parties could not adequately present their case within 2 days (which exceeds normal hearing practice) even without allowing for any other interested parties.
- vii. The scheme received objections from bodies which may wish to be formally represented at an Inquiry as Rule 6 parties such as Brown Edge Parish Council. A hearing format would not allow for the same degree of participation for potential Rule 6 parties who may wish to call their own evidence.

1.5.2 The Appellant considers that up to 5 days could be required for the Inquiry, depending on the extent of third-party involvement in the process. The Inspector should also allow at least half a day for the site visit in order to properly assess the site from the envisaged walking route.

¹ <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals>

1.6 Structure of this Statement

1.6.1 This remainder of this Statement is structured as follows:

- Section 2: Overview of the Appeal Site and Surrounding
- Section 3: Overview of the Proposed Development
- Section 4: Overview of relevant Planning Policies and Guidance
- Section 5: Overview of relevant Planning History and Appeals
- Section 6: Overview of Appellant's Case and Grounds for Appeal
- Section 7: Concludes the Statement

2 Site and surroundings

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 Stoke Green Belt but is otherwise not subject to designations or particular planning policy restrictions.
- 2.1.3 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.
- 2.1.4 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 has been agreed with the District Network Operator (DNO).

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

3.1.1 The proposed Battery Energy Storage System (BESS) is capable of importing and exporting approximately 50 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.
- Before connection to the grid, the Distribution Network Provider (DNO) requires an Intake Substation with various protection settings to protect the grid from any faults that the BESS may cause. 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. 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.

4 Planning policy

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.

4.1.3 The development plan is formed of:

- Staffordshire Moorlands Local Plan (September 2020)

4.1.4 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 DC1 – Design Considerations
- Policy DC3 – Landscape and Settlement Setting
- Policy NE1 – Biodiversity and Geological Resources

4.2 Material Considerations

4.2.1 Material Considerations include:

- National Planning Policy Framework (December 2023)
- Planning Practice Guidance which supports the National Planning Policy Framework
- National Planning Policy Framework (Consultation Draft) (2024)
- Various Ministerial Statements regarding matters such as the Draft NPPF and renewable energy projects

4.3 Other Relevant Documents

4.3.1 Other relevant national guidance and documents which are also material considerations and to which the Appellant will refer to in the context of renewable energy generation are:

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

- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2024)
- Government Energy White Paper (2020).
- Appeal decisions and Case Law as relevant to the development.

4.3.2 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.

5 Appellant's case and grounds for appeal

- 5.1.1 The Appellant will present evidence to demonstrate that the proposed development accords with the Development Plan and National Policy, and as a secondary case that it 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 Issue 1 will be addressed by a planning witness, with issue 2 addressed by a noise consultant witness and issue 3 by a landscape witness.

5.2 Matter 1 – Impact on the Green Belt and the Very Special Circumstances

- 5.2.1 The site lies within the Staffordshire Moorlands Green Belt, and it is accepted the proposals are 'inappropriate development' in the Green Belt meaning Very Special Circumstances are required to justify the grant of planning permission.
- 5.2.2 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.
- 5.2.3 The Appellant's case will demonstrate on this matter that:
- i. The development is a Battery 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.

Assessment against Green Belt purposes and Harm to the Green Belt.

5.2.4 The development does not conflict with the five purposes of the Green Belt. In summary, the Appellant's evidence will demonstrate 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.

5.2.5 It is acknowledged that the proposed development does not fall within the criteria of accepted and appropriate development in the Green Belt at paragraph 151 or 153 of the NPPF and is therefore by definition inappropriate development. It is therefore necessary to demonstrate that Very Special Circumstances exist (as required by paragraph 150 of the NPPF). It is also relevant to consider the contribution which a site makes to the Green Belt and the overall purposes of Green Belt.

5.2.6 Whilst the NPPF does not provide any guidance on what may or may not constitute Very Special Circumstances, paragraph 154 notes: *"when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

5.2.7 In Summary the Very Special Circumstance which outweigh any harm to the Green Belt and any other harm are:

- Urgent need for Battery storage – BESS are essential to supporting the influx of intermittent renewable energy generation 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 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.

5.2.8 The Draft NPPF (2024) makes it clear that ensuring the transition to clean power is key to boosting Britain's energy independence, reducing energy bills, supporting high-skilled jobs and tackling the climate crisis. Proposed amendments to the NPPF show a clear direct of travel that decision makers should give significant weight to the benefits associated with renewable and low carbon energy production and proposal's contribution to meeting a net zero carbon future. The aim of which is to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribution to reaching zero carbon electricity generation by 2030.

5.2.9 The proposed development does not generate electricity, however it is integral to the renewable infrastructure network by storing excess energy from sources like solar farms and wind turbines. Paragraph 3.3.25 of EN-1 confirms that energy storage has a "key role to play in achieving net zero..." BESS prevents energy loss and the costly shutdown of renewable assets, thereby enhancing efficiency and cost-effectiveness. Energy storage systems store excess renewable energy when production exceeds demand and release it when needed, facilitating the decommissioning of fossil fuel power stations and integrating more renewable energy into the grid. The NPPF recognises the 'wider environmental benefits' of these projects as 'Very Special Circumstances' this idea has been further tested through Appeals.

5.2.10 The proposed BESS aligns with the objectives of supporting a more renewable and net zero carbon energy system and the proposed development has secured a viable grid connection and the potential for timely renewable energy delivery. Given the scarcity of suitable sites and the proximity to an existing grid connection, this project demonstrates significant material considerations and 'Very Special Circumstances'.

5.2.11 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.

Alternative Sites

5.2.12 The appellant has demonstrated that there are no reasonable, suitable or viable alternative locations outside of the Green Belt where the development could be appropriately located. The Alternative Site Assessment submitted in support demonstrates that this has been

thoroughly considered and no alternative sites were found. This has been agreed with the council during the planning application.

Summary of the Green Belt Case

- 5.2.13 The Appellant acknowledges that 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 limited and temporary harm to the Green Belt (and any other harm) resulting from the development are clearly outweighed.
- 5.2.14 In terms of 'other' harm identified in paragraph 150 of the NPPF, 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 Matter 2 and it is demonstrated that the benefits of the development outweigh this 'potential' harm.

5.3 Matter 2 – Effects of the proposal on residential amenity

- 5.3.1 The Appellant will present evidence to support the assessment of Noise and demonstrate that any impacts will be localised in nature and in the worst-case scenario limited despite the size of the development. Evidence will be presented by an expert Noise Witness that:
- The 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.
 - Given that during the night-time people are most likely to be inside, it is more relevant to have regard to internal levels. In this regard, the sound levels from the Site will be low inside bedrooms, there will therefore be no adverse effects inside habitable rooms during night-time hours.
- 5.3.2 These conclusions will be expanded on through evidence provided at the Inquiry.
- 5.3.3 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 is unlikely that consent will be refused on the basis of these residual impacts.

5.4 Matter 3 – Impact on Landscape Character

- 5.4.1 The Appellant will present evidence that the perceived impacts on the character of the area and visual amenity are not sufficient to warrant refusal of the scheme.
- 5.4.2 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(h). The proposals are temporary in nature and completely reversible after the decommissioning of the development.
- 5.4.3 The evidence will demonstrate 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.
- 5.4.4 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.
- 5.4.5 The LVIA concluded that for the character of the site the level of landscape effect will be **Minor** 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. 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.
- 5.4.6 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 expert witness will provide evidence to show the Landscape Strategy provides sufficient mitigation.
- 5.4.7 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 **Minor** adverse level of effect at Year 1. Beyond the site and its immediate vicinity, visual receptors would experience minimal adverse effects, ranging from **Neutral to Minor** adverse at Year 1.
- 5.4.8 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.

- 5.4.9 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.

5.5 Summary

- 5.5.1 The Appellant will provide robust evidence to demonstrate 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 not be withheld granted.
- 5.5.2 Evidence will similarly show that the impacts on amenity and character of the area are minor and outweighed by the public benefits.
- 5.5.3 Evidence will explain the 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 energy crisis in the UK and Globally.

6 Summary

- 6.1.1 Planning permission for the proposed BESS development was refused by Staffordshire Moorlands Council on 5th March 2024 for three reasons.
- 6.1.2 All technical matters were addressed through the application with the only objections being from the Tree and Woodland Officer (related to landscape matters), and the Environmental Health Officer (related to noise). All technical matters can be addressed through appropriately worded conditions and the proposed mitigation.
- 6.1.3 The Appellant concludes, contrary to the Council's reasons for refusal, the scheme delivers significant benefits in respect of social, environment and economic sustainability which in combination deliver the Very Special Circumstances necessary to justify development in the Green Belt. Furthermore, these benefits also outweigh any perceived harm to local amenity and impact on local landscape character.
- 6.1.4 There is extensive Planning Appeal precedent which supports 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.
- 6.1.5 There are very significant benefits resulting from the proposed development, 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.
- 6.1.6 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 the economic benefits during construction and operation.
- 6.1.7 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.