

Notice of Planning Permission



**Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision Date:
23 August 2023

Mr Andy Brand
The Abbey Group Cambridgeshire Ltd
Suite 2 Clare Hall
St Ives Business Park
Parsons Green
St Ives
PE27 4WY

Application No: 67827/FUL

Applicant: Chatterley Energy Storage Limited

Location: Land South-West of Outclough Farm, Whitfield Lane, Chatterley Whitfield, Stoke-on-Trent, ST6 8UW

Description: Installation of a 49.9MW battery energy storage system, associated apparatus, vehicular accesses, control rooms, 1.5m high planted earth bund, land level changes, fencing, lighting and CCTV columns

The Council has considered this application and hereby **grants** planning permission for the development described above in accordance with the submitted plans, drawings and other documents.

This decision is subject to conditions. These are listed below together with the reasons for imposing each one. These conditions must be fully complied with.

1. The development, hereby permitted, shall be begun not later than three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Plan number 21/03/201/02 Rev A

- Site Layout Plan – Plan number 21/03/201/01 Rev H
- 132 kV Substation Plan – Plan number 21/03/201/03 Rev A
- Site Section Plan – Plan number 21/03/201/14 Rev B
- Battery Plan – Plan number 21/03/201/04
- Customer Control Room Elevations – Drawing number P3090(01)-175-01 Rev

O

- DNO Control Room Plan – Plan number P3090(02)-175-01-O
- DNO Control Room Elevations – Drawing number P3090(02)-175-02-O
- BOP Aux Tx Plan & Elevations Plan – Drawing number P3090(03)-175-01-O
- CCTV Lighting Details – Drawing number P3090(08)-175-01 Rev O
- Existing Site Layout Plan – Plan number 21/03/201/11
- Customer Control Room Floor Plans – Plan number 21/03/201/12
- Fencing and Gate Plans – Drawing number P3090(07)-175-01 Rev O
- Fence Plan – Drawing number 21/03/201/10 Rev A

Reason: For the avoidance of doubt and in order to define the permission.

3. (a) The use of the development hereby approved shall cease on or before 01 September 2063, and all buildings, equipment, and associated infrastructure shall be removed from the site. The land shall be restored in accordance with a decommissioning scheme that must be submitted to and approved by the Local Planning Authority. The decommissioning scheme shall include a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.

(b) All buildings, structures, and associated infrastructure must be removed within twelve months of the use of the proposed development ceasing, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, and the land restored in accordance with the details approved pursuant to paragraph (a).

The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production/storage.

Reason: The site is in Green Belt and this condition ensures that the harm to Green Belt is reversible and temporary, albeit long-term temporary.

4. Notwithstanding the plans submitted, prior to installation, full details of the type, colour and texture of all external surfaces for all containers, structures and equipment, shall be submitted to, and agreed in writing by, the Local Planning Authority. The containers and structures shall be finished in accordance with the agreed scheme prior to commencement of use and shall be maintained in that condition thereafter. Only materials approved in writing by the Local Planning Authority shall be used in carrying out the development.

Reason: To make sure that the appearance of the completed development is satisfactory.

5. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public. A negative, pre-commencement condition is necessary because full details of land instability have not yet been provided and must be approved before full construction works commence on the site.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public. A negative, pre-commencement condition is necessary because full details of land instability have not yet been provided and must be approved before full construction works commence on the site.

7. Prior to the commencement of any construction, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: In order to minimise the impact of construction activity on the surrounding environment in accordance with section 11 of the National Planning Policy Framework. A negative, pre-commencement condition is necessary because full details of construction management have not yet been provided and must be approved before full construction works commence on the site.

8. No development shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the use of sustainable drainage techniques and surface water limitation where practicable. The development shall take place in accordance with the approved details only.

Reason: To make sure that the site can be drained in a satisfactory way. A negative, pre-commencement condition is necessary because full details of drainage methods have not yet been provided and must be approved before full construction works commence on the site.

9. The approved use shall not commence until the approved drainage strategy has been implemented in full on the site, in accordance with the details approved under the above condition.

Reason: To make sure that the drainage works are completed in a satisfactory

way.

10. No removal of hedgerows, trees or scrub shall take place between 1st March and 31st August inclusive, unless a competence ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

11. A landscape ecological management plan, including species to be used, long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing. Schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

12. The development shall be undertaken in accordance with the enhancements and mitigation measures recommended in Section 5.4 of the Ecological Appraisal compiled by RPS dated 7 December 2021 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To the interests of mitigating against the impacts of the development upon protected species and other wildlife in accordance with the NPPF.

13. Before the use hereby approved commences, the applicant shall install acoustic mitigation in accordance with the approved Noise Impact Assessment produced by Inacoustic (dated 7th November 2022). The mitigation measures identified in that report shall be installed, maintained, and retained for the duration of the lifetime of the development.

Reason: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

14. No development, including site works, shall begin until the hedge located on the western boundary of the application site has been protected, in a manner previously agreed in writing by the Local Planning Authority. The hedge shall be protected in the agreed manner for the duration of building operations on the application site.

Reason: The hedge is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

15. The landscaping scheme shall be fully completed, in accordance with the details approved under the terms of the above condition, in the first planting and seeding seasons following the commencement of the development or in accordance with a programme previously approved in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 10 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

16. No use hereby approved shall occur until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (hard and soft), have been submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall then be fully implemented through the lifetime of the development.

Reason: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policy CSP1 of the CSS and the NPPF.

17. Notwithstanding the details provided within the application in relation to external lighting, no external lighting shall be installed on site until such time as full details (including isolux drawings) proposed for the site have been submitted to and approved in writing by the Local Planning Authority. Any lighting to be installed shall only be in accordance with the approved details.

Reason: In the interests of safeguarding landscape impacts, residential amenity, and foraging habitats. A negative, pre-commencement condition is necessary because full details of lighting have not yet been provided and must be approved before full construction works commence on the site.

18. The development hereby approved shall not be brought into use until an Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

Notes to Applicant (please also see the important notes at the end of this Notice)

1 Article 35 (2) Town & Country Planning (Development Management Procedure) (England) Order 2015

Positive & Proactive Statement

The Council has sought (negotiated) a sustainable form of development and the decision has been made in accordance with paragraph 38 of the NPPF.

The development is acceptable having assessed the application against the following policies and other material considerations:

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026

SP1 - Spatial Principles of Targeted Regeneration

SP2 - Spatial Principles of Economic Development

SP3 – Spatial principles of Movement and Access

ASP3 - Stoke-on-Trent Outer Urban Area Spatial Policy

CSP1 - Design Quality

CSP3 - Sustainability and Climate Change

CSP4 - Natural Assets

Strategic Aim 3 (transportation and accessibility)

Strategic Aim 17 (to minimise the impacts of climate change)

Other Material Considerations

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

Inclusive Design Access for All SPD (2008)

National Planning Policy Framework (March 2012)

Planning Practice Guidance (PPG March 2014)

Overarching National Policy Statement for Energy (July 2011)

National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (July 2011)

Sustainability and Climate Change SPD (March 2012)

Healthy Urban Planning SPD (March 2012)

Signed:

A handwritten signature in black ink, appearing to be 'F. B.', written over a horizontal line.

Manager - Development Management

NOTES

Please quote the number included at the top of the decision notice if you contact us.

This notice grants planning permission only. It does not relate to any other statutory requirement. If you are carrying out building work, **you should check whether you need approval under the Building Regulations**. If you are carrying out works on highway land, you should check whether you need the approval of the City Council as highway authority.

Appeals to the Secretary of State

You can appeal to the Secretary of State for Dept for Levelling Up, Housing and Communities against our decision to include conditions on this planning permission.

You must appeal within **six months** of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN (www.planning-inspectorate.gov.uk). The Secretary of State can allow a longer period for making an appeal, but will not normally do so unless there are special circumstances to justify any delay.

The Secretary of State need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development or could not have granted it without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Discharge of Conditions

Please note that any request made for written confirmation of compliance with a condition or conditions attached to this grant of planning permission will need to be accompanied by the appropriate fee.

Standard Informative

Development should only be carried out in accordance with the plans and supporting information that have been approved by the Local Planning Authority (LPA). If you wish to make minor changes, you should discuss this with a planning officer in the first instance who will explain to you your options and whether what you are proposing is likely to be acceptable. The Government has introduced legislation to allow people to make applications to obtain permission to carry out minor changes to planning permissions. We can advise you how to obtain forms and what information is needed if you decide to proceed on this basis.