

DELEGATED DECISION REPORT

SMD/2024/0547
Valid 10/12/2024

CELLARHEAD
ELECTRICITY SUBSTATION
ROWNALL ROAD
WETLEY ROCKS

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR PROPOSED PROVISION
OF AN UNDERGROUND AND
OVERGROUND ELECTRIC
GRID CONNECTION TO BE
MADE BETWEEN A NEW
USER BAY TO THE NATIONAL
GRID CELLARHEAD
SUBSTATION AND A
PREVIOUSLY APPROVED
BATTERY ENERGY STORAGE
SCHEME (BESS)
(CONSENTED UNDER
SMD/2022/0444) UNDER
SCHEDULE
2, PART 15, CLASS B OF THE
GENERAL PERMITTED
DEVELOPMENT (ENGLAND)
ORDER 2015, AS UPDATED.**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Is the development proposed permitted by Part 15 Class B Sched 2 of the General Permitted Development Order 2015 and therefore would it have been lawful if it had been carried out on the date of the application?

DESCRIPTION OF SITE

Principally relates to an area of farmland to the northeast corner and edge of the National Grid Cellarhead substation and a 74m stretch between the edge of the substation and a connection point to the north for the C & S Energy Limited Battery Energy Storage Scheme to the east (approved under SMD/2022/0444).

PROPOSAL

The installation of an underground length (approximately 74m) of electricity cable between the National Grid substation and the approved battery storage scheme to the northeast. The grid connection works will include installation of primary plant, non-climbable steel structures, busbars, disconnectors, circuit breakers, High Accuracy Meter (HAM) units and earthing systems, and a portable relay room for protection and control equipment with necessary low voltage direct current (LVDC) and low voltage

alternating current (LVAC) supplies and other equipment required to satisfy the Grid Connection. The contractor will also provide all required electrical, civil, and metering equipment in compliance with Code of Practice (CoP) 1, as well as interfaced protection systems, executed to NGET's standards.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2022/0444 Erection of Flexible Energy Facility. APPROVED

SMD/2023/0568 Lawful Dev Certificate confirming extent of operational use of land. APPROVED.

NATIONAL GRID

No comment on the application. Do not object to the principal

OFFICER COMMENTS

Part 15 (Power Related Development) at Schedule 2 of the GPDO 2015 permits at Class B:

Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—

(a) the installation....under land of an electric line

(f) any other development carried out in, on, over or under the operational land of the undertaking.

Statutory Undertaker is defined at Article 2 of the GPDO as including - *(g) any licence holder under section 6 of the Electricity Act 1989*

The applicant and developer in this case holds and has been granted such a licence, evidence provided with the application. As such, the applicant/developer must be considered a Statutory Undertaker for the purposes of the GPDO.

The proposed development would be carried out on 'operational land' as confirmed in the terms of the Certificate of Lawfulness issued by the LPA under reference SMD/2023/0568.

The proposed development therefore would be carried out by a 'statutory undertaker' on 'operational land' and would consist of the installation under land of an electric line and other development for the purposes of the distribution and supply of electricity.

None of the limitations at B.1 (a)-(e) apply or prevent the development from being permitted. The development would comply and not conflict with any of the conditions set out at B.2.

The proposed development would have therefore been permitted on the date of the application.

CONCLUSION / PLANNING BALANCE

The proposed development would have been permitted and lawful on the date of the application.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Ben Hurst

Recommendation Date:

X

J Curley

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council