



Town and Country Planning Act 1990 (as amended)

Section 78 Planning Appeal

STATEMENT OF CASE

ON BEHALF OF:

**STAFFORDSHIRE MOORLANDS DISTRICT
COUNCIL**

Planning Appeal Ref: APP/B3438/W/25/3362821

**Staffordshire Moorlands Planning Application Ref.
SMD/2024/0019**

Planning Appeal by Newfields BESS Ltd

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

Site: Land at, Newfields Farm, Rownall Road, Wetley Rocks, Staffordshire, ST9 0BS

May 2025

Our ref. STA1979/1

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1 INTRODUCTION

- 1.1 The planning appeal has been submitted by Newfields BESS Ltd under Section 78 of the Town and Country Planning Act 1990 in respect of the decision of Staffordshire Moorlands District Council (SMDC) (“the local planning authority”) to refuse planning applications for “*Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid*” (“the proposed development”).
- 1.2 The site location is referred to as ‘Land at, Newfields Farm, Rownall Road, Wetley Rocks, Staffordshire, ST9 0BS’ (“the appeal site”).
- 1.3 The planning appeal has been given reference number APP/B3438/W/25/3362821 and is being decided via the hearing procedure. This Statement of Case is provided by Knights on behalf of the local planning authority.
- 1.4 This Statement of Case is accompanied by a statement on landscape and visual matters provided by Francis Colella Dip.LA CMLI of FFC Landscape Architects.

2 SITE LOCATION AND DESCRIPTION

- 2.1 The Appeal Site ("The Site") is located in a rural area approximately 3km from the eastern edge of the Stoke-on-Trent conurbation and around 1km to the north of the village of Werrington, which is the nearest settlement. The Site lies within the Green Belt.
- 2.2 The Site is 2.5 hectares in area and comprises a single field of pasture, plus the existing 700m long access route from the public highway (the initial part of which comprises a tarmac private drive serving the Cellarhead electricity substation and the latter part an unsurfaced track to Newfields farm.
- 2.3 The existing farm buildings at Newfields Farm sit adjacent the southeast corner of the field, from where the land drops gently towards the west. Beyond the northern and eastern boundaries lies the Cellarhead substation complex. The northern and eastern boundaries of the land are screened by trees, whilst the south and west boundaries are more open. A watercourse runs just beyond the site's western boundary and the site sits on the eastern flank of a shallow valley.
- 2.4 Public Right of Way (PRoW), Cheddleton 48 runs along the northern eastern site boundaries and Cheddleton 60 along the southern boundary, with other public rights of way in the wider vicinity of the Site. Overhead powerlines run to the east and west of the site.
- 2.5 The wider landscape context is a relatively open in character with field boundaries a mixture of, fences, stone walls and gappy hedgerows, giving an upland feel.
- 2.6 Being relatively close to the City of Stoke on-Trent the wider locality is well used for horse-related uses and walking. Wetley Common Moor, a SSSI and 118 hectare public access area of common land and lowland heath, lies around 1km west.
- 2.7 The Site is described in more detail in the officer's report to committee and in the Statement of Common Ground.

3 THE APPEAL PROPOSAL

- 3.1 Full planning permission is sought for the construction of a Battery Energy Storage System (BESS) facility, associated infrastructure and landscaping.
- 3.2 The Site would accommodate the following elements:
- 14 battery energy storage racks of 9m length x 2m wide and 3.75m high;
 - Adjoining compound housing a substation of 6.5m in height;
 - Control building of 5.6m length x 4.7m wide and 3.6m high;
 - Storage container 3m length x 2.1m wide x 2m high;
 - Customer storage container 12.1m length x 2.4m wide x 2.6m high;
 - auxiliary transformer (2.7m(l) x 2.4m(w) x 2.4m(h));
 - customer switchgear building (14m(l) x 3.3m(w) x 3.6m(h));
 - customer control building (5.8m(l) x 3.9m(w) x 3.6m(h)).
 - Approx. 2.4m high palisade security fence;.
 - 4m acoustic fence;
 - 2.4m high weldmesh fence to the perimeter of the site;
 - Security gates;
 - CCTV cameras located on 5m high poles;
 - 3m high lighting columns.
- 3.3 Vehicular access would be via the existing hard surfaced private drive that serves Cellarhead substation complex, with the link to Newfields Farm improved.
- 3.4 The compound would occupy the main central part of the field, levelled with cut and fill, with a 2m–3.5m high bund proposed along the western side and part of the north and southern sides. Various landscaping elements are proposed around the site margins.
- 3.5 The proposals are described in more detail in the application documents, the officer's report to committee and in the Statement of Common Ground.
- 3.6 It is also noted that the appellant has submitted amended application drawings and an updated Noise Impact Assessment as part of the planning appeal and intends that these form part of an amended scheme for determination purposes. The proposed changes include slightly smaller energy storage containers that it is proposed contain revised equipment that would generate less noise and the removal of acoustic fencing from the top of the proposed 3 metre high landscaping bund to the west. The proposed amendments also would amend the layout such that the vehicular access track branches around 25 metres from BESS compound rather than at a point immediately adjoining the southern side of the BESS compound.

4 WHETHER THE PROPOSAL REPRESENTS A RENEWABLE ENERGY / LOW CARBON SCHEME FOR THE PURPOSE OF PLANNING POLICIES

- 4.1 Whether the proposal represents a renewable / low carbon energy infrastructure scheme is relevant in respect of the planning policies to be applied.
- 4.2 The proposal would not generate renewable energy, but typically renewable energy sources such as solar panels have variable generation levels and supply needs to be managed. The BESS would store power and, whilst the proposal will handle electricity including that also generated by fossil fuel, battery storage helps manage the use of renewables and supports their continued development. It is also the case that, due to the growing national proportion of energy from renewable sources, the energy stored would come increasingly from renewable sources.
- 4.3 It is noted that the Planning Practice Guidance (PPG) section entitled 'Renewable and low carbon energy' paragraph: Reference ID: 5-032-20230814 also refers to BESS.
- 4.4 It is therefore considered that planning policies for renewable / low carbon energy infrastructure are relevant to the proposals.
- 4.5 This is consistent with other appeal decisions in respect of BESS proposals.

5 THE DETERMINATION OF THE APPLICATION

- 5.1 The planning application subject to this appeal was registered by SMDC on 15/01/2024 and given reference number SMD/2024/0019.
- 5.2 The application was reported to the Council's Planning Committee on 19 September 2024, prior to which SMDC Planning Committee members carried out a site visit on the morning before the committee. Planning Committee Members were accompanied on site by the Council's planning officers, They visited Newfields Farm and considered the site in detail. This inspection of the site was attended by all the Members who subsequently voted on the determination of the application.
- 5.3 The planning application was debated at the planning committee meeting¹ where members reviewed the case for the proposals and the material planning considerations applying. As set out in the committee minutes. Members discussed the proposed development and debated issues including impact upon users of public right of way, the adequacy of the landscape mitigation, loss of the existing dwelling and the fire safety of having single access point.
- 5.4 The Committee resolved that the application be refused and the decision notice was issued on 27 September 2024. It sets out that the planning application was refused for the following reasons:

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

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

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

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

These factors all amount to additional harm which weigh against the proposed development. It is noted that there are other considerations which weigh in favour of the development.

¹ <https://staffsmoorlands.public-i.tv/core/portal/webcasts>

However these do not clearly outweigh the harm to the Green Belt and other harm identified above and, as such, very special circumstances do not exist.

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

- 5.5 It is also noted that subsequent to the refusal, in addition to this appeal, the appellant re-submitted a very similar application on 13/12/2024 (ref. SMD/2024/0556) which is pending consideration at the time of writing.

6 THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: *“for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*. The Development Plan is therefore the starting point for the determination of planning applications.

6.2 The statutory Development Plan covering the Appeal Site comprises the Staffordshire Moorlands Local Plan (SMLP), adopted September 2020. Policies relevant to the appeal site are listed in the officers’ report to committee and the statement of common ground. With reference to the refusal reasons, key policies and relevant matters raised are as follows.

- SS1 - Development Principles states that development and use of land is to contribute positively to the social, economic and environmental improvement of the area. It seeks a healthy, safe, attractive, active, well-designed and well-maintained environment; development which maintains locally distinctive character; protects and enhances the natural and historic environment and supports development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions. It refers also to cumulative impact.
- Policy SS 2 - Settlement Hierarchy under the heading ‘Other Rural Areas’ the policy states that in the open countryside development is *“normally unacceptable”* and in the Green Belt further development is *“generally inappropriate”*.
- SS 10 - Other Rural Areas Strategy requires that development *“Enhance and conserve the quality of the countryside by: Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape”*. In particular the policy seeks to ensure that *“renewable energy schemes are of an appropriate scale, type and location”*.
- SD1 - Sustainable Use of Resources seeks that that development make sustainable use of resources and adapt to climate change. Preference should be given to use of lower quality over higher quality agricultural land.
- SD2 - Renewable / Low-Carbon Energy states that *“large-scale standalone renewable or low-carbon energy schemes will be supported subject to”* considerations including *“the degree to which the scale and nature of a proposal impacts on the landscape . . . taking into account both individual and cumulative effects of similar proposals”* . . . *“how any environmental or social impacts have been minimised (e.g. visual, noise or smell)”* . . . and *“the impact on the amenity of residents”*.
- DC 1 - Design Considerations states that *“development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area It refers to development being “appropriate to the character of the area” . . . and “designed to respect the site and its surroundings”* and lists factors to consider including scale, layout, and siting, landscaping, and character and appearance
- DC3 - Landscape and Settlement Setting requires that the Council *“protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire*

Moorlands by: Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement . . . It seeks development that “respects and enhances local landscape character and which reinforces and enhances the setting of the settlement”.

- C3 - Green Infrastructure refers to creating new wildlife habitats, increasing biodiversity, and tree cover where appropriate to the landscape; and creating appropriate access for a wide range of users to enjoy the countryside.
- NE1 - Biodiversity and Geological Resources seeks to conserve and enhance biodiversity and expects all development where possible seeks to deliver a net gain in biodiversity.
- SD4 - Pollution and Water Quality seeks to protect residents from developments which may generate pollution and permit development only where adverse effects can be deemed acceptable following mitigation.

- 6.3 The other material considerations include the National Planning Policy Framework (the NPPF), setting out the Government's planning policies for England and how these should be applied and the Planning Practice Guidance.
- 6.4 The NPPF was reissued in December 2024. Paragraphs relevant to the Councils' case include, but are not limited to, paragraphs 61, 102, 135, 143, 154, 155, 160, and 180.
- 6.5 Other sections relevant to the determination of the appeals include in particular Section 14 – 'Meeting the challenge of climate change, flooding and coastal change'.
- 6.6 In addition, the following National Policy Statements can also be a material consideration in decision making:
- Overarching National Policy Statement for Energy (EN-1).
 - National Policy Statement for Renewable Energy Infrastructure (EN-3).
 - National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 6.7 The policies listed above will be referred to in the case against the proposed development set out below.

7 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 7.1 NPPF paragraph 7 states that *“The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner”*.
- 7.2 The LPA’s officer report recognised the overall need to encourage solar energy-related development, and that significant weight should be given to the benefits associated with renewable and low carbon energy generation. This is also fully recognised in this Statement of Case.
- 7.3 NPPF paragraph 9 however explains that *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”*. The PPG paragraph: 5-007-20140306 (in the section on renewable and low carbon energy) states *“it is important to be clear that: the need for renewable or low carbon energy does not automatically override environmental protections”*.
- 7.4 The development plan policies listed in section 6 of this statement do not include specific allocations or detailed locational criteria to identify the appropriate sites for solar energy development. The relevant development plan policies do however set out a range of considerations including in SMLP policy SD 2 - Renewable/Low-Carbon Energy, which refers to *“large-scale standalone renewable or low-carbon energy schemes”* being supported subject to considerations including *“the degree to which the scale and nature of a proposal impacts on the landscape, taking into account both individual and cumulative effects of similar proposals”* . . . *“how any environmental or social impacts have been minimised (e.g. visual, noise or smell)”* . . . and *“the impact on the amenity of residents”*.
- 7.5 Whilst the officer report recommended that permission should be granted, the planning committee rejected the officers’ conclusions, which they are entitled to do. Their conclusion, using their own planning judgement, was reached having considered the details of the application, the officer’s analysis, the representations made by the local community, their knowledge of the area and of other similar proposals nearby and having undertaken a site visit in advance of the committee meeting.
- 7.6 The Council’s case against the proposals is that they would comprise inappropriate development in the Green Belt and would cause unacceptable visual harm in this location that cannot be made acceptable through the imposition of conditions. As such, it is the Council’s position that the proposed development does not accord with the policies of the development plan when taken as a whole and should be refused.
- 7.7 The four main issues identified in the reasons for refusal can be summarised as follows:
- Harm to the openness of Green Belt and the purposes of including land within it caused by inappropriate development.

- Harm to the visual amenity of the landscape, including through the industrialisation of the landscape and cumulative impacts, and the impact upon users of a nearby public right of way.
- Loss of a dwelling from local housing stock.
- Fire safety concerns related to the single point of access

7.8 When considering the above issues as a whole, consideration will need to be given as to whether or not very special circumstances exist to clearly outweigh the harm to the Green Belt and any other harm.

7.9 No other matters beyond these as detailed in the refusal reason are disputed in defending this appeal. The position of SMDC on all other relevant matters, such as highways access, and ecology for example, are set out in the officers' reports to committee and are not repeated here.

7.10 The LPA decision notice refers to the industrialisation of the landscape and a harmful effect on the visual amenities of the countryside. Landscape character and visual impacts are linked and often considered together, however the local planning authority's case relates essentially to matters concerning the visual impact of the scheme, rather than impact on the character of the landscape.

7.11 The decision notice also refers to the development's prominence impacting of on users of the adjacent public right of way (Cheddleton 48). The PPG Paragraph: 5-007-20140306 (in the section on renewable and low carbon energy under the heading "*What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?*") states protecting amenity is an important consideration which should be given proper weight in planning decisions. Despite the rural location of the appeal proposal, there were 111 representations of by local members of the public that objected to the planning application. The nature of these public responses to the application indicates many people locally considered there would be unacceptable impacts arising from the proposed development, in particular, visual impacts, and these representations were taken into account by Members of the Planning Committee when determining the application.

7.12 It is submitted that the appellant has greatly downplayed the scale of the visual change that would be brought about in the area. The representations from local people clearly explain how the visual changes that would occur would affect them on a day-to-day basis and it is noted that the 40-year operational period would span a whole generation.

8 PROPOSITION 1 - THE PROPOSAL WOULD BE INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT AND WOULD HAVE AN UNACCEPTABLE EFFECT ON THE PURPOSES AND OPENNESS OF THE GREEN BELT.

- 8.1 SMLP policy SS 10 - Other Rural Areas Strategy states *“Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy”*. NPPF paragraph 142 makes clear great importance is to be attached to the Green Belt and the fundamental aim *“to prevent urban sprawl by keeping land permanently open”*.
- 8.2 NPPF para 153 requires that substantial weight is given to any harm to the Green Belt, including harm to its openness and makes clear that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 8.3 NPPF para 154 defines limited exceptions and development in the Green Belt is ‘inappropriate’ unless one of these applies. The proposed development does not meet any of these exceptions.
- 8.4 In addition, Grey Belt is defined in the NPPF glossary *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143”*.

Whether the Appeal Scheme comprises “Inappropriate development”

- 8.5 NPPF paragraph 153 sets out that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 154 states that development in the Green Belt is inappropriate unless one of a number of specific exceptions applies. The appeal proposals do not meet any of the exceptions listed at paragraph 154.
- 8.6 The December 2024 revisions to the NPPF introduced the new concept of “Grey Belt”. paragraph 155 of the NPPF states *“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*
- 8.6.1 *(a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- 8.6.1.1 *(b) There is a demonstrable unmet need for the type of development proposed;*
- 8.6.1.1.1 *(c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework”*
- 8.7 With regard to whether or not the appeal site would comprise “Grey Belt” land, the Council accepts the analysis set out in the statement of case for the appellant that the appeal site does not make a strong contribution to purposes a), b) and d) of the paragraph 143 of the NPPF and that the site can be regarded as Grey Belt land.

- 8.8 However, the classification of a site as Grey Belt does not automatically mean that proposals on such land comprises appropriate development, and all three tests of paragraph 155 would need to be satisfied.
- 8.9 With regard to NPPF criteria 155(a), consideration needs to be given to whether or not the development would undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 8.10 In this case, whilst the site does not make a strong contribution towards purposes a), b) and d), the site, being a 2.5 hectare open and undeveloped field, does contribute strongly to purpose c) of safeguarding the countryside from encroachment.
- 8.11 The development of the site, by covering it in structures, would be a manifest encroachment into the countryside, resulting in harm to purpose c) by virtue of introducing new development within an open gap between the edge of the main urban area of Stoke-on-Trent (located to the west and south west) and the town of Leek and the village of Cheddleton to the north east.
- 8.12 As the Google Earth image demonstrates at Figure 1 below, the area of countryside between Leek and Stoke-on-Trent is ringfenced by the A520, the A52 and the A523. This area of Green Belt forms a strategic gap between the urban area and the town of Leek and would introduce urbanising development in open countryside without the backdrop of a large urban area and the housing, employment estates and highway infrastructure associated with urban locations.

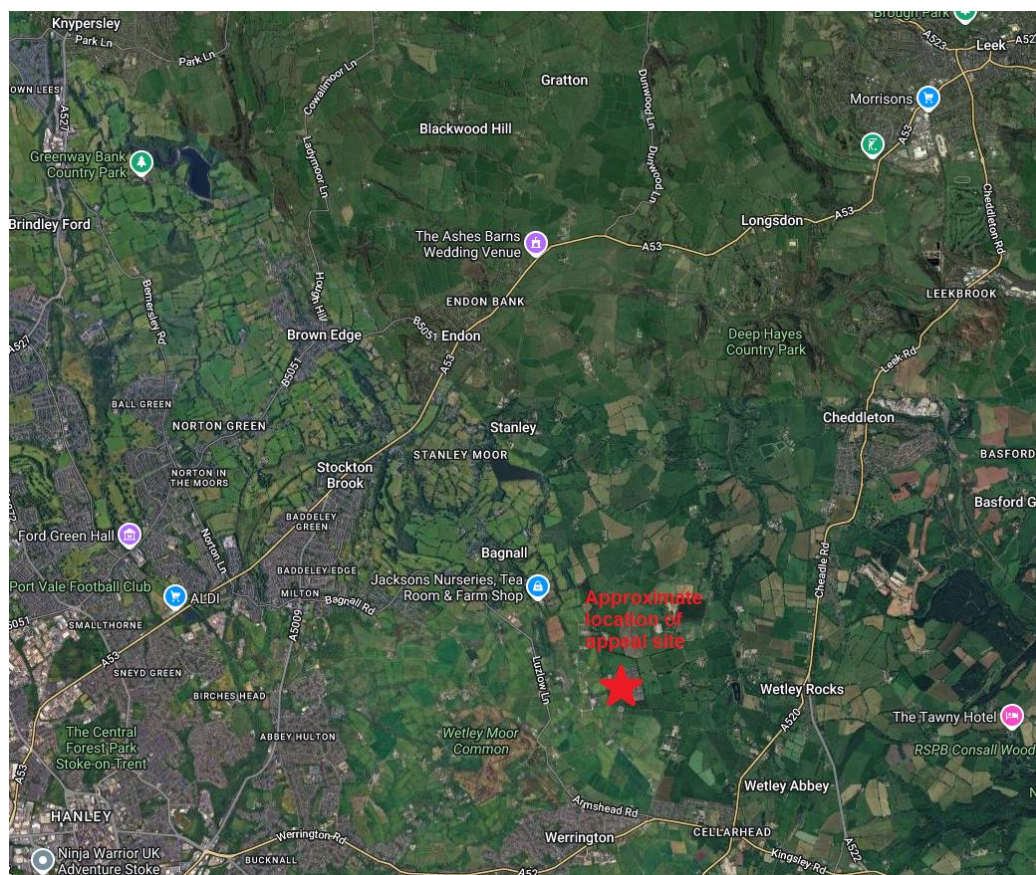


Figure 1 – Approximate location of the Appeal Site in the wider context

- 8.13 The introduction of urbanising development in an isolated rural location without an associated urban backdrop within a wider open gap between the urban area of Stoke-on-Trent and the town of Leek would fail to safeguard the countryside from encroachment. It would therefore undermine the purposes of the remaining Green Belt across the plan area if isolated sites devoid of significant urbanising influences are able to come forward without any restrictions placed upon them, leading to unrestricted ribbons or isolated parcels of urban development occurring between settlements.
- 8.14 In light of the above conclusions, it is considered that the test of paragraph 155a has not been passed
- 8.15 With regard to criteria b), the Appellant in their statement of case refers to a national need for 40GW of storage capacity by 2050, and a need for 22GW by 2030. Paragraph 6.30 of the Appellants statement of case states that there is currently around 4.5GW of battery storage in Great Britain, suggesting that around 35.5GW of battery storage is required over the next 25 years. This therefore requires the delivery of 1.42 GW of battery storage to be provided every year.
- 8.16 Whilst the national need for such facilities is not disputed, the appeal proposal represents a very small contribution to such need, providing 0.09 GW of battery storage. For context, this would require around 395 facilities of a similar scale to the appeal proposal to be delivered nationwide. Whilst the appeal proposal would make a limited contribution towards the national need for these types of development, it is accepted that paragraph 168 of the NPPF states that significant weight should be given to these types of development and this is a factor that is considered in the overall planning balance.
- 8.17 With regard to criteria c), the Council is not making a case to suggest that there would be conflict with this element of paragraph 155.
- 8.18 In summary on the issue of Grey Belt, the Council accepts that the site comprises Grey Belt land. However, it is the Councils position that there would be conflict with paragraph 155(a) of the NPPF and the proposals would undermine the purposes of including land within the Green Belt when taken as a whole. As such, all of the criteria of the Grey Belt policy set out at paragraph 155 of the NPPF are not satisfied and the proposals comprise inappropriate development within the Green Belt. As such, very special circumstances are required to justify the proposal in the Green Belt.

Impact on Green Belt openness

- 8.19 In respect of the impact on Green Belt openness it is asserted as follows.
- There is no definition of openness within the NPPF although it is accepted that the openness has both visual and spatial components.
 - The PPG at paragraph ref. 64-013-20250225 sets out factors which can be taken into account when considering potential impacts on the openness of the Green Belt and these

include: both spatial and visual aspects; the duration of the development, and its remediability; the degree of activity likely to be generated, such as traffic generation

- The field that it is proposed accommodate the BESS has no built form and is therefore characterised by its openness. Built development in the form of battery storage racks, a substation, inverters, other ancillary buildings, lighting, fencing, and access tracks are proposed, with a built area of around 2,300 square metres.
- The majority of the land would be lost to this development which as set out in the refusal reason would change its character to one which is more industrial. While this would be in the context of the adjacent Cellarhead substation, the development would represent an outward expansion of this complex of built development and its further encroachment into the countryside and would, spatially, result in the erosion of the openness of the Green Belt.
- Visually, the development would be striking in its appearance. this harm would be reduced by landscape measures but as set out in the accompanying evidence by Mr F. Colella these would not be sufficient to reduce this to an acceptable level. Particularly prior to the landscape maturing it would be visible from the local public right of way network and from some vantage points the development would be prominent. Notwithstanding the adjacent Cellarhead substation, it would change the character of this parcel of land and there would be a visual erosion to the openness of the Green Belt.
- Given the proposed 40-year time period, any potential for reversibility would be very much in the long term.

8.20 It is therefore evident that the development would fail to preserve the openness of the Green Belt both visually and spatially.

8.21 In addition we note the Council's refusal reason refers to cumulative concerns regarding the overall effect of similar development in the area and the industrialisation of the landscape. There is a considerable volume of committed renewable energy infrastructure development sites within 1km radius of the appeal proposal and this ongoing erosion of the countryside by similar forms of built development represents a significant undermining of the Green Belt in respect of purpose (c) "*safeguarding the countryside from harm by encroachment*". Cumulative impacts are assessed in more details in the section addressing landscape and visual impacts below, but of the sites for energy infrastructure development shown on the plan at **Appendix 1**, sites 1, 2, 3 and 5 are now consented. As these renewable energy infrastructure developments are completed, the openness of the Green Belt's will progressively be reduced. We submit that the Appeal Scheme, when taken cumulatively with the volume of committed development in the surrounding area would cause harm that would fundamentally undermine the purposes (taken together) of the remaining Green Belt contrary to NPPF paragraph 155(a).

8.22 We note this paragraph 7.18 of the officer report also concluded that the development would "*conflict with the purposes of including the land within the Green Belt due to failing to safeguard the countryside from encroachment*".

Whether the development would conflict with the purposes of including land within the Green Belt

- 8.23 In respect of whether the development would also conflict with the purposes of including land within the Green Belt (as set out at NPPF paragraph 143) this has been considered above and it is concluded the development would conflict with the Green Belt purpose (c) by failing to safeguard the countryside from encroachment.

Conclusions in respect of Green Belt harm

- 8.24 Further to the assessment detailed above the proposal must be regarded as “*Inappropriate development*” by reason of definitional harm, harm to openness and harm to one of the main purposes of including land within the Green Belt. For all of these reasons there is conflict with SMLP Policy SS 10 and the NPPF.
- 8.25 As such the test set out in NPPF paragraph 153 must apply where “*Inappropriate development . . . should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”
- 8.26 Whether there are “very special circumstances” that would outweigh the totality of Green Belt and non-Green Belt harm would be required for the appeal scheme to be acceptable is assessed in the planning balance section below.
- 8.27 It is noted this conclusion aligns with NPPF para 160 which states “*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*”.
- 8.28 Furthermore at **Appendix 2** is a copy of the appeal decision relating to the neighbouring site off Armshead Road to the southwest² (Site 3 on the plan at Appendix 1) where a Battery Energy Storage Facility (BESS) has also been proposed. In this decision it was found that “*harm to openness would ensue from the scheme. Accordingly, substantial weight must be attributed overall to Green Belt harm in accordance with Paragraph 153 of the Framework. Therefore, as the proposal is inappropriate development, the demonstration of VSC that would outweigh the totality of Green Belt and non-Green Belt harm is required for the scheme to be acceptable*”.

² Appeal Ref: APP/B3438/W/23/3335922, Land off Armshead Road, Werrington, Stoke-on-Trent ST9 0NB, Decision date: 23rd September 2024

9 PROPOSITION 2 - THE PROPOSALS, INCLUDING CUMULATIVELY WOULD RESULT IN THE UNACCEPTABLE INDUSTRIALISATION OF THE LANDSCAPE AND CAUSE UNACCEPTABLE HARM TO THE VISUAL AMENITY OF THE LOCAL LANDSCAPE INCLUDING IMPACT UPON USERS OF A PUBLIC RIGHT OF WAY.

- 9.1 SMLP policy SS1 - Development Principles states that development and use of land is to contribute positively to the social, economic and environmental improvement of the area. It seeks a healthy, safe, attractive, active, well-designed and well-maintained environment; development which maintains locally distinctive character; protects and enhances the natural and historic environment and refers also to cumulative impact
- 9.2 SMLP Policy SS 10 - Other Rural Areas Strategy requires that development *“Enhance and conserve the quality of the countryside by: Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape”*. In particular the policy seeks to ensure that *“renewable energy schemes are of an appropriate scale, type and location”*;
- 9.3 Policy SD2 - Renewable / Low-Carbon Energy states that *“large-scale standalone renewable or low-carbon energy schemes will be supported subject to”* considerations including *“the degree to which the scale and nature of a proposal impacts on the landscape and “the impact on the amenity of residents”*.
- 9.4 Policy DC 1 - Design Considerations, seeks development that is *“appropriate to the character of the area”* . . . and *“designed to respect the site and its surroundings”*.
- 9.5 Policy DC3 requires that development respect and enhance landscape character.
- 9.6 NPPF paragraph 135 requires that developments are *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping”* and are sympathetic to their landscape setting.
- 9.7 NPPF paragraph 180 requires that development recognise *“the intrinsic character and beauty of the countryside”*
- 9.8 The overarching National Policy Statement for Energy (EN-1) states at paragraph 5.10.4 *“Landscape effects arise not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development, whose specific siting and design make the assessment a case-by-case judgement”*.
- 9.9 Key points in the Council's case on landscape and visual impacts are set out below and are in summary:
- The value of the landscape has not been fully recognised.
 - The development would be alien to landscape character and highly visually intrusive.

- The scoring of the appellant's LVIA on both the sensitivity of the landscape and the magnitude of the impact is contested.

Local Landscape Character

- 9.10 The Council's Landscape and Settlement Character Assessment (LSCA) seeks *"to provide a robust framework to guide the future development and management of the landscape of Staffordshire Moorlands, ensuring that the distinctive character of the landscape is retained and change is managed positively"* (paragraph 1.03). An excerpt from the LSCA comprising the section defining this area within the landscape character type 'Ancient Plateau Farmland' is attached at **Appendix 3**.
- 9.11 NPPF paragraph 187(a) states *"Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes"*. Whilst the identified 'Ancient Plateau Farmland' area here does not have a national level designation, it does have a distinctive character and is highly regarded locally. Mr Colella's evidence contains a list of relevant criteria to consider in designating "valued landscapes" which has relevance here.
- 9.12 Although we note that "Valued landscape" is not defined in the NPPF Glossary or PPG, it is not asserted that the appeal site forms part of a designation that comprises a 'valued landscape' as such. Nonetheless we contend that the local landscape has particular value and consider paragraph 187(a) adds weight to the consideration of landscape harms in this case. We also consider as set out below that a higher grading should have been given to the sensitivity of the landscape in the LVIA..
- 9.13 At **Appendix 4** is a recent appeal decision for a proposed BESS ³ where despite the lack of a national or formal local landscape designation, the Inspector gave weight to the area as a 'valued landscape' under NPPF paragraph 187(a) (see paragraphs 27 – 31 and paragraph 63).
- 9.14 The LSCA section in respect of the 'Ancient Plateau Farmland' reproduced at Appendix 3 sets out threats in respect of its character being eroded. It notes that that the area *"is on the outskirts of City of Stoke on-Trent and is suffering from the neglect associated with the urban fringe"*. . . referring to the impact of horse grazing, power lines and the electricity substation within the landscape. The LSCA 'Ancient Plateau Farmland' section sets out that *"Urban fringe pressures have had a particularly adverse impact on the landscape quality of this area due to the proliferation of incongruous features and the deteriorating condition of existing landscape features"*..
- 9.15 Landscape has a finite capacity to absorb change whilst maintaining its character. Given its form and scale, energy generation infrastructure is difficult to assimilate into the landscape and further energy generation development risks further eroding this distinctive character.

³ Appeal Ref: APP/R1038/W/24/3353898 Land to the west of Dyche Lane and to the south of New Leaf Plant Centre, Coal Aston S18 3AA , dismissed 19 March 2025

- 9.16 Whilst the siting adjoining the existing electricity substation is noted, the proposed development would be a significant additional block of adjoining development in the countryside. At **Appendix 5** is an appeal for a proposed BESS⁴ where paragraph 30 sets out that *“the proposed development would be experienced together with the surrounding sub-station and solar farms, which are adjacent to three of its sides”*. At paragraph 36 of this decision however the proposal was nonetheless held to cause harm to the landscape and be contrary to the relevant policies seeking to protect the landscape and to NPPF paragraph 180(b) of the Framework in respect of the intrinsic character and beauty of the countryside.

Visual impact upon the locality

- 9.17 The Guidelines for Landscape and Visual Impact Assessment Third Edition from the Landscape Institute and Institute of Environmental Management & Assessment⁵, define visual impacts as *“the effects of change and development on the views available to people and their visual amenity. The concern here is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or loss of existing elements of the landscape and/or introduction of new elements.”* (para 6.2). Visual amenity is defined in this guidance as *“The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area”*.
- 9.18 The Council’s reasons for resisting the proposed development in accordance with refusal reason 1 relate to the matters covered in the above definitions, arising from the scale, form, materials and siting of the proposed development, including in particular cumulative impacts, given the adjacent completed solar farm and the permissions for several further sites.
- 9.19 Further to Mr Colella’s evidence it is asserted that the total extent of the landscape and visual effects has not been robustly assessed. A number of significant weaknesses are detailed in Mr Colella’s evidence and several key matters arising are discussed below.
- 9.20 When assessing visual impacts, factors to consider listed in the Landscape Institute Guidance⁶ include *“the area in which the development may be visible, the different groups of people who may experience views of the development, the viewpoints where they will be affected and the nature of the views at those points”* (para 6.3).
- 9.21 The major receptors will be users of the PROWs, some rural viewpoints and glimpsed views from local roads. The LVA assesses 16no. viewpoints intended to be representative viewpoints in the

⁴ Appeal Ref: APP/U1105/W/23/3319803 Pound Road BESS, Land North East Of Axminster National Grid Substation, Pound Road, Hawkchurch, EX13 5XN, dismissed 16th February 2024

⁵ Landscape and Visual Impact Assessment’ Third Edition (2013) The Landscape Institute and institute of Environmental Management and Assessment

⁶ The Guidelines for Landscape and Visual Impact Assessment Third Edition from the Landscape Institute and Institute of Environmental Management & Assessment

landscape surrounding the Appeal Site. It is also important to consider how the views of the BESS would be experienced by people as receptors. It would comprise a disparate variety of physical components including:

- 14no. battery energy storage units of 9m length x 2m wide and 3.75m high;
- Electricity substation 'switchyard' up to 6.5m in height;
- Control building of 5.6m length x 4.7m wide and 3.6m high;
- 2.4m high palisade security fence;
- 3m acoustic fence to the south and eastern flank of the battery storage compound;
- 2.4m high weldmesh fence to the perimeter of the site;
- CCTV cameras located on 5m high poles;

9.22 These elements would be alien to landscape character and visually intrusive. The acoustic fence for example would be a significant akin to a motorway barrier in an exclusively rural situation.

9.23 The 2.4m high fence to the perimeter of the site and would also be an urbanising feature and have an impact on views, particularly from the public rights of way (PROW). Under the heading "What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?" the PPG highlights "*the need for, and impact of, security measures such as lights and fencing*" as one of the matters to be carefully considered.

Assessment of landscape and visual impacts

9.24 The application documents include a Landscape and Visual Impact Assessment (LVIA) which considers the visibility of the site and landscape sensitivity. The LVIA goes on to assesses the potential landscape and visual effects of the proposed development, including an assessment of 16 representative viewpoints of potential visual receptors of the development. A further assessment of the cumulative effects has also been provided. The appeal is accompanied by a Landscape, Visual and Green Belt Statement providing further details in respect of the appellant's position on the character of the site, the surrounding development context, and Green Belt issues.

9.25 This Statement of Case is accompanied by a statement on landscape and visual matters provided by Francis Colella Dip.LA CMLI of FFC Landscape Architects. The accompanying landscape and visual statement by Mr Colella provide full details of the Council's specific concerns with the appellant's approach on landscape and visual issues, but in summary Mr Colella considers that the Landscape Value of this area is High to Medium rather than Medium to High.

9.26 The LVIA discussed the landscape susceptibility- i.e. the ability of the landscape to accommodate change. It concludes at para 5.21 "*With medium-low landscape value and medium-low susceptibility to development of the type proposed, the Site and immediate context are considered to be of medium-low sensitivity*". For the wider Ancient Plateau Farmlands LCT, landscape character is considered to be of "*medium sensitivity*".

- 9.27 This categorisation infers that the landscape can accommodate large changes, however the Council would strongly contest this. As set out in the comments above it is not considered that the landscape has the capacity to accommodate significant changes and set the susceptibility at as low. We also note that change locally has been strongly resisted.
- 9.28 Professional judgment must be used to determine an overall score on sensitivity and Mr Colella considers that the magnitude of the impact must be seen as major, adverse and permanent.
- 9.29 Mr Colella considers there has been a failure to fully consider the significant harmful impacts that would arise from the proposals and we submit that these concerns have not been adequately addressed. The gradings in the appellant's LVIA are therefore disputed.

The proposed development would have an unacceptable impact on users of public rights of way

- 9.30 Public Right of Way (PRoW), Cheddleton 48 runs along the northern eastern site boundaries and Cheddleton 60 along the southern boundary, with other public rights of way in the wider vicinity of the Site.
- 9.31 In assessing landscape and visual effects, the Guidelines for Landscape and Visual Impact Assessment Third Edition (2013)⁷ ("The LVIA Guidelines") define 'Visual Effects' as *"Effects on specific views and on the general visual amenity experienced by people"* (see Glossary, page 158). Users of public rights of way are generally seeking to enjoy the countryside and will experience a continuous sequence of views from a footpath and are likely to be very susceptible to changes in views and a reduction in visual amenity.
- 9.32 The National Policy Statement for Renewable Energy Infrastructure (EN-3) states at 2.10.43 *"Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way"*.
- 9.33 Whilst the development does not propose closing or diverting the route of the PRoWs, the experience of using these PRoW would however be fundamentally changed. The accompanying landscape and visual statement by Mr Colella provides full details of our specific concerns, but he sets out how. planting of new woodlands and hedges that flank PROWs impacts directly on the experience of walkers using them.
- 9.34 In short, the experience of walking Cheddleton 48 and Cheddleton 60 would be greatly affected. The planting may provide screening, but would take time to mature (particularly in this upland location), but once this is established it would cease to be an experience of walking through a rural landscape and would be transformed into an experience of walking alongside or between either mesh fencing or structural planting which would in turn reveal and conceal the industrialising effects of the energy infrastructure development.

⁷ Guidelines for Landscape and Visual Impact Assessment Third Edition, 2013, The Landscape Institute and Institute of Environmental Management & Assessment

- 9.35 The LVIA assesses a number of viewpoints and Viewpoint 1 and 2 are located on PROW Cheddleton 48 Viewpoint 3 is located on Cheddleton 60. It is considered that more LVIA viewpoints are required along these PROW routes to include photomontages and an assessment of the views before, at 15 years and when the landscaping has matured, and in summer and winter in order to properly consider these impacts. The lack of photomontages is a key omission in the LVIA.
- 9.36 The refusal reason refers in particular to PROW Cheddleton 48. This currently runs alongside the planting that surrounds the substation, but it provides open views over the field that comprises the appeal site. The Appeal Site sits on the eastern side of a shallow valley and to the west runs a watercourse where there are scattered trees and beyond this the land rises. The amenity value of PROW Cheddleton 48 would be greatly altered as the previously relative attractive open view from the PROW would be blocked by the built development fencing and landscape screen.
- 9.37 In particular a new hedge is proposed here. As Mr Colella sets out, the placement of this hedge will create a narrow corridor. This could lead to a tunnelling effect, hemmed in by vegetation, particularly if poorly managed. The National Policy Statement for Renewable Energy Infrastructure (EN-3) states at 2.10.45 *"Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan"*.
- 9.38 The proposals also include 7no. 4-metre-high CCTV poles. These are marked on the site plan. These would be an alien and significantly urbanising feature in a rural landscape and could well deter some from using the PROWs.

The landscape strategy and mitigation proposals are inadequate

- 9.39 The strategic landscape planting plan P23-0415_EN_0007_G_0001 shows tree planting scrub planting and areas of the existing pasture enhanced with meadow seeding. It does not provide detailed planting plans with details of species. A robust scheme of landscape improvement and enhancement should have formed part of the planning submission.
- 9.40 There are a number of significant weaknesses in respect of the proposed landscape strategy. As Mr Colella notes that the meadow area to the east will also not contribute to screening views of BESS and a wider planting belt could be created here, akin to the west planted buffer zone and would considerably reduce the opportunity of views onto the BESS site.
- 9.41 Mr Colella notes that the dense linear hedge proposed here would not reflect the character of the area and as set out above will create a narrow corridor and indeed have a tunnelling effect upon the PROW.
- 9.42 Mr Colella also has concerns about the species and level of maturity in respect of the tree and hedgerow planting. Small whips that take time to establish and perform any screening. We note that the Council's LSCA says of hedgerows *"Where hedgerows are planted or restored it is important that they should be species rich reflecting local indigenous hedge mixes and that the plants where possible should be grown locally"*.

- 9.43 He notes there are no supporting maintenance and management details for the Indicative Landscape scheme.
- 9.44 Overall Mr Colella considers that the appellant's landscape proposal strategy is limited and lacks detail. The landscape proposals would not be successful in sufficiently mitigating the scheme's impact and would not create a robust, and well-integrated landscape legacy.
- 9.45 The proposal is therefore considered to cause unacceptable harm to the visual amenity of the local landscape including impact upon users of a public right of way and would therefore be contrary to SMLP policies SD2, SS10, DC1 and DC3.
- 9.46 The proposal would also be contrary to NPPF paragraph 135 as it would not be "*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*" or sympathetic to the landscape setting and contrary to NPPF paragraph 180 because it fails to reflect "*the intrinsic character and beauty of the countryside*".

The proposed development, when considered cumulatively with other similar developments in the locality would lead to an unacceptable degree of harm to the character and appearance of the countryside.

- 9.47 Relevant planning policies include:
- SMLP policy SS1 - Development Principles states that development and use of land is to contribute positively to the social, economic and environmental improvement of the area. It seeks a healthy, safe, attractive, active, well-designed and well-maintained environment; development which maintains locally distinctive character; protects and enhances the natural and historic environment. It states "*All proposals for development will be considered in the context of the District-wide Spatial Strategy and with regard to both its direct and indirect cumulative impact over the longer term*".
 - SMLP policy SD2 - Renewable / Low-Carbon Energy states that "*large- scale stand alone renewable or low-carbon energy schemes will be supported subject to considerations including "the degree to which the scale and nature of a proposal impacts on the landscape, " , , "taking into account both individual and cumulative effects of similar proposals*".
- 9.48 The LVIA Guidelines⁸ define cumulative landscape and visual effects as those that "*result from additional changes to the landscape or visual amenity caused by the proposed development in conjunction with other developments (associated with or separate to it), or actions that occurred in the past, present or are likely to occur in the foreseeable future*".
- 9.49 The extent to which over time the cumulative development may affect the character and appearance of the area and substantially alter the landscape resource are therefore significant matters to assess in this case. **Appendix 1** comprises a plan identifying the location similar developments with planning permission or pending determination within a 1 km radius of the

⁸ Guidelines for Landscape and Visual Impact Assessment Third Edition, 2013, The Landscape Institute and Institute of Environmental Management & Assessment

Appeal Site, in addition to the existing Cellarhead Sub-station. The plan shows in various colours the site boundaries of each. The large concentration of proposed renewable energy development to the immediate vicinity of the appeal site is clearly seen. These details in respect of these sites is listed in Table 1 below

Table 1 : Committed / completed solar energy development adjacent to the appeal site

Site ref.	Application ref. / proposed development	Proposed Development	Location	Size	Status
1	SMD/2022/0444	196 battery containers, 98 inverter units, 49 transformer units,	North east of Cellarhead substation	Site area 9.42ha (2.58ha to be developed)	Approved 22/12/22
2	SMD/2022/0548	112 battery containers, and 56 transformers,	East of Cellarhead substation	Site area 5.4ha	Approved 27/06/23
3	SMD/2022/0574	Storage containers, support infrastructure and security fencing for Battery Energy Storage Facility	Land off Armshead Rd	Site area 1.3ha	Permitted on appeal 23/09/24
4	SMD/2024/0019	Battery storage racks, inverters and transformers.	Land at Newfields Farm, Rownall Road	Site area 2.5 ha (0.5ha to be developed)	This appeal
5	SMD/2024/0055	Erection of a Flexible Energy Facility, associated works, landscaping and habitat creation	South of Cellarhead Sub Station and West of Rownall Road	Site area 22.4 ha (4.45 ha of proposed plant and machinery)	Approved 12/02/2025
6	SMD/2023/0523	49.99MW solar farm	at Land At Rownall Farm,	Site 58ha	Refused 06/03/2025

			Rownall Road		
7	SMD/2024/0423	BESS and substation	Land at Greenfields Farm		Pending determination
8	SMD/2024/0568	BESS and associated infrastructure	Land at New House Farm Luzlow Lane		Pending determination

9.50 Sites 1 2 3 and 5 have permission, but are yet to be built. Following discharge of pre-commencement conditions, these developments would be expected to begin their construction phase in the relatively near term and together amount to 38.5 hectares site area. The appeal scheme must therefore be considered in the context of adjacent permitted developments.

9.51 As each successive individual development comes forward, they will progressively impact upon the appearance of the landscape. The change would be incremental, but result in a combined visual effect that is far more significant than the individual components. At some point the level of harm will exceed the capacity of the landscape to absorb development without fundamentally transforming its character from attractive countryside to a more industrial landscape. It is submitted that the appeal scheme represents that tipping point.

9.52 We note in assessing cumulative effects, the appellant's LVIA considers sites 1, 2 and 6. Whilst the appellant's Landscape, Visual & Green Belt Statement does consider the position with sites 3 and 5 also consented, we would dispute the conclusions reached. The Council considers that a further assessment is required on all receptors. The cumulative effect of the various committed developments will alter visual impact gradings due to the sheer size of the conglomeration as well as fundamentally changing the landscape character from trees, hedgerows and small parcels of grass pasture to one of trees, hedgerows and a considerable extent of energy infrastructure built development.

9.53 The LVIA Guidelines⁹ provide the appropriate methodology for assessing cumulative landscape and visual effects and advise at para 7.36 that "*Thought must be given to the way in which any sequential views will be affected*". Whilst there were fewer nearby sites approved at that time, the Council's landscape consultee's response considers cumulative effects at section 6 and notes "*the sequential experience of walking the routes passing one BESS facility after another and this changing the scenic qualities of the area. There are too many permutations to take into account in this consultation note, but the wider capacity of the area to accommodate multiple energy applications should be factored into your decision-taking process*".

9.54 Users of PROWs and local roads will experience cumulative sites as they travel through the area or walk footpaths. The appellant's Landscape, Visual & Green Belt Statement accepts for example that glimpsed sequential and simultaneous visibility of all six cumulative schemes and

⁹ Guidelines for Landscape and Visual Impact Assessment Third Edition, 2013, The Landscape Institute and Institute of Environmental Management & Assessment

the Appeal Site may be possible from some sections of the Armshead Road, but this potential impact is not further explored.

- 9.55 It also suggests *“For sites to the south of the substation, there is likely to be greater cumulative visibility, with varying levels of visibility of sites 3, 5 and 7 extending across much of the area between Rownall Road to the east, Armshead Road to the south, and Thorny Edge Road to the west”*.
- 9.56 Further work is needed, considering whether additional receptors should be assessed.
- 9.57 At paragraph 7.26 the LVIA Guidelines explain *“The cumulative landscape effects (as with the landscape effects of the principal scheme under consideration) must be considered particularly in terms of consequences for the key characteristics of the landscape in question. Judgements must be made about the compatibility of the proposals being considered with the existing characteristics of the landscape - for example its scale and pattern - and whether or not the character of the landscape is changed to such an extent that it becomes a new landscape type or subtype”*.
- 9.58 It is highlighted that paragraph 7.28 of the LVIA Guidelines¹⁰ advises *“The most significant cumulative landscape effects are likely to be those that would give rise to changes in the landscape character of the study area of such an extent as to have major effects on its key characteristics and even, in some cases, to transform it into a different landscape type. This may be the case where the project being considered itself tips the balance through its additional effects”*.
- 9.59 It is submitted therefore that, when the appeal site is considered alongside the committed schemes this *“tips the balance”* and would lead to a different magnitude of harm to the appearance of the countryside.
- 9.60 The Council consider that the failure to properly assess the issue of cumulative impacts is underlined by the limited consideration of the potential for views of the appeal site in combination with adjoining committed development. Site 5 for example adjoins the Appeal Site’s access and at its closest point is no more than 170m from the field where it is proposed the BESS would be located.
- 9.61 The appellant has not adequately considered the cumulative issue in the commentary about viewpoints in either the LVA or the Landscape, Visual and Green Belt Appeal Statement. As the LVIA Guidelines make clear at paragraph 7.36 *“The most significant cumulative visual effects may need to be illustrated by visualisations to indicate the change in views and visual amenity compared with the appearance of the project being assessed on its own”*.
- 9.62 Indeed the Guidelines suggest that the scope of cumulative landscape and visual effects *“must be agreed at the outset, in discussion with the competent authority and consultation bodies”* and there is no indication in the LVA that this has been the case here.

¹⁰ Ibid

- 9.63 With specific regard to cumulative impacts, it is concluded that the proposals would not accord with SMLP policy SS1 - Development Principles and policy SD2 - Renewable / Low-Carbon Energy when *"taking into account both individual and cumulative effects of similar proposals"*.

Conclusion - Proposition 2

- 9.64 It is therefore evident that the proposals, including cumulatively would result in unacceptable industrialisation of the landscape and cause unacceptable harm to the visual amenity of the local landscape, including impact upon users of a public right of way
- 9.65 It would therefore cause significant harm contrary to SMLP policies SD2, SS1, SS10, DC1 and DC3.
- 9.66 The proposal would also be contrary to NPPF paragraph 135 as it would not be *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"* or be sympathetic to the landscape setting and contrary to NPPF paragraph 180 because it fails to protect *"the intrinsic character and beauty of the countryside"*.

10 PROPOSITION 3 - THERE WOULD BE LOSS OF A DWELLING FROM THE LOCAL HOUSING STOCK.

- 10.1 One of the issues raised in the reason for refusal is the loss of a dwelling from the local housing stock. This issue relates to noise impacts on the closest property to the site.
- 10.2 The Noise Impact Assessment submitted with the application (Hepworth Acoustics report No: P23-129-R01v7 of July 2024) assesses the noise impacts on local receptors). Although the nearest property to the Site is the farmhouse at Newfields Farm which directly adjoins the site, to the south this Noise Impact Assessment does not consider the impact on the farmhouse.
- 10.3 The Planning Design and Access statement that accompanies the application states that a legal agreement between the Applicant and the landowner has been signed to ensure that the property will cease to operate as a dwelling for the lifetime of the development. The Environmental Health Officer position in the consultation response dated 4 August 2024, was that the effect of the development on the living conditions for nearby residential occupiers would be acceptable, subject to the imposition of conditions. This related to the situation where the dwelling use ceased. Similarly the position as set out in the officer's report to committee was that Newfields Farm would cease to be occupied. This was also the application scheme as refused by the Members.
- 10.4 The Appellant's Statement of Case at paragraphs 1.8 – 1.10 explains that amendments are sought to the scheme via the appeal process.
- 10.5 The appellant indicates that more advanced equipment with in-built noise suppression is now proposed, with application drawings amended accordingly. An updated Noise Impact Assessment (dated March 2025) is submitted with the appeal and concludes that the Appeal Scheme will result in low absolute levels of noise, which it is said would not give rise to any significant adverse noise impacts. This amended report sets out the appellant's revised position on noise impacts on the farmhouse, which is that the dwelling at Newfields Farm can now continue to be occupied throughout the operational lifespan of the development.
- 10.6 We recognise that it will be a matter for the Inspector's discretion to decide whether to accept the amendments put forward.

The Council's position in respect of scheme without amendments

- 10.7 If the proposed amendments submitted as part of the appeal are not accepted by the Inspector, as set out in the refusal reason, the Council considers that the loss of the dwelling is contrary to local and national policies for the supply of housing.
- 10.8 The NPPF makes clear at paragraph 61 that the government's objective is to significantly boost the supply of homes. The Government's manifesto commitment is to secure delivery of 1.5 million new homes in the current Parliamentary term. NPPF paragraph 61 that states the overall aim is *"to meet an area's identified housing need"*. Paragraphs 78 and 79 require the LPA to maintain housing supply and delivery against the local housing requirement and in particular we note that the December 2024 NPPF made significant changes to national planning policy and the standard

method for calculating the local housing need, reflecting the Government's objective to deliver 1.5 million homes.

- 10.9 It is therefore clear that the government wishes to increase the priority to be given by local planning authorities to maintaining housing supply and delivery.
- 10.10 NPPF paragraph 78 requires that local planning authorities identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
- 10.11 The current 5-year housing land supply position of SMDC is set out at **Appendix 6**. This provides a calculation 2.95 years, as updated to reflect a recent planning appeal¹¹. It should be noted that this is not a full update and provides an interim position prior to the next full reassessment, with a base date of 1st April 2025.
- 10.12 In accordance with the LPA's refusal reason, the noise impact upon Newfields Farmhouse would require its occupation to cease. The resulting loss of unit of housing stock, at a time when the Council cannot demonstrate a 5 year supply of housing ,would not accord with NPPF paragraph 61.

The Council's position in respect of scheme with the proposed amendments

- 10.13 The appellant is seeking to amend the scheme at the appeal stage. The appellant's position on the application with the proposed amendments is that the dwelling at Newfields Farm can continue to be occupied throughout the operational lifespan of the development. Assuming the Inspector is content to consider the scheme on the basis of the amendments, the Council's position is set out below.
- 10.14 In respect of whether additional noise impact objections would arise. It is noted the appellant has submitted Hepworth Acoustics report No P23-129-R02v3 dated March 2025, to supersede report ref. P23-129-R01v7 of July 2024.
- 10.15 The Council's EHO consultee has therefore been reconsulted and has provided a revised response dated 8 April, where the proposed development is re-considered with the proposed amendments included (see **Appendix 7**)
- 10.16 This updated response considers the appellant's revised noise assessment submitted with the appeal (Hepworth Acoustics report No: P23-129-R02v3 March 2025). It identifies that new baseline background noise measurements have been submitted, along with revised specific noise levels reflecting new manufacturer's sound data.
- 10.17 The revised consultee response concludes that, in the light of the predicted noise impacts set out in the revised noise assessment, Environmental Health do not object, subject to conditions

¹¹ APP/B3438/W/24/3351035 Land East of Froghall Road, Cheadle, appeal allowed 26 March 2025.

requiring adherence to a specific level of noise emitted from the site *“at any time when measured at any point at or beyond the boundary of the site”*.

- 10.18 If the Inspector is content to determine the appeal on the basis of the amendments, the Council's refusal reason referring to loss of the dwelling from the housing stock would fall away and this issue would no longer be contested.

11 PROPOSITION 3 - THE APPEAL SCHEME IS UNACCEPTABLE IN FIRE SAFETY TERMS AS A RESULT OF CONCERNS RELATED TO THE SINGLE POINT OF ACCESS.

- 11.1 SMLP policy SS1 - Development Principles seeks a healthy, safe, attractive, active, well-designed and well-maintained environment. Policy SD2 - Renewable / Low-Carbon Energy states that “large-scale standalone renewable or low-carbon energy schemes will be supported subject to” considerations including “how any environmental or social impacts have been minimised”. Policy DC 1 - Design Considerations states that “development shall be well designed” including in respect of its layout. Policy SD4 - Pollution and Water Quality seeks to protect residents from developments which may generate pollution and permit development only where adverse effects can be deemed acceptable following mitigation
- 11.2 Paragraph 5-035-20230814 of the PPG highlights that local authorities should consider the potential risks associated with BESS installations and should consult with their local fire and rescue service. Paragraph ref. 5-034-20230814 identifies that the location of BESS sites *“are of particular interest to fire and rescue services . . . who will seek to obtain details of the design, and firefighting access . . . for the purposes of Section 7 of the Fire and Rescue Services Act 2004”*. It highlights the need to consider *“the guidance produced by the National Fire Chiefs Council when preparing the application”*.
- 11.3 Battery Energy Storage Systems (BESS) pose a fire risk, primarily due to the potential for thermal runaway in lithium-ion batteries. Where such incidents do occur there is the potential for significant public safety threats and environmental harm (the latter in particular as water is normally used to extinguish battery fires and thereafter their cooling and the spent water would be likely to incorporate the resulting lithium ions from the electrolyte which would be contaminated and hazardous).
- 11.4 **Appendix 8** provides the Incident Investigation report by Merseyside Fire and Rescue service in respect of a fire in September 2020 at a 20MW BESS located at Carnegie Rd, Liverpool, L13 7HY. The initial cause of the fire was determined to be a lithium battery failure and a thermal runaway occurred, taking several days to extinguish. An explosion also occurred with debris up to 23m away.
- 11.5 The above referenced incident raises wider concerns in respect of the safety of BESS sites, regarding the potential for fires and explosions, as well as the potential for toxic runoff after the Fire & Rescue Service response. Whilst there are technical matters and procedural approaches that can assist in reducing the risk of such incidents (such as enhanced fire suppression systems and improved monitoring and communication), there are also design matters that can reduce risk and should be considered at the planning stage.
- 11.6 The Renewable and Low Carbon Energy section of the PPG states at paragraph ref. 5-034-20230814 that applicants should engage with the relevant local fire and rescue service before submitting an application to the LPA to discuss matters relating to the siting and location of battery energy storage systems, seeking to reduce the impact of thermal runaway and consider emergency services access before an application is made and the guidance produced by the National Fire Chiefs Council is referred to.

11.7 Whilst the planning application was subject to consultation with the Staffordshire Fire and Rescue Service and there was no objection at point of determination, it is submitted that there are outstanding concerns in respect of the site layout and design from a firefighting perspective.

11.8 The National Fire Chiefs Council have prepared specific guidance for the management of risk related to BESS¹² and a copy is attached at **Appendix 9**.

11.9 The key principles set out on page 2 of the guidance in respect of managing hazards and risks from lithium-ion batteries in BESS fires are:

"1. Effective identification and management of hazards and risks specific to the siting, infrastructure, layout, and operations at the facility.

2. Impact on surrounding communities, buildings, and infrastructure.

3. Siting of renewable energy infrastructure so as to eliminate or reduce hazards to emergency responders.

4. Safe access for emergency responders in and around the facility, including to energy storage infrastructure and firefighting infrastructure

5. Provision of adequate water supply and firefighting infrastructure to allow safe and effective emergency response.

6. Vegetation sited and managed so as to avoid increased bushfire and grassfire risk.

7. Prevention of fire ignition on-site.

8. Prevention of fire spread between site infrastructure (solar panel banks, wind turbines, battery containers/enclosures).

9. Prevention of external fire impacting and igniting site infrastructure.

10. Provision of accurate and current information for emergency responders during emergencies.

11. Effective emergency planning and management, specific to the site, infrastructure and operations.

12. Owner to have a comprehensive Emergency Response Plan, showing full understanding of hazards, risks, and consequences".

11.10 The NFCC guidance goes on to provide detail in respect of these issues and under the heading 'Site access' (page 7) states:

"Suitable facilities for safely accessing and egressing the site should be provided. Designs should be developed in close liaison with the local FRS as specific requirements may apply due to variations in vehicles and equipment.

This should include:

- *At least 2 separate access points to the site to account for opposite wind conditions/direction.*

¹² "Grid Scale Battery Energy Storage System planning – Guidance for FRS" National Fire Chiefs Council, November 2022.

- Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.
- A perimeter road or roads with passing places suitable for fire service vehicles seeks at least two separate accesses and separation distances for safety.

11.11 Under the heading “Access between BESS units and unit spacing” the guidance then states

“In the event of a fire involving a BESS unit, one of the primary tactics employed will be to prevent further unit to unit fire spread. Suitable access for firefighters to operate unimpeded between units will therefore be required. This should allow for the laying and movement of hose lines and, as such, access should be free of restrictions and obstacles. The presence of High Voltage DC Electrical Systems is a risk and their location should be identified. Exclusion zones should be identified.

A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown.

Any reduction in this separation distance should be design based by a competent fire engineer”.

11.12 The NFCC guidance therefore emphasises the importance of safe access for emergency responders in and around the facility and sufficient spacing between battery units. In the case of the proposed development there are however a number of concerns in respect of the layout that have not been addressed.

11.13 Although the compound containing the battery units and substation has 4 entrance points, these gateways would directly abut the BESS equipment which is the source of any potential fire risk. The proposed development as a whole has only a single access point to the southeast corner. On the site plan that formed part of the planning application, this branches within the site itself at a point immediately adjoining the southern side of the BESS compound. The proposed amendments to the scheme at the appeal stage would amend the layout such that the track branches around 25 metres from this main access.

11.14 The NFCC recommendation in respect of an alternative access relates to wind direction, or if the access route was blocked for any reason during a fire event. Whilst the prevailing wind direction is understood to be southeast to southwest there will be occasions when the wind is from the north to northeast. A fire at such time could pose a serious safety risk here, due to the prevailing wind spreading smoke/flames, whereas adding a separate access from a different direction would give unaffected firefighting access.

11.15 This layout is therefore contrary to the guidance set out by the NFCC. These concerns arise in respect of the proposed layout of either the submitted planning application, or the scheme as proposed to be amended at appeal.

11.16 The layout of both the submitted planning application and the scheme as proposed to be amended at appeal also lacks a full perimeter road as proposed in the guidelines, this being present only for the eastern portion of the site.

- 11.17 In addition, the passing place is further down the access track around 120m from the BESS compound itself.
- 11.18 A further concern relative to the NFCC guidance arises in respect of the spacing between battery units is measured at three metres on the site plan that formed part of the planning application, rather than the suggested six metres set out in the NFCC guidelines. It is unclear whether a fire engineer was involved in the design of the proposals and detailed technical evidence is required in respect of modelling and engineering measures to demonstrate that this reduced distance does not pose a significant fire safety risk.
- 11.19 It is noted that the proposed amendments to the scheme at the appeal stage would increase the spacing between the BESS units from 3.0m to 3.5m, however this still falls well short of the 6m recommended in the guidance. Detailed technical evidence would still be needed to show how this proposal departing away from the minimum NFCC guideline would be safe.
- 11.20 Whilst Staffordshire Fire and Rescue Service (SFRS) did not register an objection to the proposals at the point of determination by the LPA it is considered that there were unresolved concerns and for the reasons set out above the layout has not been demonstrated to be safe.
- 11.21 The appellant has provided a ‘NFCC Compliance Report’ submitted with the appeal at Appendix 7 to their statement of case. Whilst this comments on the proposed layout and design relative to the guidance, it does not address all of the concerns above, for example given the absence of a perimeter road to the west, the basis for the reference to there being “*access running around the perimeter the site*” are unclear.
- 11.22 Whilst the comments in the appellant’s ‘NFCC Compliance Report’ in the light of the suggested change in the technical specification of the battery units and their spacing are noted, the precise specification of the units is not fixed at this point and it remains the case that the spacing does not accord with the Nov 2022 NFCC Planning Guidance for BESS.
- 11.23 In addition, it is noted that appellant is now seeking to amend the scheme including changes to the equipment and the layout without the benefit of further consultee input from SFRS.
- 11.24 Attached at **Appendix 5** is an appeal decision¹³ in respect of a battery energy storage scheme, where the main issues included the extent to which there would be significant risk to local residents and the environment. The appeal was heard via the inquiry format and the Inspector considers in detail the application of the National Fire Chiefs Council in respect of matters including site access and also refers to the incident at Carnegie Road Liverpool. In this appeal decision the inspector concludes it has not been demonstrated that the proposal would not pose a significant risk to public safety and risk to local residents and the environment. The significant planning benefits were not considered to outweigh the harm arising from the proposal.

¹³ Appeal Ref: APP/U1105/W/23/3319803 Pound Road BESS, Land North East Of Axminster National Grid Substation, Pound Road, Hawkchurch, EX13 5XN, dismissed 16th February 2024

- 11.25 It is also noted that, subsequent to the LPA refusal, the appellant re-submitted a very similar application on 13/12/2024 (ref. SMD/2024/0556). That application also includes the amendments that the appellant proposes to make via this appeal. There are however no comments from SFRS on the public file for that application at the point of writing
- 11.26 It is therefore asserted that the proposed development would be contrary to SMLP policy SS1, Policy DC 1, the relevant section of the PPG and fails to accord with the guidance produced by the National Fire Chiefs Council.

12 PROPOSITION 4 - THE POTENTIAL REVERSIBILITY OF THE VISUAL IMPACTS OF THE PROPOSALS CANNOT BE GIVEN ANY SIGNIFICANT WEIGHT

- 12.1 The planning statement that accompanied the planning application states that *“this development is temporary for a period of forty years” and “after this point, it will be decommissioned, with the battery containers and associated infrastructure removed”*. (paragraph 7.31). It is also maintained in the Appellant’s Statement of Case at paragraph 6.50 that *“With regards to the duration of a development and its remediability, the Appeal Scheme has a 40-year operational lifespan. At the end of this period, the equipment will be removed, and the land will be returned to its agricultural use”*.
- 12.2 It must be emphasised however that no significant weight should be given to the potential reversibility of the visual impacts of the proposals. The reasons for this position are the length of time involved, potential uncertainty that the site would be returned to agriculture and whether the visual impacts are fully reversible.

The timescale

- 12.3 In addition to the envisaged 40 years operational period there would be a construction phase (which the Design and Access Statement suggests is likely to take six to nine months), plus the time required for decommissioning and site restoration works (the Planning Design and Access statement suggests decommissioning would be expected to take approximately 4 – 6 months).
- 12.4 According to the ONS¹⁴ life expectancy at birth in the UK in 2020 to 2022 was 78.6 years for males and 82.6 years for females. Essentially the impact of the development would therefore span more than a single generation, it may affect communities and localities over an extended period that would exceed the timeframe many local residents could expect to experience. The effect of the proposed development would therefore not be perceived as temporary by the local community.

Whether the site would be returned to agriculture

- 12.5 Whilst not for consideration as part of this application, notwithstanding the applicant’s current intentions, it is quite possible that the operational phase of the BESS could be extended, the site updated with related technologies or indeed repurposed in some other way. It is noted for example that NPPF paragraph 168 states *“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should . . . (c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site”*.

Whether the visual impacts are fully reversible.

- 12.6 Furthermore, it is also likely that the extent of the changes to the landscape that would occur as a result of the scale of the construction works would not be fully reversible. The site currently

¹⁴ Office for National Statistics: *“Data and analysis from Census 2021 National life tables – life expectancy in the UK: 2020 to 2022”*
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/lifeexpectancies/bulletins/nationallifetablesunitedkingdom/2020to2022>

slopes down toward the west and there would be remodelling of site levels as shown on drawing ref. E14509 XX XX DR C 11002 – Rev P09 – Cut and Fill Plan. A significant area of hard standing would be created at the centre of the site, as well as a 3m high bund to the west and south west (from materials used in the levelling of the site via cut and fill). There would be extensive new crushed stone tracks laid across on the field that forms the site, along with widening and a passing place added to the existing access track that serves Newfields Farm. Underground cabling, including a connection to Cellerhead substation is also proposed.

- 12.7 It is also unclear what arrangements would be made for storage of topsoil, and indeed the practicality of this given the length of time involved and how soil condition would therefore be maintained.
- 12.8 The landscape screening in the form of additional trees and thickened hedgerows, whilst welcome in the context of the scheme itself would also reduce the openness of the landscape and impact upon views across the site.
- 12.9 It is reasonable therefore to consider that certain aspects of the landscape and visual character would be irreversibly changed. The Council consider that the proposed development would fail to meet the requirement in NPPF paragraph 135 to add to the overall quality of the area over the lifetime of the development.
- 12.10 The following is an extract from a recent Secretary of State determined appeal for a solar farm development¹⁵ dismissed 8 April 2024 where these considerations are summarised at IR para 157:

“The Appellant places emphasis on the reversible nature of the solar development, which would be secured by a planning condition. The appeal should be determined on the basis of what is being applied for, which is a thirty-five-year operational period followed by decommissioning. Any application to extend the operational period, or to apply for a new planning permission, would fall to be decided on its merits at the relevant time. Nevertheless, as the Appellant’s Planning Witness agreed, any decision made in that future time would be considered against a baseline of development on the site, and if a solar farm use continued to be profitable there is no reason why an application would not be made to renew it. In any case, as the Appellant’s Planning Witness agreed, a thirty-five-year operational period (plus a one-year decommissioning period) is an extensive period of time. The point has been made many times that this scheme would last for a generation. Harm to the Green Belt would persist throughout that time. There are several appeal decisions before the Inquiry where the Secretary of State has given limited weight to the temporary nature of solar development for these reasons including cases where the operational period was shorter than proposed here. There is no reason to adopt a different approach”.

- 12.11 It is noted that the 40 years operational period would span a whole generation, and in any event the site may well never be returned to its current appearance. The landscape and visual effects cannot therefore be dismissed or discounted on the basis that they are temporary.

¹⁵ Appeal ref. APP/N1920/W/22/3295268, appeal dismissed 8 April 2024

13 SUMMARY - THE CASE FOR THE COUNCIL

13.1 In summary it is concluded:

- The proposed development would comprise 'inappropriate development' in the Green Belt in conflict with SMLP Policy SS 10 and substantial weight must be attributed to Green Belt harm in accordance with Paragraph 153 of the NPPF.
- The proposals, including other development cumulatively, would result in unacceptable industrialisation of the landscape and cause unacceptable harm to the visual amenity of the local landscape, including impact upon users of a public right of way. The proposals would therefore cause significant harm contrary to SMLP policies SD2, SS10, DC1 and DC3 and also be contrary to NPPF paragraphs 135 and 180.
- In respect of the scheme as refused by the LPA, the noise impact upon Newfields Farmhouse would require its occupation to cease. The loss of housing stock, at a time when the Council cannot demonstrate a 5-year supply of housing would not accord with NPPF paragraph 61. Where the Inspector is content to consider the scheme on the basis of the amendments, the element of the Council's refusal reason referring to loss of the dwelling from the housing stock would no longer be contested.
- Issues related to access in event of fire raise overall fire safety concerns fail to accord with the guidance produced by the National Fire Chiefs Council and are contrary to SMLP policy SS1, Policy DC 1 the relevant section of the PPG and when preparing the application.

13.2 Overall, it is submitted that these are very significant issues to weigh in the planning balance.

14 PLANNING BALANCE

- 14.1 The appeal should be determined in accordance with the policies of the development plan, unless material considerations indicate otherwise. Having considered the proposals against the relevant planning policies, and in the context of the wider material planning issues, it is necessary to assess the planning balance in order to consider whether the proposals can be supported.
- 14.2 In order to assess the planning balance for the scheme it is necessary to consider both the benefits and the harm that would arise from the proposed development and the weight that would attach to each.
- 14.3 NPPF paragraph 8 explains that *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways”* These comprise economic, social and environmental objectives.
- 14.1 As set out at section 4 above it is considered that the proposal represents a renewable energy / low carbon scheme for the purpose of planning policies. The Council’s committee report and the SoCG set out the considerations that apply in terms of giving positive weight to the benefits of renewable energy generation and this is not repeated here, although it is fully recognised that local and national policy provides support for the development of renewable and low carbon developments and this should be considered to include BESS schemes, such as the appeal proposals.
- 14.2 It is noted that the NPPF (as updated December 2024) specifically quantifies the weight to be applied stating at para 168 *“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: . . . give significant weight to the benefits associated with renewable and low carbon energy generation”*.
- 14.3 The Council considers that the fundamental determinative question in this appeal is: does the benefit of renewable energy generation, together with any other less significant benefits outweigh these harms?
- 14.4 In addition to the renewable energy benefits, economic considerations include local jobs. The immediate proximity of the development to the grid, is also considered to be benefit relative to other less proximal locations for the delivery of energy storage as it facilitates a direct link to the National Grid and minimises the need for other linking infrastructure.
- 14.5 As set out in the Council’s committee report, the proposals would result in a net gain in biodiversity of +15.5% for habitats and +99% for hedgerows. This should also be given strong positive weight.
- 14.6 The Council consider that beyond the renewable energy benefits, the other benefits of the development are however more limited:
- Whilst there would be jobs created during the construction phase, they would be temporary and any supply chain jobs may be some way removed from the local

economy. There would also be relatively few jobs secured when the development is operational, generally no more than occasional maintenance visits. Any jobs created in the construction would have to be balanced by the reduced agricultural uses during the 40-year operational phase. At **Appendix 10** is an appeal decision relating to a BESS scheme¹⁶ where the extent of employment benefits that would be created by the development are considered and it is concluded that these would be small. As such the Council consider any job creation benefits can only be afforded limited weight.

- Although the appellant states that the grassland would revert back to agriculture after 40 years, further to the discussion of reversibility at paragraph 6.101 above, there is no certainty that full agricultural use would resume on the land and therefore no weight should be given to this prospect.

14.7 It should be noted that as the scheme would connect to the National Grid, the renewable energy benefits, are at a wider scale rather than being particular to the locality where its impacts are felt

14.8 Further to the LPA committee reports, and following review, there are a number of key areas where a different assessment is now made of the level of impact of the proposals and/or the amount of weight to be afforded as follows:

- The LPA officer assessment at paragraph 8.11 gave weight to *“the temporary nature and reversibility of the development”*. As set out above, having considered this issue further and having reviewed the decisions of previous planning inspectors, this case on behalf of the LPAs rejects that view and no longer gives weight to restoration of agricultural use.
- Similarly, as set out above, the level of landscape and visual impacts should not be discounted on the basis that they are temporary, given the length of time involved, the potential uncertainty over the of the site and whether the visual impacts are fully reversible.
- It is also noted the officer’s assessment of cumulative effects at paragraphs 7.82 – 7.90 as set out in the report to the 19 Sept 2024 planning committee takes account of only the committed nearby energy infrastructure sites at that time (BESS sites 1 and 2, to the North-east of Cellarhead substation and East of Cellarhead substation respectively). Since that time there have been 2 further nearby sites that have been consented (Site 3, Land off Armshead Road, permitted on appeal 23/09/24 and Site 4 South of Cellarhead Sub Station and West of Rownall Road, approved 12/02/2025). These 2 further sites now need to be taken fully into account when considering cumulative impact.

14.9 The identified harms are:

¹⁶ Planning appeal reference: PPA-380-2123, ‘Installation of a 22.8MW Battery Energy Storage System with associated infrastructure’ Crutherland Highway, East Kilbride, G75 0QJ, appeal dismissed 6 March 2025

- The proposed development would comprise ‘inappropriate development’ in the Green Belt.
- The impact on the visual amenity of the local landscape, including impact upon users of a public right of way, including when considered cumulatively with other similar committed developments in the locality.
- Noise impacts upon Newfields Farmhouse leading to loss of the dwelling from local housing stock.
- Fire safety concerns in respect of issues related to access in event of fire.

14.10 In respect of landscape and visual harm we noted above that that the area has a distinctive character and is highly regarded locally. “Valued landscape” is not defined in the NPPF Glossary or PPG and the Council contends that paragraph 187(a) adds weight to the consideration of landscape harms in this case.

14.11 In addition, we note that whether weight should be given to harm arising from noise impacts upon Newfields Farmhouse leading to loss of the dwelling from local housing stock would depend upon whether the appellant’s proposed amendments to the proposal at the appeal stage are accepted.

Green Belt harm and whether ‘Very Special Circumstances’ exist

14.12 Before reaching overall conclusions on the overall planning balance, in terms of Green Belt harm it is important to first consider whether Very Special Circumstances exist, in accordance with NPPF paragraph 153.

14.13 It is considered that the proposed scheme would be inappropriate development in the Green Belt and thus requires assessment of whether the benefits of the Appeal Scheme clearly outweigh any harm to the Green Belt and the other harm identified, so as to amount to the very special circumstances required to justify the proposal.

14.14 There is no precise definition of Very Special Circumstances (‘VSC’) in national policy and guidance. Therefore, each site and proposal must be assessed and determined in this regard on its own merits and circumstances, to consider whether in accordance with NPPF paragraph 153 there are VSC sufficient to outweigh the identified harms, including Green Belt harm.

14.15 It is also noted that NPPF para 160 states “*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*”.

14.16 The Government’s intention move away from a fossil fuel-centred energy network towards one based on low carbon and renewable energy sources is clear and this requires an increase in battery storage facilities to even out energy supply to meet demand more flexibly and efficiently. This proposal would contribute to that required infrastructure and therefore, in accordance with

national policy, significant weight should be attributed to this. As set out above other benefits also arise, although these are more limited.

14.17 In addition to the harm identified to the Green Belt by way of inappropriateness, there are other identified harms in respect of: (i) the impact on the visual amenity of the local landscape and the impact upon users of a public right of way, including when considered cumulatively with other similar committed developments in the locality; (ii) the noise impacts upon Newfields Farmhouse leading to loss of the dwelling from local housing stock and (iii) the fire safety concerns in respect of issues related to access.

14.18 Notwithstanding the significant weight given by national policy to the delivery of this type of development, the combined harms, when considered together with the Green Belt harm, outweigh the benefits and VSC do not arise.

14.19 For the benefit of clarity it is noted that the same conclusion is reached where the issue of a loss of a dwelling from local housing stock is discounted.

Assessment of planning balance

14.20 It is therefore concluded as follows in respect of the planning balance:

Table 3 : Assessment of planning balance

Weight	Benefit
Significant positive weight	The production of renewable energy, including reduction in carbon emissions
Positive weight	Biodiversity net gain
Limited positive weight	Creation of local jobs
Limited positive weight	Proximity to national grid

Weight	Harm
Substantial negative weight	The proposed development would comprise 'inappropriate development' in the Green Belt
Significant negative weight	Landscape and visual impacts, including when considered cumulatively with other similar committed developments in the locality, and comprising: i. the impact on the visual amenity of the local landscape;

	i. the impact upon users of public right of way.
Negative weight	Noise impacts upon Newfields Farmhouse leading to loss of the dwelling from local housing stock.
	Fire safety concerns in respect of issues related to access in event of fire.

14.21 The proposed development is not considered to accord with the development plan when read as a whole. The appeal should be determined in accordance with the policies of the development plan, unless material considerations indicate otherwise. In assessing whether the material considerations indicate otherwise, as set out above the greater weight needs to be given to the identified harm and the benefits must be given the lesser weight. The harm therefore outweighs the benefits, and the appeal should be dismissed.

14.22 For the benefit of clarity it is noted that the same conclusion is reached where the issue of a loss of a dwelling from local housing stock is discounted.

15 CONCLUSION

15.1 This Statement of Case on behalf of Staffordshire Moorlands District Council responds to the planning appeal by Newfields BESS Ltd under Section 78 of the Town and Country Planning Act 1990 in respect of the decision to refuse planning permission for “*Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements to provide balancing services to the local electricity grid infrastructure*” at, Newfields Farm, Rownall Road, Wetley Rocks, Staffordshire, ST9 0BS.

15.2 It is concluded:

- The proposed development would comprise ‘inappropriate development’ in the Green Belt in conflict with SMLP Policy SS 10 and substantial weight must be attributed to Green Belt harm in accordance with Paragraph 153 of the NPPF.
- The proposals, including cumulatively would result in unacceptable industrialisation of the landscape and cause unacceptable harm to the visual amenity of the local landscape including impact upon users of a public right of way. The proposals would therefore be in conflict with SMLP policies SD2, SS1, SS10, DC1 and DC3 and also contrary to NPPF paragraphs 135 and 180.
- In respect of the scheme as refused by the LPA, the noise impact upon Newfields Farmhouse would require its occupation to cease. The loss of housing stock, at a time when the Council cannot demonstrate a 5-year supply of housing would not accord with NPPF paragraph 61. This notwithstanding, where the Inspector is content to consider the scheme on the basis of the amendments, the element of the Council’s refusal reason referring to loss of the dwelling from the housing stock would however no longer be contested.
- Issues related to access in event of fire raise overall fire safety concerns and the proposals fail to accord with the guidance produced by the National Fire Chiefs Council and are contrary to SMLP policy SS1, Policy DC 1 and the relevant section of the PPG.

15.3 The appeal should be determined in accordance with the policies of the development plan, unless material considerations indicate otherwise and the proposed development is not considered to accord with the development plan when read as a whole.

15.4 In particular ,the proposed scheme would be inappropriate development in the Green Belt. The very special circumstances required to overcome the harm to the Green Belt and any other harm and justify the proposed development in the Green Belt do not exist.

15.5 As detailed above, the harm that would arise in respect of the proposals therefore outweighs the benefits and there are no material considerations which would indicate a decision other than in accordance with the development plan and the appeal should be dismissed.

15.6 For the benefit of clarity, it is noted that the same conclusion is reached where the issue of a loss of a dwelling from local housing stock is discounted.

15.7 It is therefore respectfully requested that the appeal be dismissed.

KNIGHTS

May 2025