STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Jake Stentiford
Surface Planning
155 Main Street
Grenoside
Sheffield
S35 8PN

C/O Agent

Application no: SMD/2022/0444

Determined on: 22nd December 2022

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as Amended)

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:
Land East of Cellarhead Substation and West of Rownall Road Wetley Rocks Staffordshire

Description of Development:
Erection of a Flexible Energy Facility

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

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

Site Location 101D
Site Layout 114F

Bund cross section 114 Rev D
Cross section plan view 115B
Site cross section sheet 1 115B
Site cross section Sheet 2 115B
Site cross section Sheet 3 115B
Site elevations Plan view 116A Sheet 1
Side elevations 116A Sheet 2
TX and Invertor 301B
Battery and cooling 302B
Acoustic fence panel 303B Sheet 1
Gate 303B Sheet 2
Concrete fire wall 304A
Customer switch container 305
DNO 306A
Substation – Location 307C
Substation plan view 307C
Substation cross section Sheet 1 307C
Substation cross section Sheet 2 307C
Substation cross section Sheet 3 307C

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3.No development shall take place until such time that full details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- Acoustic fencing
- Hard surfacing
- Facing materials
- External lighting scheme endorsed by a suitably qualified acoustician and ecologist

The development shall be carried out strictly in accordance with the approved details

Reason:- To protect the character and appearance of the area, residential amenity, flood risk and biodiversity

Construction & Demolition Impacts:

4.During the construction phase the following must be adhered to at all times:-

a)Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
b)No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local

environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

Reason: To protect the amenities of the area during construction

Construction & Demolition works: Time of operations

5. All construction works and deliveries shall be restricted to the following times of operations.

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**
- **No working is permitted on Sundays or Bank Holidays.**

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Report of Unexpected Contamination

6. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found is any time when carrying out the approved development are is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

BS4142 Limit on external noise levels produced by fixed external plant

7.The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.
Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

Maintenance of Batteries
8..All equipment and infrastructure associated with this development must be constructed and maintained throughout the life of the development so as to prevent any discharges or spillage that may cause pollution of the surrounding land, underground strata or watercourses .
Reason: To prevent pollution of the Environment

Highways/Access
9.On commencement of works, the access shall be upgraded and improved in accordance with drawing VN212155-D100,including drainage interceptor and outfall. The improved access shall be retained for the duration of the construction works and returned to standard field access on completion of works in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and the character and appearance of the area

10. No development including site clearance and levelling shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
i) a site compound with associated temporary buildings:
ii) the parking of vehicles of site operatives and visitors;
iii) loading and unloading of plant and materials;
iv) storage of plant and materials used in constructing the development;
v) wheel wash facilities;
vi) mechanical road sweeper for existing carriageway;
Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and to ensure the development can be constructed without undue inconvenience to road users and ensure the highway is kept clean and clear.

Archaeology
11. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be brought into use until the site investigation and post-excavation assessment has been

completed in accordance with the written scheme of archaeological investigation approved and that provision has been made for analysis, publication and dissemination of the results and archive deposition has been secured.
Reason:- To protect archaeological interests

Landscape/Visual Impact

12. Notwithstanding the submitted details, no development including site clearance and stripping shall commence until such time that a detailed hard and soft landscape mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on Landscape Mitigation Plan (Figure 6, Dec 2022 Revision 1) and be at an appropriate scale. The soft landscape proposals approved shall subsequently be implemented in the first growing season after construction has commenced and replacement of dead, diseased or dying stock should be undertaken in accordance with the Landscape Maintenance and Management to be approved under Condition 14. Hard landscaping shall be carried out as approved and before the development is brought into use
Reason:- To protect the character and appearance of the area

13.No tree felling is to be undertaken and no excavation within root protection areas, shall take place without the express written agreement of the Council's Arboricultural Officer and after consideration of tree sensitive construction processes
Reason:- To protect the remaining mature tree stock that contributes to the local landscape

14.No development shall take place until such time that a Landscape Maintenance and Management Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority including measures for its operation for the life of the development.
Reason: – To reflect the importance of the soft landscape mitigation proposals for the local landscape character.

15. No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) that defines the excavation and bund formation processes and provides detailed drawings of the proposed raised earthworks has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details

Reason:- In the interests of the character and appearance of the area

16.No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to

removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.
Reason:- In the interests of the protection of important landscape features which contribute to the character and appearance of the area, biodiversity and protected species

17. No development shall take place including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.
Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity

Flood risk

18.Notwithstanding the submitted details, no development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. It should include the following albeit this list is not exhaustive:-

- Detailed Drainage Design - Final, detailed version of the surface water drainage

layout as detailed by Appendix F to the approved Flood Risk and Drainage Assessment (July 2022). The layout should include all pump information, manhole information (manhole ID, diameters, cover levels, invert levels), pipe information (diameter, gradient), headwall information (invert levels), detail of the pond (i.e., top level, bank gradient, base levels etc). An engineered outfall should be avoided in favour of a simple ditch from the pond to the watercourse, with a small wetland area
The use of pumped systems in the drainage design must conform to the requirements of Local Standard N of the SCC SuDS Handbook.

- Management and maintenance Plan

Provision of a management and maintenance plan/ regime for the site. The plan should include the maintenance arrangement/ schedules for the pumping system, the drainage network (i.e., manholes and pipes), control devices (i.e., the hydro brake) and the attenuation basin (i.e., mowing, seeding, silt clearance etc.). The plan should include a named body responsible for undertaking the management and maintenance of the drainage system over the lifetime of the development.
In addition, as a pump is proposed, the plan should detail the management and maintenance regime for the asset, including the use of alarms and emergency procedures. The plan should include a named body responsible for undertaking the management of the pump system to ensure any emergency requirements are undertaken should the pump fail). Thereafter the

development shall commence strictly in accordance with the approved surface water drainage scheme.

Reason:- To ensure that a satisfactory Surface water drainage scheme is in place and to minimise flood risk and in the interests of biodiversity

Biodiversity

19. No development including site clearance and stripping shall commence until such time that a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. It should include the following although this list is not exhaustive
(1) Details of habitat creation and species enhancements
(2) Updated BNG calculation using latest Defra metric and UK Habs baseline and post-intervention plans
(3) Soil preparation details.
(4) Appropriate planting/ seeding specifications.
(5) Long-term habitat management plan.
The development shall be carried out strictly in accordance with the approved LEMP
Reason:- In the interests of biodiversity enhancement and to ensure a new gain in biodiversity

20. The development hereby approved (including site stripping and site clearance) shall be carried out strictly in accordance with the recommendations set out in the Extended Phase 1 habitat Survey report (Jan 2022) relating to the precautions to be taken for nesting birds when work takes places near to or on hedgerows and trees and the precautions to be taken for mammals (as per pages 24 and 25)
Reason:- In the interests of biodiversity protection

Site restoration

21. Within 25 years following completion of construction of the development hereby permitted, or within 12 months of the cessation of operational use or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored to a pasture field in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).
Reason:- In the interests of the Green Belt and character and appearance of the area

Informative

1.This application has sought to address the previous reasons for refusal relating to landscape/visual impact and residential amenity. For the reasons set out in the Committee report the amendments made to the scheme together with the mitigation measures adopted have addressed the previous reasons for refusal. A sustainable form of development has been negotiated with complies with the provisions of the NPPF

2.In respect of discharging Condition 15, your attention is drawn to the comments of Ryder Landscape Consultants dated 21st October 2022 in relation to design considerations of the proposed bunding. These should be taken into consideration when applying to discharge condition. In addition as much of the excavated material as possible should be used to create the gentle bund side to the east

3.Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

• A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: http://www.hse.gov.uk/

• Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014

Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance

• During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

• If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Ageny https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm

• Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

• The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and “appropriate

person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

• Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

• During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

• The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

• Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

The widened access crossing to the site from the highway shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to dropped crossings,a S184 notice is required for an access leaving the carriageway and crossing highway verge. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit,Staffordshire Place 1,Wedgwood Building,Tipping Street,STAFFORD,Staffordshire,ST16 2DH. (or email to trafficandnetwork@staffordshire.gov.uk@staffordshire.gov.uk) http://www.staffordshire.gov.uk/transport/staffshighways/licences/

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X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010
All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.

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NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at BControl@staffsmoorlands.gov.uk

1. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.

2. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
   (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
   (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

3. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

4. The permission is granted in strict accordance with the approved plans. It should be noted however that:
   (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
   (b) Variation to the approved plans will require the submission of a new planning application.

5. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

6. If the decision to refuse planning permission is for a householder application, and you want to

appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

7. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

8. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

9. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

10. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

11. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

12. Domestic sprinklers
    Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building.
    The chance of an accidental discharge is 16,000,000:1
    If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

13. Working smoke alarms correctly positioned in your home can save your life.
    The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.
    Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.

APPENDIX C
PROPOSED DEVELOPMENT PLAN