

GREEN BELT ASSESSMENT

PROPOSED 300MW BATTERY ENERGY STORAGE SYSTEM

Land off Leek Road, Werrington, Stoke-on-Trent, ST9 0DQ

REPORT

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1 INTRODUCTION

- 1.1 This Green Belt Assessment ('GBA') has been prepared by RPS on behalf of Masdar Arlington Energy ('the Applicant'), in support of a planning application for a 300 MW Battery Energy Storage System ('BESS'), associated infrastructure and works ('the Proposed Development') on land off Leek Road, Werrington, Stoke-on-Trent, ST9 0DQ ('the site'), within the administrative boundary of Staffordshire Moorlands District Council ('SMC') ('the Council').
- 1.2 The purpose of this report is to assess the proposed development against Green Belt policy as the site is located in the North Staffordshire Green Belt. The site's location in the Green Belt and the Proposed Development type results in proposal being considered to be inappropriate development as defined by established policy. In summary, where development in the Green Belt is inappropriate, the Applicant must demonstrate that there are very special circumstances which outweigh the harm caused by reason of inappropriateness, and any other harm, if the development is to be allowed.
- 1.3 This GBA should be read in conjunction with the Planning, Design and Access Statement ('PDAS') and the Alternative Site Search Assessment ('ASSA') alongside other supporting information to this application.

The Applicant

- 1.4 Masdar is one of the world's fastest growing renewable energy companies and a green hydrogen leader.
- 1.5 As a pioneer in advancing the clean energy sector and a key enabler of the UAE's vision as a global leader in sustainability and climate action, Masdar has developed projects in more than 40 countries across six continents with a combined capacity of more than 51GW.
- 1.6 Promoting innovation in solar, wind, energy storage, waste-to-energy, and geothermal energy, Masdar has a proven record of delivering pioneering projects using cutting-edge clean energy technologies, that are commercially viable and bankable.
- 1.7 On October 2022 Masdar acquired UK-based BESS developer Arlington Energy. The acquisition has enabled Masdar to expand its presence in the UK and European renewable energy markets and support countries' net-zero objectives.

2 SITE LOCATION AND NORTH STAFFORDSHIRE GREEN BELT

- 2.1 The Site lies approximately 920m to the southeast of the main built up area of Werrington and 430m to the south of Cellarhead. The Site falls within the Green Belt and comprises three parcels of agricultural land measuring an area of approximately 7ha, as shown on Figures 1 and 2 below.

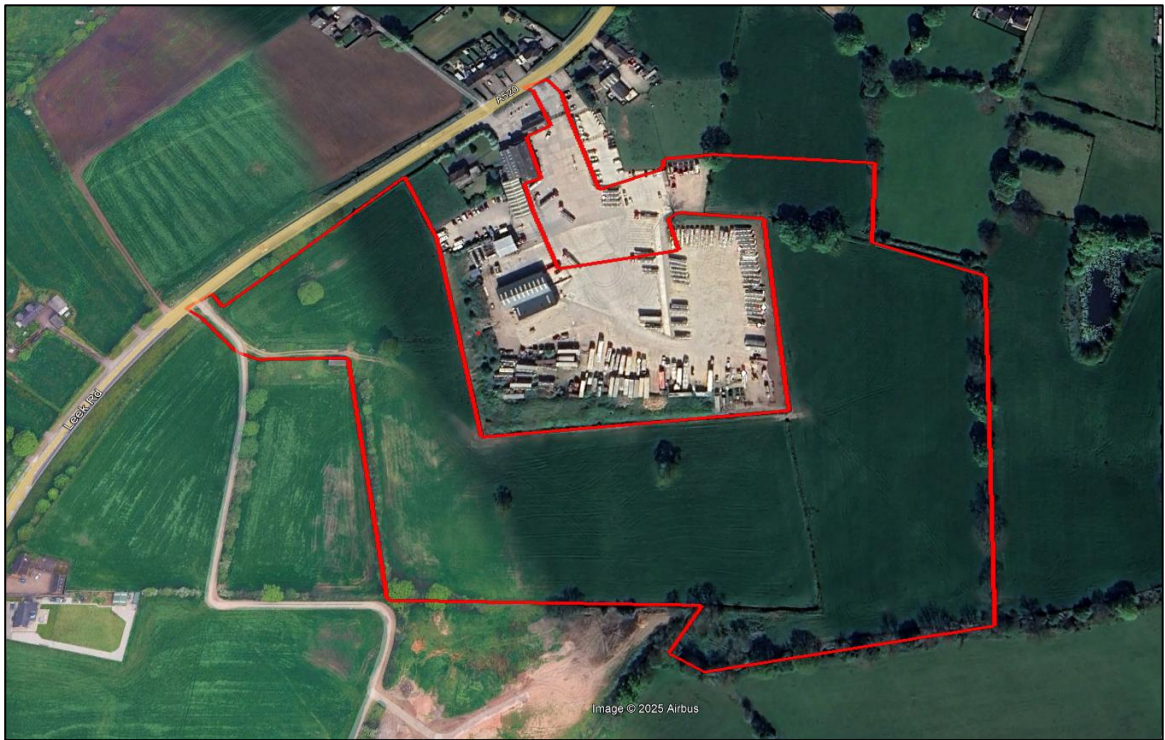


Figure 1: Google Earth Extract Showing the Site and its Immediate Context



Figure 2: Google Earth Extract Showing the Site in a Wider Context

- 2.2 Immediately north of the Site is Shirley's Transport which is a haulage yard, beyond which is a garage/ fuel station. Agricultural fields bound the Site to the east and south, beyond which are farm yards, with sporadic frontage residential development along Leek Road to the west.
- 2.3 The Site is bound by mature planting, with some sporadic planting within the Site itself.
- 2.4 Major roads in the area include the A520 which bounds the Site to the west and the A52 which is approximately 470m to the north. The A529 lies 2.8km to the south. A railway line is approximately 6km south of the Site, which runs in an east to west direction through Blythe Bridge.
- 2.5 The National Grid Cellarhead Substation lies approximately 2.1km to the north west of the Site, which is the connection point for the Proposed Development.
- 2.6 Access to the Site is anticipated to be via the existing agricultural access off Leek Road, with upgrade/ widening works likely required internally to provide sufficient internal access arrangements, in addition to within the adopted verge.
- 2.7 The site and wider area is located in the North Staffordshire Green Belt.

3 NATIONAL AND LOCAL GREEN BELT PLANNING POLICY

National Planning Policy Framework 2024 (NPPF)

- 3.1 The most recent version of the NPPF was published in December 2024, replacing the version published in September 2023, and it sets out the Government's planning policies for England and how these should be applied.
- 3.2 With regards to the Green Belt, Chapter 13 of the NPPF sets out the policy approach to the protection of Green Belt land.
- 3.3 Paragraph 142 states: *"The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*
- 3.4 Paragraph 143 sets out the five purposes of including land in Green Belts. These are:
- "a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*
- 3.5 Paragraph 153 states:
- "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances [VSC]. '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."*
- 3.6 Paragraph 154 states that:
- "Development in the Green Belt is inappropriate unless one of the following exceptions applies:*
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

3.7 Paragraph 155 states that:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

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;

b) There is a demonstrable unmet need for the type of development proposed⁵⁶;

c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below [relating to provision of housing].”

3.8 Paragraph 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.”

National Planning Practice Guidance (NPPG)

- 3.9 The NPPG provides further explanation to the Government's policies, as set out in the NPPF. The latest NPPG on Green Belt was published on 22nd July 2019 and last updated on 27 February 2025 (Paragraph: 001 Reference ID: 64-001- 20250225).
- 3.10 It considers that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. The courts have identified a number of matters which may need to be taken into account in making an assessment. These include, but are not limited to:
- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - The degree of activity likely to be generated, such as traffic generation (Paragraph: 013 Reference ID: 64-013-20250225).

Development Plan

- 3.11 Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70 of the Town and Country Act 1990 requires that planning applications must be determined in accordance with the relevant development plan unless material considerations indicate otherwise. In this case, the relevant part of the development plan for Staffordshire Moorlands in relation to this development is as follows:
- Staffordshire Moorlands Local Plan (September 2020);
- 3.12 The Table below outlines all the relevant policies in the SMLP relevant to the Green Belt and the proposed development.

Table 1: Relevant Policies from the Local Plan

Policy	Description
Policy SS 2 Settlement Hierarchy	Other Rural Areas comprises the open countryside where development is normally unacceptable and green belt where further development is generally inappropriate.
Policy SS 10 Other Rural Areas Strategy	The other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages. These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The policy will maintain the Green Belt within Staffordshire Moorlands. Strict control will

Policy	Description
	continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Other Material Considerations

Green Belt Review Study

3.13 This Report was produced as part of the Local Plan evidence base for Staffordshire Moorlands Council to review the Green Belt across the District. The study was undertaken in two stages: a strategic review of Green Belt purposes, and a more detailed site-based assessment of potential land which could be considered for review of the Green Belt boundaries.

3.14 The Part 1 study did not find any parcels which did not make at least a contribution to one or more of the purposes of Green Belt, and most perform multiple functions. A number of areas were identified as holding potential for more positive management (for example to promote recreational opportunities) and thereby reinforce the function of the Green Belt. These areas were concentrated in the boundary between Staffordshire Moorlands District and Stoke-on-Trent City Council. In addition, a number of areas where more detailed investigation for their potential for release, reflecting their containment and overall contribution to the Green Belt, and these were considered in Part 2. This included 3 sites in Werrington:

- WE003 - land off Ash Bank Road opposite Oak Mount Road;
- WE052 - land off Ash Bank Road opposite Johnstone Avenue;
- WE069 - land off Ash Bank Road.

3.15 The site is situated in the Parcel S4. The parcel summary, as set out in the report, is reproduced below.

Table 2: Parcel S4 Site Summary

Green Belt Purpose	Check unrestricted sprawl	Prevent towns merging	Safeguarding from encroachment	Setting of towns	Assist regeneration	Overall	Commentary on overall strategic function
S4 Land to the south east of Werrington, east of the A520	Contribution	Limited Contribution	Contribution	Limited Contribution	Limited Contribution	Contribution	Supports the role of Green Belt immediately to the west in containing the growth of the conurbation and protecting the countryside from incremental urbanisation.

4 PRE-APPLICATION ADVICE

- 4.1 Pre-application advice in relation to the proposal was received on 24 September 2024 (PAD/2024/0016). Specifically in relation to the Green Belt the advice stated:

“The site is in the Green Belt and as the proposed development does not fall under the exceptional forms of development listed in paras 154 and 155 of the NPPF, the proposal is deemed to be inappropriate development in the Green Belt which by definition is harmful to its openness. The NPPF states that such development should not be approved unless there are any “very special circumstances” that would be considered to outweigh the level of harm identified to the openness of the Green Belt.

Para 156 acknowledges that renewable development will often be inappropriate development and goes on to state that, “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”.

Given the above, it is therefore necessary to consider the full extent of harm arising from the development, along with other considerations which weigh in favour of the proposals.

Under Policy SD2, it would need to be demonstrated in a planning application for the development that previously developed land was investigated before greenfield land and reasons given for discounting any sites that were available for this purpose.

Therefore as part of determining if there are sufficient very special circumstances and as part of the assessment of the overall balance, as well as weighing up the renewable energy/environmental benefits of the proposal, there needs to be justification given for not just the use of a greenfield site rather than a brownfield land but also for the particular chosen location of the site given its distance from the substation it will be connected to i.e. why a location closer to the substation cannot be used. The site selection information you would need to provide should also prioritise non Green Belt sites and you would need to demonstrate that the proposed site is the only viable and deliverable option. While sources like the Council’s SHELAA may provide a limited catalogue of sites in the area, these should not be the only sites considered. The justification for the selection of a 7ha site should also be provided, addressing whether this size is optimal in terms of economies of scale and whether larger or multiple smaller sites might be preferable. Also, additional justification is needed for the increased electrical storage capacity in the Cellarhead/Werrington area, particularly considering previous applications in the area.”

- 4.2 Whilst the point around justification for increased electrical storage in the Cellarhead/ Werrington area is acknowledged, we would refer the LPA to paragraph 168 of the NPPF, which states:

“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant

weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.”

5 ASSESSMENT OF HARM

Inappropriate Development

- 5.1 As noted above, Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC, and that substantial weight to be given to any harm to the Green Belt VSC will only exist if the harm by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 5.2 The Proposed Development does not fall within any of the exception categories for new buildings or development listed in paragraphs 154 or 155 that are considered to be not inappropriate development in the Green Belt (provided they preserve openness and do not conflict with the purposes of including land within it). However, some elements of the proposal such as access tracks and ground works do fall into category h) ii of paragraph 154 (engineering operations).
- 5.3 The Proposed Development is therefore concluded to be inappropriate development in the Green Belt causing substantial harm. The harm is slightly reduced to a moderate-substantial scale due to the acceptability of the engineering operation elements of the proposal.

The five purposes of the Green Belt

To check unrestricted sprawl of large built up areas

- 5.4 The closest large built up areas to the site are Cellarhead 370m to the north and Werrington 950m to the north west, both separated by open countryside. The site lies a sufficient distance from both built up area to not be perceived as an extension of them. The Proposed Development will not result in the extension of any large built-up area.

To prevent neighbouring towns merging into one another

- 5.5 As noted above, the nearest settlement to the site is Cellarhead to the north, with Werrington to the north west. No other neighbouring towns lie in close proximity to the site. Other settlements that lie in close proximity are small villages villages/hamlets such as Overmoor 380m to the east. Isolated farmsteads are also present. The Proposed Development does not lie between two towns and would not result in neighbouring towns merging into one another. Consequently, the Proposed Development does not conflict with this purpose of the Green Belt.

To assist in safeguarding the countryside from encroachment

- 5.6 The proposed development would result in a development which encroaches into the countryside. The site is located in the open countryside outside any settlement boundary. The proposed development is temporary in nature and will be in operation for a period of 40 years following which

the site will be decommissioned and fully reinstated to agricultural land. The proposed development would result in a temporary conflict with the objective of safeguarding the countryside from encroachment. In this respect substantial harm is caused to the Green Belt.

To preserve the setting and special character of historic towns

- 5.7 No neighbouring towns with special historic character lie in close proximity to the site. The Proposed Development will not result in conflict with this purpose of including land within the Green Belt.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 5.8 The site is 8 ha in area. The need to locate the development in close proximity to a national grid substation (in this case the one at Cellarhead), strongly dictates parameters within which the development can be located. There is no site available of this size within the built-up area of Cellarhead and Werrington. The ASSA submitted in support of this application demonstrates the Applicant's site selection search criteria and process. The ASSA demonstrates that no alternative sites with less potential harm were identified, whether located within the urban area or elsewhere within the countryside.
- 5.9 On this basis as there are no available brownfield site at the time of the application's submission that are deliverable and as such no conflict is found with this purpose.

The effect on the openness of the green belt

- 5.10 As noted above, paragraph 142 of the NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;
- 5.11 There is no definition of openness in planning legislation or policy. An ordinary understanding of the word 'openness' is something that is free from obstruction, unoccupied or something that is not limited or covered.
- 5.12 Case law provides some insight into the concept of openness. The Supreme Court judgement to the *Sam Smiths*¹ case provides the following interpretation:

"The concept of "openness" in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: "to prevent urban sprawl by keeping land permanently open ...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the

¹ *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3

land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.” (RPS emphases added).”

- 5.13 The judgement sets out the equal and corresponding relationship between urban sprawl and openness. Where emphases above are added in the above extract, parallels can be drawn between the mineral site in the judgement and the Proposed Development, in that both forms of development are not permanent, lasting only for a specified (and typically similar) period), both have locational needs and the resulting impacts are temporary.
- 5.14 Central to the judgement is the recognition that openness does not necessarily imply freedom from any form of development.
- 5.15 The Proposed Development is for energy storage and associated infrastructure. Electricity infrastructure is commonly located in rural settings and is not a feature traditionally associated with or characteristic of urban sprawl. From the wider setting the site would not be considered to be urban.
- 5.16 The site will not however, remain free from obstruction and the openness of the site will undoubtedly change by the introduction of a BESS facility to what is currently a site comprising arable farmland. An open site will become covered and occupied with electrical infrastructure.
- 5.17 BESS unit heights are approximately 4m in height when factoring in plinths.
- 5.18 The Landscape and Visual Impact Assessment accompanying the application concludes that, through the robust, strategic landscape measures being put forward by the landscape strategy that accompanies this LVIA, the visibility of the proposed development would be minimised. Where the development is visible, it will be effectively contained by existing robust and proposed barriers in the immediate vicinity. These boundaries will serve to protect the openness of the adjacent Green Belt areas to the east, south and west of the Site, whilst the existing road and topography contain it to the north. Although the Site lies within a wider parcel of Green Belt that contributes to the five purposes set out in the NPPF, at a site-specific level, the Site’s contribution to openness is already compromised by its proximity to Shirley’s Transport Haulage Yard and existing vegetated field boundaries. The presence of built infrastructure and associated activity immediately adjacent to the Site reduces its perceived contribution to a sense of unbroken openness.
- 5.19 During the operational phase, activity related to this facility would be very limited, with maintenance visits being limited to 1-2 trips per month. At all other times, it will remain unmanned, as is standard for a facility of this nature. The Proposal would be temporary in nature, having an operational lifespan of approximately 40 years and in this respect, any impact would be temporary and reversible. At the

end of this period, the nature of the infrastructure means that it can be quickly and efficiently be removed without having any permanent effect on this land. This will be managed through a decommissioning plan, which will be formed in collaboration with the Council.

The effect on the permeance of the green belt

- 5.20 The Proposal would be temporary in nature, having an operational lifespan of approximately 40 years and in this respect, any impact would be temporary and reversible. At the end of this period, the nature of the infrastructure means that it can be quickly and efficiently be removed without having any permanent effect on this land. This will be managed through a decommissioning plan, which will be formed in collaboration with the Council.
- 5.21 Post-decommissioning the openness of the Green Belt will revert to its current condition and its permanently open status will be resumed.

Any other harm

- 5.22 In addition to assessing harm by reason of inappropriateness, harm to the openness of the Green Belt and countryside encroachment, it is necessary to assess any harm that the development may cause in other respects.
- 5.23 The meaning of 'any other harm' was clarified by the Court of Appeal in the *Redhill Aerodrome* case² to mean:
- Harm related to the proposal other than to the Green Belt; and,
 - Including any harm not just significant harm.
- 5.24 The following material considerations are considered as part of the planning application. The impacts resulting from the Proposed Development are assessed in the technical suite of information submitted in support of the application. These are discussed in Section 10 of the PDAS and summarised below with an assessment on the level of any associated harm.

Agricultural Land Classification (ALC)

- 5.25 The planning application is supported by an ALC report which assesses the quality of the soil within the application site.
- 5.26 A detailed ALC survey has determined that agricultural land within the 7.2ha Study Area is limited to Subgrade 3b (i.e., 7.2ha or 100% of the Study Area) due to an overriding climatic limitation, and/or soil wetness. The classification as Subgrade 3b is consistent with the findings of MAFF Post 1988 ALC surveys in the area.

² *Secretary of State for Communities and Local Government & Ors v Redhill Aerodrome Ltd* [2014] EWCA Civ 1386

- 5.27 The Proposed Development scheme would follow best practices for soil management to help improve soil health, such as increasing soil organic matter (SOM), and hence soil organic carbon (SOC), increasing soil biodiversity, and improving soil structure. This is in line with the Government's 25-Year Plan for the Environment and the principles outlined by the Soils in Planning Construction Task Force (including Cornwall Council, Lancaster University, and The Landscape Institute et al) 'Building on soil sustainability: Principles for soils in planning and construction' (September 2022).
- 5.28 The development of the BESS is not expected to significantly harm national agricultural interests, as the development will follow best practices for soil management.

Air Quality

- 5.29 The Proposed Development does not, in air quality terms, conflict with national or local policies. There are no constraints or harm caused by the Proposed Development in the context of air quality, therefore no harm is attributed to impacts on this aspect of the Proposed Development.

Archaeology

- 5.30 The application is accompanied by an Archaeological Desk-based Assessment prepared in compliance with the National Planning Policy Framework, local planning requirements and relevant guidance documents. No designated heritage assets are located within the Site. No designated archaeological assets (i.e. Scheduled Monuments and Registered Battlefields) outside of the Site are sensitive to the proposed development. The report did not identify any archaeological constraints to development, and the identified low archaeological potential of the Site conforms with the findings of the Historic Environment Character Assessment.

Ecology

- 5.31 The application is accompanied by a Preliminary ecological Appraisal. The report concludes the majority of habitats on the site are of low ecological value being dominated by modified grassland. It is recommended that where possible individual field trees and sections of hedgerow are retained. Replacement planting for loss of trees and hedgerows will be required. Best practice pollution prevention measures should be followed to avoid impacts watercourses. Mitigation measures to avoid impacts to common amphibians, nesting birds, small mammals and badgers are outlined and should be followed to limit the impact of the development.
- 5.32 The Proposed Development aims to achieve a biodiversity net gain, which is a key objective of the Proposed Development. A Biodiversity Net Gain (BNG) assessment has been undertaken which confirms the Proposed Development will achieve approximately 78.6% net gain in habitat areas and 42.2% net gain in hedgerows, and 2.72% net gain in watercourses. To achieve the required 10% net gain in watercourse units, the Applicant has confirmed they will purchase the necessary watercourse credits from an appropriate provider, with 0.187 units required.

Fire safety

- 5.33 An Outline Battery Safety Management Plan and a Verification and Compliance Report have been submitted with this application.
- 5.34 The Applicant can confirm that the supplier and site operator (maintenance and servicing provider) will align to all relevant and current legislation and best practice for the design, construction, and operation of the facility. This will include all matters in relation to fire safety, including management systems, monitoring, control, isolation, detection, and suppression systems. A Fire Safety Management Procedure will be prepared for the site as an anticipated requirement of any consent and for reference.
- 5.35 It is unlikely harm will be caused by fire due to rigorous measures that will be put in place to control combustion.

Heritage

- 5.36 A Built Heritage Statement has been submitted with the application. The report notes here are no designated or non-designated built heritage assets located within the site, and identifies four Listed Buildings, and 12 non-designated built heritage assets located within a 1km search radius around the site. Overall, the report concludes that the development of the site will not cause harm to the significance of these designated and non-designated heritage assets.

Ground Conditions

- 5.37 A Phase 1 Geo-Environmental Desk Study and Preliminary Environmental Risk Assessment was commissioned. A significant contamination source has not been identified at the site. When considered in the context of the conceptual site model and the limited historical activities that have taken place, the proposed development is considered to pose a low risk to human health. The risk posed to controlled waters is predominantly considered to be low due to the lack of a significant contamination source being identified on site.

Landscape

- 5.38 As noted above, a Landscape and Visual Impact Assessment has been prepared to accompany this planning application. This shows that the Site is characterised by its varied topography and integration of both urban and semi-rural elements, consistent with the landscape character assessments for the region. The area features a mix of rural, residential and industrial land uses, contributing to its diverse landscape character.
- 5.39 In respect of landscape resource, it is considered that on balance, the proposals would result in Minor to Moderate (Adverse) Effects on the landscape resources of the Site. However, careful siting of the battery containers, ancillary structures, and welfare facilities, combined with a strategic

landscape framework, will assist in reducing the prominence of the built form within the wider landscape. The proximity of the Site to existing industrial influences further supports the ability of the development to be accommodated without causing significant disruption to the wider landscape character.

- 5.40 The visual assessment has demonstrated that the Site benefits from a strong degree of visual containment within the wider landscape, with the most notable effects experienced in closer proximity, particularly to the south and southeast. Over time, the proposed mitigation planting will mature, contributing significantly to the softening of the development's appearance and resulting in a reduction in the perceived scale of effects at 15 years compared to Year 1. With the implementation of the strategic landscape measures proposed, the development can be successfully integrated into the existing landscape framework without resulting in substantial harm to the character and visual quality of the wider area.

Noise

- 5.41 The Noise Impact Assessment confirms the Proposed Development will not exceed the prevailing background sound level at the nearest noise sensitive receptors (NSRs) during the daytime, whilst sound levels are predicted to exceed the prevailing background sound level at the nearest NSRs by 1-5dB(A), which in BS 4142:2014+A1:2019 terms *"5dB is likely to be an indication of an adverse impact, depending on the context"*.
- 5.42 The assessment goes on to consider the context in which the sound occurs. It is also important to stress the Noise Impact Assessment was undertaken on a worst case scenario, using conditions which are likely far worse than those which will be seen once operational.
- 5.43 The assessment also identifies that no significant change in ambient noise level at the NSRs will be engendered as a result of the Proposed Development in its proposed and assessed form, and that the amenity of the NSRs will not be compromised.
- 5.44 Consequently, the assessment demonstrates that the Proposed Development will give rise to sound impacts that would be within the range of NOAEL of the PPG:N guidance. For ease of reference, the definition of No Observed Adverse Effect Level in PPG:N is reproduced below:
- "Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life."*
- 5.45 Since the Proposed Development conforms to British Standard, National Planning Policy and Local Planning Policy requirements, it is recommended that noise should not be a considered constraint.

Transport

- 5.46 The application is supported by a Transport Statement. This notes that the construction of the BESS is expected to take up to 32 months . The number of vehicle trips to and from the site would fluctuate

during this time, with most vehicle trips undertaken Monday to Friday. During the construction phase, it is estimated that there would be up to a maximum of 60 staff on site per day associated with the construction of the BESS, with up to 60 two-way construction staff vehicle movements (30 inbound movements and 30 outbound movements) per day as staff would be encouraged to car share. Only occasional visits (typically once a quarter) by 4x4 vehicles / panel vans would be required for during the operational phase for maintenance, monitoring and cleaning purposes. The impact of operational traffic on the local highway network would therefore be imperceptible. Overall, the Proposed Development could achieve a safe and suitable means of access for both the construction phase and operational phase and there would be no significant impact on highway safety.

Trees

- 5.47 The application is supported by a Arboricultural Impact Assessment in accordance with the requirements set out in BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'(BS5837:2012).
- 5.48 Most of the individual trees on site (84%) are to be retained, within the context of the proposed development. Given the central position of the category A specimen T30, its loss is unlikely to be avoidable within any redesigns or alterations to the current land use.
- 5.49 The loss of this specimen, along with the 4 moderate quality individual trees should be mitigated for through a well-considered landscape scheme. Although their removal will cause an impact to the arboricultural quality in the short-term, the compensatory replanting, once established, could offer gains in arboricultural value over the longer term.
- 5.50 The partial removal of the category C group G3 and the 4 hedgerows will have minimal impact on the arboricultural quality of the site and is not seen to be an arboricultural constraint to the proposed development. To facilitate the proposed development, there is a proposed incursion within the RPA of T1 to be retained. T1 has a 13.5% permanent incursion required for the proposed access road.

Conclusion on harm

- 5.51 A substantial level of harm arises from the Proposed Development's inappropriate status, harm caused to the openness of the Green Belt and conflict with the Green Belt's purpose of safeguarding the countryside from encroachment.
- 5.52 There would be no other harm resulting from the Proposed Development that would lead to substantial or significant adverse effects.
- 5.53 The harm can be reduced to a moderate level by some elements of the proposal aligning with a not inappropriate exception category for engineering operations at NPPF paragraph 154 (h) (ii). The temporary nature of the development in addition to no permanent harm is also a contributory factor in reducing the overall harm to a moderate level.

- 5.54 Applying a conservative approach to the above, it can be concluded that a moderate level of harm arises from the Proposed Development.

6 VERY SPECIAL CIRCUMSTANCES

What constitutes very special circumstances?

- 6.1 There is no guidance on what can comprise VSC. Some interpretation has been provided by the courts.
- 6.2 Paragraph 160 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased energy production from renewable sources.

Considerations amounting to very special circumstances

The urgent national need for low carbon energy

- 6.3 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. There is strong national policy support from the Government for BESS development set out in Section 6 of the PDAS. The Proposed Development will stabilise the intermittency associated with renewable sources which will ultimately reduce the cost of electricity and increase reliability for consumers. The scheme will make a valuable contribution to cutting greenhouse gas emissions.
- 6.4 The principle benefit of the Proposed Development, is the ability for it to make a very significant contribution to the urgent national need for renewable energy. The Proposed Development will result in:
- a significant contribution of renewable energy storage to meet the needs of households and the wider economy;
 - a significant contribution to the decarbonisation of the UK economy and to the climate change emergency;
 - a significant contribution to the security of energy supply, especially in the context of the current acute energy crisis;
 - the provision of relatively low-cost energy, especially in the context of the current acute cost of living crisis; and,
 - a significant contribution to the ability of the electricity network to balance supply and demand at peak times and the avoidance of power cuts.
- 6.5 This benefit alone can be afforded very substantial weight in the VSC balance given the need for renewable energy development. The lack of less harmful sites demonstrated in the ASSA both outside and within the Green Belt further adds very substantial weight to the VSC balance.
- 6.6 These considerations considerably outweigh the harm to the Green Belt and non-Green Belt harm in relation to the Proposed Development.

The lack of alternative sites

- 6.7 In addition to the benefits associated with the significant contribution to the urgent national need for renewable energy, a further consideration weighing in favour of the Proposed Development is the evidence presented in the ASSA demonstrating the Proposed Development could not be delivered on a site outside of the Green Belt nor on a less harmful site within the Green Belt.
- 6.8 Whilst it is not strictly necessary to demonstrate that there are no alternative sites that are less harmful to the Green Belt, the lack of such sites demonstrated in the ASSA and the site being the only suitable and deliverable candidate at the time of the application's submission is a key benefit of the proposal.
- 6.9 Combined with the grid agreement being in place, in the absence of less harmful sites the choice presented to the decision maker is one of enabling the benefits to be realised or forgoing them in the context of the urgent national need to meet net zero targets and provide energy security.
- 6.10 The ASSA was undertaken to identify a deliverable site(s) for a renewable energy and storage development. The process had regard to both local and national policy, with the overall aim of identifying a deliverable site within SSC area. Only the Cellarhead Substation had sufficient import and export capacity whilst having feasible and viable connection characteristics.
- 6.11 No deliverable sites were found within an urban area. Consequently, the search exercise progressed to a search of the Green Belt, (approximately 80% of the district lies with the Green Belt) commencing with a search for sites not comprising high grade agricultural land within the same landownership.
- 6.12 No other site in the search area had the potential to have less harm on the openness of the Green Belt or other designations. The site performed well against the ASSA assessment criteria, as no other site within the search area had the potential to absorb the Proposed Development to the same extent as the application site since none were adjacent to woodland or major road infrastructure.
- 6.13 The demonstration of a lack of alternative sites upon which to deliver the Proposed Development and the magnitude of importance attributed to the benefits in relation to the urgent national need for energy is afforded very substantial weight in the VSC balance.

Other benefits

- 6.14 Other benefits associated with the proposal include habitat creation and enhancement proposed, the Landscape Strategy and the adoption of a Landscape and Ecological Management Plan (LEMP) that fully covers the lifetime of the development.

7 THE GREEN BELT BALANCE

- 7.1 In the balance of considerations, a moderate- substantial level of harm is attributed to the Proposed Development as a result of some inappropriate development, harm to the openness of the Green Belt and encroachment into the countryside. It is concluded moderate-substantial weight arises from the Proposed Development as some elements of the development are not inappropriate, the lifetime of the development is for a temporary period of 40 years and no permanent harm will occur to the Green Belt as the site will be fully reinstated to agricultural land use following decommissioning.
- 7.2 In terms of non-Green Belt harm, this is limited to less than substantial harm to designated heritage assets, and major reducing to minor levels of harm at a local landscape level once proposed planting matures.
- 7.3 The Proposed Development's contribution to the urgent national need for renewable energy to provide security and meet climate change targets should, however, be afforded very substantial weight in the VSC balance especially in the absence of any other deliverable site at the time of the application's submission. These benefits alone clearly outweigh the moderate-substantial level of harm to the Green Belt identified and are considered to sufficiently fulfil the VSC needed to outweigh harm to the Green Belt and any other harm.
- 7.4 The balance is tipped further in favour of granting permission for the proposed development through other benefits arising from the proposal.
- 7.5 Accordingly, VSC do exist and the scheme would not conflict with national or local planning policy.

8 SUMMARY AND CONCLUSIONS

- 8.1 This Green Belt Assessment has assessed the level of harm associated with the Proposed Development on the Green Belt.
- 8.2 The assessment is appended to the PDAS wherein the Applicant has set out the need for renewable energy generation, to support both the growth in renewable energy sources and maintain the security of electricity supply.
- 8.3 The Applicant has demonstrated that there are no other suitable or deliverable sites alternative to the proposed site at the time of the application's submission.
- 8.4 The Applicant has demonstrated that there would be a moderate-substantial degree of harm to the Green Belt but that significant benefits inclusive of locational needs outweigh the identified harm, sufficient to demonstrate that VSC exist and that the proposed development is acceptable in Green Belt terms.
- 8.5 It is considered, therefore, that the degree of compliance with other national and local plan policy, when balanced with other material considerations, leads to an overwhelming degree of policy support for the Proposed Development.