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Date: 11th December 2025

Our Ref: SRE1164/NMA15
Your Ref: SMD/2022/0548

Dear Sir/Madam,

RE: APPLICATION FOR NON-MATERIAL AMENDMENT OF CONDITIONS 15 & 20 OF PLANNING PERMISSION REF: SMD/2022/0548 ERECTION AND OPERATION OF A BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE AND EQUIPMENT ON LAND ADJACENT TO CELLARHEAD SUBSTATION

On behalf of the Applicant, Cellarhead BESS Limited, we are writing to seek a non-material amendment to planning permission SMD/2022/0548 under Section 96A of the Town and Country Planning Act 1990 (as amended).

Planning permission was granted by Staffordshire Moorlands Council on 27th June 2023 under application reference number SMD/2022/0548 for the 'Erection and operation of a Battery Energy Storage System and associated infrastructure and equipment' on land adjacent to Cellarhead Substation, Rownall Road, Wetley Rocks, Staffordshire.

The amendments sought under this application principally relate to an amendment to the wording of Conditions 15 and 20 to allow commencement of access track construction works and implementation of the planning permission SMD/2022/0548 to take place at the earliest possible convenience.

Section 96A of the Town and Country Planning Act 1990 (as amended) allows local planning authorities to make non-material changes to existing planning permissions which includes removing or altering existing conditions.

Condition 15 – Materials Management Plan

The wording of the existing condition 15 states that:

"No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP should include amongst other matters existing and proposed finished floor levels, full details of the excavation and bund formation processes including detailed drawings and method statements for the proposed raised and excavated earthworks (bunds, substation area etc) and information to demonstrate that the movement of material within the site will be a neutral operation. The bunding design shall have regard to the recommendations/advice on bunding set out in Section 7 Landscape comments, Stuart Ryder of Ryder Landscape Consultants dated 15th January 2023.

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

It is proposed to amend the wording of the first sentence of condition 15 to the following:

No excavation of any soil from the substation area or screening bund area shall take place until such time that a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority..”

The MMP principally concerns the processes involved in the excavation and formation of the Substation and screening bunds, therefore it is considered reasonable for the condition to be worded to ensure that the compliance control should only be activated on that particular aspect of development and allows the construction of the access track and construction compound to commence on site prior to the formation of the BESS and bunds commencing.

The amended wording ensures that any significant soil movement on site is still controlled by the condition and therefore the amended condition would still provide the LPA with sufficient mechanism to exert control, while allowing other operations involved as part of the development to take place.

It is noted that a MMP has been submitted to discharge condition 15 (planning application ref. DOC/2025/0091), however to allow works on the access track to commence at the earliest convenience and to ensure that the planning permission can be implemented, this NMA is being submitted whilst the MMP is being determined.

Condition 20 – Detailed Drainage Design

The wording of the existing condition 20 states that:

“No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design shall be based upon the approved Flood Risk Assessment (Reference KRS.0297.035.R.001.C - September 2022) and must demonstrate the following: -

- a) Disposal of surface waters in line with the hierarchy of discharge as stated in the approved Flood Risk Assessment.*
- b) Final detailed design (plans, network details and calculations where necessary) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements.*
- c) An acceptable management and maintenance plan for the surface water drainage system to ensure that a maintenance arrangement is in place over the lifetime of the development. A named body responsible for undertaking management and maintenance shall be included within the plan.*

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

It is proposed to amend the wording of the first sentence of condition 20 to the following:

“No development, other than the construction of the access track, shall begin until following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority...”

The surface water drainage design for the site includes the two agricultural fields that form the majority of the application site in which the BESS compound area will be situated.

The catchment area covered by the southern access track has been excluded from the drainage design and calculations due to the surface of the track being Type 3 open graded gravel. The access track will be freely draining and rainfall which falls onto the track will be able to flow through the material and into the underlying strata as per the existing greenfield situation. Therefore, there will be no increase in the runoff from the access track area and this has not been assessed further within the drainage design for the site.

Given this, it is considered reasonable for the condition to be worded to ensure that the compliance control should only be activated on the particular area of development that relates to the drainage design and allows other development to commence on site prior to the commencement of works associated with the BESS compound.

The amended wording ensures that all development is still controlled by the condition, apart from the access track which is omitted from the drainage design, and therefore the amended condition would still provide the LPA with sufficient mechanism to exert control, while allowing the access track construction to take place.

It is noted that a detailed drainage design note, maintenance schedule and accompanying construction drawings has been submitted to discharge condition 20 (planning application ref. DOC/2025/0103), however to allow works on the access track to commence at the earliest convenience and to ensure that the planning permission can be implemented, this NMA is being submitted whilst the drainage details are being determined.

Summary

The proposed amendments to the wording of conditions 15 and 20 of planning permission SMD/2022/0548 do not substantively alter the scale, form or appearance of the development approved and will not materially alter the originally approved scheme. In addition, there will be no further amenity, environmental or other impacts which are not already adequately controlled for by the planning permission. None of the remaining conditions will be breached or adversely affected by the granting of this non-material amendment application.

The 'effect' of change is considered to be non-material, the development remains wholly compliant with the policies of the Development Plan and there are no material considerations which would justify the refusal of the application. This application should therefore be granted.

Next Steps

I would be grateful for acknowledgement of receipt of this application. Given the minor scope of the application, we expressly request that the application is determined at the earliest opportunity within the 28-day timeframe.

If you require any further information or clarification to determine the application, then please do not hesitate to contact me.

Yours faithfully,

Francesca Wray
Principal Planner
For and on behalf of Sirius Planning Ltd