

DELEGATED DECISION REPORT

DOC/2025/0082 Valid 17/10/2025	LAND EAST OF CELLARHEAD SUBSTATION ROAD WETLEY ROCKS	DISCHARGE OF CONDITION 15 ROWNALL RELATING TO SMD/2022/0444 (DISCHARGE OF CONDITIONS)
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MAIN ISSUES

Is the information acceptable and sufficient to discharge Condition 15

DESCRIPTION OF SITE

This is an approved BESS site granted under SMD/2022/0444. The permission has been implemented

PROPOSAL

The application seeks to discharge Condition 15. It is a resubmission of DOC/2024/0069 which was refused due to harm to the character and appearance of the area

Condition 15 was amended under NMA/2025/0018. It reads as follows:-

No development shall commence beyond that described in the approved document entitled NMA Operations (received by the Council 2nd September 2025) 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

The MMP submitted with the application was in 14 parts containing the following information :-

Part 1 – MMP RSK Geosciences. It provided a summary of the excavation and bund formation process (see section 5a and repeated at section 7 and again at section 19) It indicated that an excess of 38,775 m3 will be removed from site, to be donated and used on the landowner's fields to the east for which a separate planning permission was being obtained for that. The table at section 5a summarises the excavation volumes.

Parts 2 – 10 - plans showing the excavation and bund formation – cross sections, elevations etc. These drawings are largely the approved drawings – mainly under NMA/2024/0027

Part 11 – Stephen Halliday drawing Soil deposition plan and section.

Officer comment: As it is agreed that Condition 15 cannot control any activity once any excess soil leaves the site, this plan is not considered

Part 12 – EA correspondence RSK Geosciences Design Statement

Officer comment: These are technical documents and although useful background information are not required to satisfy Condition 15

Part 13 – RSK Geosciences Appendix to Design Statement, Service Constraint report and Mayer Earthworks Method Statement

Officer comment: These are technical documents and although useful background information are not required for Condition 15

Part 14 Risk Assessment

Officer comment: A useful background document but not required for Condition 15

The original submission also provided a Soil Movement Volume Analysis document, two documents concerning the proposed deposition site for surplus material from the site and a Ground investigation report. The Soil Movement Volume Analysis document has been superseded by the Addendum report. As confirmed above matters relating to the deposition site for surplus material from the site are not considerations for Condition 15.

Although the EHO did not provide comment on this application, he did on the previous application (DOC/2024/0069) when the same GI report was provided. He advised that it was acceptable.

Amended documents

During the processing of the application the following revised documents were received to address Officer concerns :-

- Off Site Spoil Reduction – Addendum to MMP Rev 4
- Drawing 3001816-BMC-CS-XX-DR-CV-0050 showing the enlarged bund in the eastern field
- Earthworks volumes shown on Site plan and Table 244-05-SK019 Rev C

These documents and the original MMP are discussed in the Officer section below

CONSULTATIONS

Cheddleton Parish Council

Comment: Not object but raise these concerns: -

This application relates to the material management plan for the BESS which suggest that between 40 and 60,000 tonnes of soil waste coming off the BESS site and going across the road is to be tipped in the field opposite. Circa 15,000 journeys. Concerns raised as this is where the water runs down from Rownall Road to the bottom of Mill Lane. The planning committee SMDC wanted this to be put down in the ground to reduce noise nuisance. At one end it is being sunk into the ground by 8m and at the other end 2m. Some of the soil will be used to make bunds around the outside of the site. A further issue concerns the restoration of the site after 40 years; how will 60,000 tonnes of soil be put back? It was asked if the soil could remain on site but apparently this is not possible. Traffic, road conditions, school traffic, a cut through from Stoke-on-Trent and wheel cleaning were all referenced

Landscape consultant

Stuart Ryder of Stuart Ryder Landscapes has advised the Council on landscape and visual matters relating to this application. He has provided a detailed consultation response which is available on the file. His conclusion is as follows: -

A. Acceptability in Principle

The proposed earthworks strategy, including the formation of perimeter bunding using site-won materials, is acceptable in principle from a landscape and visual perspective. The

approach reflects a mitigation-led design, whereby landform and planting are integral to reducing the effects of the BESS infrastructure within a rural landscape context.

B. Effectiveness of Bunding and Landform Design

The revised bunding strategy, including the extended eastern landform, is considered to be appropriate in terms of height, profile and spatial arrangement. In particular:

- The height of bunding (2.0–3.0m) is sufficient to provide meaningful screening of the development;*
- The eastern bund's shallower gradient (circa 1:10) represents a positive evolution in design, resulting in a more naturalistic and landscape-compatible form;*
- The bunding arrangement successfully avoids key constraints such as tree root protection areas, maintaining existing landscape features.*

Overall, the landform design is capable of integrating the development into the receiving landscape over time, subject to successful implementation.

C. Landscape Integration and Establishment

The long-term success of the proposals is highly dependent on landscape establishment and management. Specifically:

- The development will initially appear as a noticeable engineered intervention, particularly during the construction and early operational phases;*
- The maturation of planting and establishment of a stable grass sward will be critical to softening the landform and achieving assimilation;*
- The revised eastern bund offers improved opportunities for naturalistic integration compared to earlier proposals.*

D. Materials Management and Earthworks Robustness

The updated Materials Management approach, which retains a greater proportion of excavated material on site, is supported in landscape terms. It reduces off-site export, enables a more coherent landform, and supports sustainable construction.

The review of cut and fill information indicates general consistency between tabulated data and drawings, with only minor clarifications required.

E. Landscape Delivery Risks

A number of manageable risks have been identified:

- Confirmation of grass seed specification and establishment methodology;*
- Ensuring recycled Type 1 aggregate is visually appropriate and uncontaminated; and*
- Clarification of minor technical matters such as pond extent and planting on slopes.*

These do not represent fundamental constraints and are readily manageable.

F. Compliance with Approved Landscape Strategy

The extended eastern bund does not prejudice delivery of the approved landscape scheme. It maintains spatial planting arrangements and enhances screening effectiveness.

G. Overall Planning Balance

The proposals achieve an acceptable balance between engineering requirements and landscape mitigation. There is no overriding landscape or visual reason to resist the bunding and MMP proposals, subject to minor clarifications and adherence to approved management measures.

The scheme is suitable for approval from a landscape point of view subject to the final clarification of detailed specific points.

SCC Minerals and Waste

Holding objection -

Clarification sought if the off-site disposal is temporary or permanent storage of material given the requirement of Condition 21 to be reinstated to agricultural use. The LPA should satisfy itself that sufficient fill material and soils can achieve a sustainable after use of the site.

The MMP indicates that the underlying bedrock sandstone should not be affected but should sand deposits be found within the overlying superficial deposits, the developer should retain and use this material for construction of the facility. Note that recovery of mineral incidental to site preparation works for the purposes of sale would require a separate planning permission. Clarification should be sought on the contingency for materials management if the proposed disposal site is not authorised or doesn't provide sufficient capacity

Officer comment:- Site restoration is controlled by Condition 21 of the original permission. It requires the submission and approval in writing of details for the restoration of the site to a pasture field. What form that might take and how it fits with the landscape structure which will, by that stage, be established landscape bunds and woodland (part of the delivered BNG) will be a decision to be made at the time. The amended plan shows considerably more material retained on site – in line with the expectation at the planning application stage

It has been established that Condition 15 cannot control activity once any surplus material leaves the site

The matter of bedrock sandstone and use of sand deposits is brought to the applicant's attention on the decision notice

Public Comments

Four letters of objection received. Main points relating to the application are:-

1. Local roads not suitable for movement of this volume of material
2. Bund cross sections and elevation drawings show significant engineered landforms that alter the pastoral character.
3. Excavation of sandstone bedrock is irreversible. Once broken up, sandstone cannot be reinstated to its original geological condition.
4. Spoil consisting of clay and sandstone fragments cannot replicate the natural stratification, compaction, or drainage properties of intact bedrock. This means that at the end of the installations life, the land cannot be returned to its original state as required by Condition 21. Restoration would leave a fundamentally altered soil profile, undermining agricultural productivity and landscape character
5. Condition 21 requires restoration of the site to pasture after cessation of use. A bond is essential to guarantee that restoration is carried out, preventing the land from being left in a degraded state
6. Without transparent verification the Council can not be satisfied that the soil volumes are accurate or that restoration to agricultural use is feasible
7. The cumulative impact with Foxes Plantation and other BESS sites nearby needs to be considered – these also involve excavation and spoil removal. Council must consider HGV movements, highway damage and deposition of spoil in the green belt
8. Should be a LLFA consultation and Land Drainage consent
9. Should be updated traffic assessments and highway consultation

Officer comment: Two of the representations make no specific comments. One makes comments specifically about the deposition site. It has been established that Condition 15 cannot control activity once surplus material leaves the site. The deposition site is, in any event, subject to a separate planning application and matters relating to highway safety, landscape impact, amenity etc will be considered as part of that application.

Restoration of the site post decommissioning of the facility is covered by Condition 21 which requires a scheme to be submitted to and approved in writing by the LPA and subsequently implemented in accordance with an agreed timeframe.

Condition 15 does not require consideration of traffic impact or flood risk. The reason for the condition was in the interests of the character and appearance of the area.

The LHA and LLFA were amongst a number of statutory consultees who were consulted on the original planning application. No objections were raised; any conditions advised were imposed on the grant of planning permission.

The excavation of the site and formation of bunds around the facility was a principle established and accepted by Members at the application stage in order to 'hide' the development in the landscape

SCC Minerals and Waste have passed comment on the sandstone bedrock – this has been forwarded to the applicant

Objection from County Councillor Sue Beardmore

Two points give me great concern:

1. This application states that the land will be returned to Agricultural use and as it was following a 40 year term. How can 40,000+ tonnes of spoil be re-instated and where will this come from?
2. When this application was first approved by the SMDC Planning Committee, this application should have been re-assessed by several statutory consultees, Highways, Minerals and Flood Risk. At no time following approval of a totally different application to what they had commented on had they been re consulted on a totally different plan. They gave their opinions on highways and flood risk on something that has never been passed! Surely all departments should have been re consulted.

1. Highway Safety Severe Residual Cumulative Impacts (NPPF para. 111)

Rownall Road is a single-track lane with limited passing places, soft verges, blind bends, and a rural character not designed for heavy industrial traffic. The movement of 40,000+ tonnes of spoil would require hundreds likely thousands of HGV movements.

This presents a severe residual cumulative impact on highway safety within the meaning of paragraph 111 of the National Planning Policy Framework (NPPF). This is one of the few circumstances in which the NPPF directs that development should be refused.

Further:

- The lane is too narrow for safe two-way movement of HGVs.
- There are insufficient formal passing places.
- HGV manoeuvres would require mounting verges and damaging hedgerows.
- Visibility splays at junctions are substandard.
- Pedestrians, cyclists, equestrians and residents would be placed at serious risk.

If the Transport/Traffic Statement supplied does not consider worst-case HGV frequency or cumulative impacts, this is grounds for refusal.
Transport assessments must be comprehensive and robust, and where they are not, refusal is justified (Local Government Lawyer commentary, 2024).

2. Rownall Road is Inherently Unsuitable for Heavy Haulage

This lane is of rural character, historically used for light agricultural or residential traffic. It was never designed or engineered for tens of thousands of tonnes of spoil haulage.

The likely consequences include:

- Structural damage to the carriageway
- Destruction of verges and hedgerows
- Increased collision risk at pinch points
- Road blockages due to HGVs unable to pass
- Damage to drainage infrastructure

This constitutes a material change of use of the lane and appears contrary to the Councils duty to protect the highway network

3. Environmental, Amenity and Public Nuisance Impacts

Noise, dust, vibration, and disruption from sustained HGV traffic will unacceptably harm residential amenity and the tranquil rural environment.

Case law supports the principle that planning permission does not give a licence to create a nuisance:

Wheeler v J.J. Saunders Ltd [1994]

The Court of Appeal held that planning permission does not automatically protect a developer from claims of nuisance; intensification that changes an area's character may still be unlawful.

This is directly relevant: extensive HGV activity would fundamentally alter the character of Rownall Road from rural to industrial.

4. Best Practicable Environmental Option (BPEO)

Under waste and minerals planning principles, the authority must consider whether the proposed method of material handling is the least environmentally harmful option.

Questions arise:

- Why is spoil being exported rather than reused on-site?
- Has the applicant explored alternative routes built for HGV capacity?
- Has a reduced-movement option been assessed?
- Have cumulative haulage emissions been compared to alternatives?

The application does not appear to demonstrate the BPEO, contrary to planning guidance and principles reaffirmed in:

R (Whitley Parish Council) v North Yorkshire CC [2023]

The Court stressed the importance of a proper policy interpretation when considering environmental options and impacts.

5. Conflict With Planning Policy

This proposal appears to conflict with:

NPPF

- Para 111 - development should be refused where highway impacts are severe.
- Paras 174-176 - protection of rural character, landscape and tranquillity.
- Waste policy - requiring least-impact waste movement and minimisation.

Staffordshire Moorlands Local Plan

Likely conflicts include policies relating to:

- Sustainable transport
- Protection of local amenity
- Rural landscape and character

- Pollution and nuisance
- Infrastructure capacity

I request that the case officer demonstrates, in writing, how these policies have been balanced against the scale of haulage proposed.

6. Procedural & Legal Concerns

Croft v Devon County Council (2025)

The High Court held that a local authority must properly carry out the balancing exercise under statutory duties when rural roads and safety impacts are at stake.

Failure to fully consider safety implications can render a decision unlawful. If Staffordshire Moorlands DC does not robustly address the real-world safety risks of this haul route, the decision risks being procedurally flawed.

Conclusion Request for Refusal

For the reasons above, the proposed Materials Management Plan would cause:

- Severe highway safety impacts
- Significant amenity and environmental harm
- Loss of rural character
- Failure to demonstrate best practicable options
- Conflict with national and local planning policy

I therefore respectfully request that application DOC/2025/0082 is refused in its current form. Should the Council be minded to approve the application, I request strict conditions including (but not limited to):

- Maximum HGV movements per day
- Restricted working hours
- Pre- and post-damage surveys of Rownall Road
- Temporary passing place reinforcement funded by applicant
- Dust/noise monitoring
- Requirement to explore on-site spoil retention or alternative routes

Officer comment on Cllr Beardmore's comments :-

Condition 21 controls and secures the restoration of the site post decommissioning of the facility.

The original planning application was subject to full consultation and publicity. All statutory consultees were consulted including the Local Highway Authority, Local Lead Flood Authority and SCC Minerals and Waste. No objections were raised by any. Conditions were imposed where recommended.

Condition 15 does not require consideration of traffic impact. The reason for the condition was in the interests of the character and appearance of the area. The volume of surplus material in the amended documents is in line with the expectation at the application stage. It has been established that Condition 15 cannot control activity once surplus material leaves the site. The EHO considered matters relating to amenity at the planning application stage including dust and noise and the conditions recommended were imposed on the planning permission

OFFICER COMMENTS

1. The primary mitigation mechanism for the site won material arising from the excavation of the BESS compound (2m below ground level) and Substation (7m approx. below ground level) is the creation of raised bunds around the facility. This approach was agreed in principle at the planning application stage and is acceptable from a landscape perspective as it provides visual screening of the infrastructure, it assists in acoustic attenuation, and it reduces off site disposal. It was always recognised at the

planning application stage that the proposal will introduce a noticeable engineered feature into the rural landscape, particularly in the short to medium term before planting on the bunds takes effects and disguises their form.

2. The MMP submitted with the application indicated that a surplus of circa 38 775 cu m of material would arise as a result of the excavation and bund formation processes.
3. At the planning application stage, the question had been asked about import/export of material. A written response indicated as follows: -

The consulting engineers have advised there is approx. 14 642 m³ of scrape to be removed after cut and fill, the intention is for this to be used to create the extended bund on the eastern field (which was not included in this calculation) and the remainder used on other land owned by the landowner. However the final detail of this will be secured to the LPA's satisfaction by the Materials Management Plan conditio

4. This information was provided to Members before they made their decision via the Late Representation report. The application was approved subject to Condition 15 which requires the submission and approval of a MMP. Of note is the fact that Informative 2 on the Decision notice states in respect of discharging Condition 15 '.... *that as much of the excavated material as possible shall be used to create the gentle bund side to the east*'.
5. With this in mind, concern was expressed that the amount of surplus material indicated in the MMMP was excessive and that more material needed to be retained on site. Discussions were held between Officers, the applicant and Stuart Ryder, the Councils appointed Landscape advisor. These have resulted in a revised proposal which retains much more material on site within an extended bund into the eastern field – in line with Members wishes. The revised excavation and bund formation process shows that the surplus or excess material to be taken off site has reduced to 15 659 cu m from 38 775 cu m – see Table 2 below

Table 2 – Revised Estimated cut and fill (with extended East field bund).

Area	Description	Area [m ²]	Relative Depth [m]	Cut (top soil) [m ³]	Cut (spoil) [m ³]	Fill (top soil) [m ³]	Fill (Spoil) [m ³]
1	O/A site	25000	2.3	7500	50000		
2	GIS - (-7.5m)	2225	5.75		12790		
3	Ramp - (-2.5m - 5.5m)	350	3		1050		
4	Site Batter (East & South)	2300	2	690	1610	750	
5	Site Top Soil Strip	37312	~0.3	11194			
6	Bund Construction	37312	varies			14925	47110
7	Attenuation Pond	2000	varies	600	2800		190
8	Recycle/re-use on site for sub-base	21500	0.4				8600
9	Retained for general site landscaping					1000	
	Summary			19984	68250	16675	55900
	Surplus					3309	12350
				Total material to be exported from site:			15659

Overview of the management of material operation on site

6. A helpful overview of the management of materials is provided within the Off-Site Spoil Reduction document (Addendum to MMP Revision 4).

Stage 1

It confirms that the developed areas of the site will undergo a top soil strip (totalling approx. 21 964 m³ – see Table 2 and 4 of the Addendum). Of this most is reused on site, 1980 m³ would be retained in a temporary stockpile until completion of construction and then re used to reinstate the temporary access road and welfare area. 3309 cu m of topsoil is to be removed from site

Stage 2

Once the topsoil has been stripped from the site access road and the temporary welfare, this area will undergo an initial cut & fill exercise. 4420m³ of the clean and natural (CAN) soil arisings will be retained for use to level the welfare area pad. This area of the site will also have 1880m³ of type 1 recycled aggregate imported and laid at the surface to finish the access road and welfare area pad. Table 3 provides this detail.

Stage 3

The BESS site (western field) will then undergo a reduction in site level by an average of 2.3m and deeper cut area for the main Substation in the northwest by a further 5m. This is calculated to generate 68,250m³ of spoil (also includes excavation of the attenuation pond - see Tables 2 & 4). The Tables show that 47, 300m³ of this will be used within the raised embankment/bunds around the North, West & South, East sides of the BESS area and 8600m³ will be used for the BESS area sub base. This leaves 12 350 cu m of excess spoil

Summary - The surplus includes 3309 m³ of topsoil and 12 350 cu m of CAN soil – to be removed on the site. 1880 m³ of aggregate is to be imported for the access and temporary welfare area. This imported material is in line with the Construction Method Statement agreed under Condition 10

7. The original MMP includes drawing and sections of the proposed bunding around the BESS in the western field. The more recent Drawing 3001816-BMC-CS-XX-DR-CV-0050 shows the enlarged bund in the eastern field. All the drawings are based on concepts agreed in the planning application (and subsequent NMA/2024/0027) in terms of height, profile etc. to ensure an acceptable finish in the interests of the character and appearance of the area.
Stuart Ryder has advised the Council on the landscape and visual implications of the MMP. He has provided a detailed response. The full copy is available in the file and the main points are referenced in the analysis below.

8. As the Landscape Consultant says the effectiveness of the bunding is dependent on several matters including height, profile etc. He has considered the proposed bunding in detail as follows:-

North bund which is arguably the least in the public eye has a uniform 1:3 - flat crest -1:3 profile, it rises to 2.0m above ground level. This bund is acceptable in profile terms.

Eastern bund (as amended) – effectively takes up all the field to the east of the site with suitable stand offs to retain the tree line to the immediate east of the battery yard. The front face of the bund that is visually the most important of all the bunds on the site as it will be visible from Rownall Road runs at a shallow 1:10 gradient to reach a height of 3.0m. This

alteration has been proposed to retain as much earth material on site. The back of the bund is 1:3 and drops down to retained field level to retain the tree line. This bund is acceptable in profile terms.

South bund – has varied base width and topline from 2.0 to 2.5m to reduce the artificial appearance of a flat line in the landscape. The back of the bund is 1:3 as it is not visible. The footprint of the bund avoids the root protection areas (RPA's) of the trees lining the lane. The bund's profile is acceptable in profile terms.

West bund - has a varied base width as it wends between RPA's of the tree line to the site's western boundary. The back of the bund is 1:3 as it is not visible. The footprint of the bund avoids the root protection areas (RPA's) of the trees lining the lane. The bund's profile is acceptable in profile terms.

9. The Landscape consultant concludes that

- a) The scheme adopts a mitigation-led design approach, with bunding and planting forming an integral part of the development rather than an afterthought.
- b) The use of on-site materials to form bunds is appropriate and consistent with sustainable construction and landscape mitigation principles.
- c) The development will introduce a noticeable engineered character into the rural landscape, particularly in the short to medium term before planting on the bunds takes effects and disguises their form.
- d) The degree to which the development is successfully assimilated into the landscape will depend on:
 - Detailed earthworks design and careful implementation;
 - Quality and density of planting; and
 - Successful long-term landscape management.

10. A Landscaping scheme and a Landscape Management and Maintenance Plan have already been approved for the site. The Landscape consultant confirms that the already approved Landscaping scheme for the site will not be affected by the MMP, in particular the extended eastern bund and can still take place in accordance with the approved plans. The location of the woodland planting adjacent to Rownall Road remains the same to maximise its screening value but it is just slightly elevated compared to the existing field levels. He does comment however that on-going establishment and aftercare of the planting as set out in the approved Landscape Management and Maintenance Plan will be critical to deliver these works, so the trees and scrub have the correct growing conditions to thrive.

11. The Landscape consultant comments that in his view the updated proposals which change the form of the eastern mound is to the benefit of the local landscape. He says that the desire to retain more cut material within the redline boundary of the site has allowed the opportunity to create a more naturally appearing piece of landform than previously proposed. It's extension over effectively the whole field means that a much shallower average gradient of 1:10 can be presented to its eastern face to better address Rownall Road. At its shallowest near the site entrance it is set at 1:13 and steepens to approximately 1:9 near the eastern field's south eastern corner. Although still discernible as a slope this is a far more naturalistic slope to look onto than a 1:3 profile as previously proposed. This shallow eastern face runs for approximately 65m before reaching a flatter upper plateau level. This upper plateau level is generally 3.0m above original field level set at between 244.234 and 242.928 m AOD reading of the spot heights set around the edge of the plateau. This is not flat physically with a 1.3m fall across a width of 80 to 100m (effective gradient of 1:76) which to the human eye is

perceived as gently falling, if not totally flat. This fall to the east will be useful to aid drainage from the top of the landform in that direction. Drainage is shown on Drawing 3001816-BMC-CS-XX-DR-CV-0050 connecting to the attenuation pond. The proposed MMP will not result in any greater run off

As the Landscape consultant says the disturbance and earthworks to create this larger eastern bund will be more evident during the construction period as it would have a larger footprint and be nearer to Rownall Road but the long term effects are more natural and easier to assimilate into the local landscape.

12. The Landscape consultant raised some minor matters which have been addressed by the applicant in Rev 4 of the Addendum . These concerned the planting of whips rather than standard trees on the 1:3 slope at the north west corner, clarification of the finish of the extended eastern bund in a suitable pasture sward mix and clarification about the volume of excavated material from the attenuation pond

CONCLUSION / PLANNING BALANCE

It is considered that the amended proposals achieve an acceptable balance between engineering requirements and landscape mitigation and demonstrate an acceptable landscape and visual impact.

For all of the reasons above, it is recommended that Condition 15 be approved

OFFICER RECOMMENDATION : **Approve**

Case Officer: Jane Curley

Recommendation Date: 8th April 2026

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council