

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**TUESDAY 29TH JULY 2025, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, S. J. Baxter, J. Clarke, D. J. A. Forsythe, E. M. S. Gray, S. R. Peters, J. Robinson (during Minute No's 25/25 to part of 28/25) and J. D. Stanley

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Mr. M. Howarth (Anthony Collins Solicitors), Mr. P. Lester and Mrs. P. Ross

25/25

**APOLOGIES**

An apology for absence was received from Councillor R. E. Lambert.

26/25

**DECLARATIONS OF INTEREST**

Councillor A. Bailes explained that he was an Authority Member on the Hereford and Worcester Fire and Rescue Service (HWFR) Board.

In response to the Council's Legal Advisor, Councillor A. Bailes stated that he was not declaring a Disclosable Pecuniary Interest (DPI) and that he would determine the application with an open mind.

27/25

**MINUTES**

The minutes of the Planning Committee meeting held on 23<sup>rd</sup> June 2025, were received for Members consideration.

**RESOLVED** that the minutes of the Planning Committee meeting held on 23<sup>rd</sup> June 2025, be approved as a correct record.

28/25

**UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

It was noted that the Chairman had announced a 15 minute adjournment at the commencement of the meeting, in order for Members to read the three Committee Updates published during the afternoon of the meeting.

The Chairman asked Committee Members if they had had sufficient time to read all three Committee Updates, which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Some Members indicated that they had not had sufficient time to read the detailed contents of all three Committee Updates.

Councillor J. Robinson stated to the Chairman, that it was ok if other Members had read all three Committee Updates, however, he felt that 15 minutes was not long enough for him to read the detailed information contained in all three Committee Updates, in order to determine the application. Councillor J. Robinson informed the Chairman that he would be leaving the meeting.

Councillor S. J. Baxter commented that she had read all three Committee Updates but could not fully understand all of the technical information as provided, it was too technical. A representative from Hereford and Worcester Fire and Rescue Service (HWFR) should be in attendance to explain the technical information.

Councillor D. J. A. Forsythe further commented that 15 minutes was not enough time to read something that was highlighted to the applicants in 2024. In his opinion the application should be deferred until a full explanation was given to HWFR.

In response the Assistant Director for Planning, Leisure and Culture Services, stated that she could understand Members wanting to defer the application. However, Officers had received the questions / updates from HWFR at 09:30 a.m. that morning. Officers and the applicant had worked through the questions / updates and had responded to HWFR. Their detailed responses were included on the Public Access Planning Portal.

With the agreement of the Chairman, the Council's Legal Advisor, asked the Committee to consider receiving the Officers detailed report and presentation, the Public Speakers comments, then ask questions of Officers. If Members were still of the opinion that they could not make an informed decision, Members could then debate deferring the application and the reason(s) for deferring.

At this stage in the meeting, Councillor J. Robinson left the meeting room.

Councillor M. Marshall commented that Members had previously deferred this application, and that a second deferral could see the applicant appealing on the grounds of non-determination.

The Council's Legal Advisor reiterated to Members, as detailed in the preamble above; to consider receiving the Officers detailed report and presentation, listen to the comments made by the Public Speakers, and then ask questions of Officers. If Members were still of the opinion that they could not make an informed decision, Members could then debate deferring the application and the reason(s) for deferring.

Councillor S. J. Baxter further emphasised that Members were in receipt of the responses to the questions / updates requested by HWFR, which were requested at 09:30 a.m. However, you could not expect Members to process late information. HWFR had asked these questions back in October 2024.

The Planning Case Officer explained that the applicant had responded to the original HWFR comments, which had dictated the Risk Management Plan as provided. The applicant had sent questions to HWFR on fire risk and fire water management, but no comments were received from HWFR.

Councillor S. J. Baxter questioned as to why, having received such a detailed list of questions from HWFR in October 2024, a response was sent to North Worcestershire Water Management and not HWFR.

With the agreement of the Chairman, the Development Management Manager stated that from the Officers perspective the questions from HWFR had been replied to and that the application could be determined at this meeting.

In response Councillor D. J. A. Forsythe stated that with all due respect to Officers, he personally thought it was unfair to ask Members to come to a conclusion at tonight's meeting. Members needed to understand the contents of the documents, in order to be able to ask specific questions. In his opinion the application should be deferred, enabling Members to look at the detail in order to ask legitimate questions.

The Council's Legal Advisor informed Members that should they defer the application, then the applicant could appeal to the Planning Inspectorate for non-determination. As stated earlier, Members could receive the Officers detailed report and presentation, the comments from the Public Speakers, and then ask questions of Officers. If Members were still of the opinion that they could not make an informed decision, and that further information was still required, Members could then debate deferring the application and the reason(s) for a deferral.

Having listened to the concerns raised by Committee Members, the comments from Officers and the Council's Legal Advisor; the Chairman requested that the Planning Case Officer presented their report and presentation.

29/25

**24/00960/FUL - PROPOSED BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE. LAND OFF ILLEY LANE, HUNNINGTON. MR. G. WATSON (GREENERGY RENEWABLES UK)**

As detailed in the preamble above, Councillor J. Robinson left the meeting room prior to the consideration of this item.

Members had been made aware of the three Committee Updates, as detailed in the preamble above.

Committee Update One – detailed information from National Grid (Asset Protection), public comments and the applicants comments.

Committee Update Two - detailed further comments regarding the proposed scheme, received on 29<sup>th</sup> July 2025, from Hereford and Worcester Fire and Rescue Service (HWFR); the responses from Grenergy Renewables UK; and the Local Planning Authority (LPA) commentary.

Committee Update Three - detailed updates to Conditions 4 and 16, following a discussion with HWFR.

The Committee Updates were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 61 to 80 of the main agenda pack.

The application was for a proposed Battery Energy Storage System (BESS) and associated infrastructure.

The application site extended to approx. 3.8ha and lay to the south of Illey Lane, and comprised agricultural land and encompassed several fields, with the proposed development situated towards the middle of the site area.

Full planning permission was being sought for the erection of Battery Energy Storage System (BESS) to provide energy balancing services to the National Grid. The application proposed the erection of storage containers, support infrastructure and security fencing along with landscaping and associated works.

Members' attention was drawn to the 'Proposal' information, specifically as to what the proposed development would comprise of, as detailed in paragraph 8.2, page 24 of the main agenda pack.

The battery units were laid out in 5 rows of 12 battery units, with 2 sets of power stations within each row. The frontage of the battery storage facility was a substation, switchgear buildings and monitoring room/office. Of the 3.8ha application site the developable area of the site was around 1ha.

Access to the site would be taken via an existing access point located along Illey Lane and would be upgraded as required to provide suitable access. The compound would be surrounded by a fence, with an appropriate landscaping scheme around the perimeter and the BESS. Remaining spacing outside the fence line would be utilised for new

woodland, hedgerow and tree planting as well as rough/wildflower grassland

The proposed development would be time-limited to 35 years, after which time all infrastructure would be removed from the site.

This type of facility operated by taking excess electricity from the grid at times of low demand when energy would otherwise be lost, storing it in batteries, and releasing it back to the Grid when demand was high.

The point of connection (PoC) for the facility would be into the Kitwell Substation which was located approximately 2km east of the application site on Kitwell Lane.

Members were informed that the applicant Grenergy Renewables UK Ltd were an Independent Power Producer (IPP) that designed, developed, implemented and operated renewable energy plants on a large-scale across the globe.

Officers highlighted that within the vicinity of the application site two BESS were allowed, since September, following planning appeals:-

- Land at Illeybrook Farm, Illey Lane
- Land at Lowlands Farm, Illey Lane, Halesowen

The application site was located on land outside of a settlement hierarchy outside of the settlement hierarchy outlined in Policy BDP2 Settlement Hierarchy.

The proposed development was intended to serve as infrastructure supporting the National Grid network and therefore, it was considered that the relationship with National Grid infrastructure (in this case the Kitwell substation) was the determining factor in identifying an appropriate location for this type of development. It was acknowledged that the location of a battery storage site was unlikely to be accommodated within designated settlement areas where the availability of land was typically more constrained.

Policy BDP22 focused on how the Council would deliver viable low carbon climate resilient developments. Specifically, the policy stated that the Council would support low carbon energy generation schemes when adverse impacts were addressed satisfactorily.

At national level, whilst there was no specific policy for BESS development in the Framework, there were policies for mitigating the impacts of climate change and specifically relating to the development of renewable energy projects. These were set out in the Framework in Chapter 14: Meeting the challenge of climate change, flooding and coastal change with Paragraph 161 confirming that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts.

As detailed in the Officers report, it was of note that the Framework revisions in December 2024 had highlighted a stronger focus on tackling climate change to align with the government's push for renewable energy in order to help achieve the net zero targets.

There were a number of Government documents that referenced Climate Change and Energy requirements, as referred to on page 27 of the main agenda pack.

In 2019 Bromsgrove District Council and many other Councils across the country had declared a climate emergency. The Council had made a commitment to reduce carbons emission by 50% by 2030 and achieve Net Zero by 2024.

Officers informed the Committee, that the application site was within the Green Belt. The main issue in establishing the principle of the development was firstly, whether or not the proposal constituted inappropriate development in the Green Belt for the purposes of BDP 4 Green Belt and the Framework.

Paragraph 153 of the Framework stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 outlined a list of exceptions where development might be acceptable in the Green Belt, and these aligned with BDP4. Members were asked to note that there were now further exemptions since the Framework was amended in December 2024 in paragraph 155 which were not reflected in BDP4.

Members' attention was drawn to pages 30 to 32 of the main agenda pack, which contained detailed information on the 'Grey Belt', including:-

- Purpose a – Sprawl
- Purpose b – Merging
- Purpose d – To preserve the setting and special character of historic towns. (This was not relevant).

The proposal site did not strongly contribute to any of the three Green Belt purposes required to be considered in a Grey Belt assessment, as clearly demonstrated in the report.

Pages 33 to 35 of the main agenda pack, contained detailed information on Paragraph 155 'Grey Belt' criterions namely:-

- Criterion A
- Criterion B
- Criterion C
- Criterion D (which did not apply)

Officers briefly further referred to:-

- Impact on Landscape Character
- Loss of Agricultural Land
- Neighbouring Amenity and Public Health
- Ecology and Biodiversity

With regards to Highways, Access and Parking, as detailed in the report, the Highway Authority did not object to the proposals subject conditions, as detailed on page 42 of the main agenda pack. It was considered reasonable and necessary that these conditions should be attached.

On the basis, it was considered that there would be an acceptable impact on highway safety subject to conditions, it was considered that there would not be an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

Officers then referred to 'Flood Risk and Drainage,' as highlighted on page 45 of the main agenda pack; North Worcestershire Water Management (NWWM) had raised no objections to the scheme. However, they had recommended the imposition of a pre-commencement planning conditions stipulating the provision of a detailed surface water drainage scheme and Construction Surface Water Management Plan. NWWM had also recommended conditions regarding at least a 5m Buffer strip being maintained alongside any watercourse and a permeable access track.

Concerns were raised by members of the public in relation to flooding, some in connection with leakage of chemicals from the facility. However, in the event of fire, water used to treat this would be fully contained in that surface water would drain through the internal drainage basin into the attenuation basin on site. This basin would be lined to stop any water leaching into the ground and also sealed by a firewater isolation valve.

The Council's Arboricultural Officer, the Council's appointed Ecological Consultant, Natural England, Worcestershire Regulatory Services – Contaminated Land and Noise had raised no objections to the application.

With regards to Heritage and Archaeology, the application site was in close proximity to a number of heritage assets. However, the application was supported by an Historic Environment Desk Based Assessment (HEDA) the Council's Conservation Officer had assessed the proposal and HEDA and had concurred that there would be a degree of less than substantial harm to the significance and setting of the Grade II Oatenfields Farmhouse through the proposed development.

Officers further referred to 'Fire Risk and Fire Water Management, and in doing so highlighted that HWFR were not a statutory consultee, however, the LPA and applicants were encouraged to engage with their local Fire and Rescue service; and the National Fire Chief was encouraged to also engage and respond. HWFR had raised further comments, as detailed in Committee Update Two. Members were asked

to note that HWFR had no objections to the application, and that as highlighted in Committee Update Two,

‘The LPA have reviewed both comments and remains of the view that subject to the imposition of condition 6 regarding the requirements for fire safety arrangements, that the matters raised by the Hereford & Worcester Fire and Rescue Service as highlighted above have been satisfactory addressed’.

At the invitation of the Chairman, Mr. A. Perry, speaking on behalf of local residents in objection to the application, addressed the Committee.

Mr. G. Thorpe, the Planning Agent for Grenergy Renewables UK Ltd, addressed the Committee on behalf of the applicant.

Mr. I. McGregor addressed the Committee on behalf of Hunnington Parish Council, who had objected to the application.

Councillor S. Nock, Ward Member also addressed the Committee.

Members raised a number of questions with regard to the site access and roadway, and in doing so, expressed their concerns that only one access point was shown on the Proposed Access Plan slide, on page 69 of the main agenda pack.

Officers referred to Committee Update Two - Site Access and Roadways. The issue of access had been addressed, with the developer providing an emergency response plan and business continuity plan to cover, amongst other matters contained within the Grid Scale Battery Energy Storage System planning – Guidance for FRS published by NFCC National Fire Chiefs Council, allowances for the consequences of ‘not having at least two separate access routes to the site.’ Members were informed that there would be an internal access road and various passing places.

Councillor S. J. Baxter expressed her concerns again, in respect of fire safety and the safety of local residents. Had HWFR seen the proposed map and were they now happy with the application. Members did not want to put residents at risk until they were reassured that HWFR were happy with the application as presented to Planning Committee Members.

Councillor A. Bailes referred to page 8 of Committee Update Two ‘Vapour Cloud, Explosion & Deflagration’. The applicant had not commented on this. Was there a Comprehensive Risk Management Plan, whereby all risks were mitigated? Was the Council at risk with no Comprehensive Risk Management Plan?

Councillor A. Bailes further referred to paragraph 20.2, page 49 of the main agenda pack –



'The guidance further states that the Local Planning Authority are encouraged to consult with their local Fire and Rescue Service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be considered when determining the application.'

In response Officers reiterated that the applicant had submitted a Fire Strategy Plan and that subject to the imposition of Conditions 6, 4 and 16 regarding the requirements for fire safety arrangements, that this was considered robust and that HWFR would be satisfied.

Some Members stated that they were not convinced that the information in Committee Update Two told Members that HWFR were happy and that any fire risks could be mitigated and contained. Members needed to ensure that any conditions being included, met with the requirements of HWFR.

Some Members further commented on 'supply and demand.' Was there more than adequate provision currently. Further information on the need for such a development was required.

In response the Assistant Director for Planning, Leisure and Culture Services, stated that there was no national standard required for a desire for these facilities. There was no information from Central Government not to process such applications, or if a monetarism should be applied.

During the debate and questions to Officers, Members highlighted that they were just seeking reassurance that Conditions 4 and 16 would be adhered to in conjunction with and subject to consultation with HWFR.

Some Members further questioned the timing of Condition 6, and two amendments were suggested with the wording being amended as follows:-

Amend

'Upon commencement of the development, a Risk Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority,' amend to

1. 'Prior to commencement of the development, a Risk Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with HWFR.'
2. 'No development shall take place until a Risk Management Plan and Emergency Response Plan is submitted to and approved in

writing by the Local Planning Authority, in consultation with HWFR.'

Members felt that there was a fire risk when the batteries would be first brought onto the site and during construction.

Officers acknowledged that there was not specifically a reference to the Fire Service in Condition 6, however, Officers further reassured Members that any required documentation would be developed subject to consultation with HWFR. The developer would be making a substantial investment and had other schemes across the country, so had a good knowledge of such developments; and any conditions being adhered to.

Some Members continued to express their concerns in respect of a Comprehensive Risk Management Plan and the fact that there was only one access road shown.

Councillor D. J. A. Forsythe commented that the proposed amendment to Condition 6 would just protect a badly managed application. If Members were minded to refuse the application, the applicant could appeal, and as stated in the Officer's report within the vicinity of the application site two BESS had been allowed following planning appeals. In his opinion the application should be deferred until more information was received. Members should be mindful of the comments made by the public speakers.

With the agreement of the Chairman, the Council's Legal Advisor informed Committee Members that three options had been alluded to, as follows:-

1. Grant planning permission with amended Conditions.
2. Refuse planning permission with sound planning reasons.
3. Defer the application, with clear reasons for deferring. The applicant could appeal to the Planning Inspectorate for non-determination, with potential costs awarded against the Council.

Some Members referred to deferring the application, highlighting that the application needed to come back to Committee Members with more detailed information. Members did not want to put residents at risk.

Members further debated the amendment to the wording for Condition 6, whereby the Council's Legal Advisor asked Committee Members if they would be happy for Officer's to determine the final wording, in agreement with the Planning Committee Chairman and Vice-Chairman.

Members commented that there was a large number of conditions and following recent events with conditions being breached, Members questioned as to how such conditions would be monitored.

The Development Management Manager stated that the onus was on developers to adhere to any conditions. The Council had a monitoring process; however, this was dependant on resources.

Councillor S. J. Baxter reiterated that the amended conditions would not address the need for two site entrances. There was a split into two on the site but not two actual site entrances. Members needed to know that HWFR were happy with the applicant's responses, as Members did not have the knowledge to understand such technical information.

Councillor D. J. A. Forsythe further stated the Members should refuse or defer the application with good reasons. Some crucial questions were raised by the fire service in October 2024 which the applicant had not addressed.

With the agreement of the Chairman, the Council's Legal Advisor commented that it was perceived that it had taken so long for a response. The applicant had now answered the questions raised by HWFR; it would be seen as unreasonable behaviour for Members to refuse the application for this reason.

A proposal to defer application was seconded.

With the agreement of the Chairman, Councillor J. Clarke explained that he could understand the concerns raised and expressed in respect of HWFR. The points raised could be included in the conditions. HWFR had approved the plans. He would agree that Officers could determine the wording of any amended conditions in consultation with the Planning Committee Chairman and Vice-Chairman. This would allow the Council to stay in charge of processes and address the concerns raised by residents, with greater fire safety.

Some Members referred to the proposal to defer the application and further commented that the developer and HWFR could work together to address the concerns raised. It was suggested to defer the application until answers were received from the applicant in liaison with HWFR.

The Assistant Director for Planning, Leisure and Culture Services and the Council's Legal Advisor questioned if this could be addressed by rewording the conditions, which Members had alluded to during the course of the meeting. Officers had noted the comments made by Committee Members with regards to two access points. Could this be further addressed with HWFR and if this could not be achieved then the application would be brought back to Planning Committee Members for consideration. The access was down to the applicant.

Councillor S. J. Baxter took the opportunity to read out the comments from HWFR on 'Site Access and Roadways,' as detailed on page 3 of Committee Update Two. This highlighted that HWFR had clearly asked for two separate access points to the site.

At this stage in the meeting the Chairman announced an adjournment, in order for Members and Officers to have a comfort break; and for Officers to find a more detailed plan of the site access point.

The Council's Legal Advisor took the opportunity to advise Members that the second access could not be secured via a condition as this was an amendment to the layout of the site. The second access could only be secured by the applicant amending their application to amend the layout.

Accordingly the meeting stood adjourned from 20:13 hours to 20:27 hours.

Having reconvened, amended Condition 6 was briefly referred to, as was the proposal to defer the application, which was proposed by Councillor S. J. Baxter and seconded by Councillor A. Bailes. HWFR had commented about the proposed development having only one access to the site, as detailed on page 3 of Committee Update, 'Site Access and Roadways' and some Members had expressed some serious concerns about this during the debate and questions to Officers.

On being put to the vote, it was

**RESOLVED** that the application be deferred.

30/25

**TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROCUREMENT SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.**

There was no urgent business to be considered.

The meeting closed at 8.28 p.m.

Chairman