Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr George Watson (Grenergy Renewables UK)	Proposed Battery Energy Storage System (BESS) and associated infrastructure Land Off Illey Lane, Hunnington		24/00960/FUL

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions.

Consultations

Worcestershire Highways - Bromsgrove
Following clarification on several matters, no objection subject conditions

- Vehicular access
- Site Access and Signing:
- Conformity with Submitted Details
- Vehicular visibility splays approved plan
- Highway Condition Survey

Conservation Officer

- In terms of heritage, as confirmed in the submitted Heritage Statement, there are numerous heritage assets within the localised area, including the Grade I Listed Sy Mar's Abbey Ruins and the associated SM of the Halesowen Abbey and associated water control features, lying some 600m to the north-east; the Grade II listed Oatenfields Farmhouse, lying some 150m to the west, with additional historic barns which may be considered as being curtilage listed; Illey Mill (NDHA) lying adjacent to the proposed site entrance; and Goodrest Farm (NDHA), lying to the south of the site, which dates at least to 1831, being evident on the First Ed of the OS mapping, but most likely has earlier origins, and is characterised by a loose courtyard farmstead.
- I agree with the HS that there will be a degree of less than substantial harm to the significance and setting of the Grade II Oatenfields Farmhouse through the proposed development, resulting from both the alteration of the agricultural nature of the Site, as well as the visual prominence of elements of the scheme, including the scale and size of elements such as the transformer and the high level disconnectors, and that this would be at the low end of the scale of LTS. In line with the NPPF, and with the intentions of S.66 of the P(LBCA)A 1990, such harm should be afforded great weight in undertaking a tilted balance of the harm against the public benefits of the scheme, and that clear and convincing justification has to be provided. In terms of the provision of such, this is set out in the Planning Statement in terms of the need for renewable energy storage
- I disagree that there would be no harm to the setting, insofar as this contributes to significance, of Illey Mill, as part of the rural character of this setting, which does contribute to its significance, would be altered. I consider that this would be a low level of harm to significance, where a balanced judgement has to be given to the scale of harm and the significance of the asset.

- I also agree that there would be some limited harm to the setting and significance (insofar as the former contributes to the latter) of the Goodrest Farm complex, again resulting in the need for a balanced judgement to the given to the scale of harm against the significance of the asset.

Worcestershire Archive and Archaeological Service

- The Proposed Development Site is situated on the eastern-facing slopes of a shallow valley formed by the Illey Brook, which approaches the Site from the southeast and joins with the watercourse that runs through the Site just to the east of the Site boundary. The red line boundary of the proposed development site appears to have been reduced in scale, from that assessed as part of the geophysical survey and Desk Based Assessment.
- Historic cultivation marks ('ridge and furrow') and earthworks of former field boundaries are evident on Environment Agency LiDAR, within the red line boundary. The 'ridge and furrow' is narrow and relatively straight; it does not have the appearance of medieval cultivation and appears post-medieval/modern in date.
- Earthworks potentially associated with the vast estate of the scheduled and Grade I listed St Mary's Abbey, (c. 800m northeast of the site), are recorded along the Illey Brook, c. 215m northeast of the site (HER ref. WSM36168). Deep curvilinear earthworks c.50m east of the site (WSM36170), along the Illey Brook, may be associated with Illey Mill, which is situated c. 30m east of the site's eastern boundary.
- The Worcestershire Historic Environment Record records an area of Palaeolithic Potential, Head Deposits comprising possible deposits of unknown potential for Palaeolithic unstratified and paleoenvironmental remains (HER ref. WSM56936), directly south of the proposed development boundary.
- The Desk Based Assessment (DBA) submitted with application, which considers evidence from both the Worcestershire and Dudley Historic Environment Records, assesses the potential for prehistoric archaeological remains across the site as medium. I would agree with this assessment given the identification of worked lithics, cropmarks, including possible ring ditches and enclosures, and concentrations of heat crazed pebbles (pot boilers) suggestive of burnt mound material, identified within the sites wider setting, and often concentrated around watercourses. As noted in the DBA this may represent dispersed prehistoric settlement and/or funerary activity.
- The DBA considers it unlikely that significant Roman remains will be present on the site. It also assesses the potential for medieval and post medieval activity across the site to be medium, and likely related to agriculture, drainage and enclosure.
- The geophysical (magnetometer) survey undertaken in February 2024 ' during which data was collected at a traversal interval of 2m and sample interval of 0.50m - recorded several anomalies across the survey area, some of which were identified as possibly archaeological (strong and weak possibility) in origin, others of undetermined origin. This included a large series of anomalies in Area B (F12) which cover the length of the area from north to south. As noted in the geophysical survey the exact interpretation of these anomalies is difficult to determine given the size and form, only an archaeological investigation will characterise what these anomalies are.
- The DBA notes that the nature and date of anomalies, recorded during the geophysical survey, is currently undetermined. It tentatively theorises that anomalies could relate to agricultural practices (i.e. ridge-and-furrow agriculture). The DBA also suggests that given the lack of nearby corresponding prehistoric/Roman features, it is improbable that the anomalies are related to these periods. However, given the identification and extent of worked lithics, cropmarks and concentrations of heat

crazed pebbles suggestive of burnt mound material, identified within the sites wider setting, I would tentatively theorise that anomalies may alternatively relate to prehistoric activity along the valley of the Illey Brook. As referenced in the DBA, we can only theorise as to what these anomalies attest too, and only further archaeological investigation through evaluation will confirm their nature.

- The areas showing the strongest concentration of anomalies appear to have largely been removed from the red line boundary of the proposed development site. However, given the results of the geophysical survey and medium potential for subtle prehistoric archaeological remains across the site in general ' that would be truncated or totally removed should groundworks be undertaken ' I would suggest that further archaeological investigation is undertaken pre determination, to identify the presence or absence of archaeological remains their character and significance, within the area of the current red line boundary, that may not have been picked up by geophysical survey due to their more subtle, discrete nature.
- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- The application is judged to have the potential to impact heritage assets of archaeological interest that would be significantly altered or lost through development. Further archaeological investigation is recommended within the area of the red line boundary to determine the presence or absence of archaeological remains their character and significance. This should take the form of evaluation predetermination, with a sample rate of 2%. A written scheme of investigation should be submitted to the archaeological advisor for the district for approval prior to any intrusive investigation. Trail trenching predetermination will inform the decision making process and should the application ultimately be approved, the requirement for and scheme for any further archaeological works by condition.
- Should you be minded to grant planning permission for this scheme, without further archaeological investigation predetermination, a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This would take the form of evaluation by trial trench initially (at a sample rate to be discussed). This could be followed by further mitigation should the results of the evaluation find evidence to justify further stages.

North Worcestershire Water Management

Following clarification on several matters, no objection subject to conditions:

- Detailed surface water drainage scheme design, including maintenance
- Construction surface water management plan
- Buffering of the watercourse
- Permeable access to remain permeable

Environment Agency

- Whilst we note the reason for your consultation being an application for a Battery Energy Storage Systems (BESS) site, based on the sites constraints this does not fall within our checklist and would not be a reason for consulting us, therefore we would have no bespoke comment to make.
- We have recently produced some guidance to assist with applications involving BESS that I have attached for your consideration, alongside our checklist for when to consult us on planning applications which we would appreciate being review and filled out on receival of any future applications.

WRS - Contaminated Land
- No objection

WRS - Noise
No objection subject to conditions
- Pre-occupation noise assessment
- Construction and Environmental Management Plan (CEMP)

WRS - Air Quality
- No objection

Consultant Conservation And Landscape Officer
- No objection
- I have no objection to the scheme on landscape grounds providing opportunities for mitigation are maximised and managed to ensure net gains for landscape character are delivered and sustainably managed. Should you be minded to grant the scheme permission then I recommend that landscape and habitat mitigation and BNG objectives are delivered in the context of a Landscape and Ecological Management Plan (LEMP).

Natural England
- No objection
- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and has no objection.

Ecology (Thompson Environmental Consultants – Bromsgrove DC appointed ecology consultant)
- No objection
- Following receipt of an updated PEA and GCN Survey, these documents are considered sufficient to address the comments raised in the original response. The LPA should note the recommended conditions in the original response.

Worcestershire County Council Countryside Service
- Following information from the applicant, it is confirmed that there is separate access for the PROW. No further information is required in this instance, but applicant should note the general comments made.

Arboricultural Officer
- No objection subject to conditions

- Adherence with The submitted Arboricultural Method Statement
- Should any tree, existing or planted as part of the landscaping proposals, die or become diseased within 5 years of completion of the development they are to be replaced like-for-like within 1 year.
- Should any pruning to retained trees, be necessary to facilitate the development, they are to be done in accordance with BS3998:2010

Hereford & Worcester Fire And Rescue

- Whilst Hereford & Worcester Fire and Rescue Service (HWFRS) are not a statutory consultee under the Town & Country Planning Act 1990, or the Regulatory Reform (Fire Safety) Order 2005 on such planning applications, you have requested comments in relation to this particular planning application.
- The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005.
- We would also expect that safety measures and risk mitigation is developed in collaboration with the Service. The strategy should cover the construction, operational and decommissioning phases of the project.
- HWFRS recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.
- A comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed.

Birmingham City Council

- No comments received

Dudley Metropolitan Council (Neighbouring authority)

- Object to the application on the following grounds:

1. Area of High Historic Landscape Value

- The submitted Landscape and Visual Appraisal prepared by Stephen Halliday and the Historic Environment Desk-Based Assessment prepared by SLR both fail to acknowledge and assess the impact of the proposals on the significance and setting of the Illey and Lapal Area of High Historic Landscape Value (AHHLV), a non-designated heritage asset, located immediately adjacent to the application site within the Dudley Borough boundary.

2. Designated heritage assets

- Figure 4 of the Landscape and Visual Appraisal (considers the Zones of Theoretical Visibility, including screening (areas shaded purple below). It is noted that two designated heritage assets within Dudley's Borough boundary fall within these zones, the Leasowes Registered Park and Garden (Grade I listed) and Halesowen Abbey (Grade I listed and a scheduled Monument). The submitted Landscape and Visual Appraisal and the Historic Environment Desk-Based Assessment both fail to consider the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 This is contrary to para 200 of the NPPF.

3. Cumulative Impact of BESS within the wider Green Belt

- Chapter 13 of the NPPF sets out the Government approach to Protecting Green Belt Land. Para 143 sets out the five main purposes of the Green Belt. As part of the supporting statements, no assessment has been made of the cumulative impact of the application site when considering it in conjunction with two other Battery Storage application sites) which fall within the Zones of Theoretical Visibility, identified in Fig 4 of the Landscape and Visual Appraisal. No assessment has been made regarding the cumulative impact of these schemes when considered holistically and how these developments collectively impact on the five main purposes of the Green Belt and its integrity. This cumulative impact also needs to be considered in respect of the Illey and Lapal Area of High Historic Landscape Value (AHHLV). All 3 sites are accessed directly off Illey Lane.

4. Highway Safety Implications

- As the proposed access point is immediately adjacent to Dudley MBC's Borough boundary, consultation has been undertaken with Dudley MBC Highway Engineers. On review of the submitted information the Highway Engineers share Worcestershire County Council's Highway Authorities view that the proposal should be refused on insufficient information.

In addition to the above, further comments have been raised regarding the following:

- Appropriate liaison should be undertaken around public rights of way (PROW) which runs through the application site, and an agreed solution would need to be secured to maintain accessibility over the PROW.
- The proposed access track should be of a sufficient width to allow two vehicles to pass and be of an appropriate construction.
- Details of the proposed junction onto Illey Lane should be provided, including details of gradients, radii and widths to allow for an informed assessment.
- Impact of the adjacent property and existing structures on visibility to the southeast of the access. This would need to be confirmed as part of any final access design.
- There are overhead wires within the vicinity of the access and associated track. This would need to be considered if development is to be supported.

Hunnington Parish Council

- Hunnington Parish Council have submitted two objections as part of the application. In their objections that raised a wide range of issues and concerns with the proposed development including cumulative impacts. These issues include comments on the following matters:
  1. Hunnington in Context (Green Belt Designation)
  2. The planning application and BESS sites
  3. Lowlands Farm and Illey Brook Farm BESS sites
  4. Cumulative Effects
  5. Green Belt Status - Appropriateness
  6. Harm to the Green Belt
  7. Bess Sites and Renewable Energy
  8. The Surrounding Countryside of Hunnington
  9. Register of Public Rights of Way
  10. The Quality of the Hunnington Countryside (Illey and Hunnington Environment and Landscape Analysis)
  11. Siting and Effects on Local Residences
  12. Wildlife Impact and the Nature Friendly Farming Initiative
  13. Noise pollution

14. Battery Plant Safety - Fire and Toxic Risk
15. Flood and Pollution Risk
16. Cyber and Terrorist Threat
17. Operational Impact
18. Forty Year Temporary Permission
19. Financial Status of Grenergy Renewables
20. Consultation With Residents (lack of support for development)

In conclusion that state the following:

- *''At the time of writing, two adjacent BESS sites have recently been approved and there is a potential for 3 significant BESS sites on the same tract of Green Belt land, and all within less than one mile of each other. The fact that two of these sites are within the Dudley Borough Council boundary is irrelevant, as Illey Brook Farm is less than half a mile from Goodrest Farm.*
- *We believe that this clearly demonstrates that the cumulative harm to the Green Belt significantly outweighs any benefits, of a third BESS site and that "very special circumstances" cannot be applied in these circumstances. Furthermore, HPC would argue that the current BESS commercial "free for all", with lack of central control, is leading to decisions being made with absurd consequences.*
- *We believe that the close proximity to residential houses is the consequence the site selection process, and that Grenergy could not find any other suitable location. Furthermore, this presents a significant risk of harm to residents through fire and concomitant pollution. This is reiterated by HWFRS in their response, and we believe sets it apart from most other BESS Green Belt applications. This is further exacerbated by the lack of any detailed risk assessments by Grenergy or consultees, along with appropriate contingency plans should a serious fire or pollution incident occur.*
- *Hunnington is a semi-rural village within a widely recognised Green Belt area, popular with walkers and wildlife enthusiasts. To allow this to go ahead would lead to the spoliation of an historical and much-loved area.*
- *Grenergy state "This effect or harm (to the Green Belt) s however temporary given the limits of the lifetime of BESS developments (para 2.3.5). This temporary nature is 40 years, which is the lifetime of many residents.*
- *The Bluebird development alone is significant for a village of this size. This particular planning application represents the most serious issue to face the parish council and its residents since its formation and will trigger the demise of Hunnington as we know it. Hunnington Parish Council therefore strongly objects to this planning application".*

Public comments

89 letters sent to neighbours 07.10.2024 (expired 31.10.2024)
Site notice displayed 12.10.2024 (expired 05.10.2024)
Press advert 04.10.2024 (expired 18.10.2024)

74 objections received
1 neutral comment received

Comments are summarised as follows:

Green Belt
- Harm to openness and visual amenity
- No very special circumstances
- Cumulative impact with other proposals

Highway matters
- Safety of access/egress onto the site in the context of prevailing traffic speed
- Restricted Emergency Access
- Safety issues given proximity of adjacent Public Right of Way
- Impact on Public Rights of Way

Design and appearance
- Development will be prominent in the context of surrounding views and will negatively impact upon those
- Mitigation measures, including planting, inadequate due to scale of development
- Unsightly appearance of proposal
- Impact upon character and setting of listed buildings

Other matters
- Battery fires, unsafe technology, decommissioning
- Infrastructure upgrade to facilitate development
- Impact on wildlife/biodiversity
- Loss of agricultural land
- Noise from BESS
- Construction noise
- Flooding/Drainage

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

Relevant Policies

Bromsgrove District Plan
BDP1 – Sustainable Development Principles
BDP2 – Settlement Hierarchy
BDP3 – Future Housing and Employment Growth
BDP4 – Green Belt
BDP12 – Sustainable Communities
BDP16 – Sustainable Transport
BDP19 – High Quality Design
BDP20 – Managing the Historic Environment
BDP22 – Climate Change
BDP23 – Water Management
BDP24 – Green Infrastructure
BDP25 – Health and Well Being

Others
NPPF – National Planning Policy Framework 2024
NPPG – Planning Practice Guidance

High Quality Design SPD

National Government Policy regarding Energy
National Policy Statement EN-1 (Overarching National Policy Statement for Energy)
National Policy Statement EN-5 (Electricity Networks Infrastructure)
Transitioning to a Net Zero Energy System, Smart Systems and Flexibility Plan 2021 (July 2021)
Energy white paper: Powering our net zero future (2020)

Relevant Planning History

None

Nearby Planning History

Within the vicinity of the application site two Battery Energy Storage System (BESS) have been allowed following planning appeals since September 2024. Details of these decisions are summarised below:

Land at Illeybrook Farm, Illey Lane
Erection of a battery energy storage system (BESS) together with associated infrastructure, site levelling works, access onto Illey Lane and ancillary development at Land at Illeybrook Farm, Illey Lane (Dudley P23/0940) allowed following a planning hearing (APP/C4615/W/24/3345744) 4th February 2025.

The Planning Inspector considered that the proposal would constitute inappropriate development in the green belt which should not be approved except in very special circumstances, which national policy advises will not exist unless the potential harm to the green belt and any other harm is clearly outweighed by other considerations. In the green belt balance, the inspector decided the weight given to the contribution to mitigating climate change and to energy security, the absence of alternative sites taking into account a grid connection offer, and to the potential for permanent BNG, clearly outweighed the temporary harm to the character and appearance of the area. Accordingly, overall, very special circumstances existed which justified the development and the appeal was allowed.

Land at Lowlands Farm, Illey Lane, Halesowen
Provision of battery energy storage, substation compound with associated infrastructure, fencing, access road, drainage and landscaping at Lowlands Farm, Illey Lane, Halesowen, B62 0HJ (Dudley P22/1733) allowed following a planning hearing (APP/C4615/W/24/3341383) 4th September 2024.

The development would involve the provision of plant and equipment including a series of battery units around three metres in height, associated infrastructure, compound buildings, palisade fencing, CCTV cameras as well as an access road. In the inspector's assessment, although the site was small in the context of the wider green belt, it made a strong contribution to the green belt and therefore the development would conflict with the purpose of safeguarding the countryside from encroachment as well as causing considerable harm to spatial and visual openness.

The field which comprised the site was visible from a number of locations, and from the motorway and a footbridge over it, the inspector identified, concluding that there would be additional harm to the character and appearance of an area of area of high historic landscape value but not to its heritage significance because ridge and furrow and old parish boundary hedgerows would be unaffected.

Under other consideration the inspector recorded that the development would facilitate greater use of renewable energy sources, give more flexibility to the energy system, benefit energy security and help meet net zero targets key to addressing climate change. He noted that national energy policy EN-1 states that electricity storage has a key role to play in achieving these objectives, and that this was consistent with the draft NPPF policy on low carbon development.

The Inspector concluded that these other considerations clearly outweighed the harms to the green belt and landscape. Therefore, very special circumstances existed which justified the development.

Assessment of Proposal

Site Description

The application site extends to approx. 3.8ha, lies to the south of Illey Lane and comprises agricultural land and encompasses several fields, with the proposed development situated towards the middle of the site area.

The site's immediate surrounding area is considered to be rural and agricultural, it is screened and surrounded by dense vegetation, tall trees and situated away from the primary residential areas located along Bromsgrove Road (approx. 120m from the western site boundary to the nearest dwelling). Site access will be taken via an existing private gate along Illey Lane.

The site is within Flood Zone 1 where the risk of flooding is at its lowest. Whilst the site does not lie within a Conservation Area and there are no listed buildings on the site, the nearest Grade II Listed Building (Oatenfields Farmhouse) is approximately 155m to the northwest of the site.

Proposal

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

The proposed development would comprise of the following equipment housed within a fenced compound:

- 60no Battery Units 7.81m in length, 2.64m in height (2.79m on base) and 1.72m width
- 20no Power Stations *which contain two inverters
- 132kV Substation within a 52.7m by 28.9m compound

- 2no Switchgear
- Monitoring Room / Office 12.2m in length, 2.6m in height (2.75m on base) and 2.44m width
- Auxiliary Transformer
- DNO Control Room Building 7.5m in length, 5m in height and 6.7m width
- CCTV Cameras

The battery units are laid out in 5 rows of 12 battery units, with 2 sets of power stations within each row. At the frontage of the battery storage facility has a substation, switchgear buildings and monitoring room/office.

The compound surface would comprise primarily of type 1 aggregate surface, with the above equipment sitting on raised reinforced concrete foundations. Internal access tracks within the compound would consist of a tarmac/asphalt surfacing.

Access to the site will be taken via an existing access point located along Illey Lane and will 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 is to 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 operates 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 is high. Energy storage facilities therefore improve the efficiency of existing energy production facilities, notably from renewables where production is intermittent and based on external conditions. BESS can also operate in several different modes to provide grid stability services, such as managing voltage and frequency imbalances as renewable generation dips up and down. A battery energy storage facility does not itself generate renewable energy but provides storage capacity.

The point of connection for the facility would be into the Kitwell Substation. In relation to this an application for the spare capacity is then made to National Grid Electricity Distribution (NGED) at a cost to the applicant. If the application is successful, the grid connection offer is made exclusively available only from the site that it is applied for, with connection to the PoC. At this stage, and going forwards, the site cannot then be changed as this is the agreed and offered grid connection point.

The applicant is Grenergy Renewables UK Ltd they are an Independent Power Producer (IPP) that designs, develops, implements and operates renewable energy plants on a large-scale across the globe. Headquartered in Spain, Grenergy entered the international market in 2007 with the aim of producing clean, sustainable energy and are now present in 11 countries. As of 2020 Grenergy entered the UK market to support the Nation’s shift to Net-Zero and protect the environment for future generations. To date, Grenergy has over 1.8 GW of renewable projects in operation or under construction across the globe through 80 connected plants, primarily in Spain and South America.

Assessment

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

The proposed development is intended to serve as infrastructure supporting the National Grid network and therefore, it is considered the relationship with National Grid infrastructure (in this case the Kitwell substation) is the determining factor in identifying an appropriate location for this type of development. It is acknowledged that the location of a battery storage site is unlikely to be accommodated within designated settlement areas where the availability of land is typically more constrained. However, the requirement to be near National Grid infrastructure does not completely discount the possibility of a settlement location or serve to demonstrate a countryside location is inherently essential.

Potential of cumulative impact

The proposed scheme represents one of three similar developments in the surrounding area. Details of the other schemes are outlined in the Other Relevant Planning History section above,

The potential for all three battery storage sites to be delivered within the locality is acknowledged, however it is not considered this factor represents a justifiable basis as a reason for refusal for this application. For that to have any merit it would be important to capture what the impact might be from installing and operating all sites together. That said, it is important that every application is assessed on its own merits. Where it is possible to capture any in-combination effects such as the impact on the local road network or character and appearance of the area, this report assesses that impact in the relevant sections below

Green Belt

The application site is within the Green Belt. The main issue in establishing the principle of the development is firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of BDP 4 Green Belt and the NPPF. Secondly, if the development is inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 outlines a list of exceptions where development may be acceptable in the Green Belt, and these align with BDP4, it is noted that there are now further exemptions since the NPPF was amended in December 2024 in paragraph 155 which are not reflected in BDP4.

There are further potential exceptions to development being treated as defined as inappropriate with in the amended NPPF, namely whether the site amounts to ‘Grey Belt’ as defined in the NPPF and if so whether certain criteria are met. If met this means

development is not inappropriate and there is no need to demonstrate very special circumstances.

In relation to BDP4, the proposed BESS facility would not fall within any exceptions listed within the policy criteria. In this regard the proposal is a departure from the development plan and on the basis that it would be considered inappropriate development in the Green Belt.

However, as explained the NPPF is a significant material planning consideration, and its policies and guidance must be applied in decision making as a matter of law. The amended NPPF published and adopted by the Government on 12 December 2024 introduced the concept of Grey Belt land as a further important material planning consideration when considering proposed development in the Green Belt. Policy BDP4 as it was adopted prior to the amended NPPF does not address Grey Belt as a potential exception and to that extent it no longer fully aligns with the NPPF.

In accordance with the guidance in the NPPF and caselaw this affects the weight that should be given to the fact that the application does not meet BDP4 which is a key relevant policy. Consideration must be given therefore to whether the Grey Belt exemption applies as well as other relevant policies and guidance within the NPPF.

Grey Belt

Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 of the Framework applies. However, paragraph 155 indicates that:

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

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 proposed,
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 Framework paragraphs 156 and 157.

The Glossary to the Framework defines Grey Belt as,
“…Grey Belt is defined as land in the GB comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Framework paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas or assets in Footnote 7 (other than GB) would provide a strong reason for refusing or restricting development.”

Footnote 7 refers to Framework policies, rather than those in development plans, relating to: habitats sites, and those sites listed in paragraph 1944, and/or designated as Sites of Special Scientific Interest; land designated as GB, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of

archaeological interest referred to in Footnote 75; and areas at risk of flooding or coastal change.

In this case, the site is not PDL, however, to determine whether the site falls to be considered as Grey Belt, the site has to pass the test of whether the land, does not strongly contribute to Purpose a - to check the unrestricted sprawl of large built-up areas, Purpose b - to prevent neighbouring towns merging into one another listed in Framework paragraph 143 and Purpose d - to preserve the setting and special character of historic towns.

Purpose a – Sprawl

The evidence base for the District Plan review, included a Green Belt Purposes Part One Assessment (2019) (GBPPOA), which assessed how land within the Green Belt contributes to the purposes of the Green Belt. The site is located within Parcel N5 named West of the M5, East of B4551 at Romsley. The assessment concluded that made a strong contribution to Purposes a, b and c and not applicable to purposes d and e. However, due to the size of the parcel this does not assist in assessing the effect of the development on Green Belt purposes.

The NPPF does not contain a definition of what might constitute sprawl. Concluding on whether the development would conflict with Purpose a, depends on the relationship of the site with the large built-up area. The GBPPOA 2019 refers to Halesowen and describes the A456 as a “strong defensible boundary.” The proposed development is in open countryside some 2km away from the A456 and therefore in spatial terms, is separated from an existing built-up area and does not present an extension of Halesowen beyond its current boundary. It is also physically separated from the ribbon development along the B4551 Bromsgrove Road (Hunnington), in both instances it cannot be described as urban sprawl. As such, the development would be physically and visually discrete from the large built-up area. In this context, the site does not strongly contribute to Purpose a.

Purpose b – Merging

The proposal would result in physical development in the N5 parcel. Therefore, in the strict sense of this purpose, the proposal would not in itself lead to the merging of neighbouring towns. The countryside and open land between towns (in this case Halesowen and Birmingham) is always under pressure from development and it is rarely the case that a single development, on its own, would cause neighbouring towns to merge. However, such areas could be lost incrementally and, over time, lead to the merging of neighbouring towns.

In this case, albeit temporarily, there would be a loss of GB land between the towns of Halesowen and Birmingham. This would result in a minor, temporary reduction, in the gap between these towns. Therefore, the proposal would not contribute to the possibility of these towns merging. However there is significant open land remaining between the site and these towns (even after taking into account the other approved schemes in the area). In both spatial and visual terms it is noted that the gap between Halesowen and Birmingham is made up of a combination of Parcel N5 and other adjoining parcels within the Green Belt which together prevent the merging of neighbouring settlements. The gap

function of other parcels within the Green Belt will continue, regardless of the proposed development. There is very limited visibility of the site, and the BESS would have no material impact on the perception of the gap. In this context and given the proposal would be temporary and would not lead directly to the merging of neighbouring towns, the site does not strongly contribute to Purpose b.

Purpose D - To preserve the setting and special character of historic towns

This is not relevant.

Conclusion on Grey Belt Status

Based on the above assessment, the site is considered to be Grey Belt. However, for the proposal to be considered as not inappropriate development it must satisfy all of the criterion, a to d, listed in Framework paragraph 155.

Paragraph 155 Grey Belt Criterion A

This criterion requires that the development proposed would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I take this to mean an assessment of the proposal against all 5 of the purposes of the Green Belt. Criteria a, b and d have already been assessed above however this leaves the other 2 criteria in paragraph 143 to be applied.

With regard to Green Belt purpose (c), namely, safeguarding from encroachment, it is accepted that the spatial occupation of the site would clearly encroach into the countryside. However, in relation to the wider parcel of Green Belt which forms the strategic function, within which the site lies, the comparatively small nature of the site itself is such that the harm resulting from encroachment would be negligible when tested against the contribution of the larger parcel to the Green Belt across the area of the Local Plan. Thus, the proposal would not undermine this purpose.

Regarding Green Belt purpose (e), namely, assisting urban regeneration by encouraging recycling of derelict and other urban land, reference should be made to an Alternative Site Assessment (ASA) submitted in support of this application. In the absence of an alternative site, there would be no conflict with Purpose e to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Whilst there is no requirement in local or national policy for an ASA, as each application is assessed on its own merits, it can form a basis for demonstrating ‘very special circumstances’ to justify Green Belt development. This has been carried out by the applicant and submitted as part of this proposal.

Focus is given to deliverable and available sites, sites over 1ha in area to accommodate the development. A range of technical, environmental and economic factors were also utilised when assessing suitable sites for the proposed development. This included proximity to sensitive receptors, access and feasibility site size and shape, development plan policy, agricultural land quality, landscape and visual impact, nature conservation and potential for enhancement flood risk; land availability and ground conditions.

The starting point for this assessment is the connection point to the grid. In this case, the site is positioned adjacent to the substation, so requires minimal disturbance to connect to the grid. The ASA found that the sub-stations that are not in the Green Belt cannot support a BESS scheme. Further, out of the Green Belt options, the application site is identified to be free from substantial connection constraints and would be capable of suitably sized BESS development without the need for significant substation upgrades and reinforcement works. As such, this is a viable and suitable option.

When considering all the necessary requirements to facilitate the development of a BESS including proximity to a grid point of connection, commercial requirements, buildability considerations and planning restrictions, the selection of this site to accommodate the proposed development is a reasonable conclusion set against the criteria.

In these circumstances, the proposed development would not fundamentally undermine this purpose of Green Belt criterion (e) i.e. assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

Drawing all of the above matters together, it is concluded that the development would not fundamentally undermine, the purposes when taken together of the remaining GB in the plan area. Criterion A of paragraph 155 is met.

Paragraph 155 Grey Belt Criterion B

This criterion requires that there is a demonstrable unmet need for the type of development proposed. The consideration that a BESS project fulfils this requirement and has been substantiated through appeal case law, including in local decisions as outlined above.

National Policy Statement EN-1 although it strictly relates to Nationally Significant Infrastructure Projects determined under the Planning Act 2008 as opposed to an application under the Town and Country Planning Act 1990, is relevant to this energy storage scheme.

EN-1 indicates that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and to increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various benefits, locally and nationally. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NESO) and Distribution Network Operators (DNO) to help operate the system, reduce constraints on the networks and help to defer or avoid the need for costly network upgrades as demand increases.

Furthermore, NPPF paragraph 161 indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure.

Further detail is provided in Very Special Circumstances section below and concludes there is a demonstrable need for the type of development proposed (BESS).

Paragraph 155 Grey Belt Criterion C

This criterion requires that the development would be in a sustainable location through limiting the need to travel and that sustainable transport modes are prioritised. This is in relation to development that would generate significant level of vehicle movements, particularly by car. As discussed in the Highway section of this report, this level of traffic movement is not significant, nor would it have an unacceptable effect of highway capacity or safety.

The location of the BESS facility is limited by the factors addressed in the Alternative Site Assessment and, as above, it is accepted that the proposed development site is the only appropriate location. In the context of the development type, the location is considered sustainable and meets this criterion.

Paragraph 155 Grey Belt Criteria D

Criterion D refers to housing development and the ‘Golden Rule’ does not apply.

Conclusions on Grey Belt Exemption

The relevant criteria contained in NPPF paragraph 155 are met and this development therefore does not fall to be considered as inappropriate development in the Green Belt. As the development is considered to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt (or to the purposes of including land within it, as explained).

However, for robustness and completeness, should Members disagree with the above assessment and conclude that the development does not fall within the Grey Belt exception and the development must therefore be treated as inappropriate development in the Green Belt, then the following assessments on impact on openness and landscape harm as well as whether very special circumstances can be demonstrated have been undertaken.

Impact on Openness

Paragraph 142 of the NPPF states that, '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'.

The proposed development would occupy an area of undeveloped land. While some land will be used for landscape and ecological enhancement, the development is highly functional and utilitarian. Most structures will be below 3m in height. Although the development is contained within existing and proposed planting, including reinforced landscaped boundaries, it would result in a loss of spatial openness due to its extent and spread.

In terms of the visual dimension of openness, existing mature planting, although helping to filter views into the site, does not presently effectively screen the site and the proposal would represent a contrast to the undeveloped agrarian landscape, including a few glimpsed views through trees on Illey Lane and from the public footpath to the west and south of the site. The localised visual effect would increase during the winter months although the existing strong mature planting and its reinforcement and enhancement by new landscaping would mean that the development would be viewed through several layers of planting. Notwithstanding, from close distances, including along existing public footpaths, the visual effects would be considerable as it would still result in a change from an agricultural landscape to a more industrialised and utilitarian landscape.

From further afield, the proposal would occupy a relatively small area of land in the overall landscape.

Due to a mix of topography and existing and proposed planting, the effects of the development when viewed from the north and east would be relatively imperceptible. There would be inevitable glimpsed views from longer vantage points but these would be at a distance, and would be filtered through topography, existing vegetation and the increasing establishment of new planting over time.

In this context, the development would remain visible from a number of viewpoints and although the mitigation would temper the effects, due to the scale of the proposed development and its intermittent visibility particularly at certain times of the year, there would be a considerable loss of openness in terms of the visual and spatial dimensions of the Green Belt. Nevertheless, the impact on the Green Belt would not be permanent. However, if the site was no longer needed during the 35 years or at the end, it would be relatively straightforward to remediate the land to its existing state. This would be included as a condition to ensure the development would not become a permanent feature in the landscape if it no longer in use during the 35 years or at the end of the 35 years.

Overall, the proposal's effect on the openness of the Green Belt expressed in terms of its spatial and visual dimensions, despite the time limit of 35 years which in any event, would constitute a generational negative change, would amount to a considerable harm to loss of openness on a temporary but long-term basis. This would conflict with the Green Belt's purpose to safeguard the countryside from encroachment and conflict with policy BDP4.

As stated in paragraph 160 of the NPPF, 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.

The proposal is inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. The development would also cause some harm to the openness of the Green Belt and by causing some degree of encroachment into the countryside would conflict with one of the purposes of including land in the Green Belt. In line with paragraph 153 of the Framework, the harm to the Green Belt from these matters results in substantial weight against the proposal. The proposal would not accord with BDP4 or the NPPF outlined above.

Very Special Circumstances

It may be noted that the NPPF at paragraph 160 notes that 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.

Consideration has been given earlier in respect of whether there is a demonstrable unmet need for the type of development proposed in the context of meeting Grey Belt criterion B.

The battery units would store surplus electricity, including that produced from renewable technologies. Surplus power would be released to the electricity grid for consumption during times of under-production from renewable energy technologies. By storing electricity and facilitating a decrease in the need to produce energy from fossil fuels sources during periods of under supply. The proposed battery storage facility would align with the principles of low carbon technology. There is a clear relationship between the amount of renewable energy generation and energy storage contributing to a faster transition to Net Zero.

The UK is required under the Climate Change Act (2008) to reduce carbon emissions, and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. On 1 May 2019, the United Kingdom ('UK') Parliament declared a climate change emergency and on 27 June 2019 the UK became the first major economy in the world to legislate a legally binding target of net zero emissions by 2050. That year, Bromsgrove District Council and many other Councils across the country declared a climate emergency. The Council made a commitment to reduce carbons emission by 50% by 2030 and achieve Net Zero by 2040[1]. A Carbon Reduction Strategy and Action Plan has been produced by the Council with the latest version 6.1 being published in November 2024[2]. Within this document one of the actions and measures is to: "Review Local Plan where there is particular reference to renewables /provision for renewables in the future or heat networks".

The Written Ministerial Statement[3] "Building the homes we need" ("WMS") does not expressly mention BESS. However, it recognises that boosting the delivery of renewables will be critical to meeting the Government's commitment to zero carbon electricity generation by 2030. BESS are essential for a net zero energy system and therefore are explicably linked.

In line with the Government's Overarching National Policy Statement for Energy (EN-1), different types of electricity infrastructure are needed to deliver national energy objectives, including storage which is required to reduce costs in support of an affordable supply. Storage can provide flexibility, meaning that less of the output of generation plant is wasted as it can be either stored or exported when there is excess production, and

[1] https://www.bromsgrove.gov.uk/council/policy/climate-emergency/
[2] Bromsgrove Carbon Reduction Strategy November 2024 10122024 Cabinet.pdf
[3] https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48

they can also supply electricity when domestic demand is higher than generation, supporting security of supply.

The Policy Statement (EN-1) explains that storage has a key role to play in achieving net zero and providing flexibility in the energy system so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4 GW of electricity storage operational in Great Britain of which about 1 GW is in the form of battery storage. Storage is needed to reduce the costs of the electricity system and increase reliability.

The development would support energy security and reduce exposure to volatile international fossil fuel prices, by harnessing abundant renewable and low carbon resources. The BESS facility would contribute to the UK's target to decarbonise the power system supporting the aim of paragraph 161 of the NPPF which states that "the planning system should support the transition to net zero by 2050" and to support renewable and low carbon energy and associated infrastructure. Paragraph 168 of the NPPF outlines that when determining planning applications for all forms of renewable and low carbon energy developments and their infrastructure, the Local Planning Authority (LPA) 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;
b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Policy BDP22 focuses on how the Council will deliver viable low carbon climate resilient developments. Specifically, the policy goes on and states that the Council will support low carbon energy generation schemes when adverse impacts are addressed satisfactorily.

The application states that the battery storage would contribute to energy security by providing a storage, import and export capacity. The facility would provide a means of storing energy, to be released when need arises and so provides a vital element of infrastructure which supports the use of intermittent renewable energy, allowing renewable power to be utilised when it would otherwise be wasted i.e. when generation exceeds demand.

The proposed scheme would therefore make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy. The national support for such schemes is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy benefits of proposal, both in terms of its contribution towards energy security and resilience and the reduction in greenhouse gas emissions, must be accorded very substantial weight.

There are other benefits in terms of comprehensive landscaping scheme which has a beneficial impact in terms of vegetation cover and landscape character for the area. The urgent need for battery energy storage technology across the Grid and the locational constraints associated with this type of technology, which mean that points of connection are a rarity.

As such, in line with the Framework, very special circumstances have been demonstrated to outweigh any harm caused to the openness of the Green Belt, should the proposal be considered inappropriate development.

Impact upon Landscape Character

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy BDP1 Sustainable Development Principles seeks the quality of the natural environment including any potential impact on biodiversity, water quality, geodiversity, landscape and the provision of/and links to green infrastructure (GI) networks. Policy BDP21 Natural Environment states that the Council will seek to achieve better management of Bromsgrove's natural environment by expecting developments to protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment, and take account of the Worcestershire Landscape Character Assessment Supplementary Guidance.

The site is situated in a single field between Goodrest Farm and Illey Lane, within a wider landscape east of Bromsgrove Road. The site is well-screened due to hedgerows, hedgerow trees, tree belts, and wooded streams. A dismantled railway forms a distinct sinuous feature, separating the site from residential properties on Bromsgrove Road and filtering direct views of the proposed development. Illey Lane, a minor road to the north and east, channels views due to roadside vegetation, with high hedges or tree belts restricting views towards the site. There are PRoWs with potential visibility of the Site throughout the wider area occur. Where these occur they are likely to be on higher ground, above, over or between intervening features in the landscape. At lower levels, including views from close and medium range, are often contained by boundary hedgerows restricting visibility to a single field or the next. The proposed development would introduce battery units and a substation enclosed by fencing and tree/hedgerow buffer to provide screening to mitigate the visual impact.

A Landscape and Visual Appraisal (LVA) has been submitted. In terms of landscape effects on all the identified landscape receptors, these ranged between Negligible Adverse and Moderate Adverse. Moderate adverse effects are expected for the site and its immediate context during the construction and early operational phase of the proposed development in the short to medium term. The long-term landscape effect of the proposed development is assessed as no greater than Minor Adverse.

In relation to visual effects, for the construction phase these were assessed as Moderate Adverse, Minor Adverse in the early operational phase (with developing mitigation) and remaining at a Minor Adverse effect following mitigation. For medium and long-range receptors, the difference in effect between construction and operational phases would be less evident than close range receptors. For medium range receptors, long term effects were within the range of Minor to Negligible Adverse, for long range receptors would be no greater than Negligible Adverse.

All these matters have been assessed in detail in the LVA. The WCC Landscaping Adviser has reviewed the Landscape and Visual Appraisal and overall support the findings set out for landscape and visual impacts and consider the viewpoints selected for assessment to be appropriate. The Advisor does acknowledge the wider risk with this scheme and the potential for cumulative effects when it is considered in context with the similar developments along Illey Lane in short, there is a risk of the overall setting becoming urbanised. However, following the submission of further work regarding this matter (in the form of an Addendum to the LVA), given the scale and location of these approved developments the cumulative effects it is agreed that no cumulative landscape effects are expected between the proposed development other development nearby.

Overall, the proposed BESS would result in Moderate/Minor Adverse landscape and visual effects contrary to the objectives of development plan policy. These effects would be temporary and with mitigation would, in the short term, be materially reduced. In the long term once the site had been restored, the mitigation planting would have beneficial landscape and visual effects.

Loss of Agricultural Land

Paragraph 187b of the NPPF states that decisions should “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

NPPF Paragraph 188 and associated footnote no.65 states that ‘plans should…distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Whilst this paragraph relates specifically to allocating land for uses such as housing or employment as part of plan making, it is considered that it can equally apply to decision making, particularly for large developments. It is worthy of note that the latest version of the NPPF against which decisions are to be made has removed the availability of agricultural land use for food production to be considered against other relevant policies both nationally and locally.

Best and Most Versatile (or BMV) land is defined within the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. An Agricultural Land Classification and Soil Resources has been carried out by Reading Agricultural Consultants. This identifies that the site comprises 2.1ha (55%) of Grade 3a (good quality), 1.5ha (40%) of Grade 3b (moderate quality) land and 0.2ha (0.5%) as non-agricultural.

There is no definition of ‘significant development of agricultural land’ in planning guidance or legislation although it is noted that Natural England are only consulted where there would be a loss of more than 20ha of BMV land (DMPO 2015). The quantum of BMV within the site is 10.5% of the threshold which requires consultation with Natural England. It is therefore not considered to be significant development in that regard.

The development would therefore result in the temporary loss of 2.1ha of BMV. The site is agricultural fields in pastoral use and is not used for food production. There is no

evidence that the land should be kept available for food production in Bromsgrove or the wider area.

Whilst there can be economic and other benefits of the best and most versatile agricultural land, in this case its loss would not cause harm to the overall supply or availability of land for food production and the proposed use is a form of rural land diversification that can complement or support farming of the wider area including the remaining fields within the applicants' ownership.

It is considered that the proposed development, given that it is time limited and could be reversed in future, is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. Although it is accepted that the development would prevent any food production taking place on this particular site for the lifetime of the development, it is not anticipated that the temporary loss of this land would compromise the District's overall farming ability.

Highways, Access and Parking

In line with paragraphs 111 and 112 of the NPPF, the impact of development proposals on the highway network should be considered. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy BDP16 Sustainable Transport requires that 'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'.

A Transport Statement (TS) has been prepared by Local Transport Projects Ltd to assess the impact of the proposed development on the local and wider highway network and to assess the safety and suitability of site access arrangements.

Vehicular access to the site is to be provided via an existing field access connecting with Illey Lane on the north-eastern site boundary, which is expected to be widened as part of the development to accommodate large construction vehicle movements. The access is expected to be utilised during the construction, installation, and maintenance periods. Vehicle parking for site workers during all stages of construction and operation will be accommodated on-site with no vehicles allowed to park or wait on the adjoining highway network during any stage of the development

The delivery and construction/installation period of the proposed BESS is expected to take place over a nine-month period. During this period, there would be trips associated with the arrival and departure of construction staff and the delivery of parts and construction materials. A Construction Traffic Management Plan has been as part of the application. The BESS would operate, generally, on an unmanned basis, however it is understood the facility will generate between 10 and 20 trips per month to support site operations and maintenance activities. These trips will be made by car and/or light vans.

The Highway Authority does not object to the proposals subject to conditions that: the site access arrangement be provided in accordance with full construction details to be

submitted to and approved, a highway dilapidation survey, the suitable drainage and surfacing of roads, and adherence to the submitted CTMP. It is considered reasonable and necessary that these conditions should be attached to any permission

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

Neighbouring Amenity and Public Health

Policy BDP19 seeks to protect the amenity of nearby residents and requires that developments likely to generate noise are directed to appropriate locations away from noise sensitive areas. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst others) preventing new development from contributing to unacceptable levels of soil, air, water or noise pollution.

NPPF Paragraph 198 states that, 'Planning policies and decisions should… a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life' and 'b), identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason…'.

The application is supported by a noise assessment by e3P. This has been reviewed by WRS Noise. The output from the modelling indicates that daytime rated levels should not significantly impact on (Noise Sensitive Receptors) surrounding the development and that nighttime similarly should not be significant. As the predictions are based on assumed input levels, it is necessary to ensure that when constructed, that the actual noise levels are not higher than this. It is therefore suggested by WRS Noise that this be controlled by condition including the post installation verification of noise levels and amelioration measures if that is the case. As such, the distance of the nearby properties is considered sufficient to avoid any detrimental noise impacts arising from the proposal.

The application includes a Contaminated Land Report to provide advice regarding the nature and potential significance of contaminated land hazards which may be present at the study site. WRS Contamination have reviewed this and have no adverse comments to make.

Ecology and Biodiversity

Biodiversity Net Gain (BNG) is legislation that was put forward by Government. BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. This should ideally be provided onsite however a developer is able to purchase offsite credits for BNG elsewhere should it not be possible to provide onsite.

Habitats are assigned a value based on their intrinsic biodiversity value or ‘distinctiveness’, which is predefined for each habitat within the metric. This value is then multiplied based on the size, condition and geographical location of the habitat in order to ascertain its absolute value in ‘biodiversity units’. Separate calculations are used within the metric for area, based habitats, linear habitats (such as hedgerows) and watercourses (including ditches and streams). These units are non-transferable and must therefore be considered individually for each project or development. Collectively, they are referred to as ‘biodiversity units’.

The Biodiversity Metric Report indicates that BNG will be delivered wholly on site for this application, and the resultant expected gains that the proposed development a total gain of 5.33 habitat units (46.44%), 1.87 hedgerow units (25.59%) and 0.30 watercourse units (14.24%).

A Preliminary Ecological Assessment identified the ecological constraints of the site and recommended mitigation. A GCN eDNA survey also confirms that pond WB1 tested negative for the presence of great crested newts.

Implementation of these mitigation measures will ensure that there are no adverse ecological impacts from the proposed development.

The Council’s Ecologist is satisfied with the assessment of impacts relating to protected species and designated wildlife sites. It is also considered that the biodiversity net gain can achieved on site and constitutes a significant gain in relation to the baseline habitats. The Ecologist agrees with the measures detailed in the habitat management plan and would seek to secure the implementation of this plan. The Ecologist has also outlined relevant conditions relating to a species enhancement plan, the biodiversity net gain habitat management and monitoring plan, compliance with the CEMP and ensuring no lighting is erected without permission. Subject to the inclusion of these conditions, appropriate material planning weight must be given to this uplift in biodiversity within the planning balance.

Subject to implementation of appropriate mitigation measures, the proposed development would comply with Policy BDP21 and BDP24.

The views of the Councils appointed Ecological Consultant and no objection from Natural England are noted and the reports and accompanying plans are considered well-presented and give a clear explanation of likely impacts on ecological features and of proposed mitigation measures.

Flood Risk and Drainage

The application site lies within Flood Zone 1 and is therefore at the lowest flood risk of flooding; the Environment Agency have not commented on the application.

The drainage strategy for the site indicates that the site will be constructed with permeable materials to allow rainwater to infiltrate into the underlying makeup where it will be intercepted by perforated pipework and feed into a SUDS pond located to the north of the site.

North Worcestershire Water Management (NWWM) have raised no objections to the scheme. However, they have 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 also recommended conditions regarding at least 5m Buffer strip should be maintained alongside any watercourse and a permeable access track.

Concerns have been 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 will be fully contained in that surface water will drain, through the internal drainage basin into the attenuation basin on site. This basin will be lined to stop any water leaching into the ground and is also sealed by a firewater isolation valve.

Therefore it is considered that the proposal would not unacceptably increase levels of flood risk on site. The application is therefore deemed to comply with the NPPF and Policy BDP23 Water Management.

Trees

The Council's Arboricultural Officer has commented on the application and has no objection. The Arboricultural Implications Assessment (AIA) identifies that there are a number of category A arboricultural features, which are high quality and would be required to be retained, subject to adhering with the submitted Arboricultural Method Statement. The proposed does not require or intend the loss of any existing tree on site as detailed in the report and the development has been sympathetically designed with the existing tree stock in mind. The submitted landscaping scheme and proposed planting is welcomed and does well to include native mixes for thicket areas as well as the more formal hedging that surrounds the development

It is considered that the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are acceptable in relation to trees.

Heritage and Archaeology

The application site is in close proximity to a number of heritage assets, including the Grade I Listed Sy Mar's Abbey Ruins and the associated SM of the Halesowen Abbey and associated water control features, lying some 600m to the north-east; the Grade II listed Oatenfields Farmhouse, lying some 150m to the west, with additional historic barns which may be considered as being curtilage listed; Illey Mill (non-designated heritage asset NDHA) lying adjacent to the proposed site entrance; and Goodrest Farm (NDHA), lying to the south of the site, which dates at least to 1831, being evident on the First Edition of the OS Mapping.

In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard has been paid to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. Paragraph 200 of the NPPF states that in determining applications, local planning authorities should take into account the significance of heritage assets and how they may be affected by proposals. Policy BDP20 managing the Historic Environment is relevant in that it sets out a presumption in favour of

“development proposals which sustain and enhance the significance of Heritage Assets including their setting.”

The application is supported by a Historic Environment Desk Based Assessment (HEDA) the Council’s Conservation Officer has assessed the proposal and HEDA and concurs that there will be a degree of less than substantial harm to the significance and setting of the Grade II Oatenfields Farmhouse through the proposed development, resulting from both the alteration of the agricultural nature of the site, as well as the visual prominence of elements of the scheme, including the scale and size of elements such as the transformer and the high level disconnectors, and that this would be at the lower end of the scale of less than substantial harm.

The officer also agrees that there would be some limited harm to the setting and significance (insofar as the former contributes to the latter) of the Goodrest Farm complex, again resulting in the need for a balanced judgement to the given to the scale of harm against the significance of the asset

However, the Officer disagrees that there would be no harm to the setting, insofar as this contributes to significance, of Illey Mill, as part of the rural character of this setting, which does contribute to its significance, would be altered. It is considered that this would be a low level of harm to significance, where a balanced judgement has to be given to the scale of harm and the significance of the asset.

In terms of Archaeology matters through analysis of the historical baseline, it is identified that the following archaeological remains may survive within the site:
• Potential palaeolithic head deposits (MWR49433)/unknown prehistoric remains;
• Medieval and Post-medieval agricultural remains
• Remains relating to the anomalies identified through geophysical survey; and
• Other unknown archaeological remains.

If extant within the site, these remains have been identified as likely holding low to medium archaeological interest. As such, none of the remains have been identified as having the potential to be heritage assets of the highest significance and would be unlikely to require preservation *in situ* or otherwise preclude development within the site.

The impact of the proposed development upon the significance of these archaeological remains has been assessed. Truncation or total removal of underlying archaeological remains as a result of groundworks relating to the construction of the BESS within the site has been identified as a potential impact, which would reduce the significance of the remains. Any harm to such remains ought to be weighed in the balance, as per paragraph 216 of the NPPF. If remains are present, a proportionate programme of evaluation and mitigation (i.e. trenching and strip, map and sample) may be an appropriate method of offsetting some of the harm, through preservation by record.

The County Archaeologist has reviewed the HEDBA, including geophysical survey is a comprehensive piece of work and I can see that the current proposed development area (PDA) has been informed by the assessment in so much as it avoids areas of possible archaeology as indicated in the geophysics. County have made a suggestion that further archaeological investigation is undertaken pre-determination, to identify the presence or absence of archaeological remains their character and significance, within the area of the

current red line boundary, that may not have been picked up by geophysical survey due to their more subtle, discrete nature.

It is the applicant's position that a proportionate and informed understanding of the nature of the proposed development and any likely archaeological impact has taken place. Any remains that have been identified are likely holding low to medium archaeological interest. As such, none of the remains have been identified as having the potential to be heritage assets of the highest significance and would be unlikely to require preservation *in situ* or otherwise preclude development within the site. The NPPF iterates that when determining planning applications for renewable and low-carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable (Paragraph 163). It would be disproportionate to require intrusive pre-determination trenching, which would have the potential to cause unnecessary harm to such remains and would be contrary to Paragraph 217. An appropriate scheme of localised trial trenching (e.g., of areas of greater anticipated impact) could be appropriately secured by planning condition in this instance.

Overall, the County Archaeologist have not objected to the proposal and outlined that should the LPA be minded to grant planning permission for this scheme, without further archaeological investigation pre-determination, a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This would take the form of evaluation by trial trench initially. This could be followed by further mitigation should the results of the evaluation find evidence to justify further stages.

The Heritage balance is undertaken further into this assessment.

Fire Risk and Fire Water Management

It is noted a significant number of representations have raised concern with respect to the potential fire risk and resulting impact on the safety of the area. On this matter, National Planning Practice Guidance (NPPG) states applicants are encouraged to engage with the relevant local fire and rescue service. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made. Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council.

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.

The proposed scheme design is based on a Lithium-ion based battery technology. Each battery unit is made up of a number of battery racks which have their own battery management system and interfaces with a centralised control management system. Each battery unit is fitted with thermoregulating air conditioning, as well and specialist fire detection and suppression systems. Each cell module also has a Heating, Ventilation and

Air Conditioning (HVAC) system that actively cools the batteries reducing the chances of issue under operation.

A Fire Strategy Plan has been submitted which sets out the British Standards and guidance that apply to the proposed development. This includes the 'Grid Scale Battery Energy Storage System Planning –Guidance for Fire and Rescue Services in November 2022'. Planning Practice Guidance advises that applicants are encouraged to consider the guidance set out within the document when preparing a planning application (PPG Paragraph: 034 Reference ID: 5-034- 20230814). In response to this guidance the Fire Strategy Plan demonstrates how the guidance has been embedded into the scheme. This includes two access points to the battery units, passing places two water hydrants capable of delivering a supply of 1,920 litres per minute for at least 2 hours, 9 clusters of 4 batteries positioned 3m apart.

It is recognised that a number of representations have referred to a fire at a BESS site in Liverpool in September 2020 and that as a result the BESS would represent an unacceptable safety risk. In this case the type of battery used was nickel manganese cobalt, a type prone to "thermal runaway" where internal overheating leads to a fire or explosion. It is recognised that battery technology has moved on and the key difference here is that the BESS would use lithium iron phosphate batteries. This type of battery is more stable at high temperatures and far less prone or susceptible to thermal runaway and have a longer cycle life.

It is noted that the applicant has also proactively engaged with Hereford and Worcester Fire & Rescue Service (HWFR) to share the Fire Strategy Plan and the water management approach within the FWMP, including virtual meetings and email communication. The Fire & Rescue Service were consulted as part of the application process.

The final detail, specification and fire safety arrangements of the specific battery systems will be secured through the imposition of a planning condition. Therefore, whilst the concerns raised by third party representations are noted, it is considered the proposal contains sufficient mitigation to prevent an adverse fire safety risk to the general amenity of the area. With these measures in place there would be no evidence to suggest that the facility would not be operated safely and plans in place in the unlikely event of a fire incident.

Heritage Balance

On heritage matters, the NPPF requires that before carrying out a Planning Balance or the Green Belt Balance, a Heritage Balancing exercise is to be undertaken. Framework paragraph 212 advises that when considering the impact of a development on the significance of a designated heritage assets, great weight should be given to its conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 215 indicates that where a development proposal would lead to less than substantial harm to the significance of a heritage assets (HA), this harm should be weighed against the public benefits of the proposal.

Great weight is accorded to the potential harm to the identified heritage assets. Balanced against this, the contribution the BESS would make to the acknowledged need for battery storage to assist in mitigating the effects of climate change and maintaining energy security attracts great weight. The absence of alternative sites and BNG attract significant weight and the economic benefits attract limited weight. Given their scale and nature, these public benefits outweigh the low level of less than substantial harm to HAs. The less that substantial harm to the HAs does not provide a clear reason for refusing the BESS.

Planning Balance and Conclusions

Conclusion in a scenario where the development accords with NPPF paragraph 155.

This proposal would utilise Grey Belt land and having regard to the provisions of Framework paragraph 155, the development would not comprise inappropriate development in the GB. The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight to the absence of alternative sites and the potential for permanent BNG and the limited weight the temporary economic benefits generated by the proposal outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to heritage assets. Subject to the imposition of conditions, the proposal would not conflict with the development plan when read as a whole or the NPPF.

Conclusion in the scenario where the development would be inappropriate development in the Green Belt

Framework paragraph 153 requires the decision maker to give substantial weight 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. 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.

The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight attached to the absence of alternative sites and to the potential for permanent BNG and the limited weight the temporary economic benefits generated by the proposal clearly outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to HAs. Accordingly, taking the case as a whole, very special circumstances exist which justify the development.

I conclude that the benefits of this proposal, clearly outweigh the harm to the Green Belt and the other harms identified such that very special circumstances exist to justify this proposal. Subject to the imposition of conditions, the proposal would not conflict with the development plan when read as a whole or the NPPF.

For the reasons outlined above the application is therefore deemed to comply with guidance within the NPPF, the Overarching National Policy Statement for Energy (EN-1) and the Development Plan and the recommendation is that planning permission should be granted subject to conditions

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions

Conditions:

1: The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following documentation, plans and drawings:

01 Site Location Plan
02 Existing Site Layout Plan
03 Proposed Site Layout Plan
04 Fire Strategy Plan
05 Section Plan
06 Contextual Site Elevations
GRE002-SD-01_rev01 -132kV Substation (Plan)
GRE002-SD-02_rev01 -132kV Substation (Section)
GRE002-SD-03_rev01 -2.4m Palisade Fence and Security Gate
GRE002-SD-04_rev01 - 40ft Welfare Office
GRE002-SD-05_rev01 - DNO Control Room
GRE002-SD-06_rev01 - CCTV Camera and Pole
GRE002-SD-07_rev01 - Access Track
GRE002-SD-08_rev01 - Aux Transformer
GRE002-SD-09_rev01 - Battery Unit
GRE002-SD-10_rev01 - Twin Skid (TX)
GRE002-SD-11_rev01 - PCSK Inverter
GRE002-SD-12_rev01 - Battery Interface Cabinet
Detail Landscape Mitigation Plan 0755-SHRSK-XX-XX-DR-L-1000 Rev 2
Visibility Splays: LTP/5804/P2/01.01 Rev O
Tracking: LTP/5804/P2/01.02 Rev O
Vertical Alignment: LTP/5804/P2/03.01 Rev O

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning/

3. The development hereby granted shall be limited to a period of 35 years from the date when electricity is first exported from the approved BESS to the electricity network. Written confirmation of the first export date shall be given to local planning authority within 14 days of the first export date.

Within 35 years following the first export date of the development hereby permitted, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently

be restored to its extant condition (unmanaged neutral grassland) with exception of any ecological enhancements, in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site)

Reason: To safeguard the amenity of the area and maintaining the openness of the Green Belt.

4. Before the development hereby permitted is commenced (with the exception of site clearance and groundworks), full details of the facing colours of all the following structures: fencing, battery units, buildings, tanks and CCTV poles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

   Reason: To ensure the development would integrate, respect and complement the character of the area and wider landscape,

5. Prior to the development hereby approved being first brought into use, details relating to the fire safety arrangements of specific battery systems shall be submitted to and approved in writing by the Local Planning Authority. These plans shall be developed in conjunction with the relevant Fire and Rescue Service using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chief's Council. The detail shall be carried out in accordance with the approved detail and the approved fire safety features shall be maintained and operational at all times during the lifespan of the development.

   Reason: To ensure potential hazards and details of mitigation measures reduce environmental hazards to an acceptable level as required by BDP19.

6. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the LPA prior to commencement of the works. The CEMP shall be designed to mitigate potential construction phase impacts on ecological features, including but not limited to: designated sites, notable habitats, great crested newts and other amphibians, bats, birds, badgers, otters, hedgehogs, brown hare and reptiles.

   Reason: To minimise negative impacts on ecological receptors during construction.

7. A sensitive lighting plan covering both the construction and operation phases of the development shall be produced and be approved by the LPA prior to commencement of works.

   Reason: To avoid light spill onto retained trees, hedgerows and watercourses, during both construction and operation of the site, thereby minimising potential

negative impacts of lighting on bats, birds, badgers, otters and other species that are active at night.

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), has been prepared in accordance Biodiversity Metric Report ref 81-381 (E3P, August 2024) and approved by the LPA. The HMMP must include:

   - A non-technical summary;
   - The roles and responsibilities of the people or organisation(s) delivering the HMMP;
   - The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
   - The management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development; and
   - The monitoring methodology and frequency of reporting in respect of the created or enhanced habitat to be submitted to the LPA has been submitted to and approved in writing by the LPA.

   Once approved, the created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP for a period of 30 years from completion of development.

   Reason: To secure the delivery of ecological enhancement.

9. Notice of the following elements, set out in the HMMP, shall be given in writing to the LPA within 14 days of such completion:

   - Completion of habitat creation and enhancement works;
   - Monitoring reports, in accordance with the methodology and frequency specified in the approved HMMP; and
   - Verification of achieving targeted habitat condition of each habitat type, once target condition is achieved.

   Reason: To secure the delivery of ecological enhancement

10. No development shall take place until the tree protection measures as set out in the Arboricultural Method Statement have been implemented. The tree protection fencing shall be erected in accordance with BS 5837: 2012 and retained throughout the construction phase until completion of the development. Should any pruning to retained trees be necessary to facilitate the development, they are to be done in accordance with BS3998:2010.

    Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

11. Prior to the installation of any approved battery units, transformers, structures and fencing, a schedule of landscape implementation and maintenance for a minimum

period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise, including the identification of parties responsible for delivery and management. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

Reason: To enable the development to respect, complement and positively integrate into the character of the area.

12. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

a) The programme and methodology of site investigation and recording.
b) The programme for post investigation assessment.
c) Provision to be made for analysis of the site investigation and recording.
d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
e) Provision to be made for archive deposition of the analysis and records of the site investigation
f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework.

13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (12) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework.

14. Prior to first operation of the site equipment a noise impact assessment detailing the actual plant noise emissions, shall be submitted to the local planning authority for approval. This shall include proposals for verification testing the noise levels within 3 months of first operating the equipment. The noise emissions shall not exceed at the façade of residential premises 40 dBLAr for day and night periods. Rating levels shall be freefield from direct measurement and extrapolation and in accordance with BS 4142:2014+A1:2019: or its successor. Where levels are shown to exceed these levels, further mitigation measures shall be submitted and approved by the local planning authority and installed within an agreed timescale.

Reason: To safeguard the amenities of the locality to ensure compliance with policy BDP19.

15. No works in connection with site drainage shall commence until a surface water drainage scheme for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the Flood risk and drainage assessment submitted with the application (Gondolin, July 2024). The scheme shall include an assessment to demonstrate that the proposed scheme provides sufficient treatment prior to the attenuated discharge from the site. Discharge rates shall be limited to 5l/s for events up to the 1 in 100 year (1% annual probability) event plus 40% climate change allowance. The scheme shall include proposals for the containment of firewater on the site. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

    Reason: To prevent the increased risk of flooding, to protect water quality and to ensure future maintenance of the surface water drainage assets in accordance with policy BDP23 Water Management.

16. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

    Reason: To prevent the increased risk of flooding and to protect water quality in accordance with policy BDP23 Water Management.

17. An undeveloped buffer strip of at least 5 meters wide should be maintained alongside any watercourse.
    Reason: To protect the water environment and riparian zone in accordance with policies BDP23 Water Management and BDP24 Green Infrastructure.

18. The access track hereby approved shall be laid with a permeable material and this shall be maintained in good order for the lifetime of the development.

    Reason: To prevent the increased risk of flooding in accordance with policy BDP23 Water Management.

19. The development hereby approved shall not be occupied until the first 15 metres of the access into the development (or the length of the largest vehicle to use the access), measured from the edge of the carriageway, has been surfaced in a bound material.

    Reason: In the interests of highway safety.

20. Before development commences, a detailed schedule of works, design for the site access and signing shall be submitted to and approved in writing by, the Local Planning Authority. No works in association with the proposal shall commence until the site access works and signing, has been agreed in writing by the Local Planning Authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.

    Reason: In the interests of achieving safe and suitable highway access for all users.

21. The development hereby approved shall not commence until the vehicular access has been provided as shown on drawings.

    - Visibility Splays: LTP/5804/P2/01.01 Rev O
    - Tracking: LTP/5804/P2/01.02 Rev O
    - Vertical Alignment: LTP/5804/P2/03.01 Rev O
    - 03 Proposed Site Layout Plan

    Reason: To ensure conformity with submitted details and highway safety.

22. The development hereby approved shall not commence / be brought into use until the visibility splays 2.4m x 215m (left) & 98.7m (right) shown on drawing LTP/5804/P2/01.01 Rev O have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

    Reason: In the interests of highway safety.

23. The development hereby approved shall not commence until a pre-construction highway condition survey has been undertaken to the satisfaction and approval of the Local Highway Authority. The extent of the survey shall be agreed and approved in writing. A copy of the survey shall be issued to the Local Highway Authority, as an approved record. Upon completion of the development construction phase, a follow-up condition survey shall be undertaken to the satisfaction of the Local Highway Authority.

    Reason: To ensure integrity of the local highway network is maintained, in the interests of highway safety.

24. Notwithstanding the submitted information, no development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc).
c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
d. Details of any temporary construction accesses and their reinstatement.
e. Details of the proposed routes for the Abnormal Loads and HGV's

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and public amenity.

Case Officer: Mr Paul Lester Tel: 01527 881323
Email: paul.lester@bromsgroveandredditch.gov.uk