

Planning Committee

Report of Head of Planning and Building Control on 01 December 2022

Plans List Item Number: 4

Reason for bringing to committee

Major Application

Application Details

Location: FIELD ADJACENT THE DUCKERY, CHAPEL LANE, GREAT BARR

Proposal: CONSTRUCTION OF A TEMPORARY 49.35MW BATTERY STORAGE FACILITY TO INCLUDE 28 ENERGY STORAGE CONTAINER UNITS, ASSOCIATED CONTROLS, PCS INVERTERS, COOLING AND FIRE SAFETY SYSTEM, 14 TRANSFORMER FEEDER PILLARS, TWO SUBSTATIONS AND COMPOUND, EACH WITH AN OPEN AIR TRANSFORMER, DEDICATED ACCESS TRACK, SECURITY FENCING ENCLOSING THE SITE, 14 LOW VOLTAGE CABINS EACH WITH AN OPEN AIR TRANSFORMER AND HIGH VOLTAGE SWITCHGEAR. INTENDED LIFESPAN OF 40 YEARS.

Application Number: 21/1720

Case Officer: Sally Wagstaff

Applicant: Anesco Ltd

Ward: Pheasey Park Farm

Agent: Stuart Natkus

Expired Date: 07-Mar-2022

Application Type: Full Application: Major Use Class Sui Generis

Time Extension Expiry:



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Recommendation

Refuse

Proposal

This application seeks full planning permission for the construction of a Battery Energy Storage System (BESS), capable of importing and exporting approximately 49.35 megawatts (MW) of electricity at a field adjacent to the Duckery, Chapel Lane, Great Barr. The energy storage facility will store energy and release it to the National Grid when required, for example, during times of peak energy demand. The facility has an intended temporary lifespan of 40 years and at the end its operation, the intention is to remove it from the site and return the field to its previous condition.

The proposal includes the following main elements:

- 28 energy storage container units containing the batteries, associated control equipment, PCS inverters, cooling system and fire safety equipment.
- 14 Transformers and feeder pillars.
- A single 132kV substation compound, up to a height of 5.5m with a District Network Operator (DNO) substation (up to a height of 3.4m), customer substation (up to a height of 2.9m) and a communications hub.
- A dedicated access track and security fencing enclosing the site.
- 14 Low Voltage (LV) cabins each with an open air transformer will be installed with the blocks of battery cabinets. The LV cabins are typically 2.2m high, 3.7m long and 2m wide which will be painted green. The transformers are generally 2.5m high, 2.4m long and 2.5m wide.
- High Voltage (HV) switchgear is required to accumulate all the HV cables from the transformers before connecting to the grid network.
- Before connection to the grid, the Distribution Network Provider (DNO) requires an Intake Substation with various protection settings to protect the grid from any faults that the BESS may cause. This intake substation will be built in compliance with building materials approved by the local planning authority.
- A Security system is required to prevent both unauthorised access into the battery storage system, which is an energy import and export system, and to protect the equipment. This will consist of a 2.4m high palisade fence which is a requirement by the DNO to ensure the adequate security of the storage system. The palisade is the usual specified fence system to install from the DNO's. A security beam system will also be installed around the fence perimeter. The security beams will be approximately 1.2m off the ground and will employ laser technology so no artificial lighting will be required.

The following supporting documents are provided:

- Alternative Sites Assessment.
- Design & Access Statement.
- Ecological Impact Assessment.
- Flood-risk Assessment and Drainage Strategy.
- Historic Environment Desk Based Assessment.
- Landscape and Visual Impact Assessment.
- Noise Impact Assessment.
- Planning Statement.

- Soils & Agricultural Report.
- Traffic Management Plan.
- Transport Statement.
- Tree Removal & Protection Plan.
- Tree Survey.

Site and Surroundings

The site occupies approximately 2.07 hectares of agricultural land on the southern side of Chapel Lane, to the north-east of Suttons Drive. The site is located within the Green Belt and the surrounding area is semi-urban in nature. The site comprises an open field with the boundary to Chapel Lane formed of a low post/wire fence in a state of disrepair, as well as some trees toward the south-west end of the boundary. The site also comprises a small wooden stable in the north-east corner. There is a National Grid Suspension Tower and overhead power lines within the field to the south-east of the site.

To the north of the site there are open fields and cricket pitch. To the east is Barr Beacon School and residential properties. To the south is the Great Barr Hall and Registered Park and Garden, as well as the Duckery which is ancient woodland and is a Site of Importance to Nature Conservation (SINC). To the west is an open field and the Great Barr Golf Course. The site is also located within the Great Barr Conservation Area and there are several listed buildings in the area, including the Grade II Listed Great Barr Hall and Registered Park and Gardens, the Grade II Listed Church of St Margaret and Grade II Listed War Memorial, the Grade II listed Old Farmhouse and Barn and the Pinfold. There is also an Article 4 Direction and a Tree Preservation Order affecting the site.

Relevant Planning History

21/1288 – Environmental Impact Assessment (EIA) Screening Opinion for a proposed BESS (Battery Energy Storage System) – EIA not required 22/10/2021

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 6 – Building a strong, competitive economy
- NPPF 8 – Promoting healthy and safe communities
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places

- NPPF 13 – Protecting Green Belt land
- NPPF 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 – Conserving and enhancing the natural environment
- NPPF 16 – Conserving and enhancing the historic environment

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations

- ENV6: Protection and Encouragement of Agriculture
- ENV10: Pollution
- ENV11: Light Pollution
- ENV12: Hazardous Installations
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN3: Flood Risk
- EN5: Development in Conservation Areas
- EN7: Great Barr Hall and Estate and St Margaret's Hospital
- T2: Bus Services
- T3: The Rail Network

- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Archaeology – Welcome the submission of an Historic Environment Desk-Based Assessment with the application and agree with the conclusions relating to archaeology within the report. There is potential for archaeological deposits to be present which may be affected by the proposals, however these would be of local significance and not form a constraint on development. A condition is recommended

to require a programme of archaeological work to be undertaken that would ensure preservation by record any remains affected. This would likely be trial trench evaluation in the first instance in advance of any groundworks, which would inform additional mitigation (watching brief or excavation) if required.

Community Safety – Support.

Conservation Officer – Highlights National Heritage Listed Assets affected by the proposals (including Listed Buildings and the Registered Park and Gardens) plus local designations (including local listed buildings, Great Barr conservation area, Article 4 restrictions and archaeological historic environment records) and the legislative context for considering each. A Historic Environment Desk Based Assessment (HEDBA) has been provided. It is agreed that the proposals would have less than substantial harm to the significance of the Great Barr Conservation Areas and the scale of the harm is low to medium.

The proposed site is outside of the Registered Park and Garden but sits adjacent to it. Within the Registered Park and Gardens sits Great Barr Hall, Grade II listed. The bank of trees within the RPG adjacent the site protects significant views across to Great Barr Hall and the pool. The proposal is considered would have negligible harm to the significance of these heritage assets and not no harm. The proposed Battery Park would have less than substantial harm to the significance of Great Barr Hall RPG and Great Barr Hall, that scale of harm would be medium. The proposed Battery Park would have negligible harm to the setting of Great Barr RPG and Great Barr Hall.

St Margaret's Church, Grade II listed and the War Memorial Cross, Grade II listed are located some 320m to the south of the proposed site. The proposal would have negligible harm to the significance of this heritage asset and not no harm. The proposed Battery Park would have less than substantial harm to the significance of St Margaret's Church, that scale of harm would be medium. The proposed Battery Park would have negligible harm to the setting of St Margaret's Church and the listed war memorial.

With regards to the other heritages assets, Barn approx. 20m north of Old Hall Farmhouse, Grade II, Old Hall Farmhouse, Grade II and The Pinfold, Grade II, the proposal would have less than substantial harm to the significance of these heritage assets, and the scale of harm would be low. The proposal would have negligible harm to the setting of these heritage assets.

Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The nearest non-designated heritage assets are Old Hall Court, Pinfold Lane and Crook House. The proposed Battery Park will have negligible harm to the significance of these non designated heritage assets.

The proposed Battery Park would be visually intrusive when seen from Chapel Lane and from short and long views from the north of the site, as there is limited planting and tree coverage that would provide effective screening. It would also appear what remained of the hedge along the Chapel Lane frontage has been removed. As such, the proposal would fail to enhance and preserve the character and appearance of the

Great Barr Conservation Area. However, through effective planting mitigation along the Chapel Lane boundary, including the reinstatement of the hedge along the site boundary fronting Chapel Lane and effective tree planting towards the northern boundaries of the site, tree planting can provide effective screening of the proposed Battery Park.

Any additional fencing should be kept to a minimum with details of design and colour provided. Palisade fencing may not be appropriate. Further details of access routes, how the battery park connects to the pylons and details of lighting also need to be considered.

An options appraisal should have been undertaken looking at alternative sites and addressing whether there are alternative sites suitable for this proposed use.

The proposed development needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

Ecology Officer – No objections. Previous concerns addressed in amendments.

Environment Agency – No comments as the constraints lie outside the EA remit.

Environmental Protection – Conditions and mitigation measures are required to address potential noise impacts upon nearby residential premises from the proposed Battery Storage Facility. Key points from the developers Noise Impact Assessment are:

- The closest noise sensitive receptor has been identified as 121 Chapel Lane, approximately 230 metres away.
- Project will consist of 14No. of battery blocks (3614kWh) and 14No. of PCS containers (3525kVA).
- With the implementation of appropriate barrier mitigation, the resultant impacts from noise associated with the proposed development will be low at the nearest existing noise sensitive receptors.

Based on the noise assessment, the report demonstrates that there may be some minor noise impact at nearby residential premises. To reduce the potential noise impact the Consultant is advising that a noise barrier needs to be constructed around the PCS Container/ Battery Block area and this has been added to the plans.

Due to the variance of background noise levels, Environmental Protection prefer to incorporate a limit based on Noise Rating Curve within planning conditions, rather than relying on BS4142 alone.

The Consultants have provided Octave Band Sound Pressure Levels of Plant Items in Table 4.2. Using the data in Table 4.2 it may be possible that an Octave Band Noise Rating can be calculated for 1metre from habitable room window.

Environmental Health – No comments received.

Fire Service – Provide details of measures to be achieved for this proposal and indicate failure to meet these requirements may result in an objection and an unsatisfactory proposal. Matters to consider being access into the site if security measures are present, specialist advice, Out of Hours access and contacts in the event of an emergency.

Health & Safety Executive - This proposed development does not involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development. Advises that if the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment.

Highways - The development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

Vehicle Access - A new site access will be created off Chapel Lane, this will be sufficient to accommodate 16.5m articulated vehicles. Vehicles for the duration of the construction period will be able to access the site using this access. Visibility splays of 88m west and 118m east are achieved which is more than adequate for a 30mph road.

Internal Layout - Swept path analysis showing a 16.5m articulated lorry turning into the access and turning around has been demonstrated. The provision of an area of hardstanding within the application site for vehicles to manoeuvre in and over which they would drive prior to accessing the public highway will reduce the risk of mud being trafficked onto the public highway.

Vehicle parking - Parking is provided on site for service vehicles.

Traffic Impact - The highest increase in average two-way daily traffic movements is expected during the 30 week construction phase. Average two-way daily commercial vehicle movements are expected to amount one two-way movements per week. During the operational phase, traffic movements are expected to be minimal. Operational traffic would comprise one van accessing the application site twice per month i.e. two two-way vehicle movements per month. Due to the proximity of the application site to the Strategic Road Network it is likely that commercial vehicle movements in the vicinity of the site are sufficiently high that an increase of one two-way weekly vehicle movements will be imperceptible against background trafficked to cause a disturbance to other users. On completion of the 30 week construction period, construction traffic would cease. There would therefore be no residual traffic related impacts arising from the temporary construction phase of the proposed development. Traffic volumes of this magnitude would be imperceptible on a daily basis. No residual traffic related impacts arising from the permanent operational phase of the Proposed Development.

Construction Management - A Construction Management Plan has been submitted. There will be up to a total of 189 deliveries to the site. This equates to approximately 1.31 deliveries per day on average over the 24-week. During peak construction activities it is expected that up to 12 deliveries per day over an 8-week period (Monday to Saturday). This will vary in line with the build process. In addition to the HGV movements, there will also be a small number of construction movements associated with smaller vehicles such as the transport of construction workers and sub-contractors. Reversing will not need to be undertaken as HGVs will drive on to site in forward gear and turn within the turning area and then leave in forward gear.

Other matters - A Highway Dilapidation Survey will be required prior to the commencement of any works on site.

Historic England – Concerns regarding the proposals on heritage grounds. The proposed battery storage facility would be located in the Great Barr Conservation Area immediately adjacent to the Grade II registered park and garden and not far from Grade II listed buildings at Old Hall, the Grade II listed church of St Margaret and war memorial cross. Both greenbelt and conservation area status reflect the scenic and historic importance of this area as a remnant of the open land that forms the setting of the designed landscape at Great Barr Hall and characterised the landscape prior to rapid urban expansion in the C20.

The construction of a large battery facility containing structures up to 5.5m high surrounded by palisade security fencing would be a harmful development in the setting of the registered park and garden and the listed buildings and would radically change the currently open character of the conservation area by introducing industrial structures and an unattractive security fence.

Section 16 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 189). To this end it requires local authorities to look for opportunities for new development to enhance significance and to preserve elements of setting that make a positive contribution to significance (paragraph 202). Any harm to significance caused by new development requires a clear and convincing justification that includes public benefits

Lead Local Flood Authority – No objections.

Natural England – No comments. The lack of comment from Natural England does not imply that there are no impacts on the natural environment only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Other specialist ecological and environmental advice should be sought.

Public Health – No objections.

Public Rights of Way – No objections. Footpath 43 Aldridge crosses land directly to the north of the application site and the Beacon Way runs along Chapel Lane on the highway verge on the opposite side to the proposed development. The proposed application will not impact upon either of these pedestrian routes due to their location in relation to the site.

Sandwell MBC – Objects on the basis that the proposal would harm the openness of the Green Belt by incremental encroachment. The proposal is contrary to the open character of the Green Belt (para 133 NPPF), is not an acceptable use (para 145 NPPF) and does not safeguard the Green Belt from encroachment (para 134 NPPF). Para 147 of NPPF states elements of renewable energy are often inappropriate development in the Green Belt and that very special circumstances are required to justify this harm. BCCS policy CSP2 relates to Development outside the Growth Network and states Green Belt boundaries will be protected from inappropriate development. The applicant should demonstrate why this development is necessary at this sensitive location and could not be sited in an employment area like other power installations e.g. Union Road Generation Site, Oldbury.

Severn Trent Water – No objections and do not require a drainage condition as the proposal has minimal impact on the public sewerage system.

Staffordshire Gardens & Parks Trust – Objects. This application will cause harm to the significance of Great Barr Conservation Area and to the RPG and its setting and has not demonstrated an overriding need or public benefit which would outweigh that harm (NPPF paras 200-202). The application does not satisfy the test of S72(1) of the P(LB&CA) Act 1990 in that it will neither conserve nor enhance the character and appearance of the conservation area. The proposals run counter to your Council's planning policies for the protection of the Green Belt and built heritage. The proposal does not demonstrate exceptional circumstances which would warrant the harm from intrusion into the openness of the Green Belt.

The Gardens Trust – Objects. The application site lies immediately adjacent to the northern boundary of the Grade II Registered Park and Garden (RPG) of Great Barr. It also is in the centre of the Great Barr Conservation Area (CA) and lies within the Green Belt. The woodland of The Duckery, which is described as '*..an area of ancient semi-natural woodland..*'¹, lies within the RPAG immediately adjacent to the proposed development site and is clearly visible from it. The proposed siting of such a large battery storage facility in open countryside and especially within a Conservation Area seems difficult to understand at first glance. The part of the Great Barr Conservation Area within which the proposed battery storage development is to be sited lies clearly within the Setting of the Great Barr RPG and will be seen from it. Connections to the adjacent electricity pylons will either run through the RPG itself or be visible from it, again impacting upon its Setting. No very special circumstances have been demonstrated.

An Historic Environment Assessment looking at alternative, less sensitive sites further from the immediate setting of the RPG should be required. The proposal will likely generate additional proposals for solar arrays within the immediate neighbourhood, or on Barr Beacon itself, compounding the impact upon the Conservation Area, RPG and Green Belt.

Tree Preservation Officer – The application site is situated within Great Barr Conservation Area and the trees are predominantly located around the periphery of the site. The site layout as indicated on drawing no. C0002457-02-PL Rev. B will not necessitate the removal of any of the trees or hedgerows on site to facilitate the proposals and the proposal does not encroach into any of the root protection areas of the trees as recommended in BS 5837: 2012. The tree removal and protection plan (drawing no. 211216-CLGB-TRPP-SD) details the location and specification of tree protection fencing which would afford adequate protection for the retained trees within the applications proposed site layout (confusingly this documents title would suggest there are trees for removal which is not the case). Consequently, the application does not have any detrimental implications for the trees on or adjacent to the site as none would be lost to development and the existing trees can be adequately protected throughout any construction phase. Should the application be given consent the recommendations and guidelines as detailed in the BS 5837: 2012 tree report and tree removal and protection plan should form one of the conditions.

Group of Ramblers – Objects not an appropriate location for this type of development. Concern this will set a precedent for further development within the Green Belt. Query what Walsall MBC's policy is towards carbon reduction and sustainable energy generation in the longer term and what are the implications if this plant is given approval to proceed? Very special circumstances are required to outweigh the harm and concern developer is relying on need for renewable energy to outweigh harm which Ramblers disagree with. Concern about design of any access potentially allowing parking or attracting fly tipping. Inadequate adequate screening proposed. Makes comments on how wide consultation on the proposals has been.

West Midlands Police – Security required for people's safety and reduce theft of metals, materials or equipment this is a vulnerable isolated site. Makes recommendations for lighting, security, alarms, CCTV etc and recommends Secure by Design.

Representations

Over 300 comments (from around 200 properties) raising objections to the proposals have been received including those from local ward Councillors, MP Valerie Vaz (Walsall South), MP Nicola Richards (West Bromwich East) and local groups including Beacon Action Group. These are summarised as follows (officer comments in italics):

Green Belt:

- Inappropriate development in Green Belt
- Not met very special circumstances to justify inappropriate development in Green Belt
- This proposal is on agricultural land in open countryside and does not safeguard the openness of the countryside
- This area already under threat to loss of Green Belt land for development
- This green belt land separates Walsall from Birmingham and shouldn't be lost
- Reported that at a Save our Green Belt meeting a 10 year old commented "our future must be protected, climate change and loss of biodiversity is here, the air we breathe is toxic, noise in the air never stops, we will not forgive you for taking Green Belt and open spaces and destroying our future"
- Commercial development in green belt not appropriate
- Acknowledge energy storage helps protect the planet but need to balance developer profit against community expense and loss of green space forever
- Agree battery storage is essential to national grid but this is one of the last green open spaces in Walsall and should be preserved
- Loss Grade II agricultural land
- The farmland is high quality and should not be built upon

Conservation Area:

- Inappropriate development in Conservation Area
- Harmful visual impact and impact on designated Heritage Assets
- Recognise possible need for this type of development but not in a Conservation Area where LPA duty to preserve and protect character
- Nearby housing in the Conservation area has restrictions on permitted development so these larger scale proposals should not be allowed
- Object to proposal next to Grade II Listed Church and Designated World Heritage Site

- Failure to inform parties such as Historic England and Fire Service (*the LPA has consulted these parties*)

Neighbour Amenities:

- Disruption to local community
- Overlooking and loss of privacy for residents nearby
- Affect on residents' health from pollution plus mental health
- Noise Assessment doesn't consider impact on Kinross & Nether Hall Estates and does not confirm where receptors considered are
- Mitigation/louvres should be required on all sides to minimise impacts to residents
- Plant noise disturbs residents utilising nearby open space
- 24/7 security may lead to light spillage in the area

Environmental Issues:

- Environmentally important site for flora, fauna and protected species as SLINC and SINC designations
- Environmental impacts on surrounding areas
- No Environmental Impact Assessment undertaken (*this was subject to a separate process – 21/1288*)
- Impacts on landscape and ecological impacts in a highly sensitive area
- Potential impact on endangered species of flora and wildlife
- Contrary to Zero Carbon if Green Belt lost
- Should be planting trees not cutting down
- Uncertainty as to how close to woodlands the proposal may be or how large a site area may be required
- Misleading responses on application form regarding trees and hedges, Flood Risk, proximity to a watercourse, surface water disposal, biodiversity and geological conservation, protected species and designated sites or habitats that would require consideration and supporting evidence
- Noise, light and air pollution
- Potential flooding and contamination

Highways:

- Highway safety and congestion concerns along Chapel Lane which is used as a short cut to A34 motorway junction
- Construction/maintenance traffic could hamper access along Chapel Lane for emergency vehicles
- Traffic Management Plan identifies size and frequency of proposed vehicles is extensive
- Traffic pollution and noise from construction
- Chapel Lane not suitable for large vehicles and no turning facility causing severe disruption
- Chapel Lane periodically closed for repairs already
- Weight limit on Brook Bridge in Chapel Lane

Fire Safety/Health & Safety:

- Battery storage units are a fire hazard and requires access by fire service vehicles at all times, but Chapel Lane is prone to flooding/freezing resulting in lane closures hindering access

- Battery storage in Darlaston has suffered several fires this would be disastrous at this location close to the motorway and affecting homes nearby
- Potential leakage from battery energy storage systems could be catastrophic
- Increased risk of serious fire and explosions releasing toxic gases that are a danger to public and increase pressure on emergency services and concern for public health as there are schools and housing in close proximity
- Please consider safety of public particularly children

Other Matters:

- The site is covered by an Article 4 Direction further restricting development
- Residents have no funding and little time to fight this scheme (*not a material planning consideration as statutory consultations undertaken*)
- Search for alternative sites limited and a site in the Black Country near the national grid discounted
- Brownfield and industrial sites would be more appropriate
- Alternative location should be sought
- Another site is under construction near J7 of M6 in Sandwell
- Disrespectful to locate this close to graveyard and place of worship
- Previous refusal for inappropriate development at the site
- Object to solar panels no mention of size and number (*none are proposed*)
- Large development and very high (5 acres 2.4m high)
- Visible from public paths – next to Beacon Way popular rambling route
- 40 years is not temporary
- No guarantees that the land won't be built on once facility decommissioned
- Agree need for renewables given present energy crisis but outweighed by other considerations
- Anesco report contradicts earlier reports on grade of land and whether suitable to build on
- Drastically impact on this beauty spot
- Querying consultation timescales (*the developer carried out their own consultation exercise prior to submitting the application which may not have captured all interested parties. The LPA has carried out statutory consultations in line with legislation and all representations received prior to determination taken into consideration*)
- Evidence provided relating to legal case regarding similar type of development and inadequate consideration of Environmental Impact
- Reference to public meeting held with MP present
- Could damage property value in the area (*this is not a material planning consideration*)
- Could lead to future developments (*any future applications assessed on their own merit*)
- Query who owns the site (*not a material planning consideration but applicant has served notice B on the owner*)
- Anesco are not local and could build elsewhere (*the LPA have to consider the proposals before us*)
- Welcome MP Valerie Vaz support in fighting this proposal

Determining Issues

- Principle of Development
- Green Belt Assessment
- Heritage Assessment
- Amenity of Neighbours

- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations

Assessment of the Proposal

Principle of Development

This application proposes the erection of a Battery Energy Storage System (BESS) at agricultural land located within the Green Belt and within the Great Barr Conservation Area. The proposed development consists of a number of buildings/structures including the main battery storage cabinets within the centre of the site, a compound and substation, as well as ancillary works including security fencing, a new access off Chapel Lane, an internal access route and an acoustic barrier. The structures are generally of an industrial style appearance finished in grey and green, with a maximum height of 5.5m (132kv substation compound), with the height of the other structures ranging from 2.3m-3.4m.

The proposed Battery Energy Storage System is a technology which does not itself produce renewable energy, it instead stores energy and transfers it back to the National Grid when required, for example, in times of peak energy demand. However, for the purposes of the planning system, national policy dictates that this type of development is accepted as a form of renewable energy, given that it aids the storage of energy from renewable sources and therefore reduces the reliance on fossil fuels and contributes to reduction of carbon emissions. The NPPF also states that when determining planning applications for renewable/low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable/low carbon energy and even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions. Renewable energy projects are also supported in Policy ENV7 of the Black Country Core Strategy, where the proposal accords with local, regional and national guidance and will not significantly harm the natural, historic or built environment of the area.

Notwithstanding that further consideration is required regarding the use of this specific site for the proposed energy storage facility, given its sensitive location within the Green Belt and the Great Barr Conservation Area, the need for renewable energy projects such as this is accepted and is well supported within national and local planning policy. The principle of the proposed development is therefore acceptable, subject to further consideration regarding the suitability of the site for the intended use and compliance with any other material planning considerations.

Green Belt Assessment

The site is located within the Green Belt, the purpose of which as set out in the NPPF is in part to prevent urban sprawl by keeping land permanently open and to safeguard the countryside from encroachment. Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that the construction of new buildings in the Green Belt is regarded as inappropriate development, subject to some exceptions as set out in paragraphs 149 and 150. 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. For applications in the Green Belt, consideration is also required regarding the impact of the proposal on the openness of the Green Belt, both in terms of spatial and visual openness.

The applicant has submitted a Landscape and Visual Impact Assessment in order to assess the visual and landscape impacts of the proposal on the Green Belt and its spatial and visual openness. The Assessment acknowledges that the proposal may result in a degree of harm (categorised as negligible to minor adverse harm) to the Green Belt, but suggests that this harm will be mitigated by the restricted height of the buildings, the limited extent of the development, the existing enclosure of the site and the enhancements to the site's vegetation and enclosure on Chapel Lane.

The proposed mitigation measures include enhancements to the boundary on Chapel Lane, which is mostly open, with a limited number of existing trees and vegetation providing screening toward the the south-west end of the Chapel Lane boundary only. The proposed screening enhancements involve the retention of the existing hedgerow and planting of new hedgerow at the open sections of Chapel Lane, as well as the planting of wildflower grassland around the buildings. However, the height of the proposed hedgerow as indicated in Figure 6 of the Landscape Management Plan will be maintained at a maximum height of 2m-2.5m, thereby not entirely screening the height of the new buildings. In addition, the wildflower meadow, whilst no doubt will improve the appearance of the field, will not likely provide any meaningful or significant screening of the new buildings.

Notwithstanding the proposed mitigation measures, when comparing the existing appearance of the site with the proposed appearance of the site (including mitigation), the proposal will result in some loss of the openness of Green Belt land. The site is currently an open and undeveloped field, with the only structure present being a small wooden stable in the north-west corner of the site (approximate footprint of 90sqm), albeit the national grid suspension tower and overhead power lines are also visible within the context of the site

The proposal will however introduce a range of new industrial style buildings within the field, with a significantly increased overall footprint of all the buildings of approximately 2000sqm, with building heights ranging from 2.2m-5.6m. Due to the introduction of the new buildings, including the extensive palisade style security fencing in a field which is currently absent of such buildings, the development will appear alien and visually intrusive in this landscape, and will result in the loss of the openness of the Green Belt, despite the mitigation measures. Reference is also made by the applicant of the proposal being for a temporary period only, however, the development has an overall lifespan of 40 years, which is not a time period which would reasonably be considered as temporary. 40 years is in fact considered to be a long period of time during which the harm to the Green Belt would persist and the prospect of the eventual restoration of the site after this significant amount of time does not provide adequate justification to discount the harm caused.

For the above reasons, it is considered that the proposal will result in some harm to the Green Belt, as it constitutes inappropriate development in the Green Belt and will reduce its openness, contrary to the purpose of including land within the Green Belt. In accordance with the NPPF and Policy GB1 of the Walsall Site Allocation Document, the development can only be permitted where very special circumstances exist. This is considered later in the report.

Heritage Impacts

The site is located within the Great Barr Conservation Area and there are numerous heritage assets within the vicinity of the site, including the Grade II Listed Great Barr Hall and Grade II Listed Great Barr Hall Registered Park and Gardens to the south, the Grade II Listed Church of St Margaret and Grade II Listed War Memorial to the south-west, the Grade II listed Old Farmhouse and Barn and the Pinfold to the north-west, as well as several non-designated heritage assets within the wider area.

When considering potential impacts on the significance of heritage assets, the NPPF requires that great weight is given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is consistent with Policy EN5 of the Walsall Site Allocation Document, which requires that development preserves or enhances the significance of Conservation Areas, including their setting, character, and appearance.

With regards to the impact of the proposal on the significance of the Great Barr Conservation Area, the proposal will introduce a development of an industrial character and appearance in this location, altering the rural character of this specific part of the Conservation Area through the introduction of industrial style structures and fencing. This part of Chapel Lane is fairly open in nature with limited planting and tree coverage; therefore, the development will easily be viewed from Chapel Lane and will become an intrusive feature in an otherwise open/rural landscape. It is acknowledged that planting is proposed along this boundary, but given the height of some of the structures, any such planting will not likely provide effective screening of the site and the facility will become a visible feature within the Conservation Area for a period of 40 years, harming the significance of the Conservation Area and surrounding heritage assets for an extended period of time.

The proposal is therefore considered to result in 'less than substantial harm' to the significance of the Great Barr Conservation Area and the surrounding heritage assets, with the scale of the harm being medium to the Conservation Area and the heritage assets closest to the site (Great Barr Hall and Registered Park and Garden, St Margaret's Church and the War Memorial Cross), and the level of harm being low to the heritage assets further from the site (Old Harm Farmhouse and barn and the Pinfold). The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the proposal and consideration of this against the harm is considered later in the report.

Amenity of Neighbours

Notwithstanding the above concerns, the nearest noise sensitive uses to the site are located approximately 230m to the southwest of the site (121 Chapel Lane), 270m to the north of the site (Old Hall Court), 280m to the east of the site (Old Hall Farm) and 345m to the east of the site (Barr Beacon School). A Noise Assessment has been submitted which addresses the noise impacts of the proposed facility on sensitive uses. The Assessment is based on a worst-case scenario and concludes that the proposal may have a minor impact albeit primarily during night-time hours.

Due to the potential noise impacts of the proposal, the development includes noise mitigation measures, including the erection of a 2.8m high acoustic barrier on the north and west side of the central battery module and PCS units which are anticipated to be the noisiest elements of the proposed facility. Whilst the acoustic barriers are anticipated to reduce the noise impacts of the proposal, in order to ensure that noise impacts are acceptable, Environmental Protection have advised that a planning condition would be required which limits the cumulative noise levels, should the application be approved. It is also noted that whilst the acoustic barriers would mitigate the noise impacts of the development, these are likely to be visually harmful, given their height of 2.8m and are likely to be of a similar industrial style appearance as the rest of the proposal, albeit details of their appearance have been provided.

In summary, the application is considered to be acceptable with regards to the impact on neighbour amenity, subject to the conditions recommended by the Council's Environmental Protection Officers.

Highways

The proposal includes the creation of a new access from Chapel Lane, an internal access route and vehicle parking space for service vehicles within the site. In terms of traffic generation, once the facility is operational, traffic movements to the site would be minimal at approximately two by two-way vehicle movements per month. During the construction period (30 weeks), traffic movements to the site will be higher at approximately 1.31 deliveries per day on average for 24-weeks, increasing to 12 deliveries per day for a peak 8-week period. This level of traffic generation is deemed to be acceptable and could be managed by the local highway network. In terms of highways safety, HGV vehicles will be able to drive into the site and manoeuvre within a turning area and will not be required to reverse onto the highway. The application is therefore considered to be acceptable with regards to the highway matters, subject to the conditions recommended by the Council's Highways Officer.

Ecology

With regards to the ecological impacts of the proposal, The Duckery to the south is a designated Site of Importance to Nature Conservation (SINC), comprising ancient woodland. However, the site layout is such that the proposed development would lie outside of the 15m buffer zone to the woodland and the proposal would not therefore result in any harm to biodiversity at and around the site. The application is therefore considered to be acceptable with regards to the impact on ecology.

Trees and Protected Trees:

The site comprises an open field with a small number of trees located primarily around the site's perimeter. Where there are protected trees, these are located outside of the site's red line boundary, adjacent to the application site at the Duckery Park to the south of the site. The Council's Tree Officer has advised that the proposal will not require the removal of any of the trees or hedgerows at the site itself or within the woodland to the south and will not result in any impact on any tree root protection areas. Tree protection fencing will also be used where required to prevent any damage being caused to the trees. The application is therefore considered to be acceptable with regards to the impact on trees and protected trees.

Flood-risk and Drainage

The site is located within flood zone 1 and is at a low risk of flooding. However, given that the site is over 1 hectare in size, a site-specific Flood Risk Assessment and Surface Water Drainage Strategy has been submitted. The Assessment confirms that the site is at low risk of flooding and any additional surface water discharge due to the additional hardstanding will be collected in a series of proposed swales within the application site, prior to discharge into a drain within the southwest corner of the site, with the maintenance of this to be secured by planning condition and operational responsibility falling to the operator of the development. The Lead Local Flood Authority and Severn Water have raised no objections to the proposal and the application is therefore considered to be acceptable with regards to flood-risk and drainage matters.

Ground Conditions and Land Stability

The site is currently within an agricultural use and is outside of the Coal Mining High Risk Area. There is no planning history for the site which indicates any potential land contamination being present and the Council's Environmental Protection Officers have not requested any conditions be attached in relation to ground conditions. The application is therefore considered to be acceptable with regards to ground condition and land stability matters.

Planning Balance and Very Special Circumstances:

In considering the application as a whole, the benefits of the proposal need to be weighed against the harm of the proposal, in order to determine whether very special circumstances exist and therefore whether the development can be permitted.

The overall harm of the proposal can be summarised as including the promotion of inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt, the harm caused by the loss of openness of the Green Belt by virtue of the erection of industrial style buildings/structures in an otherwise open and undeveloped field, as well as the harm to the significance of the Great Barr Conservation Area and nearby heritage assets by virtue of the failure to preserve or enhance their setting. Collectively, this level of harm is considered to be substantial and represents significant conflict with the national and local planning policy.

Very special circumstances will not exist unless the potential harm as outlined above is clearly outweighed by other considerations. To this end, the applicant has provided the following list of very special circumstances within the Planning Statement, in order to justify the application:

- There is an urgent need to secure renewable energy as part of the UK's transition to net zero.
- The UK Government has declared a climate emergency and Walsall Council aspires to be a net zero district by 2020.
- BESS are required to transition to a renewable and low carbon future and are required to secure energy security.
- The site has proximity to an existing grid connection with sufficient capacity, such locations are limited around the country and in Walsall.
- The proposal will delivery biodiversity net gain.
- The proposal is temporary and reversible.

- The proposal will have a minimal impact on the landscape.
- The development will be of a smaller scale, height and massing than existing buildings/infrastructure in the surrounding landscape.
- The proposal will have limited harm to the Green Belt.
- The development is in accordance with planning policy.

These points are acknowledged and the overall need for such a facility is not disputed. However, the applicant's stated very special circumstances do not clearly demonstrate why a site in both the Green Belt and in a Conservation Area is specifically required for the proposal. The applicant's very special circumstances are accepted as demonstrating the overall need for such a facility; however, there is limited information regarding the proximity to the existing grid connection which has sufficient capacity. The applicant's statement is not supported by any further details of this connection, it is not indicated on the proposed plans where the connection is, and it is not clear on proposed plans if the connection will require further works within the Green Belt land. It is not also clear if there are other sites that have sufficient connectivity and capacity that may be less constrained, for example, land outside of the Green Belt and a Conservation Area.

In addition, whilst there is no formal requirement to provide an Alternative Site Selection Assessment, this has been submitted by the applicant and seeks to discount alternative sites in the area. However, this again does not sufficiently demonstrate that this site, above other less sensitive sites, is specifically required for the proposal. The Alternative Site Selection only considers sites which are for sale and there is no evidence that the applicant has approached other landowners with land which has sufficient access to the grid. The Alternative Site Selection also identifies potential sites which are only considered suitable for other uses, such as sites which are allocated for housing and employment or already have planning permission for such uses, therefore not they are not appropriate sites to consider for the energy proposal as the prospect of them being used for this proposal is unrealistic. It is therefore considered that the Alternative Site Selection does not provide sufficient justification or very special circumstances for the use of this site for the facility, above other potentially less sensitive sites in Walsall.

In summary, it is therefore considered that when assessing the planning balance of the application as a whole, very special circumstances do not exist in this instance and the application should be resisted.

Conclusions and Reasons for Decision

Whilst it is acknowledged that there is a need for the proposed energy storage facility, the site's location within the Green Belt and the Great Barr Conservation Area are considered to be significant constraints on the development which in this case, prevent its recommendation for approval.

When viewed collectively, the introduction of a new development of an industrial style appearance which is inappropriate development in the Green Belt and will reduce the spatial and visual openness of the Green Belt, alongside the failure to preserve and enhance the setting of the Great Barr Conservation Area and surrounding heritage assets, will result in substantial harm to both the Green Belt and the Great Barr Conservation Area.

The very special circumstances presented by the applicant in relation to the benefits of the proposal in providing a renewable energy storage facility are acknowledged and afford significant weight, however, given the substantial scale of the collective harm both to the Green Belt and the Conservation Area, in this case the overall benefits of the proposal are not considered to outweigh the overall harm, when considering the application as a whole.

For these reasons, it is considered that very special circumstances do not exist, and that the proposed development should be resisted. Therefore, given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons

1. The proposal would represent inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and there are no very special circumstances which would outweigh the harm by reason of inappropriateness. The application is therefore contrary to Saved Policies GP2 (Environmental Protection), ENV6 (Protection and Encouragement of Agriculture) and ENV7 (Countryside Character) of the Walsall Unitary Development Plan, Policy CSP2 (Development Outside the Growth Network) of the Black Country Core Strategy and Policy GB1 (Green Belt and the Control of Development in the Green Belt) of the Walsall Site Allocation Document.
2. The proposal would fail to enhance and preserve the character and appearance of the Great Barr Conservation Area and heritage assets in the areas, resulting in less than substantial harm to the heritage asset, with the scale of harm not being outweighed by the overall public benefits of the proposal. The application is therefore contrary to Saved Policy EN32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy and Policy EN5 (Development in Conservation Areas) of the Walsall Site Allocation Document.

END OF OFFICERS REPORT