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| <b>Application Reference:</b> | <b>DC/087394</b>   |
| <b>Location:</b>              | Welkin Mill<br>Welkin Road<br>Bredbury<br>Stockport<br>SK6 2BH   |
| <b>PROPOSAL</b>               | Development of a grid-scale battery storage project consisting of battery racks, inverters, transformers and other electrical plant equipment connected via an underground ducted cable to Electricity North West's distribution network at the Vernon Park Substation. Erection of secure compound enclosed by a 2.4m high security fence. A 6m ball-stopping net will be installed on the western boundary of the site to prevent any footballs from landing within the boundary of the site from the adjacent football pitches. |
| <b>Type Of Application:</b>   | Full Application   |
| <b>Registration Date:</b>     | 09.12.2022   |
| <b>Expiry Date:</b>           | 07.07.2023   |
| <b>Case Officer:</b>          | Chris Smyton   |
| <b>Applicant:</b>             | Noriker Power Limited  |
| <b>Agent:</b>                 | -  |

### **DELEGATION/COMMITTEE STATUS**

Planning & Highways Regulations Committee – Departure from the Development Plan.

### **DESCRIPTION OF DEVELOPMENT**

Noriker Power Limited are seeking to develop a grid-scale battery storage project at Welkin Mill. The application states that the site will support the national grid and distribution network and renewable generation, and forms a key part of the governments de-carbonisation strategy. Without grid scale BESS (Battery Energy Storage System) the UK's target to de-carbonise would be unachievable due to the unpredictable deviations of renewable generation like solar and wind. BESS provide frequency and stability services to the local networks they connect to, helping to keep the lights on during peak times. It also outlines that the plant will support the stability of the local grid in Stockport. The capacity is sufficient to provide a large proportion of Stockport's requirements, and will be deployed if the electricity system becomes stressed. This will ensure Stockport will be contributing to maintaining grid security, rather than being a drain, which will make it less likely that Stockport would trip out during a system stress event.

The detailed layout and design of the facility is best appreciated by reference to the submitted plans and drawings. Public access to the site will be strictly restricted, with anti-climb fences, 24/7 CCTV surveillance and an alarm system installed. The plant will be positioned within its own secure compound enclosed by a 2.4m security fence and built on redundant land. A 6m ball-stopping net will be installed on the western boundary of the site to prevent any footballs from landing within the boundary of the site from the adjacent football pitches. The fixed batteries and components are sited through the centre of the main compound comprising ground level battery containers and inverters. Other plant facilities in the compound will include the control room, switch rooms, storage unit and the site office.

The applicant has stated that the site layout is designed to maximise efficiency and safety, meeting the requirements of the National Grid services and site operations. The equipment is all sufficiently spaced for ease of access by personnel as required.

Members should note that planning permission was given for a very similar development on the site in December 2021 (DC/077298). The applicant has outlined that the reason for this application is as follows:

*The as-approved application was for a BESS (Battery Energy Storage System) site and a mobile battery site, rolled into one site and planning application. A BESS site is essentially rows of batteries and inverters that connect directly into the local distribution network via an underground cable to help stabilise the grid. They are critical to the UK's energy infrastructure as we de-carbonise, as removing traditional coal/gas power stations and replacing them with solar/wind causes a lot of voltage and frequency fluctuations on the grid, due to volatility of renewable generation. Batteries are able to respond to these fluctuations instantly and either pump power into the grid or absorb excess power. What this means is that to install more solar/wind we need to also install BESS, otherwise the grid would likely fail on a more regular basis. BESS sites are completely unmanned and run autonomously. The mobile battery side of things relates to a product we have developed to replace diesel generators at temporary events, construction sites etc. They are essentially a container full of batteries that can be transported wherever they are needed to provide temporary power. When not on hire, they would be stored at this site and connected into the grid to perform the service mentioned above. The mobile battery site would have to be manned, to load and unload the units. There would also be regular traffic to and from site to collect and drop off the units. That is what the currently accepted planning permission granted, however things have now changed, which is why a re-submission is required.*

*We have removed the mobile battery aspect of the site as it wasn't suitable for the specific land parcel and we didn't have the quantity of units required to make it financially feasible. So now it is only an unmanned, BESS site, with no hire business or traffic post-construction. Initially we had hoped that this would only require a minor material amendment, as we essentially removed equipment from site and removed the most contentious aspect of the application. However after sharing the updated layout and plans with the Council we were advised that the changes were significant enough to require a complete re-submission. This was mainly due to the fact we changed the orientation of battery rows, moved them west slightly, and moved the access to site to the southern side.*

*In short, we have removed the mobile battery aspect, but kept the BESS site. The layout has changed because of a lot of equipment being removed completely, as we wanted to optimise what remained to allow for possible future expansion.*

The application has been submitted on the basis of requiring a 35 year temporary consent to allow the local distribution network to benefit from flexibility services for an extended period, and also to enable the sufficient infrastructure to be set up and consequently make the expense attached to this feasible. The applicant has outlined that if this application is refused, the consented scheme will be implemented.

## **SITE AND SURROUNDINGS**

The site comprises a rectangular shaped parcel of land covering approximately 0.7 hectares and is bounded to the east by Welkin Mill, a building of local architectural

and historic interest, to the west by a sports pitch, to the north by the M60 and A560, and to the south by a number of commercial and industrial units. The nearest residential properties are approximately 180m away from the site.

The site is currently vacant land in a derelict condition. Scrub planting is interspersed across the site. At the northern end of the site lies an area of dilapidated hardstanding which has previously been used as an informal parking area. Ground levels are relatively flat across the site.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

GBA1.1, 'Extent of Green Belt'

GBA1.2 'Control of Development in Green Belt'

LCR1.1 'Landscape Character Areas'

### **LDF Core Strategy/Development Management policies**

CS7 Accommodating Economic Development

AED-4 Employment Development in Rural Areas

CS8 Safeguarding and Improving the Environment

SIE-1 Quality Places

SIE-3 Protecting, Safeguarding and Enhancing the Environment

CS9 'Transport and Development'

CS10 'An effective and sustainable transport network'

T-1 'Transport and Development'

T-3 'Safety and Capacity on the Highway Network'

SD-3 'Delivering the Energy Opportunities Plans - New Development'

SD-6 'Adapting to the Impacts of Climate Change'

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

The following guidance is considered to be relevant:

Sustainable Design and Construction SPD

Sustainable Transport SPD

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20 July 2021 replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.

Para.8 “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective
- c) an environmental objective”

Para.11 “Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.133 “The Government attaches great importance to Green Belts. 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”.

Para.134 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.143 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.144 “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Para.145 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para.146 “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para 147 “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”.

Para 148 “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

Para.153 states “In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para 154 “When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable<sup>49</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Para 190 “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.

Para 192 “In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness”.

Para 197 “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”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

### **Stockport Climate Action Now (Stockport CAN)**

The Council declared a climate emergency in March 2019 and agreed the ambition to become carbon neutral by 2038.

As well as large-scale improvements in health and wellbeing around the world, bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities.

Subsequently, in December 2020 the Council adopted the Stockport CAN Climate Change Strategy, it sets out the initial actions that Stockport Council will take to make a difference on climate change over the next five years as it begins the journey to net- zero 2038. This document is read alongside current planning policies and is being used to inform work in developing a new local plan

### **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

### **RELEVANT PLANNING HISTORY**

The site and its surroundings has an extensive planning history. The following applications are pertinent to the current proposal:-

- DC/078965 Installation and operation of a Battery Energy Storage Facility. Granted 03/12/21
- DC/077298 Grid Scale Battery Storage Facility. Granted 21/12/21
- DC/047842 Landfill to the existing low area. Installation of drainage and create 2 new football pitches. Re-soil & re-turf two existing football pitches. Erection of 2m high green weldmesh fencing around site. Granted 04/06/14
- J/68602 Proposed football pitches, pavilion and associated car parking and landscaping. Granted 12/11/97.
- J/66450 Proposed football pitches, pavilion and associated car parking and landscaping. Granted 10/03/97
- J/26772 Extraction of low-grade fuel from former refuse tip; re-spreading on site of discarded material; covering with excavated spoil from M63 contract and final restoration as a sports field. Granted 17/01/83
- J/8124 Use of garage and adjacent land for the storage and renovation of historic vehicles. Granted 04/05/77

### **NEIGHBOUR'S VIEWS**



The owner/occupiers of nearby properties have been notified by letter and the proposal has been advertised as a Departure from the Development Plan by site and press notices. The consultation period has now closed.

One objection has been received. This refers to an SMBC document that shows land leased to Spurley Hey Football Club that has been fully fenced. It states that the fencing enables the Club to benefit from Football Foundation funding. The plan shows the line of a proposed footpath/bridlepath running through this land and impacting on the security of the football pitches and the safety of the players. This document should be amended because of the potential impact of the plan submitted. **(Officer Note. This representation has been provided to the Council's Public Rights of Way Officer, and Feasibility and Client Team Manager in Highways and Transportation. The PROW Officer has stated that the route of the bridleway will most likely be that of the current footpath, as it already exists in a fit state to be a bridleway. The Feasibility and Client Team Manager has advised that the Council has no proposal to cross the land leased to the Club. In any case, reference to the footpath is not relevant to this planning application).**

### **CONSULTEE RESPONSES**

**Arboricultural Officer:** In principle the scheme will have a negative impact on the trees in the area, however due to the poor value of the existing tree stock it only requires the submission of a detailed landscaping scheme to show the replacement and enhancement of the site to comply with policy as well as the submission of an advisory and protective fencing restricting all access to the protected trees in the working area/storage areas of the site.

**Conservation Officer:** The proposed battery storage facility lies within the setting of Welkin Mill, a building of local architectural and historic interest; see details at : [Stockport Historic Environment Database](#) Although the height of the proposed structures is modest in relation to the height of the mill, it will result in some harm to the immediate open setting of the mill which is also, given the proximity of the M60, highly publicly visible. Retention of existing trees and the development and implementation of an appropriate landscape strategy will be essential in order to minimise any harmful visual impact upon the setting and significance of the mill as a heritage asset. It is recommended that a detailed landscaping proposal is developed and submitted in conjunction with the current proposal.

**Environmental Health Officer (Contaminated Land):** The proposed development site is in between two sites that have been identified as potentially contaminated, one of those being a landfill site. As such the developer will need to keep a watching brief should any unexpected contamination be suspected or found.

**Environmental Health (Noise):** As the proposed plant will operate 24/7, the submitted noise assessment has been made based on a night-time condition – i.e. the assessment has been carried out at the first floor windows to represent bedrooms, and the BS4142:2014 assessment references the typical 15-minute background sound level LA90,15min measured at the nearest noise sensitive property on Crescent Road. This is considered a worst-case condition for the noise impact assessment.

The outcome of the assessment is that the worst-case rating level is predicted to be 2dB below the representative night-time background sound level.

Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

Based on the proposed equipment layout and manufacturers' noise data, the NIA concluded that noise emissions from the site when assessed against the lowest measured night-time background sound level will have a low probability of adverse impact; and as such, no further noise mitigation is necessary.

This service accepts the NIA methodology and conclusion.

**Greater Manchester Police:** We are happy to support the application at this stage. Consequently, if the Local Planning Authority is minded to approve the application, I respectfully suggest the inclusion of the following condition:

*The development hereby approved shall, where feasible, be designed and constructed in accordance with the recommendations and specification set out in section 7 of Crime Impact Statement dated 04.02.23, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.*

*Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy and the National Planning policy Framework.*

If permission is granted the applicant would then need to apply for the SBD accreditation and achieve either Bronze, Silver or Gold accreditation at which point we would support the discharge of said condition.

**Health and Safety Executive:** HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Highway Engineer:** The application seeks approval for the construction of a battery storage facility and associated sub stations on Welkin Rd. and is substantially the same as previously approved. (D/077298). Comments are therefore as previously submitted.

When operational the development will not generate any significant numbers of trips of any kind. The only visitors will be for repair and maintenance involving minimal vehicle movements. The development will not therefore result in any significant impact on the operation or safety of the local highway network.

The proposed access is suitably located away from the junction with Stockport Rd West and with restrictions on any future planting or construction there is adequate visibility afforded at its junction with Welkin Rd

The areas within the site to be used for vehicular traffic should also be surfaced and drained in a manner which supports Sustainable Urban Drainage Policies within Stockport. I recommend that appropriate conditions be attached requiring submission of appropriate details.

**Lead Local Flood Authority:** Whilst the layout for this application has been altered, it appears the drainage strategy is relatively unchanged (with exception to the removal of the storage cells). Therefore, our comments from the previous application carry over onto this application. Essentially, the drainage strategy is acceptable in principle, subject to detailed design.

**Manchester Airport:** The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this development subject to the following conditions:

- *Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.*

*Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Manchester Airport in accordance with Policy SIE-5 "Aviation Facilities, Telecommunications and other Broadcast Infrastructure" of the Stockport Core Strategy DPD, EP 1.9 "Safeguarding of Aerodromes and Air Navigation Facilities" of the Stockport Unitary Development Plan Review and the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.*

*Informative:*

*The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>*

**Planning Policy Officer (Green Belt):** Has verbally confirmed that the following comments (in italics) for planning application DC/077298 are also relevant to this proposal.

*Principle*

*The proposal is for a battery storage facility with containers and security fence. The site is vacant and derelict brownfield land including ruderal vegetation, inert waste and hardstanding previously used for parking.*

*The proposal would potentially meet Policy GBA1.2 of the Saved Unitary Development Plan in relation to changes of use of land providing they maintain openness and do not conflict with the purposes of including land within the Green Belt, however the policies in the National Planning Policy Framework (NPPF) offer a more up-to-date position and is a material consideration of significant weight.*

*Paragraph 145 of the NPPF states that new buildings are inappropriate development in the Green Belt and follows this with a list of exceptions. The proposal could meet criterion (g) relating to the 'limited infilling...of previously developed land' subject as the land is previously developed and redundant. However, this is dependent on the proposal not having 'a greater impact on the openness of the Green Belt than the existing development'.*

*As there is currently an absence of development on-site it is judged that the size and number of the proposed structures would reduce openness and therefore Paragraph 145g is not met. I would advise that the proposal does not meet any of the other exceptions under Paragraph 145 and, as such, it should be regarded as inappropriate development in the Green Belt and a case for very special circumstances is required under Paragraph 143. Paragraph 144 gives substantial weight to any harm to the Green Belt and notes that a case for 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.*

*Other harm*

*The Planning Practice Guidance states that ‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume’. With regard to visual impact, the LVIA finds the immediate area to have poor visual amenity which is of a context and setting that is not reflective of the wider Landscape Character Area. I would agree with this given the urban fringe industrial uses at its edges and the major transport artery of the M60. Any views of the site would be seen against the backdrop of high density mill buildings at Welkin Mill and Pear Mill and tall pylons, whilst heavy screening from tree belts limits the potential for the site to be seen from distances in any case. The pre-planted hedge feature with evergreen climbing plants around the perimeter fence will provide further mitigation.*

*In spatial terms, the LVIA records a ‘slight adverse’ change to openness as a result of the proposals which would replace the car park hardstanding and uneven land formation with an even grade and structures that would be 5 metres tall at their highest and with a 2.4 metre pre-planted high mesh fence. Areas not covered by concrete plinths underneath the containers will be covered by gravel. The elevations satisfactorily demonstrate that, though there will be added volume to the site, this would be minimal. In addition, the proposed structures would be smaller than adjacent mills and industrial units and sits in an area least sensitive to changes in openness given its well contained context, as the LVIA attests.*

*Floodlighting will also cause an impact on openness, although it is noted from the planning statement that its design will limit light pollution to the wider area by directing light down to the site and the use of the floodlights will be rare and not outside working hours in normal circumstances.*

*As a result of the above considerations, I conclude that in relation to ‘any other harm’ in the balance required by Paragraph 144 there would be a limited impact on the openness of the Green Belt, primarily from a spatial perspective given the increased volume provided by the structures and very limited impact from floodlighting.*

*The applicant requires a 30 year temporary consent to allow the local distribution network to benefit from flexibility services for an extended period, and also to enable the sufficient infrastructure to be set up and consequently make the expense attached to this feasible. Given these reasons, the limited impact of the proposal on openness and the location of the site in a non-sensitive area not close to receptors I consider that this timeframe is appropriate. The fact that this permission is temporary forms part of the case for very special circumstances and so a condition should be attached to any permission, not least to ensure this timeframe is not exceeded.*

*The case for very special circumstances*

*Whilst neither local nor national policy specify what demonstrating a case for ‘very special circumstances’ should entail there is considerable case law which suggests that adhering to the following approach is likely to be suitable:*

- 1. Identify (with evidence) an essential objective that the proposal is intended to meet;*
- 2. Demonstrate that that essential objective could not reasonably be met in a less harmful way (i.e. consideration of other sites outside of the Green Belt or alternative sites within the Green Belt but where less harm would be caused or which would amount to a form of development excepted by NPPF paragraph 89 – now paragraph 145)*

3. *Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal (this should include demonstrating that the essential objective could not be achieved less harmfully by an alternative scheme at the same site).*

*The applicant has provided a number of considerations, and these are as follows:*

- The development will respond to national energy needs and is required to store electricity from the national grid when supply at generating stations exceeds demand and to return it when supply falls below demand, enabling the grid to be balanced in coming years when intermittency is set to be common and without reliance on non-renewable sources.*
- The essential need for the scheme to be located on the application site and within the Green Belt has been demonstrated, and is due to the site being of minimum 0.6 hectares to accommodate the necessary infrastructure, it is within the maximum viable distance of 800 metres of the Bredbury and Vernon Park substations, and finally these 2 substations are the only sites in the Borough that have sufficient import and export capacity to deliver the minimum viable 40MW capacity requirement. An alternative site for the battery storage that meets the criteria and is outside the Green Belt has been identified off New Zealand Road although this would be clearly inferior to the proposed as it would give rise to unacceptable noise impacts for nearby residents.*
- The sustainability benefits include the reduction in losses associated with long distance electricity transmission, reduced carbon emissions from a wholly renewable alternative to fossil fuel (and the increased production from non-renewables in line with Paragraph 147 of the NPPF) and which delivers equivalent benefits to wind energy but with less harm on openness of the Green Belt.*
- The ability to co-locate electricity infrastructure at sub stations with surplus export capacity is rare and cannot even be met in neighbouring boroughs on the same network. The installation will double the renewable export capacity in the borough which has a scarcity of such opportunities.*
- There are economic and employment benefits arising including increased economic security for local businesses offering potential for growth, and the creation of ten new full time equivalent positions.*
- The development is temporary and reversible, with the intention of being decommissioned and removed from the site after 30 years with a plan for restoration and remediation of the application site.*

*In my view, the applicant has fulfilled the criteria advocated by case law, in that the essential objective is to provide a battery storage facility to meet an identified need, and by necessity this must be within a required distance threshold, site size and fulfilling a required energy output in order to be viable. It has been satisfactorily proved in supporting statements that this area of the borough is in an optimum location providing a unique opportunity to balance supply and double the capacity, and that other locations would not be suitable as other substations around the Borough would not meet requirements and that the one non-Green Belt alternative in*

*the area of focus would impact on neighbouring residents through noise as opposed to the application site which is located away from residential uses.*

*I am of the view that it has been demonstrated the proposed site does fulfil the essential objective and I judge that the in-principle harm by reason of inappropriateness and limited additional harm to openness are mitigated by the proposed green walls and minimised with the temporary permission. I am satisfied that no alternative scheme of less harm could have secured the objective, particularly as the entirety of the site is required for supporting infrastructure.*

*As such I advise that very special circumstances exist that clearly outweigh the in-principle harm and additional harm and that permission should be granted.*

*Finally, I advise that conditions be imposed on the 30 year temporary consent and the regarding the requirement for restoration and remediation of the site following the removal of the on-site structures.*

**Planning Policy (Climate Action Now):** The UK has set into law a target to bring all its greenhouse gas emissions to net zero by 2050. In March 2019, Stockport Council declared a climate emergency, and agreed that Stockport should become carbon neutral by 2038, in advance of the UK 2050 target.

The Environmental Law Foundation has suggested that climate emergency declarations should be regarded as material considerations in the determination of planning matters.

The Stockport CAN strategy was developed to underpin this agreement and was approved by full council in October 2020. The strategy sets out to ensure that Stockport achieves carbon neutrality by 2038, in order to support global efforts to prevent global warming going above 1.5°C.

The [Greater Manchester 5 Year Environment Plan](#) considers how to reduce CO2 emissions associated with our energy supply. For energy supply, priorities 1 and 3 specifically relate to this proposed development:

- Increasing local renewable energy generation;
- Increasing the diversity and flexibility of our electricity supply.

Paragraph 8 of the NPPF places mitigating/adapting to climate change as an overarching objective for the planning system, to ensure sustainable development. Objective 1 of the Core Strategy relates to climate change, this is supported by a number of policies that seek to deliver this primary objective.

Stockport's [Landscape Character Area Study 2018](#) cites the following impacts for this LCA: '*The impacts of climate change may contribute to more frequent flooding events and loss/damage to the semi-natural habitats found throughout the valley. Climate change / urbanisation may also increase levels of run-off and affect the water quality of the [river] and its supported wildlife.*' The short term impact of this development on landscape must be weighed against the longer term benefits of zero carbon infrastructure in this appropriate location contributing to Stockport's efforts to tackle the climate emergency which threatens landscapes in the longer term.

Given the Green Belt location for this proposal, the planning balance will need to be considered. Paragraph 151 deals with renewable energy projects located in the Green belt, and states: "*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.”*

Paragraph 158 of the NPPF states that: *“When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

In accordance with Government [advice](#), battery storage is considered to be a form of generating station, and it does not involve the generation of electricity from non-renewable sources. Battery storage enables energy from renewables, like solar and wind, to be stored and then released when customers need power most. Because battery storage does not involve any generation from fossil-fuels, it may be considered to be a form of renewable energy generation for the purposes of planning policies and decision making.

The facility has a capacity of 35 MW, and there is an established need for this type of development in terms of enabling the storage of renewable energy generated for local use at times of high demand. Due to its contributions in helping to decarbonise the grid, I am supportive of the proposed development.

**Public Rights of Way Officer:** No objections.

**Sport England:**

#### The Proposal and Impact on Playing Field

It is understood that the proposal is for full planning permission for the construction of a grid-scale battery storage project consisting of battery racks, inverters, transformers and other electrical plant equipment connected via an underground ducted cable to Electricity North West's distribution network at the Vernon Park Substation along with the erection of secure compound enclosed by a 2.4m high security fence. The proposal also includes a further fence on top of the 2.4 metre security fence to a maximum height of 6m to act as a ball stop fence to prevent balls leaving the football club and landing in the battery storage compound. The applicant has advised that they will erect and maintain the fence in perpetuity. No detailed specification of the fence has been received.

The application site lies adjacent to Spurley Hey Football Club, and whilst it is not on playing field per se balls could leave the field of play and land in the electricity battery compound, causing disruption to the use of the site for recreational and competitive sport. The development therefore has potential to prejudice the use of the playing field with high probability if no mitigation is secured.

#### Assessment against Sport England Policy/NPPF

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Paras. 99 and 187) and against its own Playing Fields Policy. NPPF Paragraph 187 requires planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities (including sports facilities). Existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after



they were established. Where the operation of an existing community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The applicant has offered and confirmed that it will erect and maintain a security and ball stop fence to maximum height 6 metres, along the boundary with the adjacent playing field (Spurley Hey Football club). The applicant considers this would mitigate any prejudicial impact, although no detailed specification of the ball stop fence has been provided. The National Governing Body is content with a mitigation fence to 6 metres in height. It is considered that the LPA are able to secure the fence details and the erection of the fence prior to construction work starting on the compound, and secure existence/maintenance of the fence in perpetuity through planning conditions.

### Conclusion

Given the submitted additional information and the above assessment, Sport England advises no objections subject to planning conditions. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

1. Submission and prior agreement of precise detail of the ball stop net;
2. Erection of the security and ball stop fence before other work starts on the compound;
3. Ensure that the fence remains in place to the satisfaction of the LPA throughout the lifetime of the development.

If you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

**Nature Development:** Having previously visited the site and considered the available information, I have the following comments to make:

### **Site Context**

The site is located off Welkin Road in Bredbury. The application is for development of a grid-scale battery storage project consisting of battery racks, inverters, transformers and other electrical plant equipment connected via an underground ducted cable to Electricity North West's distribution network at the Vernon Park Substation. Erection of secure compound enclosed by a 2.4m high security fence. Public access to the site will be strictly restricted, with anti-climb fences and 24/7 CCTV surveillance installed. A 6m ball-stopping net will be installed on the western boundary of the site to prevent any footballs from landing within the boundary of the site from the adjacent football pitches.

The current application is a revision to a previously consented scheme (DC077298).

### **Legislative and Policy Framework**

#### **Nature Conservation Designations**

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain). It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier to development and does not confer



protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

### **Legally Protected Species and Habitat Assessment**

An ecological survey has been carried out and submitted with the application. The survey comprised an extended phase 1 habitat survey undertaken in February 2022 to map the habitats present and assess the potential for protected species to be present and impacted by the proposals. The survey was undertaken by a suitably experienced ecologist and in accordance with best practice guidance. The 2022 survey updates previous ecological survey work carried out in October 2019. Habitats on site were found to comprise semi-improved grassland, scattered and dense scrub, tall ruderal vegetation, scattered trees and bare ground (old car park)

Many trees have the potential to support roosting bats. In the main, the trees on site were not considered suitable for use as bat roost sites on account of their young age and/or lack of suitable roosting features. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019).

The trees, scrub and vegetation on site offer potential nesting habitat for breeding birds. All breeding birds and their nests are legally protected under the Wildlife and Countryside Act 1981 (as amended).

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN). Ephemeral pools were recorded on site. This was considered to have been the result of recent heavy rainfall as opposed to likely to be a more permanent feature on site and so is not considered to offer suitable newt breeding habitat. No ponds were identified within 250m of the site. Scrub, tall ruderal vegetation, tussocky grassland and the spoil heap on site offer suitable GCN terrestrial habitat but in the absence of suitable breeding habitat in the vicinity it is considered unlikely that GCN are present within the application area.

Records for badger exist in the local area. No evidence of badger activity was however recorded during the survey. Badgers are protected under the Protection of Badgers Act 1992. This makes it an offence to kill or injure a badger, damage or destroy a badger sett or obstruct access to it, or disturb a badger in it.

### **Invasive Species**

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded during the survey.

### **Biodiversity Net Gain (BNG) Assessment**

Since the previous application there have been developments in legislation (Environment Act 2021) and the publication of associated guidance (GMCA Biodiversity Net Gain Guidance for Greater Manchester February 2021), which requires developments to deliver a minimum of 10% BNG.

A Biodiversity Impact Assessment Report (Rev B, March 2023: Rachel Hacking Ecology Ltd) has been submitted alongside DEFRA Metric 3.1 (which was the current version of the metric at the time of submission). Baseline habitat conditions have been assessed and compared with the current proposed scheme

and also the previously consented scheme (DC077298) to inform the impact assessment.

The Metric calculations for the existing planning consent for an alternative battery storage development (DC077298) show a loss of 2.91 Habitat Units (-95.74%).

The BNG assessment includes a comparison of different landscaping and habitat creation options for the current application. Option 3 results in the smallest biodiversity loss: **resulting in a loss of 2.03 Habitat Units (-58.25%)**. The baseline score for the site is 3.04 Habitat Units.

This is still a loss however it is acknowledged that it is an improvement to the originally approved scheme.

## **LDF Core Strategy**

### **Core Policy CS8 Safeguarding and Improving the Environment**

#### **Green Infrastructure**

3.286

#### **Strategic and Local Open Space**

3.290 and 3.290.

#### **Biodiversity and Nature Conservation**

3.296

## **DEVELOPMENT MANAGMENT POLICY SIE-3**

### **A) Protecting the Natural Environment**

#### **Protecting, Safeguarding and Enhancing the Environment**

3.345, 3.346, 3.347, 3.361, 3.362, 3.364, 3.365, 3.366, 3.367 and 3.369

#### **Recommendations:**

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). There is a loss of 2.03 Habitat Units (-58.25%) once BNG has been maximised on site.

Since the previously consented scheme was submitted, there have been developments in legislation (Environment Act 2021) and the publication of associated guidance (GMCA Biodiversity Net Gain Guidance for Greater Manchester February 2021), which requires developments to deliver a minimum of 10% BNG. Whilst it is acknowledged that the current proposals would result in a reduced BNG loss compared to the originally consented scheme, the delivery of off-site BNG is encouraged to ensure the current proposals achieve overall measurable BNG. In terms of habitat offsetting, SMBC would look to accept £15,000 per biodiversity unit for offsetting plus an appropriate management and monitoring fee (in the region of 10%) along with adjustments for inflation. This is an interim figure based on advice from the Greater Manchester Ecology Unit (GMEU) following pilot studies carried out within Greater Manchester and work undertaken by DEFRA. To achieve 10% gain in biodiversity units, this would result in an offsetting payment in the region of:

[habitat units lost + 10% of baseline habitat units = 2.33 units required]

2.03 habitat units + (3.04 x 0.1) x £15000 = £34,950\*

\*plus management and monitoring fee (10%) and adjustments for inflation.

This commuted sum would be welcomed and can be secured via a Section 106 agreement to cover the habitat enhancement, maintenance and monitoring costs at a receptor/off-setting site. The local authority would be happy to identify a suitable offsetting site to ensure the development delivers overall BNG.

Notwithstanding the above, other comments on the application are:

Further biodiversity enhancements should include provision of insect houses on fencing as recommended within the Biodiversity Impact Assessment Report. Details of the proposed number, type and location of boxes to be provided should be submitted to the LPA for review and this can be secured by condition.

The proposals are considered to be of low risk to roosting bats and great crested newts. Protected species can sometimes be found in seemingly unlikely places however and so it is advised that an informative is attached to any planning consent so that the applicant is aware of the potential (albeit low) for protected species to be present. It should also state that the granting of planning permission does not negate the requirement to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of protected species is discovered on site, works must stop and a suitably experienced ecologist contacted for advice.

No evidence of badgers was recorded on site, but badgers are known to be present in the local vicinity. To protect badgers which may pass through the site and prevent potential disturbance during works, any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

In relation to breeding birds, vegetation clearance should be timed to avoid the bird nesting season where possible (which is March-August inclusive). If this is not possible a breeding bird survey will be required by a suitably experienced person no more than 48 hours in advance of works to confirm presence/absence of nesting birds and confirm that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

Information submitted with the application indicates that flood lights will be used but that this will be restricted to until 8pm in the winter months or when there is an alarm event (e.g. intruder) or on occasions where maintenance engineers require lighting to undertake their work. Minimising lit times will help reduce any impacts on wildlife associated with light disturbance. It is important that any lighting is sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance).

The proposals include the provision of a living green screen to grow up the security fencing. It is recommended that a mix of species are carefully chosen to maximise benefits to biodiversity (i.e. locally native where possible and berry producing and/or nectar-rich species to provide a food resource for birds/benefit pollinators. The proposals also include a include species rich grassland area, which is welcome, particularly given the designation of the site as an opportunity area within the LNRS for Greater Manchester. Appropriate habitat management to reach stipulated target conditions and details of monitoring can be detailed in a Landscape and Ecological Management Plan (LEMP) to ensure diversification and management of habitats to benefit wildlife. This needs to consider the roles and responsibilities for delivery of subsequent long-term (for a minimum of 30 years) management measures and can be secured via condition: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the LPA prior to the commencement of development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives and target habitat conditions
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan to be rolled forward for long-term management for a minimum of 30 years)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Regular update monitoring reports will be submitted to the LPA for review to demonstrate delivery of the required BNG (i.e. in years 1, 2, 5, 10, 15, 20, 25, 30). The approved plan will be implemented in accordance with the approved details.

Ecological conditions can change over time. In the event that works have not commenced within two years of the February 2022 survey then an update survey will be required to ensure the ecological impact assessment and mitigation remains current and that any required amendments to proposed mitigation can be identified and incorporated into the scheme.

**Cadent Gas:** Consultation referred to National Grid for response.

**Environment Agency:** No representations received.

**National Grid:** No representations received.

**Electricity North West:** No representations received.

## **ANALYSIS**

In terms of policy principle, the application site is located within the Green Belt, as defined on the UDP Proposals Map.

The proposal represents a departure to local and national Green Belt Policy that precludes the construction of such buildings and structures.

### *Inappropriate development*

The proposal is subject to assessment under Paragraphs 133, 134, 141, 143, 144, 145, 146 and 147 of the NPPF.

Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence.

Paragraph 145 sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions. The exceptions include:-

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In addition paragraph.146 sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These are

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Saved UDP policy GBA1.2 states that there is a presumption against such new buildings and structures in the Green Belt and lists a set of criteria that could form acceptable forms of development. The proposal does not constitute any of these forms of development and therefore is contrary to saved UDP policy GBA1.2 and paragraphs 145 and 146 of the NPPF.

#### *Other Harm*

Planning Practice Guidance states that 'openness is capable of having both spatial and visual aspects. With regard to visual impact the character of the surrounding landscape is considered to have poor visual amenity, which is of a context and setting that is not reflective of the wider Landscape Character Area. In particular the immediate area is predominantly characterised by urban fringe industrial uses at its edges and the major transport artery of the M60. Any views of the site would be seen against the backdrop of high density mill buildings at Welkin Mill and Pear Mill and tall pylons, whilst heavy screening from tree belts limits the potential for the site to be seen from distances in any case. The proposed planting will provide further mitigation.

In spatial terms, the proposal would result in an adverse change to openness as a result of the structures (max 6m height) which would replace the car park hardstanding and scrub wasteland. Areas not covered by concrete plinths underneath the proposed containers will be covered by gravel. It is considered that the elevations of the proposed structures satisfactorily demonstrate that, though there will be added volume to the site, this would be minimal. In addition, the proposed structures would be smaller than adjacent mills and industrial units and sit in an area least sensitive to changes in openness given its well contained context.

Floodlighting does form part of the proposal and as such will also cause an impact on openness. It is however acknowledged that their design (individually attached to the proposed plant and buildings) will limit light pollution to the wider area by directing light down to the site, and the use of the floodlights will be restricted and not outside working hours in normal circumstances.

As a result of the above considerations, Officers conclude that in relation to 'any other harm' in the balance required by Paragraph 144 of the NPPF, there would be a limited impact on the openness of the Green Belt, primarily from a spatial perspective given the increased volume provided by the structures and very limited impact from floodlighting.

The application has been submitted on the basis of requiring a 35 year temporary consent to allow the local distribution network to benefit from flexibility services for an extended period, and also to enable the sufficient infrastructure to be set up and consequently make the expense attached to this feasible. Given these reasons the limited impact of the proposal on openness, and the location of the site in a non-sensitive area not close to receptors, Officers consider that this timeframe is acceptable and would be covered by an appropriate planning condition.

### *‘Very Special Circumstances’*

Paragraphs 143 and 144 of the NPPF set out that ‘inappropriate development’ is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Relevant case law assists in the consideration of what constitutes ‘Very Special Circumstances’.

As quoted in the supreme court decision , *Wychavon District Council v Secretary of State for Communities and Local Government* [2008] EWCA Civ 692:

*“The guidance in the NPPF is unchanged in relation to very special circumstances. As such, whether a factor constitutes a very special circumstance is a matter for the decision maker in the exercise of his judgment in any particular case.”*

Whilst neither local nor national policy specify what demonstrating a case for ‘very special circumstances’ should entail there is considerable case law which suggests that adhering to the following approach is likely to be suitable:

1. Identify (with evidence) an essential objective that the proposal is intended to meet.
2. Demonstrate that that essential objective could not reasonably be met in a less harmful way (i.e. consideration of other sites outside of the Green Belt or alternative sites within the Green Belt but where less harm would be caused or which would amount to a form of development excepted by NPPF paragraph 89)
3. Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal (this should include demonstrating that the essential objective could not be achieved less harmfully by an alternative scheme at the same site).

The applicant has outlined a detailed case seeking to demonstrate the existence of very special circumstances. These are as set out in the submitted Planning Statement and Green Belt Policy Appraisal which evidence specific parameters justifying the selection of this site. In addition, a Sequential Test assessment has also been provided which seeks to evidence the lack of any suitable, less harmful alternative sites. The following case for very special circumstances was accepted by the Council when approving planning application DC/077298, and this approval is also arguably a very special circumstance to justify approval of the development:-

- The development will respond to national energy needs and is required to store electricity from the national grid when supply at generating stations exceeds demand and to return it when supply falls below demand, enabling the grid to be balanced in coming years when intermittency is set to be common and without reliance on non-renewable sources.
- The essential need for the scheme to be located on the application site and within the Green Belt has been demonstrated, and is due to the site being of minimum 0.6 hectares to accommodate the necessary infrastructure, it is within the maximum viable distance of 800 metres of the Bredbury and Vernon Park substations, and finally these 2 substations are the only sites in the Borough that have sufficient import and export capacity to deliver the minimum viable 40MW capacity requirement. An alternative site for the battery storage that meets the criteria and is outside the Green Belt has been identified off New Zealand Road although this would be clearly inferior to the proposed as it would give rise to unacceptable noise impacts for nearby residents.
- The sustainability benefits include the reduction in losses associated with long distance electricity transmission, reduced carbon emissions from a wholly renewable alternative to fossil fuel (and the increased production from non-renewables in line with Paragraph 147 of the NPPF) and which delivers equivalent benefits to wind energy but with less harm on openness of the Green Belt.
- The ability to co-locate electricity infrastructure at sub stations with surplus export capacity is rare and cannot even be met in neighbouring boroughs on the same network. The installation will double the renewable export capacity in the borough which has a scarcity of such opportunities.
- There are economic and employment benefits arising including increased economic security for local businesses offering potential for growth, and the creation of ten new full time equivalent positions.
- The development is temporary and reversible, with the intention of being decommissioned and removed from the site after 35 years with a plan for restoration and remediation of the application site.

If the application is granted, conditions would be imposed on the decision notice ensuring any permission is time limited to 35 years (as applied for) and requiring an agreed site restoration scheme to be implemented once any such consent has lapsed.

### Residential Amenity

In view of the location of the site, the retained separation to residential properties (in excess of 180m), noting that commercial and industrial premises already exist along Welkin Rd and having regard to the absence of any objections from relevant consultees, it is considered that the proposed development could be accommodated on the site without causing harm to the amenity of residential properties.

This was accepted by the Council when approving planning application DC/077298.

### Design



Whilst the proposed development is functional in appearance, this a technical requirement of the operational aspects of the proposal. The scale and mass of the proposed structures is largely low level and comparable to nearby commercial / industrial units along Welkin Rd. As part of the proposal a 2.4m high perimeter fence is to be interwoven with planting, so as to soften the external appearance of the development were possible.

Having regard to the above and the existence of commercial and industrial premises along Welkin Rd of varied design, together with the fact that overhead power lines and electricity pylons exist in the immediate locality, the proposal is considered acceptable with regard to its design and siting and its subsequent visual impact on the surrounding Landscape Character Area.

On this basis, the proposal is considered to comply with the requirements of saved UDP policies LCR1.1 and LCR1.1A and Core Strategy DPD policy SIE-1.

This was accepted by the Council when approving planning application DC/077298.

### Highway and Pedestrian Safety

The proposed access arrangements and traffic generation resulting from the proposed development have been assessed by Officers. In this respect the comments of the Council's Highway Engineer are set out earlier in this report.

Officers conclude that the development will not generate significant traffic movements during its operation and that the proposed vehicular access arrangements off Welkin Rd would allow vehicles to wait off highway/off track whilst gates open to avoid obstruction. Similarly adequate manoeuvring space will be provided for vehicles within the site.

No objections are raised to the proposal from the Highway Engineer, subject to the imposition of suitably worded planning conditions relating to the construction of the approved access and details of servicing facilities, surfacing and drainage.

On this basis, the proposal is considered acceptable with regard to the site access arrangements, highway safety and parking, in accordance with Core Strategy DPD policies SIE-1, SD-6, CS9, T-1, T-2 and T-3 and the Council's Sustainable Transport SPD.

This was accepted by the Council when approving planning application DC/077298.

### Landscaping

The comments received to the application from the Council Arboricultural Officer are contained within the consultee responses section above.

Whilst the Arboricultural Officer raises some concerns to the potential negative impact of the proposal on existing planting on the site, especially during construction, these concerns could be addressed by way of the imposition of suitably worded conditions to require the provision of protective and the submission, approval and implementation of a landscaping scheme to compensate for any loss.

Irrespective of the above, it is acknowledged that as part of the submission the applicant is proposing to interweave planting within the proposed perimeter fencing.

In the absence of any objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable with regard to its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

This was accepted by the Council when approving planning application DC/077298.

### Ecology

In terms of ecological interests, the detailed comments of the Council's Nature Development Officer are contained within the consultee responses section above. The conditions requested by the Officer would be imposed if the application is granted.

It is acknowledged that since the previously consented scheme was submitted, there have been developments in legislation (Environment Act 2021) and the publication of associated guidance (GMCA Biodiversity Net Gain Guidance for Greater Manchester February 2021), which requires developments to deliver a minimum of 10% BNG. However, in this case the applicant has a legitimate fallback option as consent has already been given for grid-scale battery storage on the site (DC/077298). Since the current proposals would result in a reduced BNG loss compared to that consented scheme, it is not considered that securing a 10% uplift in BNG is justified in this instance. With respect to this matter, the applicant has commented as follows (in italics). This position is accepted.

*The extant planning permission DC/077298 establishes a robust and realistic fallback position in relation to the current proposals under application DC/087394. In considering this fallback position as part of its assessment, the Local Planning Authority must give consideration to the Court of Appeal's judgement in **Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314** which deals specifically with the effect of a fallback position in the determination of a planning application. The judgement notes (para. 27) that there needs to be a "real prospect" of a fallback development being implemented, and that "for a prospect to be a real prospect, it does not have to be probably or likely: a possibility will suffice." It goes on to state (para. 28) that a failure to give weight to a realistic fallback position "would [be] a failure to have regard to a material consideration, and thus an error of law."*

*In the case of the current proposals, there can be no doubt that there is a real prospect of the extant planning permission being implemented, in the event that the alternative scheme was to be prevented. In fact, this outcome is probable and likely, since developing the approved scheme would enable the applicant to deliver the same operational effects and the same benefits, only less efficiently due to being compelled to provide extraneous equipment on the site along with a less efficient arrangement of the equipment that would still be required in any event. Moreover, I understand that Noriker Power has confirmed that it would be compelled to implement the extant planning permission in the event that the amended scheme was prevented for any reason.*

*In acknowledging the significant weight that must therefore be accorded to the fallback position in this case, it is also important to recognize that the alternative layout now proposed is preferable in planning terms for a number of reasons, including:*

1. *It would result in a more efficient and effective battery storage operation on the site;*
2. *It requires less physical infrastructure and therefore less embedded carbon;*
3. *It results in smaller visual envelope and therefore a lower degree of visual impact on the surrounding area; and*
4. *It results in a substantially improved effect on biodiversity, owing to the additional space which is now available for the provision of landscaping and habitat creation on the site.*

Noting the above, it is concluded that the impact on ecology would be acceptable and in accordance with Core Strategy DPD policy SIE-3.

### Heritage

In assessing the proposal it is acknowledged that Welkin Mill, which is positioned off Welkin Rd to the north-east of the site, is a non-designated heritage asset, being a building of local architectural and historic interest.

Given the juxtaposition between the site and Welkin Mill and having regard to the limited scale of the proposed structures and the existence of other larger structures in the immediate locality such as electricity pylons and industrial / commercial premises, it is not considered that the proposed development would have a significantly adverse visual impact on the setting and significance of the mill as a heritage asset. Furthermore, as advised by the Conservation Officer an appropriate landscape strategy will be sought by condition if the application is granted. The proposal is considered to comply with Core Strategy DPD policy SIE-3.

This was accepted by the Council when approving planning application DC/077298.

### Other Matters

No objections are raised to the application from the Council's Environment Team, therefore the proposal is not considered to be at risk from land contamination, in accordance with Core Strategy DPD policy SIE-3.

In terms of the Council's carbon reduction targets, the Council's Planning Policy Officer (Climate Action Now) is fully supportive of the proposal in terms of the principles of Core Strategy DPD policy SD-3, the NPPF and the Stockport CAN Strategy (see 'Consultee Response' section).

With regard to flood risk and drainage, in the absence of any objections from the Environment Agency or Lead Local Flood Authority, the proposal is in principle considered to comply with the Core Strategy DPD policy SD-6. Notwithstanding this, if the application is granted the same drainage condition will be imposed as on planning application DC/077298 (unless that condition is discharged prior to determination, in which case the approved details will be conditioned). ..

### SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

The NPPF establishes three dimensions to sustainable development – economic, social and environmental, which should be sought jointly and simultaneously through the planning system.

The layout and design of the proposed development is considered acceptable, in terms of its impact on the visual amenity of the area and the residential amenity of properties. Noting the analysis earlier in this planning report, the proposal is considered acceptable in terms of parking and highway safety; heritage assets, land contamination; ecological interests, landscaping, public rights of way, drainage and energy / sustainability.

Notwithstanding the positive aspects of the scheme highlighted earlier in this planning report, the proposed development within the Green Belt constitutes inappropriate development which is, by definition, harmful to the Green Belt and in reducing openness conflicts with the purposes of including land in Green Belt.

The current proposal would clearly deliver significant benefits to wider society. In light of this and based on the detailed case put forward in support of the application it is considered that a sufficiently robust case has been presented to demonstrate ‘very special circumstances’ sufficient to outweigh harm by reason of inappropriateness and any other harm, in accordance with the NPPF.

In balancing the issues surrounding this development, Members should note that the Council approved a very similar scheme on the site in December 2021. This permission is extant, and it represents a realistic fallback position if this application is refused. The applicant has been clear that in this case the extant planning permission will be implemented. A decision to refuse to grant planning permission would therefore be irrational, because it would compel the applicant to build out the approved scheme which has a more negative impact on biodiversity than the proposed alternative.

In view of the above, when considering the planning merits of the proposal against the requirements of the NPPF and development plan policies, the proposal is considered to represent sustainable development. On this basis, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

## **RECOMMENDATION**

Grant.