

APPLICATION REPORT – FUL/353405/24
Planning Committee 23 April 2025

Registration Date: 8th October, 2024
Ward: Failsworth East

Application Reference: FUL/353405/24
Type of Application: Full

Proposal: Installation and operation of a 30 MW Battery Energy Storage System (BESS), including access and associated infrastructure.

Location: Land on the south-east side of Medlock Road, Failsworth

Case Officer: Abiola Labisi
Applicant: Mr Connor McKinley
Agent: Miss Chloe Jonczyk (RCA Regeneration Ltd)

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation since the proposals represent a departure from the Oldham Local Development Plan.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report, and that the Assistant Director Planning, Transport & Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 Measuring approximately 0.9ha, the application site is located on the south-east side of Medlock Road, Failsworth, and lies wholly within the Green Belt. The land is stated to be in equestrian use and is well screened by existing mature vegetation along its various boundaries.
- 3.2 To the west of the site is a wastewater treatment plant and a Cadent high pressure gas pipeline runs adjacent the north-western boundary of the site, while to the south of the site is the Medlock Valley Fishery.

4. THE PROPOSAL

- 4.1 The proposal relates to the installation and operation of a 30 MegaWatt (MW) Battery Energy Storage System (BESS), including access and associated infrastructure. The proposal comprises of the following elements:
- 8 no. battery containers;
 - 33Kv BESS switch room;

- 4 sets of BESS transformers and inverters;
 - site office/welfare building; site supply transformer; and,
 - DNO substation and 2 nos. spares containers.
- 4.2 The proposals also include a 2.4m high V-mesh fence around the BESS compound as well as a 3m high acoustic fence around the battery containers and BESS transformers. The applicant has confirmed that the facility would only store electricity generated via renewable sources and would physically connect to a station in Droylsden.
- 4.3 The site would be accessed via an unnamed track off Green Lane. This track is noted to provide access to some other neighbouring development such as the Medlock Valley Fishery.

5. PLANNING HISTORY

- 5.1 There is no relevant planning history on the site.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. In addition, the Places for Everyone (PfE) Joint Plan which was adopted in March 2024 forms a material consideration in the assessment of planning proposals. The site is allocated in the Proposals Map associated with the Oldham Local Plan as Green Belt.
- 6.2 The following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 14 - Supporting Oldham's Economy;
 - Policy JP-S1 - Sustainable Development;
 - Policy JP-S2 - Carbon and Energy;
 - Policy JP-J1 - Supporting Long-Term Economic Growth;
 - Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity;
 - Policy JP-G9 - The Green Belt; and,
 - Policy JP-P1 - Sustainable Places.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Greater Manchester Ecology Unit	Formal response received. No objection subject to conditions in relation to biodiversity net gain and protection of wildlife.
Environmental Health	Formal response received. No objection subject to conditions relating to the management of construction noise and dust and post construction noise.

Highways	Formal response received. No objection subject to condition relating to the submission of a construction environmental management plan.
Environment Agency	Final comments awaited, and an update will be provided on the Late List.
Cadent	Formal response received. No objection subject to conditions relating to protection of adjacent Cadent infrastructure.
HSE	Formal response received. No objection.
Drainage	Final comments awaited, and an update will be included on the Late List.
Archaeology	Formal response received. No objection subject to a condition relating to the implementation of a programme of archaeological works.
Coal Authority	Formal response received. No objection.
Tree Officer	Formal response received. No objection subject to activities required in order to lay the new cables being undertaken in full compliance with National Joint Utilities Guidance NJUG.
Cadent	Formal comments received. No objection subject to conditions relating to the protection of adjacent Cadent assets.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a departure from the Development Plan by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, 23 representations have been received objecting to the proposal and raising the following (summarised) issues:
- Impact on Green Belt (Addressed within paras. 11.5 – 11.10)
 - Noise disturbance (Addressed in para. 15.2)
 - Impact on wildlife and ecology (Addressed within paras. 14.3 – 14.7)
 - Visual impact and effect on the character of the area (Addressed within para. 16.1 – 16.5)
 - Pollution of nearby waterbodies (Addressed within paras. 18.2 – 18.6)
 - Highway safety issues (Addressed within paras. 17.2 – 17.5)
 - Air pollution (Addressed in para. 15.2)
 - No consideration of alternative sites
 - Impact on mental health

- Impact of solar panels on health and the environment.

8.3 Issues relating to alternative sites, the impact on mental health, and the effects of solar panels have not been accorded any significant weight in this instance. In the case of alternative sites, there is no requirement for a sequential test to be applied in this instance, so the location of the proposed development must be considered on its own merits. It is not considered that the nature of the proposals would lead to any evidence of significant adverse impact on mental health. Regarding the suggested impacts caused by solar panels, the application does not include the installation of these.

9. ENVIRONMENTAL IMPACT ASSESSMENT

9.1 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017. The proposal falls within the category of Energy Industry. Para 3(a) of Schedule 2 of the Regulations provides that industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1), where the area of the development would exceed 0.5 hectares, would be a Schedule 2 development and would require an Environmental Statement.

9.2 However, in this case the proposal does not include the generation of electricity, neither is the site within a sensitive area. Notwithstanding, an assessment of the likelihood of the proposal requiring an Environmental Statement was undertaken, and having regard to the size and design of the development, accumulation with other existing or approved development, use of natural resources and biodiversity, waste generation, pollution and nuisances, risks of major accidents, risk to human health, existing and approved land use, nature of the impact, transboundary nature of the impact, intensity and complexity of the impact, the probability of the impact, the expected onset, duration, frequency and reversibility of the impact, the accumulation of the impact with the impact of other existing and/or approved development and significantly, and the possibility of effectively reducing the impact, it was considered that the environmental impact would not be significant.

9.3 The proposals include adequate mitigation of potential impacts on flora and fauna and consequently, an Environmental Statement is not required.

ASSESSMENT OF THE PROPOSAL

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document.

10.2 A battery energy storage system (BESS) is a facility that stores energy that has already been generated and subsequently discharges this to the National Grid when supply is low. Such facilities help maintain a balance and consistency in energy supply. Although the proposed BESS would not exclusively store energy generated from renewable sources, it is nevertheless considered to more generally support the generation of energy via renewable sources by storing energy generated in this way.

10.3 With regard to climate change, paragraph 161 of the National Planning Policy Framework (NPPF) provides that the planning system should support the transition to

net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks 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.***

- 10.4 Similarly, paragraph 5.5 of the Places for Everyone Joint Plan provides that Greater Manchester's Vision is to be at the forefront of action on climate change and to make its fair contribution to international commitments by becoming a carbon neutral city region by 2038.
- 10.5 The Joint Plan also recognises the role of renewable energy in achieving its aim of becoming a carbon neutral city and, in this regard, paragraph 5.16 of the Plan provides that for Greater Manchester to meet its carbon neutrality commitments there has to be an increase in renewable energy generation. Community initiatives are likely to play an increasingly important role in the uptake of renewable energy and should be encouraged as a way of providing positive local benefits to wider society.
- 10.6 Accordingly, Policy JP-S2 (Carbon and Energy) of the Places for Everyone Joint Plan provides that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures and specifically notes that one of the measures includes taking a positive approach to renewable and low carbon energy schemes.
- 10.7 The proposed BESS is an element that helps support renewable energy generation, although it does not generate the energy itself. It will enhance the use of renewable energy and will contribute towards Greater Manchester meeting its carbon neutrality commitments. It will also contribute positively towards the Government's transition to net zero by 2050.

11. IMPACT ON GREEN BELT

- 11.1 The application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document. The National Planning Policy Framework sets out under paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 11.2 Accordingly, the NPPF provides within paragraph 153 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. The NPPF goes further to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.3 As the proposal does not fall within any of the exceptions under which development is considered acceptable in principle within the Green Belt, then the proposal constitutes inappropriate development within the Green Belt, and therefore there is a need to demonstrate material considerations that amount to the required 'very special circumstance' for the scheme to be supported.

- 11.4 In reference to renewable energy projects in the Green Belt, it is provided within paragraph 160 of the NPPF that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 11.5 In this regard, the applicant has submitted a statement explaining that BESS plays a fundamental role in the UK's transition to a renewable energy future by addressing the inherent variability of wind and solar power. Renewable energy sources are weather-dependent, resulting in periods of excess energy generation during high winds or sunny conditions, and low generation during calm or overcast periods. Without storage systems, surplus electricity during periods of low demand is often wasted, while fossil fuel power plants are required to fill gaps during peak demand. BESS bridges this gap by storing excess renewable energy when it is generated and discharging it to the grid when required, ensuring a stable and reliable energy supply.
- 11.6 The applicant states further that BESS enhances the efficiency of decentralised energy systems, allowing renewable energy to be stored and utilised closer to where it is generated, thereby reducing transmission losses and alleviating strain on the national grid. This capability is crucial as the UK continues to electrify its economy, including the transport and heating sectors. By enabling renewable energy to meet growing demand, BESS directly contributes to reducing the UK's reliance on fossil fuels and aligns with the country's legally binding commitments to achieve net zero by 2050.
- 11.7 The applicant concludes that the proposed BESS would contribute significantly towards ensuring steady power supply, without which human and economic activities would be significantly impacted. In addition, and more significantly, the facility would contribute towards reduction in environmental degradation and the achievement of net zero by 2050.
- 11.8 The proposal includes the introduction of new structures within the Green Belt. As there are currently no structures on the site, the proposed structures would lead to some impact on the openness of the Green Belt, both in terms of spatial and visual aspects. As such, the proposal would be harmful, insofar as openness of the Green Belt is concerned, and would conflict with the Green Belt policy in this regard. However, having regard to the design and scale, as well as the existing and proposed boundary treatment, it is considered that the impact of the proposal on the openness of the Green Belt would not be so significant as to refuse permission. Furthermore, whilst the site is relatively large it is noted that the yard within which the equipment would be sited would be less than half the size of the overall site, leaving substantial amount of open land around the development. It is considered that this would further minimise the impact on openness.
- 11.9 Whilst the proposal would detract from the openness of the Green Belt, it is considered that the role of the proposal in the achievement of net zero and Greater Manchester's commitment to becoming a carbon neutral region by 2038 would outweigh the impact on openness and would constitute the required 'very special circumstances' needed to justify the development.
- 11.10 In addition to the environmental benefits relating to the contribution of the proposal to the achievement of net zero and a carbon neutral Greater Manchester, there are also socio-economic benefits that are significant and outweigh the limited impact on the openness of the Green Belt. The proposal would contribute towards ensuring steady power supply as energy stored within the facility can be released to the grid during

periods of low production and high demand, thereby ensuring that economic and other activities that rely on power are not unduly disrupted. This adds to the 'very special circumstances' case for allowing the development in the Green Belt.

- 11.11 Having regard to these considerations the principle of development is considered acceptable.

12. RELEVANT APPEAL DECISIONS IN SUPPORT OF BESS IN THE GREEN BELT

- 12.1 There are a number of recent appeal decisions in support of BESS proposals within the Green Belt, some of which are listed below. These decisions constitute material considerations in the determination of this application. Common to all the decisions is the conclusion that BESS is an essential part of the system services that will enable the National Grid to handle the change in power flows arising from the growth in power from renewable sources and the decommissioning of coal and gas power stations. Also, the decisions all give significant weight to the contribution of BESS schemes towards achieving net zero.
- 12.2 **Appeal Ref. APP.C3430.W.22.3292837** – Installation of a 50MW BESS in the Green Belt. Inspector concluded that the environmental benefits of the proposal, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm and as such, very special circumstance exists.
- 12.3 **Appeal Ref. APP.C4615.W.24.3345744** – Installation of BESS in the Green Belt. The Inspector concluded that the weight attached to the contribution to mitigating climate change and to energy security, the significant weight attached to the absence of alternative sites and to the potential for permanent BNG and the moderate weight that the economic benefits generated by the proposal clearly outweighs the temporary harm, to the character and appearance of the area. Accordingly, overall, very special circumstances exist which justify the development.
- 12.4 **Appeal ref. APP.Q4245.W.24.3354822** – Installation of a 35MW BESS in the Green Belt. The appeal site is located in Greater Manchester and the Inspector concluded that by virtue of the location of the site, it would constitute Grey Belt land and thus the proposal would not constitute inappropriate development. Furthermore, it would not conflict with the Green Belt's purpose to safeguard the countryside from encroachment or conflict with policy JP-G9 of the Places for Everyone Joint Development Plan and the Framework, which set out to prevent unacceptable harm to the Green Belt. The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it.
- 12.5 **Appeal ref. APP.Q4625.W.24.3348223** – Installation of BESS in the Green Belt. The Inspector concluded that there is a clear national need for BESS facilities and the proposal would make a small but nevertheless important contribution to ensuring local and national energy security and supply, serving increasing demand and moving towards a low carbon future. Furthermore, a comprehensive Alternative Sites Assessment is before me that indicates that there are no available, suitable or viable previously developed sites, or sites outside the Green Belt which can be developed in preference to the appeal site. Consequently, I find that collectively these considerations are significant and attract very substantial weight in favour of the proposal.
- 12.6 **Appeal ref. APP.V4630.W.24.3347424** – Installation of a 49.3MW BESS in the Green Belt. The Inspector concluded that the site is Grey belt land and as such, the proposal

would not be inappropriate development in the Green belt and that the Courts have found that where a development is found not to be inappropriate development, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. The Inspector also noted that the imperative of mitigating climate change, achieving net zero, and the ability of this project to make an early contribution to the clean power pathway are significant public benefits and attracts great weight.

- 12.7 **Appeal ref. APP.W1525.W.22.3306710** – Installation of BESS in the Green Belt. Noting the environmental benefits of the scheme and taking account of the relative absence of other suitable sites to achieve these benefits, the Inspector accorded very substantial weight to the benefits of the proposal.

13. ASSESSMENT OF ALTERNATIVE SITES

- 13.1 Whilst consideration of alternative sites is not a policy requirement in this instance, because of the sensitivity of the site by virtue of it being within the Green Belt, the applicant was requested to provide evidence that they had considered some alternative sites prior to the choice of the application site.
- 13.2 In response, the applicant provided evidence indicating that they had considered ten alternative sites within a radius of 2.3km of the connection point in Droylsden. The search area could not be extended for technical reasons as a BESS is expected to be as close to the connection point as possible because this has the distinct benefit of greatly improving the carbon efficiency by avoiding transmission losses which may otherwise occur with transporting electricity over long distances associated with the current centralised network.
- 13.3 The assessment indicates that the other sites were either too small, too close to sensitive receptors such as dwellings or too far from the connection point. There was also the issue of landowners not agreeing to the use of their land for the siting of a BESS (i.e. the sites were not being made available for this development).
- 13.4 Taking all relevant factors into consideration, the alternative site assessment concluded that, of all the sites available, the subject site appears to be the most appropriate.

14. BIODIVERSITY NET GAIN AND IMPACT ON ECOLOGY

- 14.1 Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), amongst others.
- 14.2 Accordingly, Policy JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) of the Places for Everyone Joint Plan provides that development will be expected to:
- a. Follow the mitigation hierarchy of:
 - i. Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then

- ii. Adequately mitigating any harm to biodiversity, then
 - iii. Adequately compensating for any remaining harm to biodiversity
 - b. Avoid fragmenting or severing connectivity between habitats;
 - c. Achieve a measurable net gain in biodiversity of no less than 10%
 - d. Make appropriate provision for long-term management of habitats and geological features connected to the development.
- 14.3 By virtue of its scale and the current condition of the site, the requirements of biodiversity net gain apply to the proposal. Accordingly, a Biodiversity Net Gain statement and Metric prepared by FPCR Environment and Design Ltd have been submitted with the application.
- 14.4 The Biodiversity Net Gain statement provides that the habitat retention, enhancement and creation proposals highlighted within this report have all been inputted into the Statutory Biodiversity Metric and the assessment has demonstrated that the proposals will lead to a net gain of 0.41 habitat units resulting in an overall gain of **+10.84%** and a gain of 0.01 watercourse units resulting in a gain of **10.46%**.
- 14.5 The statement concludes that:
- (a) No high or very high distinctiveness habitats are to be lost on Site so like-for-like or bespoke compensation would not be required for any habitats that are to be lost under the current proposals.
 - (b) The loss of the modified grassland onsite will be compensated for by the enhancement to other neutral grassland, and (c) no watercourse units are to be lost so no compensation is required to satisfy trading rules.
- 14.6 The Biodiversity Net Gain statement and Metric indicate that the proposal would not lead to the loss of any habitat of a high distinctiveness and the proposed mitigation measures would lead to a net gain in biodiversity. As such, it is considered that the proposal would be in accordance with local and national policies aimed at protecting and enhancing biodiversity and ecology.
- 14.7 Significantly, the proposal has been reviewed by the Greater Manchester Ecology Unit and the Council's Tree Officer and both consultees have not raised objections to the proposal, subject to conditions.

15. RESIDENTIAL AMENITY

- 15.1 Having regard to the requirements of Policy 9 of the Oldham Local Plan, the impact of the development on surrounding residents needs to be considered. Having regard to the separation distance between the proposed BESS and neighbouring dwellings, as well as its nature and the proposed mitigating measures, it is considered that the proposal would not detract significantly from the residential amenity of the occupiers of neighbouring dwellings.
- 15.2 The low-lying nature of the proposed structures and the distance from dwellings would ensure that the proposal does not lead to any significant overbearing or overshadowing

effect. Furthermore, it is not considered that the proposal would lead to unacceptable noise pollution during construction and post construction phases as a construction management plan, detailing how potential construction noise and air pollution would be mitigated, would be required prior to commencement of the development. Also, the Council's Environmental Health Officers have recommended maximum noise levels from the facility once the facility is operational. This would ensure that the amenity of occupiers of neighbouring dwellings is protected.

16. INTEGRATION WITH LOCAL CHARACTER/LANDSCAPE CHARACTER

- 16.1 NPPF paragraph 135 as well as Oldham Local Plan Policy 9 and Places for Everyone Joint Plan Policy JP-P1 (Sustainable Places) require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.
- 16.2 The proposal relates to the installation of a BESS and associated development within the Green Belt and is industrial in nature. However, it is noted that notwithstanding the site being in the Green Belt, there are examples of development of similar nature within the vicinity of the site. A wastewater treatment works is located to the west of the site and the structures within this adjacent site are considered similar in character to the structures proposed. As such, it is considered that the proposal would not be completely out of keeping with the existing pattern of development and the character of the area.
- 16.3 Furthermore, the site, which is stated to be in equestrian use, is not very prominent and is surrounded by trees and hedges. The existing and proposed boundary treatment, as well as the overall height of the structures would minimise any potential visual impact.
- 16.4 A landscape and visual appraisal, conducted by LVIA Ltd, was submitted with the application. This appraisal notes that the site falls within no areas of national designations related to landscape but does fall within Green Belt. Green Belt is not normally considered a landscape policy but does have a visual aspect.
- 16.5 The report notes further that seven viewpoints were considered and of these none were considered to be subject to material visual impacts. The report concludes that with the implementation of a successful mitigation strategy, the overall impact on the landscape is considered to have a minor overall effect on the surrounding character baseline and a minor effect on the visual baseline. It should be considered that this type of development is not out of character within the receiving landscape.

17. HIGHWAY SAFETY

- 17.1 The application documents include a Transport Statement prepared by TPS Transport Consultants Ltd, to assess the transportation, traffic and highways implications of the proposed development. Access to the site will be taken from an unnamed access track, off Green Lane/Medlock Road. The access track is used to access surrounding land and for visitors to the Medlock Valley Fishery, to the south of the site.
- 17.2 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 17.3 The Transport Statement submitted with the application concludes that the development proposals are not expected to have a detrimental impact on the highway network, particularly once the BESS site is built out, it will generate minimal vehicle trips.
- 17.4 By virtue of the nature of the proposal, majority of any potential highway issue would be limited to the construction phase of the development as there would only be occasional trips to the site after the development, mainly for maintenance purposes. It is stated that the access off Green Lane/Medlock Road will be improved as part of the proposals, to facilitate access by HGVs during the construction phase of the development. It is considered that the proposed highway improvement works would minimise the potential for risks to safety of users of the highway.
- 17.5 The Council's Highway Engineer has reviewed the proposal and raised no objections subject to the imposition of a condition requiring the submission of a CEMP detailing how construction traffic would be managed during the construction phase of the proposal.

18. DRAINAGE

- 18.1 The flood zone mapping shows the site to be located within Flood Zone 1, an area with a low risk of flooding from river and sea. There are also no known local flooding issues on the site. A Flood Risk Assessment as well as a Drainage Proposal has been submitted with the application.
- 18.2 The proposal for the drainage system includes private storm combined with manholes, gully, permeable surface gravel, filter drain, attenuation tank prior to discharging into river Lord Brook via a headwall. The outflow from the attenuation tank will be controlled by a vortex flow control before discharging into a river, Lord brook.
- 18.3 As the outflow from the attenuation tank would discharge into the nearby waterbody (Lord Brook), an appropriate licence or exemption will need to be obtained from Environment Agency. The applicant has advised that they have applied for an exemption and awaiting a response from Environment Agency.
- 18.4 The proposed drainage plan appears to be acceptable in principle given that runoff would be stored in attenuation tank prior to discharge into the river. This would minimise the risk of flooding on and off site.
- 18.5 The proposal has been forwarded to Environment Agency and the Council's Drainage Engineer for comments. Additional information was requested by the consultees, which has been provided by the applicant. However, final comments have not been received from the consultees.
- 18.6 As this is the only issue yet to be resolved in so far as the assessment of the application is concerned, it is considered pragmatic in this instance to deal with the matter by way of relevant planning conditions. As a result, it is proposed to attach a condition requiring full details of a drainage proposal to be submitted to the Planning Authority for written approval, prior to the commencement of the development.

19. CONCLUSION

- 19.1 Notwithstanding its location within the Green Belt, the proposed development is considered acceptable in principle given that its social, economic and environmental benefits outweigh any harm to the Green Belt, and any other harm, and would not detract significantly from the character of the area.
- 19.2 As such, the proposal would be in accordance with relevant provisions of Policies JP-G8 (A Net Enhancement of Biodiversity and Geodiversity), JP-G9 (The Green Belt), JP-P1 (Sustainable Places) and JP-S1 (Sustainable Development) of the Places for Everyone Joint Plan.

20. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Prior to the development hereby approved being brought into first use, the acoustic fencing shall have been installed in accordance with the details shown on the approved Site Layout Plan (Drawing No. MDL-BESS-001.5, Rev. 7). The fencing shall be retained as such thereafter. REASON – In the interest of amenity, in accordance with Policy 9 of the Oldham Local Plan.
4. Prior to the commencement of the development hereby approved, the applicant/developer shall submit a Construction Environmental Management Plan (CEMP) which details:
 - (i) how any demolition and construction on site will be managed to control dust, noise and vibration so as not to cause health and nuisance issues to the existing occupiers of residential and commercial sites close to the development. The plan shall reference the Institute of Air Quality Management's latest guidance on the assessment of dust from construction and demolition; and,
 - (ii) the methods to be employed to control and monitor the use of the nearby highways for construction traffic, material deliveries and storage, car parking for employees and wheel wash facilities.

The CEMP must be agreed in writing by the Local Planning Authority before development commences and unless otherwise agreed in writing by the Local Planning Authority any mitigation in the agreed CEMP shall be adhered to during any demolition or construction works. REASON - to prevent development that may result in unacceptable impacts on human health and highway safety, in accordance with Policy JP-C8 of the Places for Everyone Joint Plan and Policy 9 of the Oldham Local Plan.

5. Prior to the development hereby approved being brought into first use, the applicant/developer shall provide evidence to the Local Planning Authority for written approval, that the 5 minute LAeq from the site does not exceed 38 dB when measured in free field conditions 1m from the boundary of the nearest residential properties, i.e. Medlock Gates, Medlock Road, M35 9WP to the West and 495 Medlock Road, M35 9WR to the Northeast. REASON – In the interest of the amenity of the occupiers of neighbouring properties, in accordance with Policy 9 of the Oldham Local Plan.
6. The development hereby approved shall not commence until a scheme and timetable for the achievement of the on-site Biodiversity Net Gain has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
7. During the construction phase of the development hereby approved, the existing woodland within the site, and any trees shown to be retained on the landscaping proposal (Drawing No. YLEM1485-11) shall be protected with a suitable Root Protection Proposal which shall first be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details. REASON – In the interest of the amenity of the area and in accordance with Policy JP-G7 (Trees and Woodland) of the Places for Everyone Joint Plan.
8. Prior to the commencement of the development hereby approved, a detailed plan for the control, removal and disposal of existing Himalayan balsam on site shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be implemented in accordance with the approved details. REASON – To prevent the spread of invasive species and to protect biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.
9. No external lighting/floodlighting (including any that may be required during the construction phase of the development) shall be installed within the site without prior written approval of the Local Planning Authority having been obtained relating to the design and specifications of the lighting. All lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall then be implemented in accordance with the approved details. REASON – In the interest of amenity and to enable the Planning Authority consider the effect of such lighting on bats and biodiversity.
10. Prior to the commencement of the development hereby approved, details of a proposal to ensure that the adjacent Cadent assets are not adversely impacted as a result of the development, shall be submitted to the Local Planning Authority for written approval. The proposal shall include details on how the 12m easement along the route of the Cadent pipeline adjacent the site would not be impacted; details of any works within 35m of the pipeline and how the pipeline's cathodic protection will be maintained. The development shall be implemented in accordance with the approved details. REASON – In the interest of the safety of the members of the public.

11. The development shall be implemented in accordance with the soft landscaping proposal set out on Drawing No. YLEM1485-11 and all landscaping works shall be undertaken prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9 and 21 of the Oldham Local Plan, and Policy JP-G7 (Trees and Woodland) of the Places for Everyone Joint Plan.
12. No removal of or works to any hedgerows, trees, shrubs or brambles shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority prior to the works to the hedgerows or trees. REASON - To protect biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.
13. Prior to the commencement of development and notwithstanding any details previously submitted, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to the proposed development being brought into use, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

SITE LOCATION PLAN (NOT TO SCALE):

