

P/2024/0083 - discharge of condition 5 of P/2023/0175, Legacy National Grid Substation

Hi Simon

As explained in the covering letter for this submission, we didn't include any soft landscaping or a maintenance plan because there simply isn't any planting provided within the approved planning drawings, or indeed, any room for inclusion of it. You can clearly see on the General Arrangement plan (re-attached for ref) that the entire site area is taken up by the battery storage facility structures. The intervening ground is either road or compacted stone. There was no requirement in the planning permission to do any soft landscaping. Hence the drawing we submitted only showed the hard landscaping.

The landscaping condition is clearly a generic one which is applied to planning permissions, yet the soft landscaping part should not have been included for this scheme. In our opinion, it would seem an extremely unnecessary process to have to go through a non-material amendment (S96a) or S73 just to vary the condition so that the same materials could be reconsidered/resubmitted.

Whilst I appreciate that every planning authority is entitled to take their own view on these matters, we have recently had a very similar condition discharged at another battery site with a different LPA, which like the Legacy site condition, required hard and soft landscaping details yet the approved site plan didn't include / have space for any soft landscaping. The LPA in this case did not consider it necessary to amend the condition wording.

I've attached the decision notice for this application (the landscaping condition is number 5), along with the hard landscaping plan we provided (ref 2656-03-031, which as you'll see, is effectively the same as that submitted for Legacy), and the discharge notice from Sandwell Borough Council, who deemed the condition could be discharged without having to vary the soft landscaping part of it (note, only part a of the condition was discharged as this is the only part that required submitted details).

I'd be grateful if you / your manager could give further consideration to the matter in light of this.

Regards

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