



Appeal Decision

Site visit made on 8 October 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/W4223/W/25/3367017

Land on the south east side of Medlock Road, Failsworth, Manchester M35 9WG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Root Power (North) Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/353405/24.
 - The development proposed is the installation and operation of a 30MW Battery Energy Storage System (BESS), including access and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation and operation of a 30MW Battery Energy Storage System (BESS), including access and associated infrastructure, at Land on the south east side of Medlock Road, Failsworth, Manchester, M35 9WG, in accordance with the terms of the application, Ref FUL/353405/24, and the plans submitted with it, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for a full award of costs was made by Root Power (North) Ltd against Oldham Metropolitan Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. The appellant's evidence referenced that the proposal would be for a temporary period and so would be reversible. I sought clarification because a time period was not specified, or referenced in the officer report or its proposed conditions. The appellant identified the proposal was intended to be 40 years of operation, and so my determination is made on this basis.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') (2024) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
 - whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Inappropriate Development in the Green Belt

5. The appeal site comprises land within the Green Belt. The proposal is for a battery energy storage system (BESS) fenced compound containing 8 battery containers, a switch room and site office/welfare building, 4 sets of BESS transformers and inverters, a site supply transformer; and a substation and 2 spares containers. The site access would come off an unnamed track off Green Lane.
6. The Framework paragraph 142 identifies the fundamental aim of Green Belt policy as being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This guidance is reiterated by Policy 1(j) and Policy 22 of the Oldham Joint Core Strategy and Development Management Policies document ('the CSDMD'), whereby development in the Green Belt will be permitted provided that it does not conflict with national Green Belt policy. Similarly, the Places for Everyone Joint Development Plan Document ('PfE') Policy JP-G9 identifies that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence, or ability to serve its five purposes.
7. The Framework Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The key potential exception for me to consider is whether the site would be grey belt land under the Framework paragraph 155.
8. The Framework Glossary defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of its purposes (a), (b), or (d) in paragraph 143.
9. At a strategic level, the Greater Manchester Green Belt Assessment (GMGB) (2016) divided the Green Belt into assessment parcels, and the appeal site lies within Parcel OH49 which wraps around Failsworth's south-eastern extent. The GMGB concludes that this parcel contributes either moderately or strongly to the different Green Belt purposes. However, the site's relatively small size and its position in comparison to the entire parcel suggests an assessment at a site specific level to be most determinative in this instance.
10. The Green Belt purpose under paragraph 143(a) is to check the unrestricted sprawl of large built-up areas. The Planning Practice Guidance (PPG)¹ identifies illustrative features which would demonstrate a strong contribution to this purpose. These include being likely to be free of existing development, and lacking physical features in reasonable proximity that could restrict and contain development. Areas are also likely to be adjacent or near to a large built up area, and if developed, result in an incongruous pattern of development such as an extended 'finger' of development into the Green Belt.
11. There are physical features of woodland, the River Medlock, and a railway line which would contribute to restricting sprawl from the north and south. However, I do find that the proposal would form a finger of development in conjunction with the large water treatment works to the west, notwithstanding the intervening

¹ Paragraph: 005 Reference ID: 64-005-20250225

woodland. Its development would contribute towards linking the built form of the water treatment works to the west, with the existing/under construction dwellings on Medlock Road to the northeast.

12. For similar reasons, I find that the land strongly contributes to paragraph 143 purpose (b), of preventing neighbouring towns merging into one another. The Green Belt is relatively narrow at this point between Droylsden and Failsworth, with the dwellings which form their settlement edges being set at high elevations. The topography of the appeal site within this gap, rising up within the valley between the two settlements, gives it some prominence.
13. The PPG identifies that a strong contribution to this purpose would include an area forming a substantial part of a gap between towns, the development of which would be likely to result in the loss of visual separation of towns. My site visit identified that parts of the appeal proposal would be visible from both edges of the towns due to its high elevation. This would be more evident during periods of leaf drop. Their visual separation would thus be lost, notwithstanding the containment formed by the woodland which would remain in between, and the appeal site's size relative to the wider Green Belt parcel.
14. The proposal would therefore not be on land falling under the category of grey belt. It would fall under no other exceptions. As such, it would be inappropriate development in the Green Belt, and so would conflict with the Framework Section 13, the CSDMP Policy 22, and the PpE Policy JP-G9.

Openness and Purposes of the Green Belt

15. Openness is an essential Green Belt characteristic with spatial and visual aspects, and is a matter of planning judgement. Spatially, the proposal would clearly result in additional built development and massing, and a spatial loss of openness within the evident Green Belt across and around the appeal site.
16. Visually, the proposal would bring a change from an open green field at rising elevation, to field containing an industrial compound. It would include utilitarian structures at height, and high boundary/acoustic fencing, although would host only infrequent additional activity following construction. It would be mostly well-contained from immediate vantage points due to the topography and thick woodland screening, plus the proposed scrub planting, but would be a discordant urban form in medium to longer range views from overlooking properties, and from the Oldham Way at its entrance. Although the woodlands would form enclosure and remain the dominant influence, harm would be caused to the visual openness of the Green Belt.
17. Factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt, include the duration of a development, and its remediability². Although 40 years is more than a generational impact, the openness would not therefore be permanently lost. As I would impose conditions to ensure the permission would be restricted to this time period, and to require subsequent decommissioning and reinstatement, I am satisfied that this would temper the Green Belt impact to a limited extent. Overall, I find the proposal would result in moderate harm to the spatial and visual openness of the Green Belt.

² PPG Paragraph: 013 Reference ID: 64-013-20250225

18. With regard to those Paragraph 143 essential purposes of the Green Belt not considered above, the proposal would cause limited encroachment into the countryside (c) by virtue of its prominence in the change from a green field to an industrial compound and access. The site does not form part of the setting and special character of a historic town (d), and I see no reason why it would prevent the recycling of derelict and other urban land (e). In totality, the proposal would result in moderate conflict with the paragraph 143 purposes (a), (b), and (c).
19. Overall, the proposal would result in moderately harmful inappropriate development in the Green Belt, including moderate harm to its openness and to its purposes on a temporary but long term basis. The Framework paragraph 153 requires that I give this harm substantial weight, and the proposal would thus again conflict in this regard with the Framework Section 13, the CSDMP Policy 22, and the PfE Policy JP-G9.

Other Matters

20. I have paid regard to the interested party objections, including with reference to local residents, and the cited impact on the adjacent Medlock Valley Fishery site. However, for the same reasons as set out in the Officer Report, and in light of there being no objections from statutory consultees, I find these matters to have been satisfactorily addressed.
21. Specifically, some concerns relate to a harmful noise impact for the nearest dwellings, and users of the fishing lake. The Noise Report used a 'worst-case' situation for the amount and timings of noise which may be generated. It concluded that with the proposed acoustic barrier as mitigation, there would only be a 'low' noise impact for the two nearest residential properties even with open windows, well within recommended internal noise level limits. The worst-case predicted noise levels would be better than the standard 'desirable' level for external noise in outdoor living areas. On this basis, I am satisfied the noise levels would be satisfactory for those properties. Similarly, I find no undue noise harm arising for any other parties due to the distance, intervening vegetation, noise environment, and type of noise generated.
22. The Officer Report makes no mention of any fire safety matters, and I have no information before me from the Greater Manchester Fire and Rescue Service, albeit that they are not a statutory consultee. However, the appellant's Outline Battery Safety Management Plan details how the BESS design and operation demonstrates general compliance with the relevant National Fire Chiefs Council advice. There would be a water tank and fire hydrant provided as part of the scheme, and typical control measures for unit specification, construction, and maintenance are identified. The BESS would build on best practice and lessons learnt from past fire safety incidents. Other legislative regimes would provide further control.
23. Although none were suggested by the Council, it is commonplace for BESS approvals to include conditions to require a further Detailed Battery Safety Management Plan, and Emergency Response Plan, following confirmation of the final equipment specification. As such, by imposing these conditions, further approval on fire safety matters would be required following consultation with relevant parties including the Fire Service, which would provide additional assurance at that stage. I therefore find matters of fire safety to have been satisfactorily addressed.

24. There is a gas main running to the west of the BESS compound, for which an easement would be retained. Subject to the imposition of conditions to ensure this easement, and details of how the pipeline's cathodic protection would be maintained, the owner/operator Cadent raises no objection.

Other Considerations

25. BESS facilities store excess renewable energy, and discharge it to the grid when required. They also enhance the efficiency of decentralised energy systems by reducing transmission losses and alleviating strain on the national grid, as renewable energy can be stored and used closer to where it is generated. As such they help to address the impacts of climate change, and help to ensure a stable and reliable energy supply. The appellant also highlights that unlike the majority of other BESS proposals, this scheme has an accelerated grid connection offer such that there would be an almost immediate grid connection once constructed. This would allow for renewable energy benefits to be provided in the very short term.
26. Well publicised national and local ambitions to achieve net zero therefore identify and support the essential national need for BESS facilities, such as Clean Power 2030, and the Overarching National Policy Statement for Energy (EN-1) as a material consideration. The Framework paragraph 161 requires that the planning system should support the transition to net zero by 2050, and support renewable and low carbon energy and associated infrastructure. Paragraph 168(a) further identifies that applicants should not be required to demonstrate the overall need for renewable or low carbon energy, and that local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
27. Paragraph 87 also recognises that BESS facilities also play an important role in supporting the growth of knowledge and data-driven, creative, and high technology industries, whereby decisions should make provision for facilities and infrastructure that are needed to support the growth of these industries, including grid connections. The PfE Policy JP-S2 reinforces the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gases. The policy aims to support this through a range of measures including (3) taking a positive approach to renewable and low carbon energy schemes. The CSDMD Policy 1(f) also identifies that the Council will promote 'green' energy when determining planning applications.
28. The BESS would also create direct local investment and job creation during construction and beyond, plus business rate contributions. It would provide just above the 10% statutory biodiversity net gain requirement by improving the remaining grassland, planting mixed scrub, and planting 10 native trees, plus would create a short ditch outflow to provide a gain of 0.01 watercourse units.
29. I have considered interested party references made to there being only limited evidence relating to the consideration of alternative sites. I have to assess the proposal before me on its own merits, and the consideration of alternatives for renewable energy scheme site selection are not mandated by the PPG or the Framework, as confirmed by the Bramley court judgement³. Nonetheless, the lack of available alternative sites may provide support for very special circumstances.

³ Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities, Bramley Solar Limited & Basingstoke and Deane Borough Council & Others [2023] EWHC 2842 [Admin]

30. In the context of a typical search distance from the connection point at Droylsden Substation, and the evidence before me, I am satisfied that the appeal site has been demonstrated to be the most suitable available site. I find it unnecessary to discuss alternative sites in any further detail, as this provides only comparatively minor support in favour, in comparison to the significant weight given by the Framework to the need for renewable energy provision as identified above.

Conditions

31. I have imposed the Council's suggested conditions from the Officer Report, subject to slight amendment and additions to reflect the tests for conditions in the Framework paragraph 57 and the PPG. Several of these are pre-commencement, and need to be imposed at that stage in order to provide essential protection or mitigation from the effects of construction.
32. The statutory condition would limit the lifespan of the planning permission (1), and specifying approved plans would provide clarity for the terms of the permission (2). Limiting the operational period to 40 years (3) will bind the proposal to that on which my determination was based. Similarly, requiring decommissioning and site restoration (17) will protect the Green Belt from permanent incursion, and reinforce the 40 year timeframe or an earlier timeframe if the development ceases to export electricity for more than 12 months.
33. A Construction Method Statement (4) is necessary to limit the potential for noise, nuisance, and disturbance for surrounding occupiers, to avoid undue disruption to the function of the highway network, and to provide protection for nesting birds.
34. Biodiversity improvements and protection measures will be ensured through conditions requiring a 30 year Habitat Monitoring and Management Plan (5), a Construction Exclusion Zone around retained trees (6), soft landscaping details which will also minimise the proposal's visual impact (10), and details of any lighting (15). As Himalayan Balsam is present, measures must be put in place to satisfactorily treat and dispose of this invasive plant species before any development commences on affected areas of the site (8).
35. Condition (7) requires details to ensure no adverse impact to the adjacent gas pipeline, including retention of an easement and maintenance of its cathodic protection. Cadent as the asset owner confirmed no objection overall, subject to the imposition of this condition. This is therefore necessary to protect essential infrastructure.
36. A sustainable drainage condition will ensure that drainage is adequately controlled (9), and retaining the laid out parking and turning spaces for their intended use is necessary to maintain highway safety (13).
37. To ensure appropriate amenity for local residents, the development shall be carried out in accordance with approved details relating to the acoustic fencing (14) and noise emissions (16). A Detailed Battery Safety Management Plan (11) and Emergency Response Plan (12) were not proposed by the Council, but are customary for BESS permissions. They are required prior to installation of the battery equipment and then its first use, to ensure that safety matters are fully considered for the lifetime of the permission and once the final equipment specification is known.

Planning Balance and Conclusion

38. The Framework Paragraph 153 makes clear that substantial weight should be given to any harm to the Green Belt, and that 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.
39. The proposal would reduce the openness of the Green Belt spatially and visually, and would be inappropriate development in the Green Belt, which is harmful by definition. It would conflict with multiple purposes of including land within the Green Belt. I therefore attach substantial weight to that harm as required by the Framework paragraph 153, albeit in this instance I find the harm in totality would be moderate, and not permanent.
40. Against the entirety of this harm, I am directed by the Framework paragraph 160 that very special circumstances for renewable energy projects may include the wider environmental benefits associated with increased production of energy from renewable sources. In totality, and as directed by the Framework paragraph 168(a), I give significant weight to the proposal's contribution as a renewable energy project to local and national net zero ambitions and to mitigating climate change. I give minor weight to the absence of other local more preferential sites, and to its biodiversity, and economic benefits.
41. Overall, I find these other considerations to be cumulatively sufficient such that they amount to the very special circumstances which clearly outweigh the harm to the Green Belt and any other harm, and thus justify the proposal in this instance.
42. In conclusion therefore, the proposed development would be in some conflict with the development plan with respect to harm to the Green Belt. However, for the reasons given above, and having regard to all other matters raised, other material considerations, including the Framework and the very special circumstances cited in this case, indicate that permission should be granted. I therefore allow the appeal.

L N Hughes

INSPECTOR

*****SCHEDULE OF CONDITIONS*****

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans;
 - Location Plan MDL-BESS-001.4
 - Site Layout Plan MDL-BESS-001.5 Rev 7
 - 33kV DNO Substation YLM-BESS-GEN-001.1a Rev A
 - 33kV Switchroom YLM-BESS-GEN-001.2 Rev A
 - Site Cabin / LV Switchroom YLM-BESS-GEN-001.3 Rev A
 - 33kV/415V Site Supply Transformer YLM-BESS-GEN-001.4 Rev A
 - BESS Battery Cluster YLM-BESS-GEN-001.6 Rev A
 - V-Mesh Fence YLM-BESS-GEN-001.7 Rev A
 - Water Tanks YLM-BESS-GEN-001.11 Rev A
- 3) The development hereby permitted shall be limited to a period of 40 years from the date of the first export of electricity to the Grid. This date is referred to hereinafter as 'the First Export Date'. Written notification of the First Export Date shall be given to the Local Planning Authority within 1 month of the First Export Date.
- 4) No development including site clearance shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
 - (a) Measures to control the emission of dust and dirt during construction, including arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways;
 - (b) Measures to monitor, mitigate, and control noise and vibration during the construction period, including the management of complaints;
 - (c) Methods to control and monitor nearby highways for construction traffic, material deliveries and storage, and vehicle parking of site operatives and visitors.
 - (d) That 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 detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

The development hereby permitted shall be implemented in accordance with the approved CMS for the entirety of the construction period.
- 5) No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include details of:
 - (a) The roles and responsibilities of the people or organisation(s) delivering the HMMP;

- (b) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- (d) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

The development hereby permitted shall be implemented, monitored, and maintained in accordance with the approved HMMP.

- 6) No development shall commence until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on the approved site layout drawing listed in condition 2. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed to protect all trees and hedgerows that are not essentially removed to facilitate the approved works. The CEZ shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.
- 7) No development shall commence until details of a proposal to ensure no adverse impact to the adjacent Cadent gas pipeline assets has been submitted to and approved in writing by the Local Planning Authority. The proposal shall include details on how the 12m easement along the route of the Cadent pipeline adjacent the site will not be impacted; details of any works within 35m of the pipeline; and how the pipeline's cathodic protection will be maintained. The development hereby permitted shall be implemented and maintained in accordance with the approved details.
- 8) No development shall commence until a method statement for the containment, control, and removal of all Himalayan balsam which falls within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
 - (a) Measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended); and
 - (b) A timetable for implementation (including any phasing for removal/control on different parts of the site).

The development hereby permitted shall be implemented in accordance with the approved method statement, and retained as such thereafter.

- 9) No development shall commence until a scheme for the disposal of foul and surface water from the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage details shall include:
 - (a) Separate systems for the disposal of foul and surface water;

- (b) Demonstration of the investigation of the hierarchy of drainage options in the Planning Practice Guidance (or any subsequent amendment thereof), to include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (c) If agreed with the Local Planning Authority that infiltration is discounted by the investigations, a restricted rate of discharge of surface water;
- (d) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (e) Incorporation of mitigation measures to manage the risk of sewer surcharge where applicable;
- (f) Information about the measures taken to prevent pollution of the receiving groundwater and/or surface waters, including from water used for fire-fighting.
- (g) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development hereby permitted shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 10) No development shall commence until full details of soft landscape works and implementation programme have been submitted to and approved in writing by the Local Planning Authority. These details shall include the number, size, species, siting, planting distances/densities, and the programme of planting, of trees, shrubs, and grass establishment. The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted, shall be planted at the same place by the end of the first available planting season.
- 11) Prior to the installation of any Battery Energy Storage Equipment, a Detailed Battery Safety Management Plan (DBSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DBSMP shall align with the general principles set out within the Outline Battery Safety Management Plan (Abbott Risk Consulting Limited, ref ARC-1223-005-R3 Issue 3, September 2024), and shall include details of safety measures and risk mitigation across the construction, operational, and decommissioning phases of the development. The development shall be carried out and maintained for the duration of the permission in accordance with the approved BSMP.
- 12) Prior to the First Export Date, a detailed Emergency Response Plan (ERP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained for the duration of the permission in accordance with the approved details.
- 13) Prior to the First Export Date, the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles shall be properly laid out, hard surfaced,

and drained, and shall be maintained thereafter free of any impediment to their designated use for the lifetime of the development.

- 14) Prior to the First Export Date, the acoustic fencing shown on the approved plans shall be properly erected, and shall be retained and maintained thereafter for the lifetime of the development.
- 15) Prior to the installation of any external lighting, full details including height, design, location, and intensity, and details of how it would minimise impact on bat commuting and foraging routes, shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details and maintained for the duration of the permission.
- 16) Once in operation, the level of noise emissions from the development hereby permitted when measured in free field conditions 1.0m from the boundary of the properties of Medlock Gates, Medlock Road, M35 9WG, and 495 Medlock Road, M35 9WR, shall not exceed 38 dB(A) 5 minute LAeq.
- 17) Within a period of 39 years and 6 months following the First Export Date, or in the event of the development hereby permitted ceasing to export electricity to the Grid for a continuous period of more than 12 months then within 6 months from the end of that 12 month non-electricity storing period, a Decommissioning Scheme to include details of the removal of all structures, equipment, and infrastructure relating to the development hereby permitted shall be submitted to the Local Planning Authority. Additional details or a revised Decommissioning Scheme must be submitted if requested by the Local Planning Authority, within its stated timescale. Once the Decommissioning Scheme is approved in writing, the development hereby permitted shall be decommissioned in accordance with the approved details.

*****END OF SCHEDULE*****