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| Agenda Item | A5 |
| Application Number | 21/01351/FUL |
| Proposal | Installation of a 25MW battery storage facility with ancillary development including 3m high fencing, battery storage containers, substation, transformers, switch-room, control room, welfare cabin and storage room, construction of internal access road and 4m high CCTV columns |
| Application site | Land To The North East Of Kidds Transport Limited Caton Road Lancaster |
| Applicant | Mr Mark Dickinson |
| Agent | Mr Kenny Dhillon |
| Case Officer | Mrs Petra Williams |
| Departure | Yes |
| Summary of Recommendation | Approval |

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is a haulage business which is set back approximately 130m from Caton Road and is situated approximately 1.5 miles north of Lancaster City Centre. The 3.42ha open site is offered screening by surrounding trees including mature sycamore trees along Caton Road and the land falls away in a north westerly direction from the highway. From the site, the applicant provides haulage, warehousing, workshops and maintenance services.
- 1.2 The site lies within the Caton Road Industrial Estate which occupies an area between the River Lune and Caton Road and as such the surrounding area largely consists of industrial units. To the west of the site and fronting Caton Road there is a small pay and display car park operated by the Canal and River Trust. The plot which abuts the south-east of the site entrance and fronting Caton Road is occupied by a fast food take away. The Lancaster Canal sits at a significantly higher level than the application site with an aqueduct over Caton Road some 300m to the south-west. This structure is a Grade I Listed.
- 1.3 The site is within Flood Zones 2 and 3 and a Public Right of Way (FP 15) runs to the north of the site adjacent to the River Lune. The Duddon Estuary Special Protection Area, Morecambe Bay Ramsar Site, and Morecambe Bay Special Area of Conservation are located approximately 3.1km away. The River Lune is classed as a Biological Heritage Site.

2.0 Proposal

- 2.1 The proposed development involves the construction of the 25MW battery storage facility, along with ancillary development to support both its use and construction. The facility will include battery storage containers (3.7m high) and a Distribution Network Operator (DNO) substation, transformers, a switch room, control room, as well as a welfare cabin, storage cabin, CCTV cameras and 3m high fencing. Access will be taken from Nelsons Way.
- 2.2 The battery storage containers would store energy from the national grid at times of low demand and then return energy to the grid at times of high demand.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

| Application Number | Proposal | Decision |
|--------------------|---|-----------|
| 16/00666/FUL | Demolition of existing office building (B1) and erection of a new 3 storey office building (B1) | Permitted |
| 04/00066/FUL | Extension to existing loading canopy | Permitted |
| 93/00334/FUL | Erection of a Warehouse Extension | Permitted |

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and internal consultees:

| Consultee | Response |
|---|--|
| Environment Agency | No objections highlights some omissions / inaccuracies with the FRA but satisfied that the proposed development would have negligible impact on flood risk elsewhere. |
| Environmental Health | No objections suggests conditions relation to EV charging points and noise |
| County Highways | No objections |
| Cadent Gas | No objections advice to be included with decision notice |
| United Utilities | No objections subject to a condition relating to surface water drainage |
| Lancashire Constabulary - Designing Out Crime Officer | Advice relating to CCTV, lighting and fencing |
| Fire Safety Officer | Advice the developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. Lancashire Fire and Rescue Service (LFRS) are not a statutory consultee in relation to this project, but will work and engage with the developer as this project develops to ensure it complies with the statutory responsibilities that we enforce |

- 4.2 The following responses have been received from members of the public:

- Correspondence has been received from an agent acting on behalf of one of the neighbouring businesses. The business owner is concerned that HGV containers / trailer bodies parked on adjacent land could be accessed from the cycle path along the river and provide the means for anyone wishing to break into the battery store to climb over the perimeter fence. They seek assurance that this issue will be considered through appropriate security measures.

5.0 Analysis

- 5.1 The key considerations in the assessment of this application are:

- Principle of development
- Flood risk
- Design, appearance and impact on heritage
- Ecology impacts
- Highways implications
- Amenity

5.2 **Principle of development (NPPF paragraphs: 7 – 12 (Achieving Sustainable Development) paragraphs 152 and 155 (Planning for climate change); Development Management (DM) DPD policies DM14 (Proposals involving employment land and premises), DM30 (Sustainable Design) and DM53 (Renewable Energy Generation in Lancaster District); Strategic Policies and Land Allocations DPD policies SP1 (Presumption in Favour of Sustainable Development), SP4 (Priorities for sustainable economic growth) and EC1.11 (Caton Road Industrial Estate)**

5.2.1 The site is within an allocated employment site (EC1.11). Given that the proposal would be contrary to the allocation, it represents a departure from the adopted development plan as the proposal falls outside the uses that would be supported in principle on established employment areas. However, there is a need for this type of development which should be taken into consideration. The National Planning Statement for Overarching Energy (EN-1) sets out that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. The document goes on to say that electricity storage can be used to compensate for the intermittency of renewable generation.

5.2.2 Policy DM53 sets out the Council's commitment to supporting the transition to a lower carbon future and support for proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts on stated considerations are or will be made acceptable. On 30 January 2019, the council declared a climate emergency. Lancaster City Council subsequently conducted a climate emergency focused review of the adopted Local Plan, thus highlighting the importance that the climate emergency has in decision making in the district. The aim of the review is to ensure that the climate emergency declaration is fully considered within the planning policies for the district ensuring that climate change adaptation and mitigation is central to all new development. The Council is also committed to supporting the district in reaching net zero by 2030. The Climate Emergency Review of the Local Plan has recently been the subject of Public Examination.

5.2.3 The submission sets out that changes in energy generation, alongside a significant increase in electricity demand, as well as intermittent supplies from renewable and low carbon energy sources, have led to a situation where electricity supply requires reinforcement to meet current and expected demands. This proposed battery storage facility aims to aid in relieving and reinforcing the supply to meet demand, and to ensure there is a reliable source of power for both business and residential consumers. The proposed battery storage facility will contribute towards helping the national grid provide a reliable source of power in the face of fluctuating and changing energy demand and supply. At times the grid struggles to provide an efficient, consistent supply of energy due to variations in demand and unreliability of renewable energy supplies. Energy storage facilities like this offer flexibility to absorb surplus energy and release when needed, including from renewable sources and without causing air pollution during this process.

5.2.4 In terms of the location, this type of development is often more appropriate in an industrial area, rather than the open countryside. The application site is well related to existing National Grid Infrastructure and the proposal will occupy a relatively small proportion of the of the employment site. The development site is comprised an existing underutilised hardstanding area occasionally used for HGV trailer parking, in addition to the existing internal access track off Nelsons Way. It is considered that the location of the proposal is suitable and able to accommodate this form of development, given the backdrop of the associated electricity generation and distribution as well as its location away from any sensitive receptors. It is considered that this proposal can assist in delivering the Council's action plan in response to the climate emergency and further support the

transition to carbon free electricity generation.

5.2.5 Paragraph 152 of the NPPF sets out that the planning system should support the transition to a low carbon future and paragraph 158 states that it should be recognised that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would comply with these aims as it would help to reduce carbon emissions by storing energy when there is a surplus in the network and releasing it when there is a deficit. For these reasons, it is considered that the site provides an appropriate location for a battery storage facility and the conflicts with the adopted and emerging development plan are outweighed by the benefits of the proposal.

5.2.6 The scheme would require a connection to the electricity grid to import and export power. For the size of connection (25MW) this is secured via formal application process to the Distribution Network Operator (DNO) who in this locality are Electricity North West Ltd (ENWL). ENWL in due course provides a connection offer identifying where within the network the connection can be made and the costs and timeframes associated with connecting the Battery Storage System (BSS). ENWL are experiencing delays in reinforcing their network and this can mean the connection date offered is later than the usual timescales that would be expected, and project timescales are adjusted by the developer accordingly. The applicant has recently been made aware by ENWL that a National Grid Statement of Works for this area has identified that a new Super Grid transformer (SGT) is required at Heysham. Due to the scale and complexity of the work involved, which includes upgrading parts of the National Grid without interruption to electricity supplies, it is not anticipated to be completed until 2026 at the earliest therefore the standard 3 year timescale condition would be unreasonable to apply to the planning approval for the proposal at Kidd's Transport.

5.2.7 The applicants are therefore faced with a connection delay from the DNO, and as such has requested that the application is permitted with the inclusion of a 5 year Consent. This is considered to be an exceptional circumstance where the applicant does not have control over the speed that the DNO and the National Grid work. It is Officer's view that in this case, this is a significant and material reason to justify the 5-year consent.

5.3 **Flood risk (NPPF paragraphs: 159-165, 167 and 169 (Planning and Flood Risk); (DM) DPD policies DM33 Development and Flood Risk)**

5.3.1 The site is within Flood Zone 3. In accordance with the National Planning Policy Framework (NPPF) paragraph 159, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 161 advises that a sequential, risk-based approach to the location of development should be taken. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk.

5.3.2 Sites for battery storage facilities are primarily chosen for their access to the local electricity distribution and it is necessary for a site to be located in an area capable of accepting the export of energy. Having considered this requirement, the applicant has reviewed a range of criteria when carrying out the site selection process for this proposal. These factors are summarised as the following:

- Availability of grid capacity to export and import, with no constraints on the grid connection;
- The financial viability of grid connection costs; and
- Proximity to a substation as the point of connection onto the electrical grid.

With these points in mind, the site has been considered suitable for the development proposed due to it being located in close proximity to the electricity network, as well as the following:

- An active grid connection offer from a Distribution Network Operator (DNO);
- A suitable site area for the equipment; and
- A willing landowner;
- An existing appropriate site access, suitable for both the construction process and facilities operation;
- No statutory or non-statutory designations covering the site; and

- An identification of an area where grid balancing is potentially required due to electricity overproduction outweighing demands.

The Sequential argument put forward is accepted in this case.

- 5.3.3 The NPPF continues by stating if it is not possible for development to be located in zones with a lower risk of flooding, the Exception Test may need to be applied. For the Exception Test to be passed it should be demonstrated that:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce the flood risk overall.

With regard to part a) of the Exception Test it is clear that the scheme would indeed provide sustainability benefits to the community by helping to reduce carbon emissions.

- 5.3.4 In terms of part b) of the Exception Test, the application is supported by a Flood Risk Assessment (FRA), which the Environment Agency considers appropriate to the nature and scale of the proposed development. As the minimum level on-site is approximately 8.00m AOD the DNO substation and associated equipment will be raised by a maximum of 800mm on concrete plinths, thus making the finished floor levels set at approximately 8.80m AOD. It is unfeasible to raise the vulnerable electrical equipment within the substation 600mm above the 1 in 100 year flood level plus 50% climate change allowance (10.33m AOD) level. The site would therefore have an automatic shut off prior to the onset of a flood event, to prevent damage to the equipment. The site can be switched back on once the flood waters have receded. The application sets out that the main means by which flood risks will be managed is through the Environment Agency's flood warning dissemination plan. This makes arrangements for warnings to be provided within the District, including individual warnings to high-risk properties. The development will not give rise to flood events elsewhere, due to the nature of the proposed development there is no risk to any on-site personal, as the proposed development does not need to be staffed on a permanent basis.

- 5.3.5 Overall, it is considered that the proposal passes both the Sequential and Exception Tests.

- 5.4 **Design, appearance and impact on heritage** (NPPF paragraphs: 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies DM29 (Key Design Principles), DM39 (The Setting of Designated Heritage Assets), DM46 (Development and Landscape Impact); Strategic Policies and Land Allocations DPD SC3 (Open Space, Recreation and Leisure))

- 5.4.1 Policy DM29 states that new development should be as sustainable as possible and make a positive contribution to the surrounding landscape. These provisions are also reflected within section 12 of the NPPF which seeks to achieve well-designed places.

- 5.4.2 To the north of the site, recent construction of the flood defence wall resulted in the removal of some vegetation, however new trees have been planted and will establish further in time to visually screen any views of the existing site and proposed development from the footpath. Additionally, due to the presence of existing industrial buildings to the southern and western aspect, the site is well contained. The presence of existing transport and logistic buildings within the immediate vicinity of the site provides a suitable context for the proposal.

- 5.4.3 The battery containers will have a maximum height of approximately 3.7m and the small substation building will be 5.6m high to the ridge. The development will be bound by galvanised fencing (3m high). Given the height of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area in general.

- 5.4.4 With regard to heritage impacts, the grade I listed aqueduct is located 300m to the south-west. Given the context of the existing site and the surrounding industrial activities in addition to the distance involved, it is considered that the developed would have neutral heritage impacts.

- 5.5 **Ecological impacts** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic

Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment), Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity); Strategic Policies and Land Allocations DPD policies EN7: (Environmentally Important Areas), EN9 (Air Quality Management Areas), SP8 (Protecting the Natural Environment)

- 5.5.1 The site is located adjacent to the River Lune Biological Heritage Site (BHS) which is a non-statutory designated site for nature conservation. The site itself is within an existing industrial area and is comprised hard standing. It is considered appropriate to include the requirement of a Construction and Environmental Management Plan by a condition in order to avoid adverse impacts to the BHS during construction.
- 5.5.2 It is also considered appropriate for the inclusion of a condition for the provision of electric vehicle charging points on site for use of operatives who may visit the site for maintenance purposes.
- 5.6 **Highway Implications** (NPPF paragraphs 104-109 (Promoting Sustainable Transport); Development Management (DM) DPD policy DM60 (Enhancing Accessibility and Transport Linkages); Strategic Policies and Land Allocations DPD policies T2 (Cycle Network), T4 (Public Transport Corridor)
- 5.6.1 The proposed development will utilise an existing privately maintained access road through the adjacent industrial estate, off Caton Road. Nelsons Way and the internal access roads are already constructed and used for HGV traffic. The layout allows the construction traffic and operational traffic to enter and leave the site in forward gear. There are no changes proposed to the access to the site as part of this application and it is considered that there would not be a detrimental impact to highway safety.
- 5.6.2 The Highway Authority do not consider that the application has any implications that will affect the highway network and has no objection in principle.
- 5.7 **Amenity** (NPPF section 12 (Achieving well-designed places); Development Management (DM) DPD policy DM29 (Key Design Principles)
- 5.7.1 The application site is significantly distanced (175m) from the closest neighbouring properties with intervening development and a main road. The submission sets out that the proposal would be recharged at night and therefore would not generate noise at this time. Daytime operation when the facility would supply energy into the grid would be peak times when background noise around the site would be excessive – i.e. higher traffic movements. As the site is next to an HGV parking area and other commercial and industrial operations the background noise will be greater. The submission has been considered by the Environmental Health Officer in respect of noise. Based on the information provided in respect of anticipated sound levels and considering the site layout, times of operation,
in conjunction with the distance to nearest noise sensitive receptors, it is concluded that there will be 'lowest observed adverse effects levels' in respect of noise associated with this development. Due to the distance from the nearest properties the development would not impact unduly on residential amenity.

6.0 Conclusion and Planning Balance

- 6.1 The application represents a departure from the Local Plan, which identifies the site as part of an allocated employment site. Whilst the proposal does not fall within the acceptable uses set out in the associated policy, it is considered to be a compatible use and will contribute towards reducing carbon emissions by storing electricity from renewable energy schemes when there is a surplus in the network and releasing it when there is a deficit. It is therefore considered that the site provides an appropriate location for a battery storage facility and would not have a detrimental impact on highway safety, flood risk, biodiversity or the amenity of the locality.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

| Condition no. | Description | Type |
|---------------|--|------------------|
| 1 | 5 year timescale | Control |
| 2 | Plans | Standard |
| 3 | External lighting and CCTV | Prior to use |
| 4 | Construction and Environmental Management Plan | Pre-commencement |
| 5 | In accordance with FRA | Control |
| 6 | Hours of operation | Control |

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None