

<b>Agenda Item</b>	A9
<b>Application Number</b>	24/00214/VCN
<b>Proposal</b>	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00668/FUL to amend layout and details of equipment)
<b>Application site</b>	Land To The South Of Middleton Clean Energy Plant Middleton Road Middleton Lancashire
<b>Applicant</b>	Ms Sarah Ruscoe
<b>Agent</b>	Mr Daniel Grierson
<b>Case Officer</b>	Mr Robert Clarke
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval – Delegate back to Head of Service for finalisation of planning obligation.

## 1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.17 hectares of mainly rough ground with areas of tipped/piled material. In parts some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

## 2.0 Proposal

2.1 Planning permission was granted in May 2023 for the installation of an electricity substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building along with associated infrastructure. This current application is a Section 73 variation of condition application which seeks to vary condition 2 (approved drawings) attached to permission 22/00668/FUL in order to vary the site layout and design. These proposals relate to the position of the infrastructure within the site, formation of a new internal access into the further phase of development to the south and an adjustment in the position of security fencing.

## 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
22/00668/FUL	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras	Approved
22/01152/EIR	Screening opinion for the erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing and 4 column mounted CCTV cameras	Environmental Statement not required
22/00839/FUL	Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras	Pending consideration
22/00358/VCN	Installation of 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on approved application 18/01203/FUL to amend the layout and container specifications)	Approved
21/01534/NMA	Non material amendment to planning permission 18/01203/FUL for rearrangement of battery storage containers	Withdrawn
21/00735/NMA	Non material amendment to planning permission 18/01203/FUL to change the maximum output from 49.9MW to 99.95MW	Approved
18/01203/FUL	Installation of a 49.9MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds	Approved
14/01117/FUL	Erection of a 47.5mw gas fired power station and associated works	Approved
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

## 4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	No response received.
County Highways	No objection.
Environmental Health	No objection.
Fire Safety Officer	Provides guidance on building regulation requirements with respect to manoeuvrability and water provision.
Lancashire County Council Resilience Service	No response received.
EDF	No response received.
Office of Nuclear Regulation	Indicates that Heysham Power Station requires consultation on the development.
Natural England	No response received.
Wildlife Trust	No response received.
United Utilities	No response received.
Greater Manchester Ecology Unit	The proposed changes should not change any of the ecological impacts and mitigation works associated with the scheme.
Planning Policy	No response received.
Engineers	No response received.
Property Services	No response received.

4.2 No responses from members of the public have been received.

## 5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permissions. This application just seeks to vary condition 2 of permission 22/00668/FUL, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Design, landscape and visual impact
- Ecology
- Highway Implications

5.2 **Design, landscape and visual impact** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment and Review of the Development Management DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact).)

5.2.1 The proposed amendment relates to a minor material change in the internal site layout of the consented substation infrastructure including an amended arrangement of equipment in response to a request from the District Network Operator (DNO) relating to the separation between the substation equipment and the substation transformer. The arrangement has adjusted the location of items and fencing to suit the DNOs requirements which relate to health and safety. Additionally, a small auxiliary transformer has been added to the site as this is a technical requirement. Given the height and design 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.

5.3 **Ecology** (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment and Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Review of the Development

Management (DM) DPD policies DM43 (Green Infrastructure) and DM44 (Protection and Enhancement of Biodiversity).

- 5.3.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Natural England previously advised that the development would not have significant impacts on these protected sites. Given that the proposed infrastructure will be located in a similar position to the previous approval, it is considered that the development would continue to not have significant impacts on the designated sites.
- 5.3.2 The development site lies adjacent to the Middleton Former Refinery Biological Heritage Site (BHS), this is a nature reserve which is managed by the Lancashire Wildlife Trust (LWT). Both the application site and the BHS are known to support Great Crested Newts, which are a European Protected Species. To mitigate the loss of habitat, the original permission included an obligation to secure a financial contribution towards off-site habitat enhancement. This contribution has not yet been secured as development has not commenced on site at this time. For this reason, the obligation will require a variation so as to reflect the latest planning application details. In addition to this, a further condition also required the developer to secure a Great Crested Newt Licence from Natural England, this has now been secured and therefore this condition can be removed.
- 5.3.3 The original permission also included a condition requiring agreement of a Construction and Environmental Management Plan (CEMP). This too has now been agreed and therefore this condition can be removed. A further condition requiring agreement of an invasive species management plan will need to be retained. Overall, it is considered that the proposed changes to the scheme would not have a greater impact on ecology than was previously determined. When assessing the original application, it was considered that the proposal would not have a significant impact on biodiversity, subject to appropriate mitigation as detailed above, and should ensure that the favourable conservation status of newts would be maintained.
- 5.4 **Highway Implications** (National Planning Policy Framework Section 9 Promoting sustainable transport and Review of the Development Management DPD policy DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).)
- 5.4.1 The proposed development will utilise an existing access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site other than the position of the internal site access gates, it is considered that there would not be a detrimental impact to highway safety.

**6.0 Conclusion and Planning Balance**

- 6.1 The application proposes some alterations to the previously approved plans, comprising the change layout of the infrastructure. As set out above, the proposed changes would not result in a detrimental impact on highway safety, biodiversity or the character and appearance of the locality and are therefore acceptable and comply with local and national planning policy.

**Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Decommissioning and removal in the event of the site becoming non-operational	Control
4	Construction Traffic Management Plan	Pre-commencement
5	Surface water and foul drainage strategy	Pre-commencement

6	Standard contaminated land condition	Pre-commencement
7	Control of invasive species	Pre-commencement
8	Details of materials: colour and finish to containers; details of fencing; details of surfacing; details of green roof; details of building colours	Prior to development above ground
9	Details of external lighting	Prior to development above ground
10	Soft landscaping scheme	Prior to development above ground
11	Construction Environmental Management Plan	Control
12	Ecological Impact Assessment mitigation strategy	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