

|                                  |   |
|----------------------------------|---|
| <b>Agenda Item</b>               | A10   |
| <b>Application Number</b>        | 24/00215/VCN  |
| <b>Proposal</b>                  | Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00839/FUL to amend layout and details of equipment) |
| <b>Application site</b>          | Land To The South Of Middleton Clean Energy Plant<br>Middleton Road<br>Middleton<br>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 0.47 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 a battery storage facility through planning application 22/00839/FUL. This current application is a Section 73 variation of condition application which seeks to vary condition 2 (approved drawings) attached to permission

22/00839/FUL in order to vary the site layout and design. These proposals relate to the type and design of the battery storage units, the layout of infrastructure within the site, alterations to the internal road layout to reflect the revised site layout and alterations to the drainage basin. The extent of the site remains the same.

### 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:

### 4.0 Consultation Responses

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

| Consultee                                    | Response   |
|--|--|
| Fire Safety Officer                          | No response received.  |
| Middleton Parish Council                     | No response received.  |
| United Utilities                             | No response received.  |
| EDF  | No response received.  |
| Greater Manchester Ecology Unit              | Considers the revised pond design to be overly engineered and of less ecological value.                    |
| Wildlife Trust                               | No response received.  |
| County Highways                              | No objection.  |
| Environmental Health Officer                 | No objection.  |
| Lancashire County Council Resilience Service | No response received.  |
| Natural England                              | No response received.  |
| Office of Nuclear Regulation                 | The proposed development does not present a significant external hazard to the safety of the nuclear site. |
| 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 22/00358/VCN, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Design, landscape and visual impact
- Fire Safety
- 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 battery containers and associated infrastructure will predominantly occupy the eastern half of the site enabling the western area of the site to remain open. The battery storage units now proposed remain relatively low with a maximum height of approximately 2.65 metres, which is the same as the previously approved structures. Other associated infrastructure such as transformers and inverters are to be sited adjacent to each row of battery storage units. 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 **Fire Safety** (National Planning Policy Framework Section 8 Promoting health and safe communities, Section 12 Achieving well-designed and beautiful places and Review of the Development Management DPD policies DM29 (Key Design Principles).)

5.3.1 The recent NPPG guidance relating to battery energy storage systems encourages early engagement between developers and relevant fire and rescue services. It also advocates the guidance produced by the National Fire Chiefs Council when developing such a scheme.

5.3.2 Consultation between the developer and the Lancashire Fire and Rescue Service (LFRS) has been undertaken. The revised site layout and separation distances seeks to incorporate guidance set out in relevant fire regulations which aim to mitigate the risk of fire propagation. The developer has committed to continuing to work with the LFRS and United Utilities as the detailed design stage progresses. It is considered reasonable to incorporate a new planning condition within the planning permission to require the preparation of a final risk reduction strategy which can be undertaken in consultation with the LFRS, this has been agreed with the developer. The strategy is to include details of those measures set out within the LFRS consultation response to this application. This is also consistent with the approach taken by the Planning Inspectorate in respect of a recent planning appeal decision.

5.4 **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).)

5.4.1 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.

5.4.2 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.

5.4.3 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 has also now been satisfied. The relevant conditions can be updated to reflect the approved details accordingly.

5.4.4 The adjustment of the pond drainage basin is acceptable in principle, however, relative to that approved through 22/00839/FUL, the currently proposed pond is now smaller and appears much more engineered in form. This will have implications with respect to the ecological value of the pond over the long term. Whilst the pond is to form a functioning part of the sites drainage system, its design also needs to be guided by the ecological details set out in the Preliminary Ecological Appraisal by Landscape Ecology Limited and submitted as part of 22/00839/FUL. The developer has stated that they are committed to delivering a drainage basin which both serves the drainage needs of the development but provides ecological enhancement. The detailed drainage strategy for site is yet to be finalised, for that reason the developer has requested that the final details of the pond also be conditioned. This is considered a reasonable approach and therefore a new condition requiring approval of final details of the pond, particularly its ecological composition, is recommended.

5.4.5 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.

5.5 **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).)

5.5.1 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 access gates as, 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 of specification and layout of the battery storage units and associated infrastructure, and the position of internal access tracks and access gates. 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 drainage strategy   | Pre-commencement                  |
| 6             | Standard contaminated land condition  | Pre-commencement                  |
| 7             | 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 |
| 8             | Details of external lighting  | Prior to development above ground |

|    |  |  |
|----|--|--|
| 9  | Soft landscaping scheme                          | Prior to development above ground                          |
| 10 | Risk reduction strategy                          | Prior to installation of battery units                     |
| 11 | Details and installation of road upgrades        | Prior to development above ground/prior to first operation |
| 12 | CEMP   | Control  |
| 13 | Control of invasive species                      | Control  |
| 14 | 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