

Agenda Item	A9
Application Number	22/00358/VCN
Proposal	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)
Application site	Middleton Clean Energy Plant Middleton Road Middleton Lancashire
Applicant	Ms Donna Cooper
Agent	
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval

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 0.48 hectares of mainly rough ground with areas of tipped material upon which 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. It is also within the middle zone in relation to Heysham Power Station and a public sewer crosses the site. Adjacent to the eastern boundary of the site is Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west to the site and forms Middleton Nature Reserve and has some public access. The site was included within the adjacent employment allocation when the Strategic Policies and Land Allocation Document was adopted in 2020 but was previously within an area allocated as Middleton Wood in the saved Local Plan. 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) and Ramsar Site.

2.0 Proposal

- 2.1 Planning permission was granted in January 2020 for the erection of a facility for the battery storage of electricity, which would have a capacity up to 49.9MW. The energy would be taken from the national grid at times of low demand and then returned at times of high demand. The proposal included the siting of transformers and batteries, in addition to access roads, parking and an attenuation pond. A subsequent non-material amendment was approved to increase the capacity to 99.95MW.

2.2 The current application seeks to vary conditions on the original permission to vary the layout and type of battery unit. The battery storage units are still proposed to be arranged in three rows, separated by access roads, with a reed bed and attenuation pond at the southern end of the site. However, each row is proposed to have 10 units rather than 7 and these are smaller than previously approved. There is also a reduction in the amount of associated equipment. The extent of the site remains the same as does the height and positioning of the boundary fencing.

2.3 The applicant has confirmed that the reason for the proposed changes are due to developments in the large scale energy storage market, with more advanced and higher capacity equipment becoming available all the time. There was some concern that the development relied on land outside the site to deliver some of the associated infrastructure. However, the applicant has confirmed that the scheme can be developed in isolation and operated independently of any future applications as it is possible to connect the scheme to the grid with any additional required infrastructure being provided by the District Network Operator. It is, however, more cost effective to operate the consented project in tandem with the proposed second phase to the south, part of which would consist of an independent substation. It is the applicant's intention to proceed with this second phase and it is anticipated that a planning application for this will be submitted before the summer.

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
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
Parish Council	No comments received.
Environmental Health	No comments received.
County Highways	No objections.
Natural England	No comments to make.
Lancashire Wildlife Trust	No comments received.
Emergency Planning	No comments received.
Office of Nuclear Regulation	No objection subject to the developer liaising with EDF Energy Nuclear Generation Limited in relation to the potential external hazards the proposed development poses to Heysham 1 and Heysham 2 and vice versa.

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

5.0 Analysis

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

- Ecological Implications
- Highway Implications
- Design, landscape and visual impact
- Impacts in relation to nearby hazardous installations

5.2 **Ecological Implications (NPPF paragraphs 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure) and DM44 (Protection and Enhancement of Biodiversity)**

5.2.1 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 not have significant impacts on the designated sites.

5.2.2 The main part of the site lies adjacent to the Middleton Former Refinery Biological Heritage Site (BHS) with the proposed electricity cable route extending through this. This is also 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 a condition requiring the developer to enter into an obligation to provide a financial contribution to improve habitat for newts within the nature reserve. The permission also included a condition requiring a Construction and Environmental Management Plan to be submitted and approved prior to the commencement of development. The application does not seek to vary or remove these conditions and it is considered that the proposed changes to the scheme would not have a greater impact on ecology than was previously considered. 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.

5.3 **Highway Implications (NPPF paragraphs 104-109 (Promoting Sustainable Transport); Development Management (DM) DPD policy DM60: (Enhancing Accessibility and Transport Linkages)**

5.3.1 The proposed development will utilise an existing privately maintained 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 as part of this application and it is considered that there would not be a detrimental impact to highway safety.

5.4 **Design, landscape and visual impact (NPPF: paragraphs 126-136 (Achieving Well-Designed Places), paragraphs 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)**

5.4.1 The battery containers and associated infrastructure will occupy a similar area to the original permission (approximately 4000 sq.m) and will still be relatively low, with a maximum height of approximately 3.4 metres, slightly lower than originally approved. More units are proposed, however these will be smaller. 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.

6.0 Conclusion and Planning Balance

6.1 The application proposes some alterations to the previously approved plans, mostly comprising the change to a greater number of smaller battery storage units. 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	3 year time limit from 17 January 2020	Control
2	Approved plans	Control
3	Obligation entered into to provide contribution towards the Middleton Former Refinery Biological Heritage Site for ecology mitigation	Grampian/Pre-commencement
4	Standard contaminated land condition	Pre-commencement
5	construction environment management plan	Pre-commencement
6	control of invasive species	Pre-commencement
7	Scheme for surface water drainage	Pre-commencement
8	Details of materials: colour and finish to containers; details of fencing; and details of surfacing	Prior to development above ground
9	Details of external lighting	Prior to development above ground
10	Soft landscaping scheme	Prior to development above ground

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

In accordance with the above legislation, Officers have made the recommendation 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 recommendation has been made 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