

ICP



Planning, Design and Access Statement

Land at Cut Lane, Kirkby

Construction of a Battery Energy Storage System (BESS)

Document Control Sheet

Project Name: Kirkby BESS

Project Ref: 084

Report Title: Planning, Design and Access Statement

Date: March 2025

Client: EDF Renewables

Originator	Checked	Version	Date Issued	Status
NP	ST	1		

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1 Introduction

Overview

- 1.1 IC Planning was appointed by Envams Ltd on behalf of EDF Energy Renewables Ltd ('the Applicant') to prepare a Planning, Design and Access Statement on land at Cut Lane, Kirkby (hereafter referred to as 'the Site') centred on grid reference 344585, 397577. The Site covers an area of 3.7 ha including the cable route.
- 1.2 The report has been prepared in support of an application for temporary planning permission for 40 years, for the development of a Battery Energy Storage System (BESS) (hereafter referred to as 'the Proposed Development') to be submitted to Knowsley Metropolitan Borough Council (hereafter referred to as 'the Local Planning Authority' or 'LPA').
- 1.3 The Planning, Design and Access Statement provides detailed commentary on the Site, its surroundings and any relevant planning history before providing a detailed description of the Proposed Development. A summary of relevant national and local planning policy and guidance is provided alongside an assessment of the proposal in the context of adopted planning policy and other material considerations.
- 1.4 The statement also includes consideration of design and access in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 which stipulates that a Design and Access Statement should accompany planning applications for major development proposals. The statement explains the design principles and concepts that have been applied to the Proposed Development; and how issues relating to access have been dealt with.

The Applicant – Pivoted Power LLP

- 1.5 Pivoted Power LLP is the applicant for this planning application. Pivoted Power are a wholly owned subsidiary of the EDF Renewables and is the applicant for a number of BESS proposals nationwide. This application has been prepared and led by the professional team at EDF Renewables with its consultant partners.
- 1.6 EDF Renewables is a major renewable energy company, specialising in wind power, solar power, battery storage, green hydrogen and electric vehicle power infrastructure technology. The company aims to maximise opportunities to reduce the impact of climate change through its energy projects.

- 1.7 Currently EDF has 24 separate energy projects operating across England contributing 470 MW of electricity to the country's renewable energy supply. Beyond this existing supply the company has ambitious plans to deliver a further over 2.5 gigawatts (2500 MW) of energy projects, including this Proposed Development, over the short to medium term.
- 1.8 EDF Renewables is one of the few companies that develops, builds, operates and maintains its renewable energy projects over their lifetime. This approach ensures that it develops long-term positive relationships with the communities and local authorities it works within. The company's projects seek to make a positive contribution both nationally in terms of the energy produced but also locally by being a good neighbour.

The Need for Battery Storage

- 1.9 Battery storage is a proven, cost-effective technology that provides the system-level flexibility needed to integrate more renewable generation and future-proof the country's electricity system.
- 1.10 Battery storage is essential to help the UK achieve net zero for power generation by 2035 by creating an electricity system that is clean, affordable and secure. As well as storing power generated by renewable sources, batteries improve the resilience of the electricity system. By storing energy from renewable sources, which can then be used when it's most needed, the electricity system operates more efficiently, reducing the risk of blackouts.
- 1.11 Battery storage solutions have four major benefits that relate to supporting the increased development of renewable energy and strengthening the existing electricity grid:
- **Allowing more renewable energy generation** - Batteries help to manage variations in renewable generation, storing surplus electricity when wind and solar power are plentiful, and releasing it when there is a shortfall.
 - **Increased system resiliency** - Batteries respond rapidly to sudden changes in electricity supply and demand, acting as a 'first line of defence' to keep the energy system stable.
 - **Balancing electricity supply and demand** - To keep power supplies flowing, electricity supply and demand must always be equal, or 'balanced'. Batteries are highly flexible assets which charge, or discharge as needed to ensure balance.
 - **Future-proofing the electricity system** – The electricity supply of the country has changed significantly over the last 10 years with a major move away from the fossil fuel power sources

to more renewable ones. It is likely as renewable energy projects and technologies continue to progress and develop and the remaining fossil fuel sources continue to be phased out, that further significant changes will occur. Battery storage schemes will help to ensure that the energy system is as flexible as it needs to be to accommodate necessary changes.

- 1.12 The above-mentioned benefits have been recognised in multiple government reports¹ and Inspectors appeal decisions as measures that will allow the UK's energy sector to react and accommodate the rapid changes needed to tackle climate change.
- 1.13 It is now recognised by decision makers that the benefits secured by BESS schemes must now be given weight in the planning balance. For example, in the decision relating to a BESS scheme near Dudley² from July 2024, the Inspector in their assessment of the weight that should be given to the aforementioned benefits of BESS schemes stated *"As a result I give significant weight to these benefits of energy security, flexibility and the contribution to achieving net zero."* Secondly, in the case of a BESS scheme in Staffordshire³ from June 2024 where the Inspector noted in their assessment that *"I have regard to the Government's intentions to move away from a fossil fuels centred energy network to more low carbon and renewable energy sources. This requires an increase in not only the infrastructure to supply such energy but also to provide storage facilities to even out energy supply to meet demand more flexibly and efficiently. This proposal would provide some of that required infrastructure and therefore, in accordance with national policy, I attribute considerable weight to this."*
- 1.14 It is therefore evident that Inspectors are recognising that there are clear benefits resulting from the development of BESS schemes and that this must be reflected in the planning balance when assessing such schemes.
- 1.15 At the recent UN Climate Change Conference, the COP29 Global Energy Storage and Grids Pledge was launched which committed to a collective goal between the countries to deploy 1,500 GW of energy storage globally by 2030 in order to support the shift to renewable energy production and tackle climate change. This is an ambitious target that equates to six times the global capacity in 2022. The UK Government was one of the significant backers of this pledge. National policy makers and local decision makers should continue to support proposals like the Kirkby BESS scheme, in order to meet

¹<https://www.gov.uk/government/publications/uk-battery-strategy>

² Appeal reference APP/C4615/W/24/3341383 - Lowlands Farm, Illey Lane, Halesowen B62 0HJ

³ Appeal Ref: APP/B3438/W/23/3335922 - Land off Armshead Road, Werrington, Stoke-on-Trent

this target⁴. This global commitment highlights the vital and central role that BESS schemes must play in achieving the long-term transition to widespread renewable energy generation and usage.

1.16 The policy message across the interlinked sectors of climate change and energy supply is unambiguous and clear. The nation's power supply needs to move ever more towards more renewable energy supplies, whilst also ensuring that the existing grid networks can adapt to these new forms of energy generation.

1.17 BESS schemes such as the Proposed Development are essential to meeting those objectives and are wholly consistent with the Labour government's aims for the energy sector and the wider economy its supports.

Application Submission

1.18 In accordance with the Council's local validation checklist and pre application discussions, the application comprises the following submission documents which should be read in conjunction with this statement:

Table 1.1 – Application documents

Document	Prepared by
<i>Planning Statement</i>	<i>IC Planning</i>
<i>Landscape and Visual Impact Assessment</i>	<i>Envams</i>
<i>Ecological Impact Assessment</i>	<i>SLR Consulting</i>
<i>BNG Assessment</i>	<i>SLR Consulting</i>
<i>Historic Environment Desk Based Assessment</i>	<i>Wessex Archaeology</i>
<i>Noise Impact Assessment</i>	<i>SLR Consulting</i>
<i>Sustainable Urban Drainage System (SuDS) Strategy</i>	<i>Raincloud Consulting</i>
<i>Flood Risk Assessment</i>	<i>Raincloud Consulting</i>
<i>Transport Statement</i>	<i>Systra</i>
<i>Construction Traffic Management Plan</i>	<i>Systra</i>
<i>Phase 1 Desk Study Report</i>	<i>CGL</i>
<i>Battery Safety Management Plan</i>	<i>Envams</i>

⁴<https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/energy-transition/111524-cop29-energy-storage-and-power-grids-pledge-gets-launched-to-support-renewables-target>

- 1.19 A comprehensive package of plans and drawings prepared by EDF Renewables is also included with the application as summarised as follows:

Table 1.2 – Application Drawings

Submitted Plan	Drawing No.
<i>Location Plan</i>	<i>KIR-EDFR-BESS-LAND-PLN-150.05</i>
<i>Site Layout Plan</i>	<i>KIR-EDFR-BESS-CIV-PLN-300.03</i>
<i>Site Elevations</i>	<i>KIR-EDFR-BESS-ARC-DRG-350.00</i>
<i>Site Elevations (with fencing shown)</i>	<i>KIR-EDFR-BESS-ARC-DRG-351.00</i>
<i>Spares Container</i>	<i>KIR-EDFR-BESS-ARC-DRG-362.00</i>
<i>PCS & Transformer Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-360.00</i>
<i>Battery Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-361.00</i>
<i>DNO Incomer Substation Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-363.00</i>
<i>Fencing, Gate and CCTV Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-364.00</i>
<i>BESS 33kV Switch Room Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-365.00</i>
<i>Auxiliary & Earthing Transformer Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-366.00</i>
<i>LV Auxiliary, Switch Room, Control Room & Welfare Unit Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-367.00</i>
<i>EV Charge Point Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-368.00</i>
<i>Water Tank Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-369.00</i>
<i>Harmonic Filter Arrangement</i>	<i>KIR-EDFR-BESS-ARC-DRG-370.00</i>
<i>Cable Route Plan</i>	<i>KIR-EDFR-BESS-CIV-PLN-260.01</i>
<i>Landscape Mitigation and Enhancement Plan</i>	<i>N/A</i>

2 Site Context

Site Description

- 2.1 The Site is located on land approximately 1km east of Knowsley Industrial Estate which is on the eastern edge of Kirkby. Access is directly off Cut Lane which runs east-west approximately 125 m to the south. The surrounding land is primarily arable agricultural land divided into irregular shaped fields by hedgerows and treelines.
- 2.2 Close connection to the National Grid is provided via the existing substation located approximately 630m to the south west of the Site. The cable route linking the Proposed Development to this substation is included within the red line boundary as shown on the submitted Location Plan (drawing no. KIR-EDFR-BESS-LAND-PLN-150.01).

Fig. 1 – Aerial Site Plan



Designations

- 2.3 The Site is within the designated Green Belt which begins on the eastern edge of Kirkby and extends approximately 1.2km to the east of the Site. There are also ecological designations in the surrounding area by way of the mosslands approximately 650m to the north east. This area is designated as a Local Wildlife Site. Knowsley Park which is also a Local Wildlife Site and a grade II Registered Park and Garden

is located approximately 850m to the south. There are no other designated heritage assets in the surrounding area.

- 2.4 According to the Flood Risk Map for Planning, the Site is wholly within Flood Zone 1, except for a very small section of the cable route which will run underground through Flood Zones 2 and 3.

Access

- 2.5 Access to the site is via a private track running from Cut Lane to the south. The Strategic Road Network is also close by, with the A580 East Lancashire Road running parallel to Cut Lane and accessible via Hewitts Lane approximately 430 m to the south west of the Site. The A580 then runs onto the M57 3.5km to the west and the M6 13km to east of the Site.

Planning History

- 2.6 There is extensive planning history which relates more so to the wider site than the specific area subject to this application. Details of the relevant applications are outlined in Table 2.1 below:

Table 2.1 –Planning History

Reference Number	Description of Development	Decision and Date
24/00236/FUL	<i>Retrospective Application Allowing for the Construction of an access ramp to allow access into the previously approved lake bed (15/00344/FUL) and subsequent backfilling and the retrospective construction of a sump area to the north of the site to control surface waters during the construction of the lake, and backfilling with associated landscaping</i>	<i>Withdrawn – 05.02.2025</i>
24/00142/SO	<i>Screening Opinion for proposed battery energy storage system (BESS) and associated infrastructure</i>	<i>Not EIA Development – 16.05.2024</i>
15/00414/FUL	<i>Conversion of existing agricultural barn for use as an indoor riding facility including installation of external cladding, together with erection of single storey extension to provide 7no stables, office and WC</i>	<i>Granted - 04.09.2015</i>
15/00344/FUL	<i>Construction of a fishing lake for recreational use together with associated works.</i>	<i>Granted – 03.08.2015</i>

01/00632/FUL	erection of 1 no livestock building, 8 no polytunnels and caravan for temporary residence	Granted – 08.08.2002
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Pre-application submission – 23/00036/PREAPP

- 2.7 A pre-application enquiry was submitted to the LPA in July 2023 relating to the Proposed Development with a response received in March 2024. Feedback received related mainly to the need to demonstrate ‘very special circumstances’ owing to the Site being within the Green Belt. Furthermore, it was clear that one of the other main determining issues on this occasion will be the visual impact of the Proposed Development, however, both the Council agreed that significant effects were unlikely and therefore a Landscape Visual Appraisal (‘LVA’) was considered to be a proportionate approach. This advice has been followed and an LVA is included with the application which is discussed in more detail in sections 5 and 6.
- 2.8 Responses from consultees generally did not raise any fundamental issues with the proposal but rather related to the technical assessments that would be required to address matters such as noise impact, fire risk, ground conditions and biodiversity net gain. This advice has informed the suite of technical assessments which are submitted as part of the planning application.

Statement of Community Involvement

- 2.9 As part of the pre application consultation, the applicant has been proactive in ensuring that surrounding residents and third parties are kept informed of the Proposed Development and inviting them to relay any concerns or general comments they may have.
- 2.10 Firstly, all residents and businesses within the area shown in Figure 2 below were written to directly to inform them of the Proposed Development and how they could get involved. To compliment this process and also ensure other third parties could find out details of the Proposed Development, including FAQs, a dedicated website for the project was set up. This can be found at <https://www.edf-re.uk/our-sites/kirkby>.
- 2.11 Finally, to keep local Councillors informed, a briefing note was shared with them which gave an overview of the Proposed Development as well as some general information on BESS.

Figure 2 - Properties to which written notification of the Proposed Development was sent



3 Proposed Development

Application Proposal

3.1 The Proposed Development is for a BESS scheme, the layout of which is shown on the accompanying Site Layout Plan (drawing no.: KIR-EDFR-BESS-CIV-PLN-300.03). To summarise, it comprises the following:

- BESS storage containers;
- BESS switchgear;
- Control room;
- LV auxiliary switch room;
- Auxiliary transformer;
- Earthing transformer;
- Perimeter fence including double leaf entrance gate;
- A 4m access track;
- Spares container;
- Welfare facilities; and
- 2no. EV parking spaces.

Equipment

- 3.2 The main component of the BESS will be the battery units which are kept in purpose-built battery storage containers.
- 3.3 Each battery will feed into a transformer and Power Conversion System (PCS) which will convert the supply between the Direct Current (DC) from the battery and alternating current (AC) from the National Grid and the transformer would step-up or step-down the voltage of the supply as required for either transmission or storage depending upon the National Grid's requirement at the time.
- 3.4 To support and manage the electrical flows to and from the site from the National Grid there will be a 33 kV switchgear in place.

Security

- 3.9 Once operational the BESS would be unmanned but monitored by CCTV cameras. The main battery storage compound would be enclosed by a perimeter fence. This will be 2.75 m high perimeter fence

along the northern and western sides and a 3.5 m acoustic fence along the southern and eastern sides which face the nearest dwellings. There will be two 2.75 m high gates, one in the southeastern corner as a main access point and one on the western side as a second access for emergency vehicles.

- 3.10 Lighting on the site would be kept to a minimum. The site would not be permanently lit and any lighting would be controlled by motion sensors.

Construction

- 3.16 The overall construction period is anticipated to take 14 months but this period does not include site preparation work, access, energisation or commissioning. It is anticipated that a temporary compound will be needed during construction, the location of which is marked on the proposed Site Layout Plan (drawing no. KIR-EDFR-BESS-CIV-PLN-300.03).

4 Planning Policy Context

Decision Taking

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 states that where an application is made to a local planning authority for planning permission, the authority shall have regard to the provisions of the development plan, so far as material to the application. The development plan in this instance includes the Knowsley Core Strategy ('KCS') which was adopted in January 2016, alongside a limited number of 'saved policies' from the Knowsley Unitary Development Plan ('KUDP') which was adopted in June 2006. Finally, The Joint Merseyside and Halton Waste Local Plan ('MHWLP') also forms part of the development plan and is considered partially relevant to the Proposed Development.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2024 ('NPPF') and any relevant Supplementary Planning Documents (SPDs) are a material consideration.

National Planning Policy Framework (December 2024)

- 4.3 In December 2024 the Government published an updated version of the NPPF. The NPPF sets out the Government's overarching policy framework for planning and is a material consideration in the determination of applications. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.4 To achieve sustainable development, the NPPF states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 4.5 Paragraph 11 of the NPPF sets out a 'presumption in favour of sustainable development', which for decision-taking means *"approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits..."*
- 4.6 Paragraph 39 of the NPPF is clear that *"Local planning authorities should approach decisions on proposed development in a positive and creative way"*. In accordance with the presumption in favour of sustainable development, LPAs should *"work proactively with applicants to secure developments*

that will improve the economic, social and environmental conditions of the area... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

4.7 As stated in Section 1 of this submission, the Proposed Development is needed to support the National Grid in managing the fluctuations which naturally occur as part of the generation of renewable energy. BESS projects such as this will allow the more widespread use of renewable energy, removing those fluctuations in supply and providing a system that can in turn use that green energy as and when its needed. The proposed development is wholly consistent with the aims of achieving sustainable development.

4.8 Section 13 of the NPPF relates to the Green Belt. Paragraph 143 outlines that the Green Belt serves five purposes which are as follows:

“a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

4.9 For proposals within the Green Belt, paragraph 153 states: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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.”*

4.10 However, also relevant is paragraph 155 which was significantly updated in the December 2024 NPPF, which states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. There is a demonstrable unmet need for the type of development proposed;*
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*
- 4.11 Paragraph 161 of the NPPF sets out that *“The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*
- 4.12 Paragraph 168 of the NPPF goes on to state that when determining planning applications for *“all forms of renewable and low carbon energy development and their associated infrastructure”* local planning authorities should *“not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.”*
- 4.13 Paragraph 187 of the NPPF sets out that *“planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes... recognising the intrinsic character and beauty of the countryside.”* Similarly, paragraph 185 of the NPPF states that *“decisions should ensure that the new development is appropriate for its location taking into account likely effects.”*
- 4.14 Overall, the development proposals are consistent with the aims and objectives of the NPPF set out above.

Overarching National Policy Statement for Energy (EN-1) (November 2023)

- 4.15 This National Policy Statement (NPS) sets out national policy for the energy infrastructure and may be a material consideration in making decisions on planning applications under the 1990 Town and Country Planning Act.

- 4.16 Section 2 of this document sets out the importance of the production of energy and getting it to where it is needed on both a local and national scale.
- 4.17 Section 2.3 of the NPS addresses the UK's aim for reaching net zero. Stating that the objectives for energy systems are to ensure the supply of energy always remains secure, reliable, affordable, and consistent with meeting targets to cut greenhouse gas emissions to be net zero by 2050.
- 4.18 EN-1 paragraph 3.3.4 further highlights the need for electricity storage to be part of the electricity infrastructure that comes forward, stating *"There are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these objectives in isolation."*
- 4.19 Paragraph 3.3.6 to further reiterate the benefits that energy storage schemes can deliver, stating *"Storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside demand side response (up to £12bn per year by 2050)."*

UK Battery Storage (November 2023)

- 4.20 The Department for Business and Trade have published this report which sets out the aims and objectives for the future of Batteries and Energy within the UK. The vision being that by 2030 the UK will have a globally competitive battery supply chain that supports economic prosperity and the net zero transition.
- 4.21 The document states that *"Batteries will enable us to use energy in a more flexible way that supports decarbonisation goals by helping to balance the system, maximise the usable output from renewable energy, and avoid the need for new generation capacity."* Both The Faraday Institution and BloombergNEF estimate that BESS could provide 10-20GW of capacity to the UK grid by 2030, and 30-50GW by 2050.

Planning Practice Guidance

Renewable and Low Carbon Energy – August 2023 update

- 4.22 The PPG contains up to date advice on how BESS projects should be assessed. The guidance acknowledges the electricity storage can enable the country to use energy more flexibly and de-

carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.

Climate Change - 2019

4.23 This PPG, which addresses climate change, is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking. The guidance sets out that local authorities should adopt proactive strategies to mitigate and adapt to climate change, in accordance with the Climate Change Act 2008 with its target to reduce greenhouse gas emissions.

4.24 The guidance also sets out that local authorities can use strategies within their local plans to mitigate climate change for example by providing opportunities for renewable and low carbon energy technologies.

Clean Power 2030 Action Plan (December 2024)

4.25 In December 2024 the Government published the ‘Clean Power 2030 Action Plan: A new era of clean electricity’ which outlines how the Government’s target of ensuring that by 2030, Great Britain will produce at least as much power as it consumes in total over the year through clean energy sources in order to drastically reduce fossil fuel dependency in the strive for reaching net zero by 2050.

4.26 In the action plan it is stated that to do so, the country will require, alongside the energy generation infrastructure, 23-27 GW of battery capacity for energy storage to improve the flexibility of the electricity system. It pledges a “once-in-a-generation” energy investment to achieve this, alongside planning reforms to facilitate what it calls “2030 critical projects”, including battery storage schemes.

4.27 This latest publication further underlines the step change in direct Government action to ensure that the means are in place to implement proposals for development such as that put forward in this instance as a result of their importance in meeting national targets.

Knowsley Net Zero Targets

4.28 Knowsley Metropolitan Borough Council declared a climate emergency in January 2020. The Climate Emergency Declaration related to two specific areas: the Council’s estates and services and actions Knowsley can take to reduce carbon emissions in the wider community and at a Liverpool City Region level. A Climate Emergency Action Plan was subsequently published focusing on the former.

4.29 However, the Liverpool City Region have also published a ‘Pathway to Net Zero’ document which sets out the aim to have electricity supply to be virtually zero carbon by 2035. It recognises that an upgrade

of energy supply systems will be needed to ensure that renewable energy will be available when it is needed. BESS development like the proposed application will be a key aspect of this.

The Development Plan

- 4.30 The development plan is the starting point for considering planning applications. As set out above, the development plan on this occasion is made up of the KCS and ‘saved policies’ from the KUDP. There are also policies within the JMHWLP which are considered relevant to the Proposed Development. Extracts of the relevant policies are provided below with comments specifically identifying how the requirements of the policies are met in this instance.

Table 4.1 – Relevant KCS Policies

Policy Reference	Policy Extract and assessment
<i>Policy SD1 - Sustainable Development</i>	1) When considering development proposals, a positive approach will be taken, which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Work will be undertaken proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. 2) Planning applications that accord with the policies in this Local Plan (and any relevant policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. The Proposed Development complies with all relevant Local Plan policies as well as the NPPF and as a demonstrably sustainable development should benefit from the presumption in favour set out above.
<i>Policy CS2 - Development Principles</i>	1) New development in Knowsley and the preparation of subsequent stages of the Local Plan will be expected to support the following development principles: Principle 2: Reduce carbon emissions and adapt to the effects of climate change by: a) Contributing to reductions in carbon dioxide emissions from all sources, in line with national targets; b) Ensuring an ability to adapt to future changes to national targets for carbon dioxide and other greenhouse gas emissions, including recognising the role of new technology; c) Identifying and applying measures offering effective mitigation and adaptation to likely

environmental, social and economic impacts of climate change; and d) Meeting appropriate minimum standards for sustainability.

Principle 4: *Recognise environmental limits, protect and enhance environmental assets, enhance local character and promote quality of place by: a) Understanding and respecting the character and distinctiveness of places and landscapes; b) Protecting and enhancing the historic environment; c) Promoting good quality design and ensuring that development respects its setting taking into account relevant design requirements, and best practice; d) Maximising opportunities for the regeneration of previously developed land, including derelict or unsightly areas to improve the image of Knowsley and use land resources efficiently; e) Mitigating potential negative impacts of traffic growth and road traffic on highway safety, air quality, noise and health; f) Supporting policies relating to Green Infrastructure and the greening of towns and cities; g) Maintaining or enhancing the tranquillity of open countryside and rural areas; h) Maintaining or enhancing the quantity and quality of biodiversity and habitats, including potential impacts on nationally and internationally important sites for biodiversity; i) Addressing any issues of unstable land, resulting from Knowsley's legacy of minerals extraction; and j) Minimising negative impact upon flood risk, air quality, water quality, land quality, soil quality, and noise or vibration levels and ensuring any negative impacts are appropriately mitigated. Development that will have an unacceptable impact upon any of the above will only be permitted where the benefits of the proposal clearly outweigh the harm.*

Principle 5: *Make the most efficient use of available resources and infrastructure by prioritising locations consistent with the spatial strategy, which: a) Do not require major investment in new infrastructure, including transport, water supply and sewerage, or where this is unavoidable, incorporate appropriate development phasing and delivery assistance; b) Ensure environmental protection is enhanced through the phasing of new development and delivery of supporting infrastructure, including working with neighbouring authorities and key partner agencies where appropriate; c) Support prudent and efficient management of natural and man-made resources; and d) Promote sustainable construction and efficiency in resource use (including reuse and recycling of materials).*

	The Proposed Development has clear benefits in terms of reducing carbon emissions and therefore is directly in line with Principle 2 outlined above. The suite of technical assessments demonstrate that it will have an acceptable environmental impact and therefore complies with Principle 4. Finally, there will be no requirement for new infrastructure to serve the proposed development and sustainable construction techniques will be implemented as far as possible. Principle 5 is therefore met.
Policy CS5 - Green Belt	<i>New Development in the Green Belt</i> <i>1) Inappropriate development will not be permitted in the Green Belt except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations.</i> The Green Belt Assessment in Section 6 below demonstrates that ‘very special circumstances’ exist to outweigh the minimal harm to the Green Belt that will result from the Proposed Development.
Policy CS7 - Transport Networks	<i>Overall Transport Strategy</i> <i>1) Planning powers and other interventions will be used to support a sustainable and integrated transport system that will:</i> <i>a) Support the economy by facilitating efficient movement of people and goods within the borough and linking to Liverpool City Centre, the Port of Liverpool, Liverpool John Lennon Airport and other destinations in the surrounding area;</i> <i>b) Help meet the development needs of the borough through to 2028;</i> <i>c) Ensure people can get to where they need to by a choice of walking, cycling and public transport;</i> <i>d) Enhance road safety;</i> <i>e) Seek to reduce carbon emissions; and</i> <i>f) Improve the health and wellbeing of local people</i> The Transport Statement prepared by Systra that is part of the application demonstrates that there will be no detrimental impact on road safety. The transport impacts of the development will be minimal.
	<i>Approach to Green Infrastructure and New Development</i>

<i>Policy CS8 - Green Infrastructure</i>	<i>6) New development must be served by Green Infrastructure to meet the needs of residents and the local environment, in a manner which will:</i> <i>a) Contribute to the creation of a high quality residential environment;</i> <i>b) Provide access to high quality open space for leisure and recreational purposes;</i> <i>c) Seek to protect, maintain and where possible enhance biodiversity within and around new developments according to their designation and significance to provide space for nature; and</i> <i>d) Provide adequate mitigation and/or, as a last resort, compensation for Green Infrastructure or biodiversity loss, in circumstances where harm resulting from the development is otherwise unavoidable.</i> The Proposed Development will enhance biodiversity within the Site in line with The Environment Act. No harm will arise to protected species as shown in the accompanying Ecological Impact Assessment prepared by SLR Consulting.
<i>Policy CS19 – Design Quality and Accessibility in New Development</i>	<i>1) To enhance the local distinctiveness, identity and accessibility of places, new development within Knowsley will be expected to:</i> <i>a) Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;</i> <i>b) Complement and enhance (where possible), existing landscape, topography, Green Infrastructure; and features of local importance and historic interest;</i> <i>c) Consider provision of landmark buildings and additional detailing at and adjacent to main gateways, movement corridors, town centres and strategic regeneration opportunities;</i> <i>2) To maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to:</i> <i>a) Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers;</i> <i>b) Minimise crime, fear of crime and anti-social behaviour, including good levels of natural surveillance and security; and</i> <i>c) Accommodate future maintenance and long term management requirements.</i>

	3) To address the challenges of climate change and future changes in social, economic and environmental priorities, new development should integrate: a) Sustainable design principles, with regard to Policy CS17: Housing Sizes and Design Standards and Policy CS22: Sustainable and Low Carbon Development as appropriate; b) Biodiversity (in accordance with Policy CS8); c) Flood risk mitigation (in accordance with Policy CS24); d) Waste recycling; and e) Energy and resource efficiency. The scale and layout of the proposed infrastructure is suitable for the surroundings and the Noise Impact Assessment prepared by SLR Consulting submitted with the application demonstrates that there will be no detrimental impact on the living conditions of surrounding residents. The development is inherently addresses the challenges of climate change and sustainable design principles. Finally, it has also been demonstrated that there will be a net gain in biodiversity achieved as part of the development.
Policy CS22 – Sustainable and Low Carbon Development	<i>Sustainable Construction Principles</i> 1) New development will be required to meet high standards of sustainable design and construction and minimise carbon emissions. This should be achieved by: a) Designing new buildings for flexible uses throughout their lifetime; b) Avoiding the creation of adverse local climate conditions by using natural systems to avoid internal overheating and excessive heat generation; c) Ensuring developments are comfortable and safe for users; d) Making the most effective and sustainable use of water, aggregates and other resources; e) Limiting energy use by incorporating high standards of insulation, heat retention, natural ventilation and passive solar techniques; f) Landscaping (including measures such as green walls or roofs) to create shelter and reduce any heat island effect; g) Using sustainable materials from local suppliers where possible; h) Supplying energy efficiently and incorporating decentralised energy systems, using renewable and low carbon energy where feasible;

	<i>i) Managing flood risk, including through the use of Sustainable Drainage Systems (SuDS) and flood resilient design for infrastructure and property; and</i> <i>j) Promoting sustainable waste practices in new and existing developments.</i> The Proposed Development will by definition be an example of a scheme that improves energy efficiency and supply. It has been informed by technical assessment such as a Landscape Visual Assessment prepared by Liz Bowman Landscape Architect and SuDS Strategy prepared by Raincloud Consulting which ensures that it incorporates adequate landscaping and manages flood risk in a sustainable way to ensure the requirements of policy CS22 are met.
<i>Policy CS23 – Renewable and Low Carbon Infrastructure</i>	<i>Renewable and Low Carbon Infrastructure</i> <i>1) The Council will support proposals that will produce and distribute decentralised, low carbon and renewable energy, provided that they do not cause significant harm (in terms of their number, scale, siting or cumulative impacts) to:</i> <i>a) Natural resources, biodiversity, geodiversity, water and air quality and, landscape character;</i> <i>b) Aviation and transport safety;</i> <i>c) Historical and cultural assets;</i> <i>d) Public amenity and living conditions; or</i> <i>e) Openness and amenity of the Green Belt, except in very special circumstances.</i> <i>2) Proposals must be accompanied by information that shows how the local environment will be protected, and how the site will be restored when energy production ends. Proposals resulting in an unacceptable impact must be mitigated by appropriate measures agreed by the Council.</i> The Proposed Development is a direct example of a proposal that will help the distribution of a low carbon and renewable energy. It has also been demonstrated that the development will not cause harm in any of the ways mentioned through the suite of accompanying technical assessments and reports.

Table 4.2 – Relevant saved KUDP policies

Policy Reference	Policy Extract and assessment
Policy ENV5 – Contaminated Land	1. New development will not be permitted if there is existing contamination on the site which could, as a result of the proposed development, place the occupiers or users of the development, ecological systems, the water environment or surrounding land uses at unacceptable risk. 2. Where there is evidence that a site may be unacceptably affected by contamination, proposals shall be accompanied by a site investigation report and schedule of remedial measures. 3. Where remedial measures are necessary then a verification report must be submitted before the development is brought into use to demonstrate that remedial work has been satisfactorily completed. 4. Where ongoing monitoring and risk assessment are necessary, reports must be submitted to the Council on an agreed basis. The developer must undertake any further investigations or remedial measures which the risk assessment shows to be required. A Phase 1 Assessment has been undertaken to ascertain the likelihood of land contamination been present within the Site and mitigation measures needed.

Table 4.3 – Relevant JMHWLP policies

Policy Reference	Policy Extract and assessment
Policy WM8 – Prevention and resource management	Waste Prevention and Resource Management Any development involving demolition and/or construction must implement measures to achieve the efficient use of resources, taking particular account of: Construction and demolition methods that minimise waste production and encourage re-use and recycling materials, as far as practicable on-site; Designing out waste by using design principles and construction methods that prevent and minimise the use of resources and make

provision for the use of high-quality building materials made from recycled and secondary sources;

Use of waste audits or site waste management plans (SWMP)G , where applicable, to monitor waste minimisation, recycling, management and disposal.

Evidence demonstrating how this will be achieved must be submitted with development proposals of this type.

The construction phase of the Proposed Development will be managed by a Construction Environmental Management Plan to ensure that best practice is implemented and waste production and recycling is maximised as far as practical. This can be secured by a suitably worded planning condition should the Council deem it necessary.

Supplementary Planning Documents

- 4.31 Knowsley Metropolitan Borough Council have a number of adopted SPDs but none are considered relevant to the Proposed Development.

5 Planning Assessment

Determining Issues

5.1 Taking into account the characteristic of the Site, the nature of the Proposed Development and the planning policy context, it is considered that the key issues to be assessed in the determination of this planning application are as follows:

- Principle of Development;
- Impact on the Green Belt;
- Landscape and Visual Impact;
- Residential Amenity;
- Ecology and Biodiversity;
- Flood Risk and Drainage;
- Access and Construction Traffic Management;
- Fire Safety; and
- Heritage Issues.

Principle of Development

5.2 As set out in Section 1, BESS developments are key ancillary infrastructure for renewable energy generation, which is typically intermittent. BESS developments store surplus energy from the National Grid when supply is higher than demand and release the energy back to the National Grid when demand is higher than supply. This both prevents the need for curtailment of renewable energy developments and reduces the risk of shortfalls in energy supply and blackouts. As a consequence, it is considered that they should be assessed in the same way as other renewable energy projects such as solar farms.

5.3 This position is backed up by a recent appeal decision in East Devon District⁵ where the Inspector noted in their decision that “whilst the proposal would not generate renewable energy, it would nonetheless store power” and “battery storage is essential to help manage the use of renewables so that they can

⁵ Appeal reference APP/U1105/W/23/3319803 – The installation of a battery energy storage system with associated infrastructure and works at Pound Road, Hawkchurch, EX13 5XN

be relied upon, which supports their continued development and a low carbon future” and as a result “the proposal represents a low carbon project for the purpose of the development plan”.

- 5.4 Consequently, the Proposed Development should also be dealt with in the same way. The KCS sets out a number of principles that development must follow including reducing carbon emissions and helping to address the impact of climate change. As a renewable energy project, the Proposed Development will clearly meet this overall aim of the development plan. On this basis, it is considered that there is clear support in the KCS for the Proposed Development and therefore in principle it should be deemed acceptable.

Impact on the Green Belt

- 5.5 Notwithstanding the above, it is acknowledged that the site is in the Green Belt and therefore this becomes one of the main issues in principle. It is also acknowledged that as the Proposed Development is classed as ‘inappropriate’ for the Green Belt according to the NPPF, there exists a level of harm resulting from this inappropriateness that must be given due weight. This is something that will be explored in depth in subsequent sections of this report, however, to summarise, it is considered that the locational requirement for the Proposed Development to be sited in close proximity to the adjacent substation, as well as the considerable benefits with regards to the role it will play in the efficient use of renewable energy, the requirement to demonstrate ‘very special circumstances’ set out in local and national Green Belt policy is met.

Landscape and Visual Impact

- 5.6 One of the main development principles outlined in policy CS2 of the KCS is that development must understand and respect the character and distinctiveness of places and landscapes. The final design of the Proposed Development has been achieved by consideration of landscape and visual constraints, along with other matters. This was informed by a Landscape Visual Assessment (‘LVA’) undertaken by Liz Bowman Landscape Architect on behalf of Envams Ltd that is submitted in support of this application and should be read in conjunction with this statement. In order to maximise screening from nearby vantage points such as residential receptors, Public Rights of Way and road users to the west and north on Sandy Brow Lane, boundary planting by way of hedging and native trees are proposed, as well as the retention of the earth bund on the western boundary of the Site.
- 5.7 On this basis, the LVA concludes that there would be no notable effect on the surrounding landscape within the study area of 1.5 km. There would be a moderate adverse impact short term on the surrounding Local Character Area but this would be reduced to neutral in the medium term once the proposed landscaping outlined above began to grow. In visual terms, it is also considered that once

operational, the Proposed Development would not have any notable effects. It is acknowledged that during the construction phase of the underground cabling there would be visual effects at nearby roads such as Cut Lane and Hewitts Lane, as well as residential receptors such as Hawthorn Cottage, The Cottage and Mosside Cottage. However, this would be a temporary impact as once operational the cabling would be underground and thus when considered as a whole, the installation of the cabling would not have a notable impact.

- 5.8 Based on the above, it is considered that the Proposed Development has adequately considered the potential landscape and visual impacts which have informed the overall design and layout throughout the process. This has culminated in a scheme that will, once operational, have an acceptable impact on the surrounding landscape. Consequently, it complies with policy CS2 of the KCS.

Residential Amenity

- 5.9 Policy CS23 identifies public amenity as one of the main material considerations when assessing proposals for low carbon and renewable energy projects such as the Proposed Development. It is acknowledged that some aspects of the BESS infrastructure generates a level of noise.
- 5.10 Consequently, a Noise Impact Assessment prepared by SLR Consulting has been submitted in support of the application. As part of this assessment, a baseline noise survey was taken, with survey locations agreed prior with Knowsley Councils Environmental Health Team. A subsequent assessment of the expected noise generation from the Proposed Development in the context of these background readings shows that noise levels at almost all nearby receptors, i.e. Coopers Moss Farm, Sandy Lane Farm and Sandy Brow Cottages, would comply with standards set by the Environmental Health Team in terms of noise from the Site being 5 dB below background noise levels at these receptors. The only scenario where that is not the case is at Sandy Brow Cottages at night where noise levels are expected to exceed background levels by 5 dBA. However, at Sandy Brow Cottages, the background and rating levels are low, the change in the ambient sound level would for most of the time be imperceptible, and with an open window at night, the total cumulative ambient sound level would not exceed the World Health Organisation recommend limit of 30 dBA.
- 5.11 Consequently, it is considered that the Noise Assessment demonstrates that the Proposed Development would not give way to a level of noise that will have a detrimental impact on residential amenity and therefore the requirements of policy CS23 are met.

Ecology and Biodiversity

- 5.12 Both policies CS2 and CS8 of the KCS require development to maintain or enhance the quantity and quality of biodiversity and habitats within the district. In order to ascertain the potential direct and indirect impact of the Proposed Development on biodiversity and habitats, an Ecological Impact Assessment ('EclA') has been undertaken by SLR and is submitted as part of the application which should be read in conjunction with this statement.
- 5.13 The EclA, based on a desktop study, three site surveys and eDNA surveys of surrounding ponds to assess the likelihood of great crested newts being present, concludes that subject to standard mitigation measures being implemented both during construction and operation, it is unlikely that the Proposed Development will have a negative impact on ecological features. The part of the Site where the BESS will be installed has been assessed as being unlikely to support protected species such as bats, red squirrel and nesting birds. The installation of the cabling will require the minor loss of woodland and grassland but it is not anticipated that this includes any habitats suitable for bat roosting. Nevertheless, there may be a direct impact on nesting birds and therefore it is recommended clearance is undertaken outside bird nesting season. There are considered to be foraging habitats for badgers within the Site which may be impacted but a pre-construction survey for badgers will be undertaken to minimise this risk as far as practical. All such mitigation will be controlled through a Construction Environmental Management Plan ('CEMP').
- 5.14 The results of the aforementioned eDNA surveys suggest that there will not be a significant impact on great crested newts. The part of the Site where the BESS will be installed is remote from any waterbodies and therefore will be inconsequential in that respect. The cable route does pass within 80 m of a pond but the works within this proximity will be on areas of hardstanding and therefore a direct impact on great crested newts is not anticipated. Nevertheless, vegetation clearance near to waterbodies may impact great crested newts during their terrestrial phase and as a result another eDNA test will be undertaken prior to construction which will inform the need for a Precautionary Working Method Statement which will mitigate any risk should the presence of great crested newts be confirmed.
- 5.15 Any residual indirect ecological impacts during construction, such as through dust and pollution, will be managed through the CEMP to ensure no harm arises in this respect.
- 5.16 As a result of the above, it is considered that the Proposed Development will have an acceptable impact on ecology and protected species and therefore the requirements of policies CS2 and CS8 will be met.

- 5.17 The Environment Act 2021 requires all development to achieve at least a 10% net gain in biodiversity post-development. A BNG Report submitted as part of the application sets out that using the Statutory BNG metric, the development will achieve a 10.07% net gain in habitat units and 11.44% net gain in hedgerow units. Consequently, the requirements set out in The Environment Act will also be met.

Flood Risk and Drainage

- 5.18 Policy CS22 of the KCS relates to sustainable construction and requires, amongst other things, development to manage flood risk and incorporate sustainable drainage solutions. A Flood Risk Assessment prepared by Raincloud Consulting has been submitted as part of the application. The main part of the Site where the BESS would be located is within Flood Zone 1 and therefore the risk of fluvial flooding is by definition considered to be low. The cable route passes through Flood Zones 2 and 3 but as it will be beneath ground level, it will be unaffected by any flooding event. Consequently, the risk from that perspective is also considered to be a low. A full assessment of risks in terms of other sources has been undertaken and identified as negligible or low. On this basis, it is considered that the Proposed Development is acceptable in flood risk grounds.
- 5.19 In addition to the Flood Risk Assessment, Raincloud Consulting have also prepared a SuDS Strategy which outlines the investigations that have been undertaken and ultimately the overall drainage strategy for the Proposed Development. To summarise, infiltration testing indicated that this is not a viable surface water management option owing to ground conditions. Consequently, it is proposed that surface water will be captured via filter drains held in an attenuation tank before being discharged into a land drain on neighbouring land. This arrangement will be subject to a third-party agreement.
- 5.20 Discharge to the outfall will be controlled via a hydro-brake to ensure a suitable discharge rate of 1.8 l/s, paying heed to the detailed drainage calculations outlined in the aforementioned SuDS Strategy.
- 5.21 Finally, with regard to water used in the event of a fire, it should be noted that the attenuation volume has also incorporated adequate storage to hold two hours' worth of fire suppressant water, in line with the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems Guidance. Furthermore, the attenuation system will include a penstock on the outlet to allow it to be shut off in the event of a fire until a time when the water has been tested and deemed safe for discharge.
- 5.22 Based on the above it is considered that the proposed drainage strategy has followed the SuDS Hierarchy and therefore constitutes a sustainable approach to surface water management whilst also incorporating measures to ensure contamination from surface water cannot take place in the event of a fire.

5.23 As a result, the proposal complies with all requirements of policy CS22 of the KCS.

Access and Construction Traffic Management

5.24 Policy CS7 of the KCS requires a Transport Statement ('TS') to be submitted to demonstrate that development will not have a detrimental impact on highway safety. A TS prepared by Systra has been submitted in support of this application.

5.25 This outlines that the Site is accessible by car/HGV via a number of routes on the local road network. The roads in the surrounding area including the A5208 and the A580 are dual carriageway and therefore are suitable for construction traffic. It is important to note that vehicle movements associated with the Proposed Development, in particular HGV movements, are effectively limited to the construction phase only as once operational, visits to the Site are limited to periodic maintenance visits via car/van.

5.26 Nevertheless, it is acknowledged that the roads immediately adjacent to the Site, namely Hewitts Lane and Cut Lane, are not wide enough for HGVs to pass. As a result, construction traffic will be routed to avoid Hewitts Lane and access the Site via the A580, A5208 and Mollys Lane. That said, the use of Cut Lane cannot be avoided and therefore two passing places are proposed along this stretch of road within the road verge to the south of Cut Lane.

5.27 An assessment of the access onto Cut Lane is also outlined in the TS which demonstrates it is suitable for the largest HGVs that will be using it during construction. A banksman will also be present to ensure these movements are managed.

5.28 Based on the above it is considered that it has been adequately demonstrated that the Proposed Development will not compromise highway safety and therefore the requirements of policy CS7 are met.

Fire Safety

5.29 Although not necessarily referred to in any KCS policy, it is acknowledged that the Planning Practice Guidance⁶ requires fire safety to be considered, in particular in relation to the siting and design of the BESS and preventing thermal runaway and allowing access for emergency services. A Battery Safety Management Plan ('BSMP') has been prepared by Envams Ltd in collaboration with EDF Energy Ltd and submitted in support of this application which demonstrates how the Proposed Development will meet this requirement.

⁶ Planning Practice Guidance – Renewable and Low Carbon Energy – Paragraph ID 5-034-20230814

- 5.30 This document sets out in detail the robust measures incorporated within the design of the Proposed Development and the equipment more generally to ensure that it meets industry best standards and the National Fire Protection Association (NFPA) 855 (2023): Standard for the Installation of Stationary Energy Storage Systems.
- 5.31 The Applicant is committed to developing this project in a responsible way and have proactively engaged with the Merseyside Fire and Rescue Service to ensure that they are familiar with the technology involved and understand any concerns that they may have. We have also taken into consideration the guidance on BESS which was produced by the National Fire Chiefs Council when preparing the application.
- 5.32 The BESS includes advanced systems to minimise the likelihood a fire related incident occurring as well as measures to prevent conditions that lead to thermal runaway. In the highly unlikely event of these measures failing, there are also early detection systems in place to ensure a fast response should such an incident occur. Furthermore, there are design features such as fire-resistant materials, thermal barriers between battery storage units, and adequate separation distances to prevent the spread of fire. Finally, there are also provisions within the design for on-site water storage which will help to support emergency responders in fighting the fire.
- 5.33 A site-specific Emergency Response Plan (ERP) will be developed in conjunction with Merseyside Fire and Rescue Service. Ongoing engagement, site visits and training will be held through construction and commissioning phases of project, and ahead of commercial operation.
- 5.34 As a result of the measures incorporated into the BSMP, the Proposed Development is in line with the best practice guidance for fire safety.

Heritage Issues

- 5.35 A desk-based Heritage Assessment has been undertaken by Wessex Archaeology which identifies that there are no heritage constraints that should preclude the Proposed Development. There are four listed buildings and one Conservation Area within a 1 km radius of the Site but the Site does not form a part of the setting of any of those heritage assets.
- 5.36 From an archaeological perspective, the Site has been assessed as having archaeological potential derived from Mesolithic activity and agricultural activity from the medieval period onwards. Geotechnical investigations show that it is likely that recent activity on the Site has likely removed any archaeological remains. Nevertheless, any remaining archaeological interest can be protected

through a monitoring scheme during the construction phase to ensure the Proposed Development will not have a detrimental impact on this regard. This can be controlled by condition should the LPA deem it necessary.

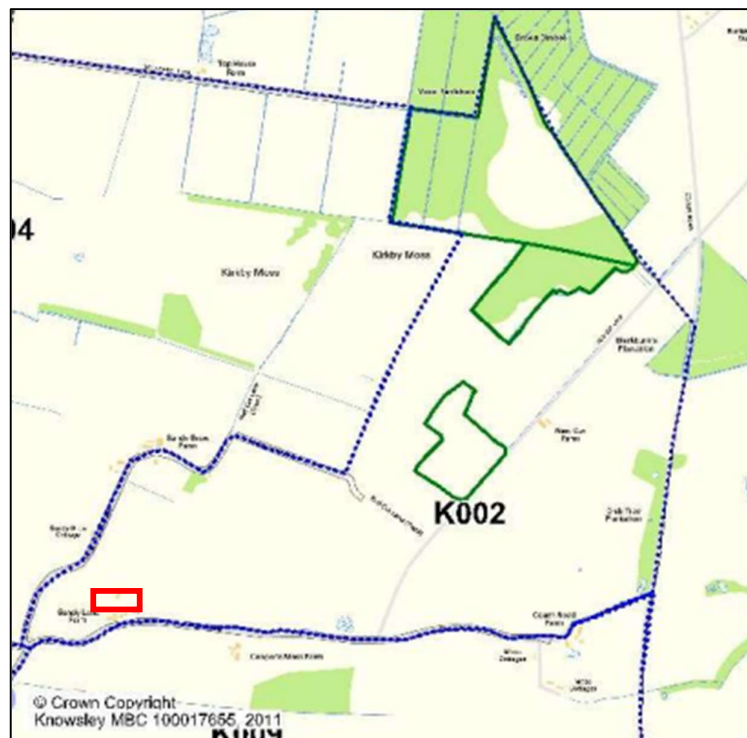
6 Green Belt Assessment

- 6.1 This Green Belt Assessment sets out an assessment of the impact of the development on the Green Belt. The assessment is undertaken in the context of the national and local planning policy set out in section 4 of this statement, including the purposes of the Green Belt, the openness of the Green Belt and ultimately why ‘very special circumstances’ exist to justify the Proposed Development.

Assessment of the Proposal in Relation to the Green Belt Purposes

- 6.2 Paragraph 143 of the NPPF states that the Green Belt serves five purposes. The contribution of the site to these purposes is discussed in turn below. The assessment below refers to the Knowsley and Sefton Green Belt Review (‘KSGBR’) which was published in 2013. In that document, the Site falls within a larger sub-area within the Green Belt called K002. The extent of sub-area K002 and the location of the Site within said sub-area is shown in Figure 6.1.


Approximate location of
Site



Purpose A – To Check the Unrestricted Sprawl of Large Built-Up Areas

- 6.3 The Site is detached from the nearest settlement, Kirkby, the edge of which is approximately 800 m to the west. The existing substation is slightly closer to the south west but is still separated from the Site by over 600m. As a result, the Site is not adjoining or adjacent to any urban area. This conclusion is also backed up by the KSGBR which states that the sub-area that the Site is within is ‘not contained by the

urban area”. Consequently, the Site would not be seen as part of any large built urban area and therefore this proposal would not contribute to unrestricted sprawl and a considerable amount of undeveloped land would still separate the proposed BESS infrastructure and the nearest large built-up area.

Purpose B – To Prevent Neighbouring Towns Merging Into One Another

- 6.4 Kirkby is one of a number of towns on the eastern outskirts of Liverpool. The area of Green Belt where the Site is located then separates the eastern edge of these towns from the next towns to the east, namely Windle, Eccleston and St Helens. The distance between these two urban areas is approximately 4.5 km with the Site sitting between the two. Given the Site is only a very small part of this Green Belt, the development would not lead to the two urban areas merging into one another as there will remain ample intervening Green Belt land. Indeed, the KSGBR notes that the sub-area that the Site is within “is within a wide gap to the east of Kirkby and St Helens. Development within this parcel would not impact on the separation of these areas.”

Purpose C – To Assist in Safeguarding the Countryside from Encroachment

- 6.5 With regard to purpose 3, it is pertinent to note that whilst it is located in the Green Belt, there remains existing built form on the Site in the form of an agricultural building, an established access track and engineering works associated with the previous permission for a pond on the Site. Consequently, in this respect, there already exists a baseline level of ‘encroachment’ into the countryside. The Proposed Development wouldn’t expand beyond the existing boundaries of this existing built form and therefore there’d be no additional ‘encroachment’ into the countryside. The countryside will therefore remain safeguarded.

Purpose D – To Preserve the Setting and Special Character of Historic Towns

- 6.6 The Site is remote from any Conservation Area, the nearest being Knowsley Conservation Area which is over 2 km to the south. All other development in the locality is modern development, mainly dominated by Knowsley Industrial Park to the west, which is of no historic significance. It is pertinent to note that the KSGBR also notes that the sub-area that the Site is within is not within a historic setting. Consequently, the Site and surrounding Green Belt does not play a role in purpose 4 and the development will be inconsequential in this respect.

Purpose E - To Assist in Urban Regeneration by Encouraging the Recycling of Derelict and Other Urban Land

- 6.7 The locational need for the development to be in close proximity to the existing Knowsley Substation is set out in detail in the ‘Very Special Circumstances’ section of this Green Belt Assessment.

Furthermore, this also demonstrates that a sequential approach has been taken and there are no brownfield sites that would be suitable for this development. Consequently, it would not be possible to recycle any previously developed land for this development. Nevertheless, whilst not strictly 'previously developed land' in terms of the definition outlined in the NPPF, as set out above, the site is still characterised by existing built form and the Proposed Development would be reusing this land. In this respect, it does equate to the recycling of urban land to a certain extent.

The Impact on the Openness of the Green Belt

6.8 The Planning Practice Guidance⁷ ('PPG') outlines that openness has both spatial and visual aspects. Furthermore, there are other factors that must be taken into account when undertaking an assessment of impact on openness such as the duration of the development, its reversibility and the degree of activity likely to be generated, for example through traffic generation.

6.9 In spatial terms, the Proposed Development will introduce built form into the Green Belt. However, as set out above, the Site already contains built form that is having an impact on the openness of the Green Belt in spatial terms. The development will be a step change in terms of the amount of the infrastructure on the Site but this will be heavily screened from surrounding areas so the impact of this change will be minor. The LVA accompanying this application demonstrates that in visual terms the impact of the development will not be notable in the medium to long term and therefore any loss of openness will not be perceptible from nearby vantage points. Consequently, the level of harm in regard to loss of openness is low.

6.10 Furthermore, the development will be temporary for a period of 30 years and will be fully reversible so any loss of openness will not be permanent and the Site can return to its current state after decommissioning. The PPG is clear that this is a key consideration when assessing the overall impact of a development on openness.

Very Special Circumstances

6.11 Both the NPPF and policy CS5 of the KCS outline that in order for development in the Green Belt to be acceptable, it must be demonstrated that very special circumstances exist which outweigh the harm resulting from inappropriateness and to openness or visual and recreational amenities.

6.12 As set out above, it is accepted that there is harm owing to the development being by definition inappropriate for a site within the Green Belt and that this must be given significant weight as per the

⁷ Planning Practice Guidance – Green Belt – Paragraph ID: 64-001-20190722

NPPF. It is also acknowledged that from a spatial perspective, there will be harm to the openness of the Green Belt, however this would be at the lower end of the scale owing to the fact this will be imperceptible from most surrounding vantage points. Based on this, it is considered that the harm resulting from the development is low.

- 6.13 Nevertheless, the following section outlines the reasons why there is adequate evidence that very special circumstances do in fact exist that would outweigh the inappropriateness of the Proposed Development.

The Storage of Renewable Energy

- 6.14 As set out in Section 1 of this statement, this in turn allows for more renewable energy generation, greater resilience in the grid as a whole owing to the ability to respond to supply and demand, and the future proofing of the electricity system. The Proposed Development will therefore provide a considerable contribution to meeting both national and local targets in terms of energy generated from renewable sources and becoming 'net zero' by 2050 as set out in the National Policy Statement for Energy (EN-1) (March 2023).
- 6.15 There are numerous recent examples of Inspectors decisions where the contribution BESS schemes will make in this regard is given a great deal of weight in the assessment of whether 'very special circumstances' exist and any harm by way of inappropriateness and loss of openness is outweighed. In one such example which related to a site nearby in the Borough of Trafford, Greater Manchester⁸, the Inspector noted harm would arise from loss of openness to the Green Belt as well as the overall landscape, but still acknowledged that *"[with] an increasing volume of renewable energy, BESS facilities have a role to play in making full and effective use of the energy produced, balancing supply and demand, and modulating the frequency of the system. The key role of BESS facilities is recognised nationally."* The Inspector then, following an assessment of the locational requirement for that particular scheme to be in the Green Belt similar to that outlined below, ultimately concluded that *"all the other considerations do clearly outweigh the identified harm. Hence, the very special circumstances necessary to justify the development do exist"*. This is directly comparable to the Proposed Development in that it will also provide invaluable BESS infrastructure that is now a recognised part of the renewable energy process and vital to reaching the aim of net zero. Consequently, the mutual benefits must also be given equal weight in favour of the Proposed Development and, given the level of harm resulting from this development is less than that in the

⁸ Appeal reference APP/Q4245/W/24/3343250 – Land off Golf Road, Wythenshawe, Manchester

aforementioned Appeal owing to the fact there will be no detrimental landscape impact, it must be seen to outweigh the harm and establish ‘very special circumstances’.

6.16 There are other examples where this approach has also been taken by Inspectors on other schemes that are directly comparable to the Proposed Development and whilst it is acknowledged that each application must be assessed on its own merits, the overall weight given to the benefits must be consistent to ensure a fair decision making process. For example, in the case of an Appeal in the Borough of Solihull⁹, the Inspector concluded that “*very substantial weight*” must be given to the “*extensive economic, social and environmental benefits*” that that proposal for a BESS scheme would provide and it helping to address the “*very pressing need for...BESS*”. Given the level of harm identified as resulting from the Proposed Development is relatively minor, it would be clearly outweighed by the extensive benefits that it would achieve and if due “*very substantial weight*” was afforded to said benefits.

6.17 As a result, it is considered that there is clear precedence which establishes that the recognised benefits of the Proposed Development should be afforded substantial weight in the assessment of whether ‘very special circumstances’ exist and any other identified harm, i.e. by virtue of inappropriateness or loss of openness, is outweighed.

Locational Requirement

6.18 There are several fundamental requirements that inform site selection and that have led to the final decision to utilise the site in question for the Proposed Development. A sequential approach is taken to identify and avoid any sites subject to constraints that would render a site undevelopable, including BMV land, sites within flood zones 2 and 3, sites within protected landscapes and sites within the setting of heritage assets. Furthermore, the key benefit of the Site in this instance is the proximity to the existing substation on the other side of Cut Lane which allows connection to the National Grid, this is a requirement for the BESS infrastructure so the energy stored can be utilised when needed. The further away a Site is from the grid connection point, the more energy is lost in transmission and therefore it is vital that the Proposed Development is sited in proximity to the grid connection point. This is also true owing to the need to ensure the cost of installing the cabling to connect to the substation does not compromise the viability of the project.

6.19 There are no other sites in the locality that would fulfil all of these requirements that are not otherwise in the Green Belt or too close to the residential areas of Kirby or Knowsley to the west. As a result, the

⁹ Appeal reference APP/Q4625/W/24/3343977 – Beechwood Farm, Berkswell, Solihull

Site in question must be used in order to meet the growing demand for this vital BESS infrastructure and this must also be given considerable weight in the assessment of whether ‘very special circumstances’ exist that justify this development in the Green Belt.

Grey Belt

6.20 It is considered that there exists ample evidence to demonstrate that ‘very special circumstances’ exist as set out in full above, however, it is also pertinent to note that the Site can also be said to be ‘grey belt’ and therefore, subject to meeting the other requirements of paragraph 155 of the NPPF, the Proposed Development should not be seen as inappropriate for this location.

6.21 The concept of ‘grey belt land’ was introduced in the update to the NPPF published in December 2024. Land in the Green Belt is considered to be ‘grey belt’ when it meets the following definition (as material):

“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 purposes (a), (b), or (d) in paragraph 143.”

6.22 As outlined above in the Green Belt Assessment, purposes (a), (b) and (d) set out in paragraph 143 relate to preventing urban sprawl, preventing the merging of neighbouring towns and preserving the setting of historic towns. As the assessment above sets out, the Site does not play a role in all three of these purposes owing to its small size, it being separated from any nearby settlements and urban areas by a considerable distance and by the fact its remote from any Conservation Areas, historic towns and other heritage assets. This conclusion is further backed up by the KSGBR which also states that the sub-area that the Site is within does not contribute to these three purposes. In one of the recent appeal decisions for a solar scheme and BESS development that considered the issue of grey belt¹⁰, the Inspector relied solely on the relevant Green Belt Review to ascertain the level of contribution that site made to the three purposes in question and thus ultimately whether the site was grey belt. If this same approach is taken for the Site, it is clear that it should be considered grey belt land.

6.23 Paragraph 155 of the NPPF states that *“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

¹⁰ Appeal reference: APP/V4630/W/24/3347424 – Land off Chapel Lane, Wallsall

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”

- 6.24 In terms of requirement a., it is clear from the assessment above that the Proposed Development would not undermine the purposes of the remaining Green Belt. Therefore, this requirement is met.
- 6.25 In terms of requirement b., as outlined in detail both in the Green Belt Assessment and in Section 1 of this Statement, there is a clear growing need for BESS infrastructure. Indeed, the forementioned recent appeal decision¹¹ gives useful context in this regard, when assessing whether there was an unmet need for BESS in the context of paragraph 155(b) of the NPPF, the Inspector referred to the role battery storage will play in achieving the 4-to-fivefold increase in demand flexibility needed as part of the “clean energy pathway” (see section 4 above) as well as the need for energy storage outlined in NPS EN-1 (see section 4 above) concluded “*given the imperative of mitigating climate change and achieving net-zero, this project has the ability to make an early and material contribution to the clean power pathway required to achieve net zero. Whilst the appellant has not provided “...quantifiable evidence...” of an unmet need, the above context provides reason to show that the requirement of criterion B of Framework paragraph 155 is met.*” Consequently, when this approach is taken here, it is clear that the same unmet demand for BESS schemes still exists.
- 6.26 With regard to requirement c., paragraphs 110 and 115 of the NPPF relate to limiting the need to travel to ensure that development is in a sustainable location. This relates more so to developments that would generate a significant level of vehicle movements. In the case of the Proposed Development, there would only be a need to regularly travel to the Site during the construction phase. Once operational, vehicle movements would be limited to one or two a month for maintenance. Consequently, this will ensure vehicle movements when taken over the course of the lifetime of the development will be minimal and certainly don’t undermine the overall sustainability of the Proposed Development. As a result, requirement c. is met.

¹¹ Appeal reference: APP/V4630/W/24/3347424 – Land off Chapel Lane, Wallsall

6.27 Finally, in terms of requirement d., the 'Golden Rules' referred to relate only to housing developments and therefore this does not apply here.

6.28 As a result of the above, notwithstanding the clear evidence of 'very special circumstances', it is considered that the Proposed Development also should not be deemed inappropriate by virtue of the fact the Site meets the definition of 'grey belt' plus all requirements of paragraph 155 of the NPPF are met. This is a second reason why it is clear that the Proposed Development complies with national and local policy on development in the Green Belt.

Conclusion

6.29 It has been demonstrated that the Proposed Development would not undermine any of the five purposes of the Green Belt. Furthermore, whilst a minimal amount of temporary loss of openness to the Green Belt may arise, the harm this equates to is comfortably outweighed by the benefits the scheme would secure as well as the fact there is a locational requirement to site the Proposed Development in the Green Belt to achieve said benefits. Taken together, it is considered that this demonstrates 'very special circumstances' and therefore the proposal is justified in the context of the NPPF and policy CS5 of the KCS.

6.30 Nevertheless, to further demonstrate that the Proposed Development should be seen as acceptable in this Green Belt location, it is also shown above how the land could be classed as grey belt and by virtue of it complying with all relevant requirements of paragraph 155 of the NPPF, it should no longer be seen as inappropriate for the Green Belt for that reason as well.

7 Summary and Conclusions

- 7.1 The Proposed Development is the construction of a BESS that will store renewable energy and in turn bring considerable benefits in terms of improving the resilience and efficiency of the renewable energy system and thus helping to reduce carbon emissions and meeting net zero targets both locally and nationally. On that basis the application proposals are wholly consistent with the aims of the NPPF and local planning policy.
- 7.2 The Site is located adjacent to a major connection into the National Grid through the existing Kirkby Substation. This allows the scheme to minimise the impact of any required cabling connections to facilitate the BESS in supporting the wider electrical supply network.
- 7.3 Whilst located in the Green Belt, the design of the Proposed Development has been informed by a number of technical assessments to ensure that the environmental impact will be acceptable and ultimately the impact on the five purposes of the Green Belt will also be acceptable. Furthermore, given the locational requirement for the Proposed Development to be sited close to the grid connection point, there are also no other alternative locations outside of the Green Belt that can be utilised. This fact, coupled with the aforementioned considerable environmental benefits, are considered to establish 'very special circumstances' that justify development within the Green Belt and outweigh the minimal harm by way of inappropriateness. Consequently, the Proposed Development complies with both local and national planning policy relating to development in the Green Belt.
- 7.4 Notwithstanding the above, it is also considered that as the Site meets the definition of 'grey belt' land outlined in the NPPF, and that there is a demonstrable need for the Proposed Development, it can also be said to no longer be inappropriate development in the Green Belt paying heed to paragraph 155 of the NPPF.
- 7.5 This application is accompanied by a broad suite of comprehensive technical assessments that demonstrate that the proposals will not result in any unacceptable amenity or environmental effects and will have an acceptable impact in respect of all other material planning considerations.
- 7.6 When assessing any proposal, consideration needs to be given by the decision maker to the overall planning balance of the application. The Proposed Development will deliver significant benefits which will support the continued growth and ever wider deployment of renewable energy technologies. This significant benefit, in the context of the planning balance of the scheme is weighed against the limited environmental effects of the proposal. The Proposed Development has been designed to mitigate as far as is reasonably practicable several environmental issues. The result of this process is that the overall planning balance comes down in favour of approving the proposed scheme.

7.7 It is on the basis of the above that the proposals should be supported by planning officers and the scheme recommended for approval.