

Planning Statement

**In relation to the construction and operation of an
electricity generation plant comprising of a
maximum of 10no. generators sited within
individual sound-proof containers together with
associated development**

**On land at Marl Road, Knowsley Industrial Park,
Kirkby**

On behalf of Forsa Energy Gas Holdings Ltd

August 2021

Prepared by

CLIVE FAGG PLANNING

9 Dairy Lane, Hose, Melton Mowbray LE14 4JW

clivefaggplanning@gmail.com 07805 400 126

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1 Introduction

1.1 Background

- 1 This document has been prepared by Clive Fagg Planning (MRTPI) on behalf of Forsa Energy Gas Holdings Ltd (hereafter referred to as the Applicant) in support of a planning application to Knowsley Council for the construction and operation of an electricity generation plant comprising of a maximum of 10no. generators sited within individual sound-proof containers together with associated development (hereafter referred to as the Proposed Development) on land at Marl Road, Knowsley Industrial Park, Kirkby (hereafter referred to as the Proposed Development Site).
- 2 In November 2015 planning consent was granted the construction of an electricity generation plant comprising of a maximum of 14no. generators sited within individual soundproof containers together with associated development (15/00595/FUL). As set out in Condition 1 of the permitted consent, development had to commence before 6 November 2028. The purpose of this application would be to secure a further three years to commence development following transfer of ownership of the site. As shown in the attached site location plan, the redline boundary remains the same as previously permitted. Furthermore, the description of the Proposed Development, site layout and equipment specifications would remain as previously approved.
- 3 This development would contribute to National Grid's Balancing Services Programme. The Balancing Services Programme aim is to ensure security of electricity supply by providing a system for reliable sources of electrical capacity, which ensure cost effective delivery of energy when needed. The Capacity Market, as part of the Balancing Services Programme, has been designed to support the development of more rapid response, flexible demand management in the electricity market. This would encourage the investment by developers needed to replace older, fossil fuelled, power stations and provide backup for more intermittent and inflexible low carbon generation sources.
- 4 In January 2020 Knowsley Council declared a climate emergency, which is committed to supporting measures to work with partners to reduce carbon emissions.

1.2 Supporting Documentation

- 5 This Planning Statement accompanies an application for planning consent under the Town and Country Planning Act 1990, as amended (the 1990 Act), for the Proposed Development on land at Marl Road, Knowsley Industrial Park, Kirkby.
- 6 In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990 "*planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*" The following report and appended technical reports set out the evidence base to demonstrate accordance. The Technical reports comprise:
 - Appendix A: Scaled Planning Drawings.
 - Appendix B: Noise Impact Assessment.
 - Appendix C: Air Quality Assessment.
 - Appendix D: Preliminary Ecological Appraisal.
 - Appendix E: Drainage Strategy

Appendix F: Desk based Contaminated Land Survey

Appendix G: Environmental Management Plan

Appendix H: Visualisations

2 Need for the Proposed Development

2.1 Energy White Paper

- 7 In December 2020 the Government published the Energy White Paper: Powering our Net Zero Future (CP 337). The goal is to set out a route map to:
 - Reduce emissions through shifting from gas to electricity to heat our homes and by better insulating the buildings in which we live and work.
 - End the sale of petrol and diesel cars and vans, and accelerate the transition to clean, zero tailpipe emission vehicles.
 - Start to capture carbon emissions from power generation and from industry.
 - Switch to new, clean fuels such as hydrogen for heat, power, and industrial processes.
- 8 The Energy White Paper continues to support the role of the Capacity Market, including developments such as the one proposed. It states:

*“While we are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response, interconnectors and **short-term dispatchable generation providing peaking capacity**, which can be flexed as required”* (page 43, emphasis added).
- 9 Renewables now account for over one third of electricity generation, up from seven per cent in 2010. Yet, this green revolution has been delivered without disruption to the reliability of our electricity supply and the scale of deployment has contributed to a significant reduction in the cost of renewables. Part of this Plan is to close all coal fired power stations by 2024.
- 10 The Energy White Paper recognises while retiring capacity will need to be replaced to keep pace with existing levels of demand, the Government modelling suggests that overall demand could double out to 2050. This, it puts forward, is because of the electrification of cars and vans and the increased use of clean electricity replacing gas for heating. As a result, electricity could provide more than half of final energy demand in 2050, up from 17 per cent in 2019.
- 11 In striving for net zero emissions by 2050, the Government do not propose to target a particular generation mix. It puts the onus on the electricity market to determine the best solutions for very low emissions and reliable supply, at a low cost to consumers.
- 12 A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by available and proven technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response, interconnectors and short-term dispatchable generation providing peaking capacity, which can be flexed as required.

- 13 By 2050, the Government expect low-carbon options, such as clean hydrogen and long-duration storage, to satisfy the need for peaking capacity and ensure security of supply at low cost, likely eliminating the reliance on generation from unabated gas.
- 14 The suite of energy National Planning Statements establish the need for new energy infrastructure and set out a framework for the consideration of applications for development consent. The Government is proposing to review the NPS, to ensure that they reflect the policies set out in this white paper and continue to have a planning policy framework which can deliver the investment required to build the infrastructure needed for the transition to net zero. While the review is undertaken, the current suite of NPS remain relevant government policy and have effect for the purposes of the Planning Act 2008. They will, therefore, continue to provide a proper basis on which planning decisions can be made.
- 15 To deliver energy reliably, while ensuring fair and affordable costs and accelerating our transition to clean energy, the Government propose to create investment opportunities across the UK to enable a smarter, more flexible energy system, which harnesses the power of competition and innovation to the full.
- 16 The White Paper proposes that demand will be satisfied as much by local (decentralised) solutions as by the current nationally organised and operated system. It suggests that the cost of transporting energy and managing the balance between supply and demand can make up around 25% of an average household or business energy bill. A decentralised system reduces this cost and delivers the right amount of energy where it is needed.

2.2 National Grid's Capacity Market

- 17 As well as making sure the system is stable on a day-to-day basis, the UK needs the assurance over the course of each year that there is enough generation capacity to satisfy even exceptional periods of demand (known as 'stress events') or to back-up renewables when the wind does not blow, or the sun is not shining.
- 18 The Capacity Market (CM) is the Government's primary policy mechanism for delivering this security of electricity supply. It provides generators and flexibility providers with a payment for reliable capacity to ensure they deliver more electricity, or reduce demand, when required.
- 19 To date, the CM has supported investment in over 10GW of new capacity, including smart technologies such as battery storage and demand-side response. The Government has made several reforms since its introduction in 2014, such as allowing certain renewables to participate and implementing carbon emissions limits in future auctions.
- 20 In the five-year review, published in 2019, the Government committed to retaining the CM as a guarantee of system reliability and to making further incremental improvements to its design. The next review will take place by 2024.

2.3 Climate Emergency

- 21 In January 2020, Knowsley Council declared a climate emergency. This commitment includes supporting measures to work with partners to reduce carbon emissions. The Proposed Development, by importing to the local electricity network, would act as a key component in providing local security of supply whilst facilitating the development of a flexible electricity supply which includes sourcing additional renewable and low carbon supplies.

- 22 Considered in isolation, the development could be seen to result in an increase in carbon emissions which appears counter-productive to the Council's aim to reduce carbon emissions. However, the Proposed Development would be a constituent element that would support a national transition to renewable and low carbon energy generation, thereby making an important contribution to an overall reduction in greenhouse gas emissions. By supporting renewable energy generation, and reducing carbon emissions on a national scale, it would help to address the challenges of climate change.

3 Proposed Development

- 23 Clive Fagg Planning has been instructed to act as the planning agent on behalf of the Applicant to prepare and submit a revised planning application and supporting documentation for the Proposed Development, the installation and operation of electricity generating facility and ancillary infrastructure.

3.1 Site Location

- 24 The Proposed Development Site is located within land Knowsley Industrial Park North and allocated as land for employment development (Local Plan Policy CS4). There is evidence of the previous use as there are several areas of hardstanding within the Proposed Development Site.
- 25 The site is in the northwest corner of Knowsley Industrial Park North. The Proposed Development Site is formed of an area of overgrown hardstanding with a mature tree belt along the western boundary. A review of historical maps shows that there has been evidence of an industrial estate in this location since the 1950s. Tanks were identified on the east of the site by 1971. The site was identified to have been cleared by 1986 and remained cleared.
- 26 The area to the west of the Proposed Development Site has seen the extension of the industrial estate in recent years with construction of a large warehouse complex currently underway.
- 27 Beyond the site boundary there are extensive areas of industrial units with very little in the way of residential development and no evidence of landscape or historical designations.

3.2 Proposed Development Description

- 28 The Proposed Development would replicate size layout and equipment specification of the approved consent (15/00595/FUL).
- 29 This would be for the installation of 10no. containerised gas-fired electricity generators with ancillary equipment, metering station and transformer compound. The development would have the appearance of a series of green, container structures with equipment and gantries on top and an exhaust stack fitted to each container to a maximum height of 8 metres. The storeroom, control room and switch room would be similar kiosk style structures. The equipment would be sited on individual concrete slabs and the site made suitable for servicing by commercial vehicles as shown in Appendix B: Site Layout Plan. An access gate would be provided from Marl Road and the site enclosed by a 2.4 m high security fence.
- 30 The purpose of the generating station is to provide back-up electricity generating capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply. Consequently, the equipment is not in continuous use and may be called upon for a few minutes at a time, to several hours. It is envisaged that usage would be limited to a maximum of 2,500 hours per year.

Boundary Security Fencing

- 31 The boundary security fencing would seek to ensure that the Proposed Development Site always remains secure. This would be a 2.4m high, steel mesh weld style, fence

and would be finished in matt fern green, similar to RAL6025. Along the eastern boundary would be a 3m wooden acoustic fence.

4 Environmental Impact Assessment

- 32 Due to its relatively small scale the Proposed Development is not considered that the development would trigger a requirement for Environmental Impact Assessment. However, to provide certainty of this, the Proposed Development has been assessed against the criteria set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (“the 2017 Regulations”).
- 33 As set out on the accompanying plans, the area of the Proposed Development Site amounts to approximately 0.35ha.
- 34 The Proposed Development does not fall within the scope of any description set out under Schedule 1 of the 2017 Regulations.
- 35 Where development may constitute Schedule 2 development under the 2017 Regulations, it is necessary to consider whether EIA is required with reference to the criteria at Schedule 3. These include the size, resource demand, waste production, emissions, and safety implications of the scheme. They also include the location (e.g., in reference to sensitive areas) and characteristics of impacts including the extent of the impact, its magnitude and complexity, probability, duration, frequency and reversibility.
- 36 Section 3 to Schedule 2 sets out energy industry related developments which may require EIA. It includes “*industrial installations for the production of electricity*.” The threshold for classifying such a development as Schedule 2 development is an area exceeding 0.5 ha.
- 37 The site area threshold has not been exceeded and the Proposed Development Site is not within a Schedule 3 sensitive area. Furthermore, as demonstrated within the supporting technical reports, the Proposed Development would not have any significant environmental effects.
- 38 As part of the Council’s considerations on the previous application it was deemed for the above reasons the Proposed Development was not considered to be EIA development and this remains the case. It is therefore concluded that an EIA Screening is not required.

5 Planning Framework

- 39 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 40 This section provides detail of the currently planning framework relevant to the Proposed Development. Section 6 of this report provides an analysis of the policy framework and the impact of the Proposed Development on policies within the Local Plan. This analysis is supported by technical reports provided within the appendices.
- 41 The adopted development plan comprises Knowsley Local Plan Core Strategy (2016).

5.1 Knowsley Local Plan Core Strategy (2016)

- 42 The Local Plan Core Strategy policies detailed below are material considerations.
- CS2 Development Principles
 - CS4 Economy and Employment
 - CS7 Transport Networks
 - CS11 Principal Regeneration Area – Knowsley Industrial and Business Parks
 - CS19 Design Quality in New Development
 - CS21 Greenspaces and Trees
 - CS24 Managing Flood Risk

5.2 National Planning Policy Framework (2019)

- 43 The National Planning Policy Framework (2021) (NPPF) sets out Central Government's aim and objectives for the planning system in England. The purpose of the planning system is to contribute to the achievement of sustainable development.
- 44 Paragraph 8 of the NPPF sets out a series of overarching objectives that should underpin both plan-making and decision-taking:
- An economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
 - A social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - an environmental objective –to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 45 The NPPF sets out a clear presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 11). For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
 - 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:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 46 Chapter 6 of the NPPF refers to building a strong and competitive economy. Paragraph 81 of the NPPF states *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 47 Paragraph 82 of the NPPF states that planning policies should:
- Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.
 - Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
 - Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 48 Paragraph 152 of the NPPF states the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.
- 49 Paragraph 155 of the NPPF states Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and in doing so:
- Provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
 - Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - Identify opportunities for development to draw its energy supply from decentralised, renewable, or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

- 50 Paragraph 157 of the NPPF states that Local Planning Authorities should:
- Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 51 Paragraph 174 of the NPPF states the planning system should contribute to and enhance the natural and local environment by:
- 'preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'*
- 52 Paragraph 185 of the NPPF states that decisions should aim to:
- Mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
 - Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 53 Paragraph 188 of the NPPF clarifies the role of the planning system which is the focus of planning policies and decisions should be on whether the Proposed Development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

5.3 National Planning Practice Guidance

- 54 The National Planning Practice Guidance (NPPG) supports the NPPF, and it states *"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable"* Paragraph: 001 Reference ID: 5-001-20140306.
- 55 The Climate Change Act 2008 committed the UK to an 80% reduction in carbon emissions relative to the levels in 1990, to be achieved by 2050. In June 2019, secondary legislation was passed that extended that target to "at least 100%". To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.
- 56 In considering planning applications, it is important to be clear of the following material considerations (Paragraph: 007 Reference ID: 5-007-20140306):
- The need for renewable or low carbon energy does not automatically override environmental protections; and

- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

5.4 The Capacity Market

57 The Energy Act 2013 introduced the Capacity Market to help ensure security and flexibility of electricity supply at the least cost to the consumer. Since then, it has undergone several iterations and legal challenges but has, in principle, remained the same.

58 The Energy White Paper (December 2020) continues to support the role of the Capacity Market, including developments such as the one proposed. It states:

*“While we are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response, interconnectors and **short-term dispatchable generation providing peaking capacity**, which can be flexed as required”* (page 43, emphasis added).

6 Assessment of Proposed Development

- 59 This section the report provides an analysis of the policy framework and the impact of the Proposed Development on policies within the Local Plan. This analysis is supported by technical reports provided within the appendices.

6.1 Principle of the Development

- 60 It is not proposed to amend the site boundary, site description or the equipment proposed to be used. This application seeks to extend to date by which the development should be commenced following the change in ownership of the Proposed Development. It is therefore considered the principle of the development remains acceptable as previously considered and approved by Knowsley Council in consent 15/00595/FUL determined in November 2015.
- 61 The proposals for an electricity plant would not be strictly in accordance Core Strategy Policy CS11 because they would not clearly act as a catalyst to the comprehensive redevelopment of the site for business purposes. However, given the nature of the proposals, it is sensible that such a land use would be directed towards existing areas allocated for industrial use, away from concentrations of residential properties. The siting of the generating plant is also reliant upon access to connections to the National Grid and gas supplies.
- 62 It should also be noted that Policy CS4 in the emerging Local Plan directs industrial/business use towards the Primarily Industrial Areas and includes encouraging development which is complementary to the primary employment use of the area, providing a small-scale ancillary service to meet the day-to-day needs of local employees subject to compliance with other plan policies. Electricity generation to supply the local market is clearly in accordance with this policy.

6.2 Amenity

- 63 Updated assessments have been submitted in respect of Noise (Appendix B) and Air Quality (Appendix C).
- 64 The Air Quality Assessment concludes all impacts, human and ecological, are predicted to be below limit values at locations where the Air Quality Directive states that they must be applied. When applying the theoretical worst case assumptions above (i.e. that each of the engines is operating for 2,500 hours per year) it can be seen that there is no realistic potential for a breach of the air quality objectives at any location.
- 65 The Noise Impact Assessment concludes the predicted level has been compared with previous noise measurements undertaken at the site to assess the impact on the proposed scheme. Our assessment has indicated that the proposed plant will be 12 dB below the existing background sound level during the worst case time period and assessment location. This is based upon the mitigation described within Section 6.2 being implemented. Based upon the estimated noise emissions provided within this report and the guidance contained within BS4142 we would consider that the noise emissions from the new plant would not result in an adverse impact on the surrounding residential receivers. This is therefore compliant with the requirements contained within the NPPF and NPSE.

- 66 Visualisations of the Proposed Development have been prepared and presented in Appendix H. A review has shown that the area is an existing industrial estate with buildings typical of industrial developments. A large modern warehouse is currently being constructed on the west side of Marl Road. It is proposed that the existing mature tree belt located along the western boundary of the site will be retained and as shown in the visualisations, visibility will be limited and will not have an adverse impact on the surrounding industrial area.

6.3 Ecology

- 67 A revised Preliminary Ecological Appraisal has been undertaken (Appendix D). The site is made up of a mixture of dense scrub, mature tree woodland and flowering plant habitats. Similar to the previous application it is proposed to retain much of the mature woodland along the Marl Road boundary. It is proposed to include mitigation measures as proposed including bird and bat boxes as well as ensuring sympathetic lighting to minimise impacts on bats. The exact layout of these measure will be agreed post determination.

6.4 Drainage

- 68 A Drainage Strategy has been prepared (Appendix E) in accordance with NPPF. This concludes the surface water attenuation requirements for the facility for return period rainfall events up to and including 100 years, taking account of existing runoff rates, land use data (brownfield) and climate change consideration, with a total on-site storage of 146m³ proposed.

6.5 Contaminated Land

- 69 A desk-based coal mining risk assessment has been obtained and is included in Appendix F. This report concludes that there are no known or potential coal mining risks.
- 70 A desk based Landmark Sitecheck has been obtained and is included in Appendix F. This report concluded that due to unknown historical uses and the proximity to a classified (A) Aquifer there is potential contaminant linkages, and this should be subject to further investigation which could be conditioned. In relation to flooding the site risk was identified as being low-moderate.

6.6 Highways

- 71 The proposed works are to be carried out within the private boundary of the site and will not extend onto an area of highway maintained at the public's expense. The proposed facility is to be unmanned during its operation, with occasional visits from field engineers. 2 car parking spaces and vehicle circulation space are to be provided within the private boundary of the site. A Construction Environment Management Plan (Appendix G) has been submitted alongside this application and has proposed measures that will be implemented to mitigate any adverse impact during the construction period.
- 72 Vehicular access is to come from an existing site access taken from Marl Road. Visibility splays are included within the relevant section of the Construction Environment Management Plan (Appendix G). The site access would be resurfaced and dropped kerbs and tactile paving installed in the pedestrian footway on either side of the access to bring it up to current adoption standards and provide an unobstructed path for vehicles and pedestrians.

7 Conclusions

- 73 In assessing this Proposed Development in relation to policy and environmental context, it is considered the application should be granted for the following reasons:
- There is a national and local need for this type of development.
 - The Proposed Development would be positioned on land which is currently brownfield, vacant land but is part of the existing Knowsley Industrial Park. The Proposed Development would be seen within the context of this and other existing and future neighbouring industrial developments.
 - The Proposed Development is not situated near any national or local landscape designations. The Proposed Development has taken account of local landscape character and includes the use of tree screening and muted, matt colours to reduce visual impact.
 - The scale and location of the Proposed Development would be such that the impact on nearby residential amenity, in relation to noise and air quality is not adverse.
 - The Proposed Development is located away from ecological international, national, and local designations. With the tree retention and mitigation measures proposed the Proposed Development would have a net biodiversity gain in relation to local flora and fauna.
 - The Proposed Development is well screened from neighbouring business users and users of Marl Road.
 - Employing appropriate mitigation, there would be no adverse impact on the risk of flooding from surface water.
 - Risk from ground contamination or previous coal mining activity is unlikely to be an issue.
 - There are no other material planning considerations that would outweigh the overriding benefits of this proposal in providing a renewable energy source and the long-term environmental benefits this brings.
- 74 Having regard to the above and all other matters, it is considered the Proposed Development meets the expectations of policies of the Development Plan and other policy guidance including specifically the provisions of the NPPF and PPG. It is thus felt that this application, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990, should be granted planning consent subject to reasonable and appropriate conditions in accordance with s70(1)(a) of the Town and Country Planning Act 1990 and paragraph 55 of the NPPF.