

Our Ref: 2569-02/JM

20 July 2026

FAO: Andrew Hunt
Knowsley Metropolitan Borough Council
Municipal Buildings
Huyton
Knowsley
L36 9UX

Dear Mr Hunt

PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 25/00285/FUL, LAND OFF COOPERS LANE, KIRKBY

I write, on behalf of HD001KIR Ltd (the Applicant), to apply for a Non-material Amendment (NMA) under Section 96a of the Town and Country Planning Act 1990 (as amended), to planning permission 25/00285/FUL in respect of the above development (the Consented Development) on land off Coopers Lane, Kirkby (the Site).

This submission has been made via the Planning Portal (ref. PP-15095435) and comprises:

- This Covering Letter;
- Planning Application Forms;
- A revised set of Planning Drawings:
 - 2569-02-003 General Arrangement Rev J;
 - 2569-02-005 Battery Storage Containers Rev C;
 - 2569-02-006 Inverter-Transformer Stations Rev C;
 - 2569-02-009 Fencing and Security Rev E;
 - 2569-02-014 Storage Container Rev A; and
 - 2569-02-015 Underground Attenuation Tank Rev A.
- Noise Technical Note;
- Enclosure A – Email Communications;
- Enclosure B – Site Layout Comparison; and
- Planning application fee of £400.00 (including the £91.00 Planning Portal handling fee).

Background

The Consented Development (ref. 25/00285/FUL) was granted planning permission under section 73 of the TCPA (to 23/02008/FUL) by Knowsley Council (KC) on 1st July 2026. The Applicant has been working closely with their chosen battery energy storage system (BESS) technology provider and site contractors to develop the facility.

Commercial battery storage technology is consistently changing and improving, and new, more efficient BESS units (in terms of spatial usage, storage capabilities, and fire safety mechanisms) come onto the market on a relatively regular basis.

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The detailed design work and recent release of a new BESS equipment specification 'Power Titan 3.0' has resulted in several small amendments to the layout of the Consented Development.

The amended site layout is fundamentally similar to that approved under the Consented Development. The proposed amendments (discussed in detail below) would not materially change the appearance or function of the BESS facility. As such, they are considered non-material and capable of being determined under the Section 96a NMA planning route.

Following discussions with yourself (email communications copied for reference at Enclosure A to this letter), Knowsley Council planning officers have confirmed that the proposed amendments are capable of being submitted and determined under the NMA planning route.

The Proposed Amendments

An updated General Arrangement plan has been submitted to reflect the proposed amendments (see drawing ref. 2569-02-003 General Arrangement Rev J). To assist in KC's assessment of the changes, a 'Layout Comparison' drawing has been provided at Enclosure B to this letter. The amendments sought can be summarised as follows:

- Reduction in BESS units from 36 to 24. The BESS unit height would increase from 2.9m to 4.2m to accommodate new air-cooling technology (essentially this is a block which sits on top of the BESS units). The updated BESS unit elevations are shown on drawing ref. 2569-02-005 Battery Storage Containers Rev C;
- Reduction in Inverter-Transformer stations from 9 to 8. The length of these stations has also been reduced from circa 12.2m to 6m. The updated elevations are shown on drawing ref. 2569-02-006 Inverter-Transformer Stations Rev C;
- Reduction in Auxiliary Transformers from 2 to 1 and a small 1.8m high Palisade compound fence has been added around the structure. The fencing and security planning drawing has been updated to include this fence (see drawing ref. 2569-02-009 Fencing and Security Rev E);
- The underground surface water attenuation tank has been repositioned to the eastern boundary of the Site (previously sat along the Southern boundary under the Consented Development). The tank's dimensions have very slightly changed and are reflected on updated drawing ref. 2569-02-015 Underground Attenuation Tank Rev A;
- Small amendment to the elevations of the Storage Container within the BESS compound (see updated drawing ref. 2569-02-014 Storage Container Rev A);
- Small amendment to the internal road layout of the BESS compound to accommodate the new site layout; and
- Small amendments to the positioning of other infrastructure within the site.

For clarity, no changes are being sought to the following:

- The consented redline boundary;
- The access road section to/from the highway at Coopers Lane (i.e. no impact on highways or the United Utilities waster main in this location);
- The BESS compound boundary fence position;
- The material and colour finishes of the buildings / structures within the Site; or
- The surface water drainage design principles, previously discussed with and accepted by the Environment Agency under 25/00285/FUL, including the surface water drainage discharge point at Knowsley Brook. There would be some small changes to the drainage infrastructure to reflect the amended layout of the BESS compound.

The proposed amendments would reduce the intensity of development over the Site in comparison to the Consented Development. There would be no greater environmental impact of the proposed amendments over that consented and these are discussed below.

Environmental Considerations

The proposed amendments would not materially change the findings of the environmental reports for the Consented Development on matters relating to; flood risk and surface water drainage, ecology, and arboriculture.

In terms of landscape and visual impacts, it is acknowledged that, although the BESS units are now fewer in number, they are 1.3m taller over the consented units. However, when considered in context of the existing surrounding development, the following factors influence the ability of this additional height to be perceived by visual receptors:

- The Site is well screened from public views by existing hedge and trees along Cooper's Lane to the east, where only glimpses of the Site are afforded from the entrance. Vegetation is also present to the south and west, restricting views of the Site from these directions;
- The Site sits adjacent to the expansive National Grid substation complex to the north, which contains taller structures than the new BESS units;
- There is extensive industrial landscape to the east of the Site; and
- The Site is not within a particularly sensitive landscape or character area.

In light of the above, it is clear that the additional height of the BESS units would have no material impact on visual amenity.

In terms of noise impacts, the new BESS technology and proposed layout have been re-assessed to check that the development complies with the established noise thresholds for the Site. In accordance with planning condition 11 of 25/00285/FUL, fixed plant must have a rating level that is at least 3dB(A) below background noise levels.

A Noise Technical Note (v8) has been submitted in support of the NMA. The Note confirms that noise all nearest sensitive receptors would sit within the requirements of condition 11 and no additional mitigation is required.

Amended Planning Drawings

Table 1 below clarifies which drawings of the Consented Development are proposed to be amended or remain unchanged. Those drawings which are unchanged have not been resubmitted.

Table 1: List of Updated Drawings

Current Consented Drawing (under 25/00285/FUL)	Amended / Unchanged	Revised Drawing Name / Reference
2569-02-001 Site Location Plan RevC	Unchanged	
2569-02-002 Statutory Plan Rev D	Unchanged	
2569-02-003 General Arrangement Rev I	Amended	2569-02-003 General Arrangement Rev J
2569-02-004 Existing Site Plan Rev C	Unchanged	
2569-02-005 Battery Storage Containers Rev B	Amended	2569-02-005 Battery Storage Containers Rev C
2569-02-006 Inverter-Transformer Stations Rev B	Amended	2569-02-006 Inverter-Transformer Stations Rev C
2569-02-007 Switchgear Container Rev B	Unchanged	
2569-02-008 Control Room Rev B	Unchanged	
2569-02-009 Fencing and Security Rev D	Amended	2569-02-009 Fencing and Security Rev E
2569-02-012 Site Access Arrangements Rev B	Unchanged	
2569-02-013 Auxiliary Transformer	Unchanged	
2569-02-014 Storage Container	Amended	2569-02-014 Storage Container Rev A
2569-02-015 Underground Attenuation Tank	Amended	2569-02-015 Underground Attenuation Tank Rev A

Discussion and Summary

The Applicant is seeking to secure some non-material amendments to the layout of their consented BESS development (KC ref. 25/00285/FUL). The proposed site layout amendments are necessary to secure the finalised design following a change in BESS technology choice.

The intensity of development over the site would reduce noticeably. This reduction is due to the latest BESS technology (proposed to be installed on site) being more space efficient and requiring fewer battery units to deliver the same storage capacity. There would be no greater impact on flooding, ecology, arboriculture, or landscape/visual over the Consented Development. The submitted Noise Technical Note demonstrates that the revised layout would be compliant with noise limits for the Site.

Overall, the proposed amendments are not considered to materially change the appearance, scale or function of the Consented Development and sit within the consented planning redline boundary. The conclusions and mitigation measures of the existing environmental reports would remain unchanged.

Accordingly, the proposed amendments are considered to be non-material and thus capable of being accepted under the NMA planning route.

I trust the contents of this letter are clear. If you have any queries regarding this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

Jonathan Maginness

Jonathan Maginness

Senior Planning Consultant on behalf of Axis

jonathanmaginness@axis.co.uk

Enclosure A – Email Communications

Jonathan Maginness

From: Hunt, Andrew <Andrew.Hunt@knowsley.gov.uk>
Sent: 09 July 2026 10:05
To: Jonathan Maginness
Subject: RE: Kirkby BESS - proposed non-material amendment to 25/00285/FUL

Dear Jonathan,

Thanks for your email. I have spoken to my manager and she agrees that the changes would be non material.

Kind Regards

Andrew Hunt
Senior Planner
Planning

Telephone: 0151 443 2204

Knowsley Council, Huyton Library, Westmorland Road, Huyton, Knowsley, L36 9FB



From: Jonathan Maginness <jonathanmaginness@axis.co.uk>
Sent: 06 July 2026 17:25
To: Hunt, Andrew <Andrew.Hunt@knowsley.gov.uk>
Subject: RE: Kirkby BESS - proposed non-material amendment to 25/00285/FUL

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Secured by Check Point

Hi Andrew

Apologies for the chase, have you had chance to review my email below and the prospects of sorting this out under NMA?

The applicant is keen to get this submitted asap to demonstrate progress to their investors.

Thanks

Regards
Jonathan Maginness
Senior Planning Consultant

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M: 07789123756

Please note, my normal working days are Monday to Thursday

From: Jonathan Maginness <jonathanmaginness@axis.co.uk>

Sent: 02 July 2026 12:50

To: Hunt, Andrew <andrew.hunt@knowsley.gov.uk>

Subject: Kirkby BESS - proposed non-material amendment to 25/00285/FUL

Dear Andrew

Previous to our discussion over the phone a couple of weeks back where I advised the applicant for the battery storage (BESS) site here needed to secure a few further changes to the layout (to those recently approved under 25/00285/FUL), I am now in a position to provide further details.

I would be grateful for your / the LPA's informal view on whether the changes sought could be accepted as non-material and thus if a submission under section 96a of the TCPA would be the appropriate planning route.

To assist, I have attached a comparison drawing showing the 'Consented Layout' (under 25/00285/FUL) alongside the 'Proposed Amendments'. In summary the main changes being sought are:

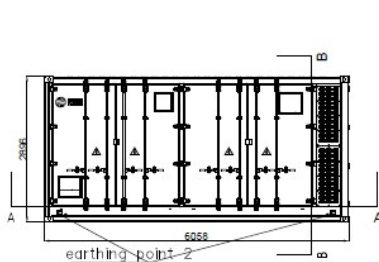
- Reduction in BESS units from 36 to 24, height increasing from 2.9m to 4.2m to accommodate new air cooling technology (essentially a block which sits on top of the BESS units);
- Reduction in Inverter-Transformer stations from 9 to 8, plus they are now half the length;
- Reduction in Auxiliary Transformers from 2 to 1 and a small compound fence added around the structure;
- Repositioning the underground attenuation tank from southern boundary to eastern boundary;
- Slight amendment to the compound internal road; and
- Slight amendments to positioning of other infrastructure within the site.

No changes are being sought to:

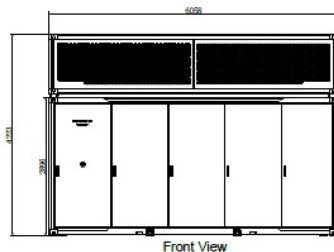
- The consented redline boundary;
- The access road section to/from the highway at Coopers Lane;
- The BESS compound boundary fence position; and
- The drainage design principles, previously agreed and accepted by the Environment Agency under 25/00285/FUL.

Overall, the intensity of development over the site would reduce noticeably. This reduction is due to the latest BESS technology (proposed to be installed on site) being more space-efficient. There would be no greater impact on flooding, ecology, or trees. Initial noise modelling shows this new BESS technology would be compliant with noise levels conditioned under 25/00285/FUL and a noise technical note would be submitted with the application that simply confirms this.

In terms of landscape and visual impacts from the BESS unit height increase (approx. 1.3m over the consented units), this is not anticipated to have any significant impact given the extensive industrial landscape to the east and the large substation complex to the north (which has much taller structures than the new BESS units). The site is not subject to any statutory or non-statutory landscape designations and is not within a particularly sensitive character area. In addition, it is well screened from public views by existing hedge and trees along Cooper's Lane where only glimpses of the site are afforded from the entrance I've copied the elevations below for reference.



Consented BESS



Amended BESS

I trust the above is clear and I look forward to hearing from you.

Regards

Jonathan Maginness
Senior Planning Consultant



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Please note, my normal working days are Monday to Thursday



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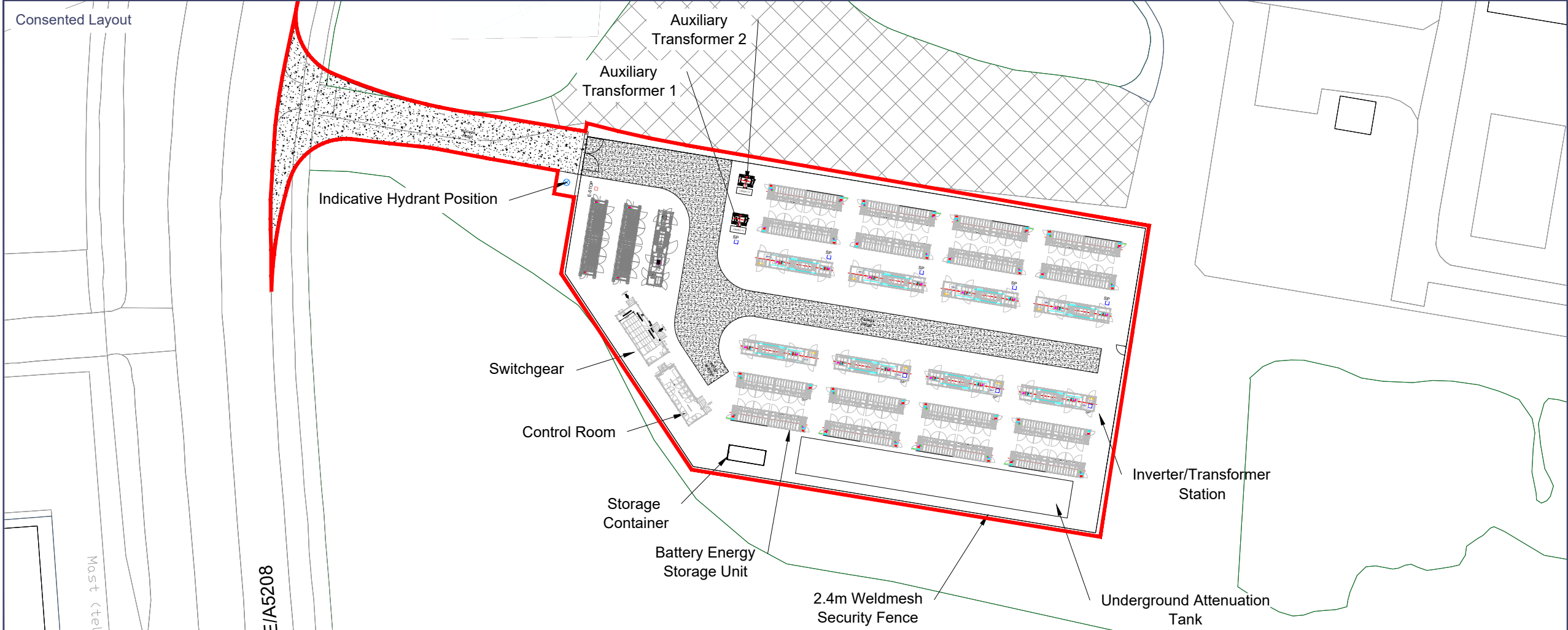
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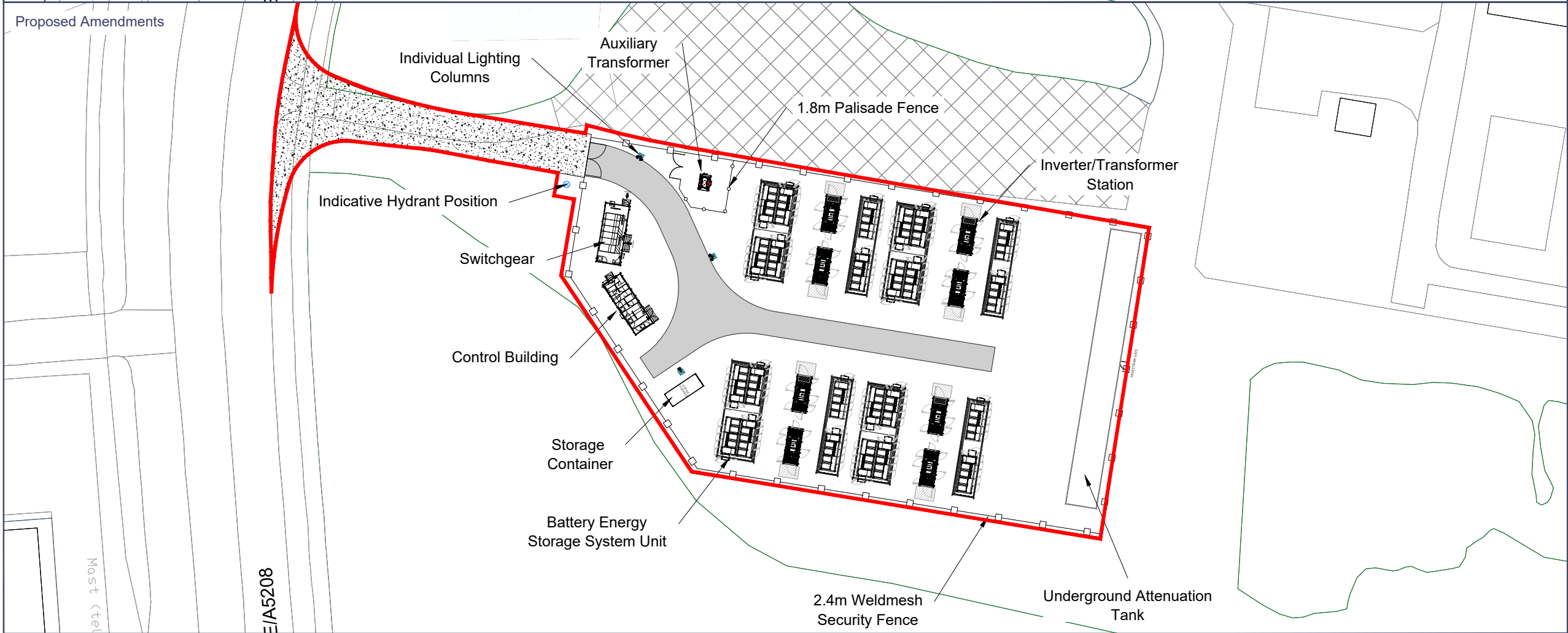
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Enclosure B – Site Layout Comparison



Application Boundary

Existing Hardstanding



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Client

Pelagic Energy

Project

Kirkby BESS

Drawing Title

PT3 Layout Comparision

Scale

1:750 @A3

Date

June 2026

Dwg no

2569-02

Status

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Drawn Checked

SK JMg

Rev

