

<u>APPLICATION NO:</u>	23/02704/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Land East of Coopers Lane, Coopers Lane, Knowsley Industrial Park, Kirkby, Knowsley, L33 7TT		
<u>PROPOSAL:</u>	PROPOSED DEVELOPMENT OF A FIBRE OPTIC CABLE ROUTE, HYDRANT CONNECTION PIPE AND DRAINAGE CONNECTION FOR THE KIRKBY BATTERY STORAGE FACILITY (BSF)		

Site Description

The application site is located along the highway at Coopers Lane and Mollys Lane.

The proposed development will include above ground infrastructure within the National Grid Compound. The majority of development will include a grid connection route located under the public highway.

Along the A5208/Coopers Lane is a pedestrian footpath and grass verge adjacent to the dual carriageway. This extends to the roundabout where the junctions of Permitter Road and Mollys Lane meet. There is no public footpath adjacent to National Grid Sub Station and the area comprises of mature trees and vegetation and a wooden post fence. Beyond Molly's Lane is a residential properties and farm buildings.

Proposal

The proposed development will include above ground infrastructure within the National Grid Compound. The majority of development will include a grid connection route located under the public highway.

The underground cabling would extend 600m in length along Mollys Lane and Coopers Lane connecting to the consented Battery Energy Storage System associated with application 23/02008/FUL.

The proposed development would allow the BESS to import and store electricity and export it back at times of high demand acting as a 'balancing service'.

Consultations

Highways – No objection

Environment Agency – No Objection subject to a condition to secure a Flood Risk Assessment.

Environmental Health – No objection in principle. Conditions have been suggested. The suggested conditions relate to watching brief for land contamination and the submission of a construction management plan. These are not considered given the scope of development proposed.

National Grid – No response received.

Tree Officer – No response received.

Representations

A total of 40 neighbours were consulted concerning the proposed development and was advertised via site notice. No representations have been received.

Planning History

No relevant planning history.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

CS2 - Development Principles

CS7 – Transport Networks

CS19 – Design Quality and Accessibility in New Development

CS22 – Sustainable and Low Carbon Development

CS23 – Renewable and Low Carbon Infrastructure

EC2 – Sites Allocated for Employment Development

Part of the site is located within a strategic road network whilst the remaining part forms part of the East of Knowsley Sustainable Urban Extension.

The development is utilitarian in nature with the vast majority being located underground and not visible from the public highway. It would connect to the National Grid Sub Station and given the existing use is acceptable in principle.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Principle of Development

Permission was granted for the erection of a Battery Energy Storage System (BESS) under application 23/02008/FUL. This application supports the operation of the BESS by allowing energy to be transported from the National Grid to the battery containers. As such, given the utilitarian nature and need to service the wider application it is considered acceptable in principle.

Design and Layout

As originally submitted, the proposed cable route was located along the mature tree line which may have affected natural assets. Following consultation the cable route was altered so that it would be channelled along Molly's Lane and Coopers Lane along the public highway. The majority of cable route will be located underground and will therefore not be visible from any public vantages. At the point of connection with the substation it would be briefly visible where it would connect to above ground infrastructure within the National Grid compound. Given the utilitarian nature and surrounding features it is acceptable in terms of design and is of a subservient scale when taking account the surrounding structures.

It is therefore acceptable in terms of design.

Residential Amenity

The cable route will be located below ground level and will therefore not be visible to nearby residents located at Molly's Lane. The above ground infrastructure would also be screened by existing natural boundaries.

Taking this into consideration there would be no adverse impact on residential amenity.

Flood Risk

The large majority of the site is within Flood Zone 1, however, part of the site (the drainage pipe) is located within Flood Zone 3 where it joins a river. The drainage pipe is located to the south east of the proposed main battery storage area. Given the large majority of the site is in Flood Zone 1 and only a small part of the site (next to the river) is within Flood Zone 3, any limited flood risk issues can be addressed via a planning condition and do not require the submission of the flood risk assessment to be approved prior to determination. The wider flood risk issues with the site have also been addressed through conditions attached to the related application. (23/02008/FUL), therefore a flood risk assessment can be secured via a planning condition in this circumstance.

Highways

The Highways Team were consulted as part of the application raising no objection to the proposed development as cabling would be installed primarily beneath the public highway and separate authorisations may be required but these would fall outside the scope of planning.

The development will therefore not adversely affect highways safety.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The development hereby permitted must not be commenced until such time as a Flood Risk Assessment (FRA) has been submitted to, and approved in writing by, the local planning authority. The FRA should be appropriate to the nature and scale of this development. The FRA should demonstrate that the development will be safe without increasing flood risk elsewhere.

Reason: To ensure Flood Risk is appropriately mitigated.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
05.12.2023	2569-03-001	REV B	LOCATION PLAN
05.12.2023	2569-03-003	REV C	PROPOSED GENERAL ARRANGEMENT PLAN
05.12.2023	2569-03-002	REV B	STATUTORY PLAN
14.09.2023	2569-03-006		33KV CABLE TYPICAL TRENCH CROSS SECTION

14.09.2023	2569-03-005		ABOVE GROUND INFRASTRUCTURE
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Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **28 May 2024**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

INFORMATIVES

Highways

This permission does not entitle the developer to obstruct or carry out works within the Adopted Highway or across a Public Right of Way whatsoever. Any proposed temporary closure or works affecting either will require consent which must be obtained from the Street works team. Please email NRSWA.TeamDRES@knowsley.gov.uk for further information.

APPENDIX 1 SITE VISIT PHOTOS

