

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 25/00285/FUL **CASE OFFICER:** Andrew Hunt

WARD: Northwood **PARISH:** N/A

LOCATION: Coopers Lane, Knowsley Industrial Park, Kirkby, Knowsley, L33 7TT

PROPOSAL: VARIATION OF CONDITIONS 2 (APPROVED PLANS), 3 (DRAINAGE ASSESSMENT), 4 (FIRE STATEMENT), 7 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN), 8 (BUILD OVER AGREEMENT), AND 13 (BATTERY SAFETY MANAGEMENT PLAN) OF PLANNING PERMISSION 23/02008/FUL (PROPOSED DEVELOPMENT OF A BATTERY STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE)

Site Description

The application site is located to the east of Coopers Lane and is former farm land now allocated as part of a Sustainable Urban Extension for employment development. The application site covers approximately 0.49ha and is largely grass land with some scrub and self sown trees.

To the north of the application site is hardstanding and mature trees associated with the National Grid Substation located to the north beyond which is mature woodland. To the south, west and east boundaries are mature trees forming natural defensible boundaries to the application site.

The site is to be accessed off Coopers Lane located to the west via the existing Access, which is to be improved, beyond which is the existing industrial estate which comprises a mix of commercial and industrial uses.

The nearest residential properties are located off Hewitts Lane (280m to the east) Permitter Road (300m to the north) and the managers accommodation associated with the Copper Pot to the south. The application site is generally flat in terms of topography.

Proposal

The proposal is a section 73 application for the variation of conditions 2 (Plans), 3 (Drainage), 4 (Fire Statement), 7 (Construction Environmental Management Plan), 8 (Build Over Agreement) and 13 (Battery Safety Management Plan) of planning permission 23/02008/FUL - Proposed development of a battery storage facility and associated infrastructure.

The current proposal involves the following changes to the plans:

- Straightening of the road access.
- Internal road layout changes.

- A reduction in battery containers from 58 to 36.
- A reduction in inverter units from 14 to 9.
- An additional auxiliary transformer building (2.3m high).
- An additional storage cabinet (2.8m high).
- An increase in height of the control room building from 3.4 to 3.9 m high.
- A reduction in maximum fencing height from 3.9 to 3 m.
- A change in permitted noise levels from -5 to - 3db below background levels.

BESS Scheme	BESS Units	Inverter / PCS Units	BESS Unit Height	Inverter / PCS Height	Switchgear Building Height	Control Room Building Height	Auxiliary Transformer Height	Fencing Height	Storage Cabinet Height
Consented Development	58	14	3.0m	2.8m	4.3m	3.4m	n/a	2.4m/3.9m	n/a
Revised Scheme	36	9	2.9m	2.9m	3.6m	3.6m	2.3m	3.0m	2.8m

Consultations

Arboricultural Officer – It stated there were 4 individual trees to be removed, part removal of G4 and G5 and full removal of G6. There should be sufficient room on site for tree replacements, however a figure was established for offsite tree replacements of £905 per tree for planting in a POS within the Kirkby area.

Environment Agency – No objection The submitted Drainage Strategy and Drainage Strategy Addendum means that condition 3 is no longer required as long as these are made approved documents.

Environmental Health – No objection, subject to a compliance condition with the Construction Environmental Management Plan.

Highways – Highways have no objections to the amendments to the approved plans (drawing ref: 2569-02-003). The proposed changes to the layout, do not affect the public highway.

Lead Local Flood Authority – The maximum discharge rate from site should be restricted to greenfield runoff rate in order to remove the need for condition 3 of the original application.

Merseyside Environmental Advisory Service – No objection. The updated CEMP now means that condition 7 is no longer required as long as the CEMP is made an approved document.

Merseyside Fire and Rescue Service – No objection subject to an Emergency Response Plan and a Risk Management Plan.

United Utilities – No Response received.

Representations

This application has been publicised by letters sent to 31 neighbours and by site notice. No representations have been received.

Commented [JS1]: State whether or not conditions requested and if so, list them.

Commented [AH2R1]: No conditions requested by highways.

Commented [JS3]: Doesn't make sense.

Planning History

23/02008/FUL – Proposed development of a battery storage facility and associated infrastructure - granted 30.04.2024 (Original application – which is to be varied).

19/00147/FUL – Installation of 11no. 4.5km gas engines with associated 33kv transformer, 11kv transformer, switchgear housing, lubrication tanks, site office, metering and gas kiosks and associated CCTV, car parking, hardstanding and fencing.
Granted 10th October 2019.

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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS8 – Green Infrastructure
CS19 - Design Quality and Accessibility in New Development
CS24 - Managing Flood Risk
SUE1 - Sustainable Urban Extensions and Safeguarded Land
SUE2 - Sustainable Urban Extensions – Development Principles
CS21 - Greenspaces and Trees
CS22 – Sustainable and Low Carbon Development
CS23 – Renewable and Low Carbon Infrastructure

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

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.

ISSUES AND ASSESSMENT:

The current proposal involves the following changes to the plans:

- Straightening of the road access.
- Internal road layout changes.
- A reduction in battery containers from 58 to 36.
- A reduction in inverter units from 14 to 9.
- An additional auxiliary transformer building (2.3m high).
- An additional storage cabinet (2.8m high).
- An increase in height of the control room building from 3.4 to 3.9 m high.
- A reduction in maximum fencing height from 3.9 to 3 m.
- A change in permitted noise levels from -5 to -3db below background levels.

BESS Scheme	BESS Units	Inverter / PCS Units	BESS Unit Height	Inverter / PCS Height	Switchgear Building Height	Control Room Building Height	Auxiliary Transformer Height	Fencing Height	Storage Cabinet Height
Consented Development	58	14	3.0m	2.8m	4.3m	3.4m	n/a	2.4m/3.9m	n/a
Revised Scheme	36	9	2.9m	2.9m	3.6m	3.6m	2.3m	3.0m	2.8m

PRINCIPLE OF DEVELOPMENT

The current application is to vary an existing planning application for battery storage (23/02008/FUL). The principle of development has been established through the original application and there has been no material change in circumstances which would make the application no longer acceptable in principle.

DESIGN AND LAYOUT

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The proposal would involve minor changes to the layout, with a smaller built footprint, straightened access and changes to the building elevations. None of these changes would result in harm in relation to design or the overall layout as they are minor in scale. These changes

overall involve less units and building over a smaller built footprint and are considered acceptable in relation to layout.

The schedule of materials states that all buildings and fences shall be painted moss green (apart from the auxiliary transformer which is to painted grey). This is a change from the white previously on the original application. The change is considered to be an improvement as the green will result in a slightly lesser visual impact.

Overall, the development is consistent with Core Strategy Policy CS19.

TREES

Part 10 of Core Strategy Policy CS21 (Trees and Greenspace) states that:

"10) The Council will encourage proposals for new development to incorporate:

a) Retention of existing trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment in terms of visual amenity, recreation value or biodiversity/wildlife interest;

b) Appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity; and

c) Adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size".

Commented [JS4]: Outline what is proposed to be lost.

In relation to the proposal, there would be no changes from the original proposal in relation to loss of trees. 4 Individual trees would be removed, including part removal of G4 and G5 and full removal of G6.

The council's tree officer has requested off site planting with a sum of £905 per tree for planting. On the original application, the tree officer requested replacement planting on a 1:1 basis. There is therefore no justification for differing from the original application and requesting a sum for off site works. Instead details of replacement planting shall be sought as part of a landscape scheme in line with the original application.

Overall subject to the condition, there would not be harm to trees from the proposal. Therefore, the application complies with Core Strategy Policy CS21.

HIGHWAYS

Knowsley Core Strategy Policy CS7 States that:

"Location, Design and Management of New Development

2) New development will be required to be:

a) Located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. Where deficiencies are identified, developer contributions will be required to improve the accessibility of the location;

b) Located and designed to ensure that larger scale proposals (attracting a lot of visitors, customers and/or employees) are located in the most accessible locations;

c) Where subject to a planning application, accompanied (except in the case

of smaller scale proposals) by Transport Assessments and/or Travel Plans;
d) In compliance with adopted cycle, car, disabled and service vehicle parking standards for different types and scales of new development;
e) Inclusive of measures that will mitigate carbon emissions and improve air quality where appropriate; and
f) Consistent with safeguarding arrangements that secure the operational integrity and safety of Liverpool John Lennon Airport”.

NPPF para 116 states that a development should only be refused on highways grounds if “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.

The proposal has been revised to straighten the access and change the internal layout. Neither of these changes have a material impact on highway safety. This is supported by the views of the council's highways department who have no objection to the proposal.

Commented [JS5]: Any conditions?

Commented [AH6R5]: No conditions requested

Overall, there would not be harm to highway safety and the application complies with Core Strategy Policy CS7 and the NPPF.

FIRE SAFETY

The proposal has been supported by a fire statement and battery safety management plan that demonstrates that the proposal will not result in an unacceptable increase in fire risk. This has been reviewed by Merseyside Fire and Rescue who have no objection subject to an Emergency Response Plan and a Risk Management Plan. It is proposed to secure these via planning condition.

FLOOD RISK

Commented [JS7]: No reference to the underground attenuation tank - what is this for? Add into report.

NPPF Para 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

“e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and”

Part 1 of Policy CS24 Managing Flood Risk states that new development that may cause an unacceptable risk of flooding on the site or elsewhere will not be permitted.

The site is not within flood zone 2 or 3 but is situated above a principal aquifer within a Groundwater Source Protection Zone for a public water supply. As such, the development needs to be considered as sensitive to discharges to the ground, such as through a compromised geotextile layer.

The Environment Agency have reviewed the submitted Drainage Strategy and Drainage Strategy Addendum and consider that these are sufficient to satisfy the requirements of Condition 3 (Surface Water) of 23/02008/FUL. The developers will need to follow good practice as mentioned in paragraph 5.1 of the drainage strategy addendum. The site is located

within a defined Groundwater Source Protection Zone and therefore needs to be regarded as being sensitive to discharges to ground. The discharge of all pollutants to ground will need to be controlled so that pollution does not occur, as noted in paragraph 5.2.

As part of the proposals an underground attenuation tank is proposed, these are sealed structural reservoirs designed to temporarily hold excess stormwater runoff during heavy rainfall and release at a controlled rate preventing flash flooding.

United Utilities have yet to confirm that the information submitted for conditions 3 (Surface Water) and 4 (Water Infrastructure) is acceptable, so in the absence of this, the previous planning conditions need to be reattached.

Subject to conditions, the development is considered acceptable and would not increase the risk of flooding or groundwater contamination. The proposal complies with Core Strategy Policy CS24 and the NPPF.

ECOLOGY

Policy CS8 (Green Infrastructure) in the Core Strategy states that new developments should sustain and promote biodiversity in accordance with its importance and contribution to ecological networks.

A number of Ecological Surveys have been submitted in support of the application. They identify that the proposed development would not have a significant impact on protected species or their habitats. An updated Construction Environment Management Plan has been submitted which is acceptable and means that condition 7 is no longer required as long as the CEMP is made an approved document. This is supported by Merseyside Environmental Advisory Service who have no objection to the proposal.

The development is exempt from Biodiversity Net Gain as it is a variation of condition of an application submitted prior to Biodiversity Net Gain coming into force.

Overall, the proposal will not result in harm to ecology and the proposal complies with Core Strategy Policy CS8.

NOISE

UDP policy ENV2 states that:

"1. Development that will either cause an unacceptable increase in noise or vibration levels or itself be subject to unacceptable noise or vibration from an existing source will not be permitted.

2. Where developments are permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other required mitigation measures are carried out."

BS 4142 advises that a difference of around +10dB or more is likely to be an indication of a significant adverse impact, whilst a difference of around +5dB is likely to be an indication of an adverse impact, depending on the context. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. Context is defined as including the following factors:

- The absolute level of sound.

- The character and level of the residual sound compared to the character and level of the specific sound.
- The Acoustic design measures.

The applicant has proposed to amend the noise condition from -5db to -3db below background noise levels. As the proposed levels would still be below background noise levels, this change would not adversely impact the amenity of neighbours or create harmful noise issues. Environmental Health have no objection to the application. Therefore, the proposal complies with Core Strategy Policy ENV2.

Construction Management Plan

Condition 7 on the original planning application required the submission of a Construction Environmental Management Plan.

A CMP has been submitted as part of this application which contains measures to mitigate construction impacts. This has been reviewed by Environmental Health and MEAS and means that a condition is no longer required as long as the document is made an approved document.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to highway safety, design, trees, flood risk or the amenity of neighbouring properties. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2021).

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 the original permission (30.04.2024).

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

- 2) Plans

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.

Pre Commencement

- 3) Water Infrastructure

Prior to commencement of development (except for clearance works), details of the means of ensuring the water main infrastructure within the site boundary is protected from damage shall be submitted to and approved by the Local Planning Authority in writing.

In the event that a diversion/diversions of the infrastructure or a build over agreement is required, the developer shall submit evidence to the Local Planning Authority that a diversion or build over has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to commencement of development, or in the event of a build over, that agreement has been reached with the relevant statutory undertaker prior to commencement of development.

Reason: In the interest of public health and to ensure protection of the public water supply.

4) Surface Water

Notwithstanding the submitted drainage assessment, no buildings shall be erected on site (including battery storage container or ancillary building), until such time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with saved Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

Pre First Use

5) Fire Statement

The battery storage hereby approved shall not be first used until the following documents have been submitted to and have been approved by, the local planning authority:

- a. Emergency Response Plan
- b. Risk Management Plan

The approved documents shall be implemented prior to energisation and retained as such hereafter.

Reason: In order to ensure adequate fire safety measures in place.

6) Bird and Bat Boxes

Prior to first use of the battery storage hereby approved, a scheme for the provision of 10no. bird boxes and 6no. bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the boxes, where they would be sited and at what height they would be located. The boxes shall be implemented prior to energisation and retained at all times that the development is in use.

Reason: In the interests of biodiversity and mitigation and to comply with Policies CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

7) Landscaping

Notwithstanding the details shown on the approved drawings, the development shall

not be first used until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) hard surfaced areas and materials,
- c) Replacement tree planting

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

8) Lighting

Notwithstanding the lighting details provided, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall be installed and used in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016

Ongoing Conditions

9) Temporary Use

The development hereby permitted is granted for a temporary period of 40 years from the first export of electricity from the site. The development shall cease on or before expiry of this period and the site shall be decommissioned and restored in accordance with a previously submitted and approved scheme of decommissioning work (a Decommissioning Scheme) which shall include the details set out in condition 11. Written confirmation of date of first electricity export to the National Grid shall be provided to the Local Planning Authority within one month of the date of this taking place.

Reason: The development is granted for temporary period and to ensure appropriate decommissioning of the site at the end of the operation of the facility, in the interests of visual amenity and landscape character of the area and to enable the Local Planning Authority to re-assess the proposal on the expiry of the permission.

10) Continuous Use

In the event that the site is no longer required for the purposes of electricity storage, or ceases to operate for a continuous period of 12 months prior to the expiring of the 40 year period, a Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority no later than 6 months from the end of the 12 month cessation period. The

Decommissioning Scheme shall include the following:

- The removal of the battery storage, ancillary equipment and structures;
- Works for the restoration of the site (including retention of landscape and ecological features);
- A traffic management plan
- Decommissioning management plan including a programme of implementation; and
- An environmental and ecological management plan to incorporate measures for protecting habitat and wildlife during decommissioning works. The decommissioning works shall be implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework

11) Fixed Plant

Fixed plant and machinery associated with the development shall be designed to have a rating level that is at least 3dB(A) below the LA90 background noise level, during the relevant time period, as measured and assessed in accordance with BS4142: 2014.

Reason: To ensue that the occupiers of neighbouring properties do not suffer noise nuisance in the interests of residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006

12) Construction Hours

No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenities of neighbouring properties and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

13) Materials

The materials used for the scheme shall be in accordance with the (Updated Material Finishes Details) document received 3/2/26. The building shall be painted in accordance with the colours specified prior to energisation of the batteries.

Reason: In order to reduce visual impacts from the proposal.

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u>
<u>Date:</u>	<u>30/06/2026</u>

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
21/05/26	2569-02-CEMP	V4	CEMP
03/02/2026	-	-	Schedule of Materials
17/10/2026	-	-	Drainage Strategy
17/10/2026	-	-	Drainage Strategy Addendum
17/10/2025	-	Rev 9	Outline Battery Storage Safety Management Plan
17/10/2025	2569-02-001	Rev C	Site Location Plan
17/10/2025	2569-02-002	Rev D	Statutory Plan
17/10/2025	2569-02-003	Rev I	General Arrangement Plan
17/10/2025	2569-02-005	Rev B	Battery Storage Containers
17/10/2025	2569-02-006	Rev B	Inverter-Transformer Stations
17/10/2025	2569-02-007	Rev B	Switchgear Container
17/10/2025	2569-02-008	Rev B	Control Room
17/10/2025	2569-02-009	Rev D	Fencing and Security
17/10/2025	2569-02-012	Rev B	Site Access Arrangements
17/10/2025	2569-02-013		Auxiliary Transformer
17/10/2025	2569-02-014		Storage Container
17/10/2025	2569-02-015		Underground Attenuation Tank

INFORMATIVES

N/A

