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4th December 2025

Dear Lee,

Planning application 25/00228/FUL - Construction Of A Battery Energy Storage System (BESS) And Associated Infrastructure Including Cabling at Land North of Cut Lane, Kirkby

This letter is submitted on behalf of Pivoted Power LLP to accompany formal amendments and additional information submitted in response to consultee comments relating to the planning application outlined above. The additional information is as follows:

- Amended Site Layout Plan
- Amended Landscape Mitigation Plan
- Updated Visuals
- Arboricultural Impact Assessment (relating to cable route)
- Arboricultural Method Statement (relating to cable route)
- Updated Biodiversity Net Gain Metric (including condition assessment sheets)
- Updated Biodiversity Net Gain Report
- Updated Biodiversity Gain Plan
- Draft Habitat Management and Monitoring Plan
- Habitat Regulations Assessment

- Ground Tree Assessment for Bats
- Confidential Badger Report
- Letter from SLR to Environmental Health

The amendments to the scheme comprise the following:

- Additional planting in the southern part of the site to screen views from the Hawthorn Cottage; and
- The rearrangement of the batteries within the site and removal of acoustic fencing from eastern side of the site to address concerns with regard to noise.

Landscaping Amendments

The ESS also issued comments in relation to the Landscape Mitigation Plan ('LMP'). An amended LMP has been submitted which has increased the amount of landscape screening to the south in order to screen views from Hawthorn Cottage. Additional visuals have also been prepared to demonstrate that the development will have an acceptable landscape and visual impact from the surrounding area.

The remaining comments/queries from the ESS will be addressed in turn below:

1. The details of the acoustic fencing that have been submitted are correct. It will 3.5m in height. It should be noted that this is to be erected only around the BESS infrastructure and not the site boundary. Thus the proposed and existing landscaping will mean that it will be screened from outside the site.
2. The construction phase of the development will be controlled by a Construction Environmental Management Plan to minimise disturbance. It is requested that this is dealt with through a suitable condition as standard.
3. With both the existing and proposed landscaping, the BESS infrastructure will effectively not be visible from surrounding properties. Additional planting is now proposed to further screen views from Hawthorne Cottage.
4. The exact method for the installation of the cabling has not been determined yet. However, it is envisaged that it will be undertaken using direction hydraulic drilling.
5. It is assumed that this is in reference to the Historic Environment Desk-Based Assessment. Clarification is required as the boundary appears to be correct. Nevertheless, the overall conclusions of the report remain relevant.
6. Updated visuals have been provided.
7. It is correct that no infrastructure is taller than 4.5m high.

8. The BESS housing will be grey RAL 7035 which is the standard colour for BESS projects.
9. Points 9-18 relate to planting mix and the need for a Landscape Ecological Maintenance Plan. It is requested that these details are dealt with through suitable conditions as is standard.

Trees

An updated Arboricultural Impact Assessment ('AIA') has been submitted which now assesses the impact of the cabling on nearby trees. As outlined in the AIA, the proposed development will require the removal of 2 low-value trees and 1 moderate value individual tree and the selective removal of trees within 6 lower value groups. This will result in a moderate negative arboricultural impact.

It is considered that the loss of these trees will not result in a material impact on the amenity or ecological value of the surrounding locality. Furthermore, the considerable benefits that the scheme will deliver in terms of improving the renewable energy infrastructure, as well as delivering a biodiversity net gain, vastly outweighs the minimal harm caused by the loss of the low value trees.

Ecology

The comments received from the Merseyside Environmental Advisory Service ('MEAS') include a number of requests for additional information including an updated Preliminary Bat Roost Assessment ('PBRA') of the trees within the cable route and a Habitats Regulation Assessment ('HRA'). Both of these documents are included in the submission pack.

The PBRA identifies that there are a number of trees on the cable route that have bat roost potential but that none of these are required to be removed to facilitate the development.

A HRA has also been prepared and is included in the submission pack. This concludes that the proposed development is not likely to have a significant effect on European sites with regard to their conservation objectives and there will not be an adverse effect on the integrity of any European site, without mitigation. Therefore, there is no requirement to progress to Stage 2, Appropriate Assessment.

Biodiversity Net Gain

An updated BNG Metric has been submitted which now also includes Condition Assessment Sheets have now been submitted as requested by the MEAS. This is accompanied by an updated

Biodiversity Net Gain Report and Biodiversity Gain Plan. It is now the intention to purchase credits for watercourse units instead of utilising the off-site ditch. It is assumed this will be controlled by a suitable condition requiring details to be submitted once the credits have been purchased.

Habitat units and hedgerow units will still be provided on site with the proposal delivering a 10.73% and 1219.26% uplift respectively. The comments from the Council's Environmental Sustainability Service ('ESS') state that a Habitat Management and Monitoring Plan ('HMMP') should be secured through a condition. The applicant accepts this approach but a draft HMMP has been submitted for review.

Environmental Health

Knowsley Council's Environmental Health Team have submitted several comments in response to the application, the latest raised concerns that the increase in background noise levels would be unacceptable.

In response to this, the site layout has been changed to re-orientate the batteries and the noise modelling has been redone. This re-design has enabled a 2dBA reduction at the most effected receptor Sandy Brow Cottages (compared to the previous layout). This has resulted in a rating level of no more than 35dBA. At this level it is considered that there will be no detrimental impact on amenity. Full details of this are outlined in the appended letter from SLR Consulting.

Drainage

United Utilities have now confirmed in an email dated 11th September that they are content with the surface water drainage details. This email has been forwarded with this letter.

The Environment Agency have submitted two consultee responses dated the 28th May 2025 and 18th June 2025. The points raised are addressed in the table below:

Environment Agency Comment	Response
"We have reviewed the email response provided and it does not address our concerns and the need for a pre-commencement condition regarding a scheme for surface water disposal. We therefore still recommend our condition for inclusion, which was outlined in our previous	The applicant agrees to the condition.

response, SO/2025/124979/01 (dated 28 May 2025), if nothing further is submitted for this application before determination.”	
“Although it is noted that the site is unsuitable for infiltration, this does not necessarily mean it is impermeable. Of the two trial pits excavated, one showed a falling water level which does indicate that some infiltration is occurring. This observation is clearly documented in Appendix C of the Sustainable Drainage Systems (SuDS) Strategy document submitted as part of the full application. Any impermeable membrane required would likely need to cover the entire site. The durability of the SuDS components in the presence of contaminants extends beyond the detention basin. It also applies to any underlying membranes and conveyance features.”	An impermeable membrane will be applied to the BESS area where potential contamination is possible. A plan showing the impermeable membrane location is provided in Figure ‘Recommended Impermeable Membrane’. An impermeable membrane to cover the entire Site is not possible due to ecology and landscaping requirements and is not considered necessary as only the battery containers pose a risk of introducing contaminants to spent firefighting water.
“Section 3.2 of the SuDS Strategy states that the volume of water stored in the detention basin will also serve as a firewater storage. This volume only marginally exceeds the required amount and does not account for evaporation losses. For example, during the recent warm and dry spring, there was minimal rainfall. In such conditions, it is conceivable that available storage could be insufficient in the event of a fire.”	The SuDS Strategy does not state that water stored in the detention basin will be used for firefighting. Firefighting water will be sourced from a dedicated sealed tank onsite, not from the detention basin. Spent firewater would then drain to the detention basin, where a penstock on the outlet will prevent the uncontained release to the wider hydrological catchment. Water would then be tested and either tankered for offsite disposal or released to the land drain

	to the south, subject to agreement with the EA.
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Fire Risk

It is understood that clarification that the proposed development meets the National Fire Chiefs Guidance for BESS. A Battery Safety Management Plan has been submitted as part of the application which refers to said guidance and details have the proposed development accords with it.

Conclusion

As outlined above, all consultee responses received to date have now been addressed through the amendments now proposed.

It is therefore requested that Officers confirm that the application will be supported with a recommendation for approval following the requisite re-consultation period.

Yours sincerely,



Nathan Puckering MRTPI

Senior Planner, IC Planning