

Our Ref: 2659-03/JW/JM

25 February 2025

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

Dear Andrew,

SECTION 73 APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION 23/02667/FUL FOR A GRID CONNECTION CABLE ROUTE BETWEEN A BATTERY STORAGE FACILITY AND THE NATIONAL GRID KIRKBY SUBSTATION OFF COOPERS LANE, KNOWSLEY INDUSTRIAL PARK, KIRKBY

Introduction

I write, on behalf of HD001KIR Ltd (hereafter referred to as 'the Applicant' or 'Pelagic Energy'), in respect of the above Section 73 proposal (the 'Proposed Development'). Planning permission 23/02667/FUL was approved on 30th April 2024 (the 'Approved Scheme').

This application has been submitted via the Planning Portal (ref. PP- 13740966) and comprises:

- This Covering Letter-Statement;
- Planning Application forms;
- A set of amended Planning Drawings;
 - 2569-03-001 Site Location Plan RevC;
 - 2569-03-002 Statutory Plan RevC;
 - 2569-03-003 General Arrangement RevD;
 - 2569-03-004 Existing Site Plan RevC;
- Enclosure A – Email communications with LPA confirming S73 planning route;
- Fee of £363 paid electronically, which includes the £70 Planning Portal Fee.

Context to the Section 73 Application

On 30th April 2024, planning permission was granted for the Kirkby Battery Energy Storage System (BESS) facility (Knowsley Council ref. 23/02008/FUL). The Kirkby BESS requires a connection to the electricity grid via an electrical cable. The point of connection for the Kirkby BESS to the electricity grid will be at the adjacent National Grid 275/400kV substation to the north of the BESS site.

The Approved Scheme was for a grid connection cable route between the consented Kirkby BESS facility and the Kirkby National Grid substation (ref. 23/02667/FUL).

The Applicant has since carried out a detailed investigation of the grid connection route to understand the sitting of the cable in relation to existing services. The finalised grid route marginally sits outside of the consented site boundary for the Approved Scheme. As such, it would require some minor changes to the redline boundary. Following discussions with yourself (via email, see Enclosure A) it was confirmed that a Section 73 application would be appropriate to secure the grid connection route changes and associated amendment to the redline boundary.

Proposed Amendments to Grid Connection Route and Consented Redline

The Proposed Development is illustrated on drawing 2569-03-003 Rev D ‘General Arrangement’. This drawing identifies the revised grid connection cable route and 2569-03-002 Rev C ‘Statutory Plan’ illustrates the revised redline boundary. The revised grid connection cable route would follow a very similar route to the Approved Scheme with only marginal differences.

The construction method and trench layout for the grid cable connection, as well as the associated above-ground infrastructure at the point of connection to the substation would be unchanged from the Approved Scheme. For clarity, the installation process involves the cable being laid underground within a mechanically dug trench for the majority of the route. Suitable root barriers would be installed within the trench when in proximity to existing trees. Some sensitive locations, such as the crossing of existing services would require hand excavation. Once the cables are jointed, all trench / excavation support equipment would be removed, the excavation would be backfilled and the area reinstated to existing ground levels and conditions.

The planning drawings of the Approved Scheme which would either be updated or remain unchanged have been set out in the table below for clarity.

Current Consented Drawing Name / Reference	Amended / Unchanged	Revised Drawing Name / Reference
2569-03-001 Location Plan Rev B	Amended	2569-03-001 Site Location Plan Rev C
2569-03-002 Statutory Plan Rev B	Amended	2569-03-002 Statutory Plan Rev C
2569-03-003 General Arrangement Rev C	Amended	2569-03-003 General Arrangement Rev D
2569-03-004 Existing Site Plan	Amended	2569-03-004 Existing Site Plan Rev C
2569-03-005 Above Ground Infrastructure	Unchanged	-
2569-03-006 33kV Cable Typical Trench Cross Sections	Unchanged	-

Environmental and Planning Considerations

Environmental Matters

The Proposed Development would have no greater environmental impact than the Approved Scheme. For clarity, these environmental matters are set out again below for reference.

The site (as shown on planning drawing 2569-03-002) is wholly located within Flood Zone 1 and is therefore not at risk of flooding. In addition, the site is not located within or adjacent to any protected

environmental designations. There are no heritage assets in proximity to the site. All works within the public highway would be carried out in accordance with local highway operational requirements.

The grid connection cable route would partly sit within the grass verges adjacent to Coopers Lane and Molly's Lane. The verges are regularly cut and would have limited ecological value.

The underground section of the cable route would have no visual impact above ground. The above-ground infrastructure at the point of connection to the substation would be perceived as part of the existing infrastructure of the extensive substation complex. Notwithstanding, this has already been consented through the Approved Scheme and is not proposed to be any different.

Planning Matters

The Proposed Development is subject to the same planning policy tests as for the Approved Scheme, and therefore is considered to also be acceptable. For clarity, the planning policy position is set out again below for reference.

The Adopted Proposals Map on KMBC's website and Knowsley Local Plan Core Strategy (2016) identify that Coopers Lane (A5208) and the roundabout which form part of the grid connection cable route are located within the Transport Network (Policy CS7). This policy aims to support a sustainable transport system and geographical pattern of development which minimises the need to travel and help grow the borough's economy, ensuring that jobs, shops and services are accessible to all, leading to a lesser reliance on the car for travel.

The Amended Scheme is situated within a Sustainable Urban Extension employment allocation for land east of Knowsley Industrial and Business Parks, Kirkby. This site is one of the 9 sites that KMBC has removed from the Green Belt as part of Policy SUE1. The grid connection cable route is an essential component of the Kirkby BESS project and is necessary for the BESS to operate and deliver the wider benefits it will provide to meet net zero targets. The principle of energy-lead development at the Site (and the principle of doing so within the allocated SUE) has been established through the approved gas plant scheme. Notwithstanding this, commercial uses are significant consumers of electricity, and the Amended Scheme would benefit those by providing security and resilience of supply for the local distribution network.

The Proposed Development would support the Kirkby BESS which itself would ultimately deliver sustainable development in line with policy SUE2 Sustainable Urban Extensions - Development Principles of the Knowsley Local Plan Core Strategy.

In light of the above, the Proposed Development meets the policy tests of the local development plan and would have no greater impact on environmental matters than the Approved Scheme.

Summary and Conclusions

This Section 73 application has been submitted to KMBC by the Applicant to vary the drawings of the Approved Scheme to reflect a slightly revised grid connection cable route and associated redline planning boundary change. It has been demonstrated that the Proposed Development would have no greater impact than the Approved Scheme and meets necessary policy tests.

Based on the foregoing, it is recommended that the award of planning permission for the Amended Scheme is fully justified and thus should be granted.

We trust that the content of this letter and the application documentation are self-explanatory. However, please do not hesitate to contact the undersigned at should you have any queries or require any further information.

Yours sincerely

James Walkington

James Walkington
Planning Consultant on behalf of Axis

E: jameswalkington@axis.co.uk

Enclosure A – Email communications with LPA confirming S73 planning route

Jonathan Maginness

From: Hunt, Andrew <Andrew.Hunt@knowsley.gov.uk>
Sent: 28 January 2025 12:17
To: Jonathan Maginness
Subject: RE: External Mail: 23/02667/FUL - Revisions to consented cable route, Coopers Lane, Kirkby

Dear Jonthan,

Apologies for the delay in responding. I have spoken to my manager and consider that a section 73 would be appropriate for the change.

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: 13 January 2025 14:15
To: Hunt, Andrew <Andrew.Hunt@knowsley.gov.uk>
Cc: Foster, Kevin <Kevin.Foster@knowsley.gov.uk>
Subject: External Mail: 23/02667/FUL - Revisions to consented cable route, Coopers Lane, Kirkby

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Dear Andrew

Happy new year, I hope you had a good break.

Thank you for responding to my previously query about a potential non-material amendment to the consented battery storage scheme 23/02008/FUL at Coopers Lane, Kirkby. I will revert on that matter under a separate cover.

I am writing here regarding a different yet related matter. The applicant also requires an amendment to their grid connection cable route for the battery storage facility (separately consented under 23/02667/FUL). This will largely follow the same route as that consented but will require some deviations outside the redline boundary. These deviations are limited and only minor and would have no greater impact over the approved route.

To illustrate the proposed amendments to the cable route, please see attached plan showing the consented redline boundary for the grid connection with the consented and proposed revised grid connection routes.

Would the LPA accept a submission under section 73 to vary the planning drawings condition of 23/02667/FUL with updated drawings reflecting the slightly amended cable route?

Thanks

Regards

Jonathan Maginness

Senior Consultant | BSc (Hons) MA MRTPI

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Please note, my normal working days are Monday to Thursday



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