

**Report For:** Planning Committee

**Application Ref:** 11/24/0389

**Application Address:** Knuzden Moss Farm, Stanhill Road, Oswaldtwistle, BB5 3RE

**Full Application:** Major Full: Development of a Battery Energy Storage System (BESS) and Associated Infrastructure.

**Date for Decision:** 17/02/2025 (Ext. until 01/05/2025)

### **Site and Proposal**

This is an application for full planning permission for development of a 60MW Battery Energy Storage System (BESS) to provide energy balancing services to the National Grid. This type of facility operates by taking electricity from the Grid at times of low demand, storing it in batteries, and releasing it back to the Grid when demand is high.

Demand for electricity can vary dramatically across the day. Using fossil fuels, it was possible to adjust the amount of power being generated to match the amount required. However, that is much harder with renewable energy sources. When the amount of power being generated exceeds demand, BESS charge up and store the energy, releasing power back into the grid when demand increases. As such, BESS play a key role between renewable energy supplies and responding to energy demands.

The application site (as amended 17<sup>th</sup> March 2025) is a 2.05ha parcel of agricultural land and woodland to the south of Stanhill Road and to the west of the M65 Motorway. White Ash and Stanhill Barn are located to the north of the site, adjacent to Knuzden Moss Farm. The point of access as originally applied for was a private gate located along Stanhill Road through Knuzden Moss Farm. The proposal was amended on 17<sup>th</sup> March by submission of new access details, with the new point of access further to the east and therefore further from the motorway. The site is located within the designated Green Belt.

The proposed development would comprise of the following equipment:

- Fenced compound measuring 117m x 50m containing:
  - 14no. Battery Clusters
  - 7no. BESS Transformers on banded foundations
  - 1no. Site Welfare and LV Switchroom placed on paving slabs at the corners

- 1no 33kV BESS switchroom on raised pillars
- 2no. 132kV Substation Switchrooms
- 1no. 33kV/415V Site Supply Transformer on bunded foundation
- 2no. 132kV Substation within a compound. This compound to have a bunded foundation
- 2no. car parking spaces
- 2no. Water Tanks
- 1no. Fire Hydrant

The compound would have two rows of battery clusters and transformers accessed by two internal access tracks with two gates from the access road to the site. There would be one switchroom at the end of a battery cluster row. The substation compound would lie to the south of the rows of battery clusters whilst the remainder of the site would contain a SuDs pond and landscaping.

The compound surface would comprise primarily of permeable ground with the BESS clusters sat on screw piles on concrete foundations. The invertors would have bunded concrete foundations and the switchroom would be placed on paving slabs in the corners. Internal access tracks within the compound would consist of a type 1 (i.e. <40mm) compacted stone. The compound would be surrounded by a 3m high acoustic fence to the north, east and west with a mesh fence which would be 2.4m in height to the south. 24hr CCTV will be located along the compound perimeter.

A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to the LPA in June 2024. The LPA do not consider the proposed development to comprise EIA development.

The operational period described within the application is 40 years from the date of energisation. Prior to this would be a construction period, estimated at between 12 to 14 months, plus an as yet undescribed restoration period following decommissioning. Due to the nature of the proposed use and the requirement to secure a grid connection date at a time appropriate to need, the applicant asks that if planning permission is granted, the standard 3 year conditional period for implementation be replaced by a 7 year period. The applicant proposes that this be a temporary consent for the operational period plus that required for decommissioning and site restoration.

## **Consultations**

### **Public Consultation:**

Residents have been notified of the application by letter and site notice (x3). The planning application has also been publicised in the local newspaper. Following receipt of amended access details a further site notice was erected on 17<sup>th</sup> March 2025 and letters were sent again to residents.

Sarah Smith MP has expressed her interest in this planning application.

One representation in support of the proposal has been received to date (7<sup>th</sup> April 2025).

38 objections have been received to date (7<sup>th</sup> April 2025) and have raised the following concerns:

#### Principle of Development/ Consideration of Green Belt Policy

- Hyndburn Local Plan states that the West Pennine Moors should be protected from development.
- There are many brownfield sites more readily accessible.
- No very special circumstances required for Green Belt development.

#### Visual Appearance and Landscape Impact

- The proposed structures, reaching heights of up to 6 meters, alongside imposing 3-meter high acoustic fences and an extensive footprint of 60,000 square feet, would create an industrial landscape that is wholly incompatible with the character and heritage of the surrounding rural environment. Efforts to mask the visual impact of this development are unlikely to mitigate its stark and overwhelming presence.
- Visual amenity gained by 20 years of forest growth and land recovery from former chemical works will be immediately dismissed.

#### Impact upon Residential Amenity

- Noise pollution and constant humming noise.
- Battery storage facilities can emit constant noise from air conditioning units, inverters, and transformers.
- The proximity of this facility to Brookside Nature Reserve and established Public Rights of Way raises significant concerns regarding visual amenity and noise disturbance.

#### Site Safety

- High risk of thermal runaway
- Potential for accidental fire, vandalism or terrorism risk.
- Potential lethal toxic nature of gas emissions and water runoff in the event of a fire/explosion and impact on Nature Reserve site, local residents and footpath users.

#### Highway Safety and Traffic

- The main road is a busy bus route and the location is a potential traffic and accident risk.

- The units will generate extra road traffic because of their high service and maintenance requirements. This will be particularly disruptive while the site is under construction.
- The revised point of access will be closer to dwellings thus exacerbating existing highway danger as a result of poor visibility onto the main road.
- Stanhill Road inadequate for HGVs, with increase use by HGVs likely to exacerbate existing highway danger.
- Size of access road would have to be excessive for location particularly given difference in gradient between the main road and the main body of the site, combined with the proximity to dwellings.

#### Landscaping, Ecology and Biodiversity Net Gain

- Impact on wildlife including upon bats.
- The proposal is next to a new Nature Park for Hyndburn (Brookside Nature Reserve) with six project partners and community volunteers working to restore the area supported by a grant from the National Lottery Climate Action Fund.
- The new access point will require additional trees to be lost.

#### Additional Considerations

- The power generated by the development will go straight to the national grid – this will not be a source of cheap electricity for people living in the vicinity of the facility.
- Updated Government Energy Strategy is looking towards small nuclear reactors (SMRs) as the solution to energy production.
- The proposal does nothing to benefit the local community and is for the financial gain of the applicant.
- Lack of consultation with local residents.
- Battery technology is high carbon in manufacture and is mistakenly promoted as being green energy.

An objection has also been received from Stanhill Village Community Association (SVCA) which raises the following concerns:

- The proposal includes significant physical infrastructure that does not represent appropriate development in a rural area, and is also inappropriate development in the green belt.
- The development is sited adjacent to Brookside, a site that is currently under restoration with the main aims of carbon capture, the enhancement of biodiversity, and a place where people can enjoy peace and tranquility. The committee felt that this development would compromise these aims.
- SVCA are a stakeholder and partner in the Brookside project. As such, the committee is of the opinion that this development conflicts with the overall ethos of the Brookside Restoration Project.

- The risk of fire and explosion, albeit small, has the potential to cause serious harm to people and the environment. The composition of such batteries means that in a fire situation, thermal runaway can occur making them almost impossible to extinguish. If such an event was to happen, the potential for serious damage to local residents, the environment and the road network would be catastrophic. SVCA do not want such risks to be introduced so close to the areas mentioned above.

**Lancashire Wildlife Trust:**

Lancashire Wildlife Trust OBJECT to the application on the following grounds:

In paragraph 3.3.1 of the Preliminary Ecological Appraisal (PEA), the species list provided, although inevitably incomplete, is more closely associated with *Holcus-Juncus* grassland (g3c8 Yorkshire-fog-Soft-rush grassland), which, in the UKHab habitat classification, is other neutral grassland rather than modified grassland (g4), both of which would, however, appear to be in poor condition. The species list includes sheep's sorrel, which is almost certainly a mis-identification for Common Sorrel (*Rumex acetosa*), and the photograph in Figure 2 looks like the grassland also contains Meadow Buttercup and will support additional species.

If the site supports 1.0961 hectares of other neutral grassland rather than modified grassland, the number of baseline habitat units for the grassland is doubled, i.e. from 2.52 to 5.04 units, which means that the Biodiversity Net Gain (BNG) calculations are wrong and the application as it stands may not deliver the mandatory minimum of 10% BNG, hence the application should be REJECTED/REFUSED.

In addition, paragraph 3.3.5 of the PEA, states that field horsetail (*Equisetum arvense*) is an invasive non-native species (known as INNS for short), whereas the plant is in fact a native species. Whilst the species can be considered invasive in gardens and allotments, it isn't normally considered invasive in ditches and certainly isn't an INNS hence, due to this and the misidentifications mentioned above, the competence of the ecologists involved in the PEA can be questioned, hence the application should be REJECTED/REFUSED.

In order for the Council to determine the application in respect of the mandatory requirement for a minimum of 10% BNG, a more comprehensive and detailed survey of the grassland should be undertaken on at least one occasion at an appropriate time of the year hence the application as it stands should be REJECTED/REFUSED.

**Lead Local Flood Authority:**

No objection subject to flood risk and surface water drainage planning conditions.

**Lancashire Fire and Rescue:**

LFRS recognise that the developer/applicant has provided an Outline Battery Safety Management Plan (the OBSMP) that incorporates the guidance in the National Fire Chiefs Council guidance document Grid Scale Battery Energy Storage System planning – Guidance for FRS and UK Government guidance document Grid scale electrical energy storage systems: health and safety.

At present the documents submitted do not address all the areas that these guidance documents highlight in sufficient detail – this is acknowledged within the OBSMP, and reference is made to the Detailed Battery Safety Management Plan (DBSMP) that will be drawn up after planning consent has been obtained - and therefore LFRS would request that the Local Planning Authority do not grant planning permission for the site without imposing suitable conditions that will ensure that the DBSMP and Emergency Response Plan (ERP) are subsequently developed to the satisfaction of LFRS and the Planning Authority.

LFRS cannot design the safety system for the developer/applicant, so they should engage competent persons to assist them, as the ultimate responsibility for the safe design and running of these facilities rests with the developer/applicant.

The following observations are based on the proposed measures contained in the outline plan where there are recognised gaps in the available information pending such matters as selection of battery type. As this information becomes available there will need to be the ongoing collaboration between LFRS and the developer alluded to in the OBSMP to allow further observations to be raised and addressed effectively.

#### Access to the site

The rationale to justify the suitability of the access road layout, including a wind rose indicating observed wind conditions for the site, is noted.

#### Separation of BESS units

The updated OBSMP indicates that the separation between BESS units is intended to be maintained at a minimum of 3m, in line with LFRS recommendations.

#### Water supplies

The intended means of delivering the water from the storage tanks for FRS use is through a gravity-fed outlet on the tank itself; the concern is that the location of the tanks is more likely to be affected by products of combustion from a BESS unit fire based on the prevailing wind data provided elsewhere in the submission, and so an additional outlet location would help to ensure safe access to water regardless of wind conditions. The optimum solution, and one which has been adopted at other sites in Lancashire, is a system of pump-fed hydrants at points around the compound. In addition the DBSMP will need to address how the water levels will be

maintained.

#### Emergency plan

Elements of this including how and when LFRS will be alerted, how affected BESS units will be indicated, and other practical aspects of the ERP should be determined in consultation with LFRS, and it should be a condition of the planning permission that the developer/applicant does so.

#### **LCC Archaeology:**

We have considered this application with its supporting Archaeological Desk Based Assessment. We do not consider that any further archaeological work is required on this site.

#### **LCC Highways (in response to the amended details submitted 17<sup>th</sup> March 2025):**

Further to our previous comments dated 24<sup>th</sup> October 2024 and our meeting on the 23<sup>rd</sup> January 2025, the revised access location has been reviewed and the following comments are made.

The application seeks to place a 60MW battery storage site with a new access on Stanhill Road in a revised location approximately 52m east of the M65 bridge parapet. The construction period is expected to take 12-14 months.

#### Access

Stanhill Road is classified and subject to a 40mph speed limit, visibility splays can be provided to both sides of the access along Stanhill Road with X2.4m and Y120m which is in accordance with the Design Manual for Roads and Bridges.

Access to the site is proposed via a new access located approximately 52m east of the bridge parapet and approximately 18m east of the end of the vehicle restraint barrier.

The M65 motorway itself and the bridge which crosses the motorway carrying Stanhill Road are the responsibility of National Highways. The vehicle restraint barrier is the responsibility of Lancashire County Council. The revised site access location removes the requirement to alter the length or design of the existing barrier and therefore there is no requirement to undertake any assessment in this regard.

There has been unauthorised alterations and the removal of a 13m long section of the vehicle restraint barrier adjacent to the bridge and there are temporary concrete blocks located adjacent to the bridge. Lancashire County Council are responsible for the vehicle restraint barrier and will reinstate it as the earliest time for highway safety reasons.

The overhead high voltage power lines have been added to the drawing as requested, we would expect to see further details of this in the detailed design of the site access.

Drawing 'Proposed access preliminary design' LTP/5979/P1/01.01.Rev B shows the site access will be formed with a 7m wide carriageway with 12m radii on the west side to prevent an articulated vehicle exiting the site and turning left from straddling the carriageway onto the opposing lane. This is acceptable and following completion of the construction phase the site access radii can be reduced to a suitable width as required for the maintenance access vehicle.

There are no temporary or permanent gating arrangements proposed for the site access. Details should be submitted by condition and the gates need to be set back sufficiently to allow the longest vehicle to clear the carriageway of Stanhill Road.

During the construction period we would likely require temporary traffic management to be placed on Stanhill Road in the form of 'slow turning large vehicle' warning signage and potentially a temporary reduction of speed limit for highway safety reasons. This will be assessed during the S278 and street permit application process with Lancashire County Council.

The proposed gradient of the first 15m is 1:25 and then sloping continuously for 55m at 1:10. A significant amount of fill is required to construct the access road and the supporting embankment and there is an existing retaining wall indicated on the drawing along the highway boundary. A detailed design of the embankment and assessment of the impact upon the highway supporting infrastructure are required by condition.

The site access road will need to be paved with a bound material to avoid loose material being deposited onto the highway and a full construction traffic management plan will be requested to include a turning area, wheel washing facilities and operative car parking within the site.

The formation of the access on Stanhill Road will require a S278 agreement with Lancashire County Council whereby a technical approval and safety audit process will need to be undertaken. Early engagement with Lancashire County Council is recommended to prevent any delays, no works to form the access can be commenced until the legal agreement is signed which can be prolonged.

#### Highway trees

There are two highway trees to be removed within the highway verge and an amount of vegetation to cut back which lies within the visibility splay to the east side of the new access on Stanhill Road. Four new trees will be replaced within the site. The removal of the trees and trimming of vegetation will be agreed under the S278

agreement with Lancashire County Council. A scheme for the replacement trees can be submitted by condition.

### Layout

It is noted that Lancashire Fire and Rescue are satisfied with the proposed layout in accordance with the 'National Fire Chiefs Council Guidance on Grid scale Battery Energy Storage System Planning' subject to conditions that will ensure that the Outline Battery Safety Management Plan (OBSMP) and Emergency Response Plan (ERP) are subsequently developed to the satisfaction of LFRS and the Planning Authority.

The layout allows all vehicles to enter and exit the highway in forward gear which we consider is necessary for highway safety.

There are no public rights of way recorded as crossing the site.

### Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Conditions suggested are:

- Submission/approval of a Construction Method Statement
- Submission/approval of detailed designs for embankments and access
- Submission/approval of temporary gate arrangements
- Replacement trees
- Height restriction on items/planting within visibility splays

### **National Highways (in response to the amended details submitted 17th March 2025):**

#### Access

National Highways has reviewed the revised access arrangements drawing: LTP/5979/p1/01.01 A, and from National Highways' perspective we would be satisfied that this revised access proposal addresses our concerns over access, but that if for whatever reason the revised proposal were to suddenly be found not acceptable to LCC Highways (for whatever reason), we would then expect to be reconsulted on the application.

#### Drainage

National Highways is satisfied with the recommended Pre-commencement condition to be put in place to resolve the concern regarding the site drainage route.

### Conclusion

Recognising the recent engagement and latest proposals, National Highways offers no objection subject to the informative below.

### Informative

There should be no inference that the National Highways Planning Response supports the routing of any cabling to establish a grid connection most notably in relation to the M65 Stanhill overbridge. Nor does the National Highways planning response provide advice or guidance in respect to the requirements of the New Roads and Street Works Act 1991 (NRSWA) or other relevant legislation including any necessary agreements/easements.

### **CPRE Lancashire:**

CPRE supports sustainable energy and understands that for Hyndburn and the surrounding areas to meet their energy needs in a sustainable way this might mean battery storage facilities coming forward. However, in this case we believe that this proposal is inappropriate and CPRE objects to the proposed development on the grounds that it does not meet relevant planning policy especially Local Plan Policy DM34: Development in the Green Belt and Countryside Area and there is insufficient ecological information to enable your authority to determine it especially with respect to the proximity of the site to a SSSI, Site of Local Natural Biological Importance and wildlife corridor.

### Local democracy and community engagement

According to the Council's planning application webpage for the application, there is no statement of community involvement associated with the proposal or any other evidence of any community involvement. We do not think that sufficient community consultation has been undertaken in this case. Given the proximity, benefit and importance of the green space to local residents such engagement would have added value especially given the proximity to wildlife and recent loss of green belt to M65.

### Climate and sustainable development

To ensure carbon zero development, CPRE encourages sustainable energy and recognises the contribution that energy storage can make. However, the proposed facility is in an inappropriate location given the existence of plenty of brownfield land in both Hyndburn and neighbouring Blackburn with Darwen. There is no need for it to be located in the middle of green belt and its location would be contrary to the overall aim of the green belt i.e. to prevent urban sprawl by keeping land permanently open as set out in the National Planning Policy Framework (NPPF); The NPPF gives great weight to Green Belts and states that its essential characteristics "are their openness

and their permanence” and these would be compromised by the proposal. The Green Belt at this point is very narrow; the last house in Oswaldtwistle that is not in the green belt is only around 700m from edge of the Green Belt in Blackburn and crosses a section of Green Belt whose main aim has already been compromised by the M65.

#### Biodiversity and nature’s recovery

CPRE campaign for biodiversity and nature recovery. The proposal would lead to a loss of greenspace which would mean a loss of biodiversity and reduced capacity for nature recovery. The Preliminary Ecological Survey (PES) recommends a bat survey between April and October but no report of the findings of such a survey accompanies the application. It also recommends an eDNA survey of the onsite pond for the presence of Great Crested Newt (*Triturus cristatus*) which would need to have been undertaken between mid-April and the end of June but no report of the findings of such a survey accompanies the application as submitted. As such there is insufficient ecological information to enable your authority to determine it especially with respect to the proximity of the site to a SSSI, Site of Local Natural Biological Importance and wildlife corridor.

#### Beauty and heritage

CPRE has long campaigned for better designed places to maintain local character and distinctiveness. The proposed storage would be behind fencing to screen noise and the view. However, even with the screening, the proposal, would, by virtue of its location in a green landscape, represent a deterioration of the visual amenity of the landscape. The proposal would, from the point of view of Beauty, be more appropriately located on previously developed land such as an industrial estate. Hyndburn’s Local Plan Policy Development Management DPD – DM34: Development in the Green Belt and Countryside Area states that all proposals involving the development of new buildings in either Green Belt must be capable of being developed without adversely affecting the character of the rural landscape and as such the proposal is contrary to this policy.

#### Health and wellbeing

CPRE is committed to protecting and enhancing our rural places and green spaces for the benefit of all in the future. Our health is inextricably linked to the health of our natural and built environments so we need to encourage more access to nature and green space and the degradation of the site runs against this principle and is contrary to Local Plan Policy Development Management DPD – DM34: Development in the Green Belt and Countryside Area which requires all proposals involving the development of new buildings in either Green Belt to protect and enhance nature conservation features and species, including the area’s soils.

#### **United Utilities:**

We request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application. Should planning permission be granted without the provision of this information we request a planning condition be attached.

**HBC Environmental Health:**

A Battery Energy Storage System (BESS) allows energy from renewable energy sources to be stored and released when power is needed most. As such, green energy is available for use, when no green energy source is available. For example, stored solar energy could be released at night. However, market forces can also dictate when energy is released. It is generally expected that less energy is needed at night and therefore the equipment is in use less at these times.

Although this is generally regarded as a rural area, it is predictably noted in the report that the dominant noise source is the M65.

The noise report has utilised the correct methodology, in that the existing noise climate has been monitored over a period almost 3 days, incorporating a whole weekend, plus almost 24 hours. The equipment to be used has then been assessed, taking account of proposed mitigation measures (a three sided barrier and the use of inverters). The calculations also take account of the distance to the receptors, and the predicted noise levels at several noise receptor premises have been calculated. When a new noise source exceeds an existing background noise level, it can be noticeable. The greater the exceedance, the more noticeable it is. Normally, no increase is expected or requested. The modelling indicates that there will be a marginal increase of 1 decibel in excess of the background levels, which is normally classed as not noticeable. However, it is pointed out that the figures are based on BESS usage of 100% of the time (worst possible case). As mentioned, this is normally not the case with usage after 23.00 reduced, as the demand for electricity naturally reduces.

As such, I have no objection in principle to this proposal, but given the predicted figures have been produced with mitigation measures in place, these should be utilised and maintained for the duration of the development.

**HBC Ecology (in response to the amended details submitted 17th March 2025):**

The applicant has submitted a DEFRA Statutory Biodiversity Metric, Biodiversity Net Gain Report, Preliminary Ecological Appraisal and Arboricultural Impact Assessment, which includes details and photographs of the pre-development site condition and habitat baseline.

The submitted SBM and BNG Report demonstrates a habitat unit gain of +10.31%, hedgerow unit gain of +0.79 Units, and water course unit gain of +14.94%.

Nevertheless, despite achieving a BNG gain of +10.31%, the scheme results in trading down (the loss of higher distinctiveness habitat to lower distinctiveness habitat). The scheme will result in the loss of 3.75 habitat unit, medium distinctiveness deciduous woodland, which is not replaced onsite. The loss of 3.75 habitat units must be compensated offsite through the purchase of woodland habitat units from a suitable habitat unit provider.

This scheme requires both onsite habitat creation and offsite habitat compensation, in accordance with the Biodiversity Gain Regulations 2024.

The significant onsite habitat creation must be maintained for a 30 year period following completion of development. A 30 year Habitat Management and Monitoring Plan (HMMP) must be approved and secured by S106 agreement.

Conditions suggested are:

- BNG conditions including 30 years management and monitoring
- Arboricultural Method Statement and Tree Protection Plan
- Ditch protection
- Ecological Construction Plan
- Landscaping Scheme
- Incorporation of features for hedgehogs plus log piles and bat boxes
- Restriction on timing for removal of planting to avoid nesting season
- Post-completion Statement of Good Practice
- Control of external lighting

### **Relevant Planning History**

11/24/0275 Request for Environmental Impact Assessment (EIA) Screening Opinion for Proposed Battery Energy Storage System. Decision: Observations made 08/08/2024.

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

Policy Env1 Green Infrastructure

Policy Env2 Natural Environment Enhancement

Policy Env3 Landscape Character

Policy Env4 Sustainable Development & Climate Change

Policy Env5 Renewable Energy

Policy Env6 High Quality Design

Policy Env7 Environmental Amenity

Policy T2 Cycle and Footpath Networks

## Hyndburn Development Management Development Plan Document (DMDPD)

Policy GC1 Presumption in favour of Sustainable Development

Policy DM17 Trees, Woodland and Hedgerows

Policy DM18 Protection and Enhancement of the Natural Environment

Policy DM19 Protected Species

Policy DM20 Flood Risk Management and Water Resources

Policy DM22 Heritage Assets

Policy DM25 Pollution Control

Policy DM26 Design Quality and Materials

Policy DM29 Environmental Amenity

Policy DM32 Sustainable Transport, Traffic and Highway Safety

Policy DM34 Development in the Green Belt and Countryside Area

## Material Considerations

National Planning Policy Framework

National Planning Policy Guidance

National Policy Statements (NPSs) for Energy Infrastructure

Noise Policy Statement for England

## Observations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Hyndburn comprises of Core Strategy (2012), Development Management DPD (2018), the Accrington Area Action Plan.

The main issues raised by this application relate to the principle of development (including its impact on the Green Belt); its design and appearance; impact on the amenity of the appearance; highway safety, impact on the character of the landscape, flood risk and drainage and; ecology.

### **1. Principle of Development**

1.1. Core Strategy Policy Env5 is relevant to the proposed development. The policy supports the development of new sources of renewable energy subject to considerations a) to f). This includes:

- a) the requirement for the development to provide measures to avoid and where appropriate mitigate any negative impacts of the effects on local amenity resulting from development, construction and operation of the schemes, and;

- b) the visual impact can be accommodated within the landscape and the development would not give rise to an unacceptable adverse cumulative impact when considered in the context of other existing or consented developments, and;
- c) measures are taken to avoid and where appropriate mitigate any negative effect of the development on nature conservation features, biodiversity and geodiversity, including habitats and species, and;
- d) the site is accessible and the development of supporting infrastructure does not itself result in unacceptable adverse impacts, and;
- e) developers have engaged with the community and local authority at an early stage prior to the formal submission of any proposals, and;
- f) large scale renewable energy developments make provision for direct community benefits over the period of the development.

1.2. Although BESS sites do not generate electricity in and of themselves, it is accepted that BESSs fall to be considered under Policy Env5. Recent amendments to Section 4 of the Electricity Act 1989 (as amended) clarified that electricity storage, such as BESS, is a distinct subset of generation within the Act. Planning Practice Guidance (PPG) in relation to renewable and low carbon energy now contains a dedicated BESS section.

1.3. The NPPF, at paragraph 168, offers support to renewable and low carbon energy and associated infrastructure. Paragraph 168 states:

When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

1.4. The National Policy Statements (NPS) set out national policy for energy infrastructure. NPSs may be a material consideration in decision making on planning applications. The Government's vision is to transition to a net zero economy and to ensure a secure, reliable and affordable energy supply. The

government set a legally binding target to reduce the UK's greenhouse gas emissions by 100% by 2050, compared with 1990 levels. Meeting these objectives will necessitate a significant amount of new energy infrastructure including infrastructure to store and transport primary fuels to respond to fluctuations in supply and demand.

#### Consideration of Green Belt Policy

- 1.5. The application site is located within the Green Belt and therefore Section 13 of the NPPF and Policy DM34 of the DMDPD are relevant to the consideration of the application. Since the application was submitted the NPPF has been amended. Of particular relevance to this proposal is the addition of the concept of Grey Belt. Whilst not a Local Plan designation, a determination of whether the site is within 'Grey Belt', i.e. whether that site meets certain parameters stated in the NPPF, is fundamental to whether planning permission should be granted.
- 1.6. Consideration of whether the proposal meets Green Belt policy is divided into four sections within this Report;
  - 1) Whether it meets the fundamental aim of the Green Belt and in particular the five purposes described in NPPF Para. 143.
  - 2) Whether it can be treated as an appropriate exception as described in NPPF Para.154.
  - 3) Whether the proposal can be considered acceptable as a 'very special circumstance' as per NPPF Para. 153 and with reference to Para. 160.
  - 4) Whether the site can be considered Grey Belt as described in NPPF Para. 155 and the NPPF glossary, definition, and the proposal can be treated as acceptable as a result.

Note that balanced consideration is required for each of the four elements. Note also that Hyndburn's adopted Local Plan Policy DM34 encompasses elements 1,2 and 3, but doesn't include reference to Grey Belt.

#### 1.7. NPPF Para. 143 – Fundamental Aims

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of Green Belt are set out at paragraph 143 of the NPPF as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To test against each aim in order:

- a) The closest settlements are Knuzden 450m to the north-west and the main body of Oswaldtwistle 750m to the east. There is no common, accepted definition of 'large built-up area' in planning terms, however in my view it is reasonable to include Knuzden and Oswaldtwistle within the conurbations of Blackburn and Accrington respectively and to describe those conurbations each as a 'large, built-up area'. As such it is reasonable to describe the site as between two large built-up areas for the purposes of assessment against the provisions of the NPPF and in particular (a) of Para.143.

Siting a 2.05ha development in the Green Belt between two large built-up areas cannot be considered as checking 'sprawl', therefore the proposal fails point (a).

- b) Likewise locating a development of this size between two towns can only assist in them merging into one. The proposal fails point (b).
- c) The proposal is located in the countryside albeit it won't be overly visible from public vistas, and in this sense the Green Belt purpose of safeguarding from encroachment isn't met, therefore the proposal fails point (c).
- d) The site will have no impact upon the setting and special character of historic towns. All towns are 'historic' in a sense, however the site is sufficiently distanced from Knuzden and Oswaldtwistle to not affect their setting nor their character.
- e) The Green Belt assists in urban regeneration by virtue of the limitation it places upon development in non-urban areas. The proposal will not prevent the remaining Green Belt from doing this.

The applicant has acknowledged that the development proposal is inappropriate development in the Green Belt and does not meet the requirements of Para. 143.

#### 1.8. NPPF Para.154 – Appropriate Exception

Para.154 states that development in the Green Belt is inappropriate unless one of a list of exceptions applies. The list is lengthy, however a BESS or similar proposal isn't included. Therefore the proposal doesn't accord with Para.154.

#### 1.9. NPPF Para. 153 – Very Special Circumstances

Para.153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para.160 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The need for battery storage provision to save surplus electricity and to enable its controlled release back into the grid is well documented and is not in dispute. The matter of whether this need constitutes a 'very special circumstance' that outweighs potential harm to the Green Belt has been tested repeatedly on appeal, and a typical view given by the Inspectorate (e.g. Appeal Ref: APP/C4615/W/24/3345744 determined 2<sup>nd</sup> April 2025 at Dudley Metropolitan Borough Council) is:

"The proposal would constitute inappropriate development in the Green Belt and should not be approved except in very special circumstances. The Framework at paragraph 153 requires the decision maker to give substantial weight to any harm to the GB, including harm to its openness, which is one of the purposes of including land within the Green Belt. Moreover, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The very significant weight attached to the contribution to mitigating climate change and to energy security, the significant weight attached to the absence of alternative sites and to the potential for permanent

BNG and the moderate weight that the economic benefits generated by the proposal clearly outweighs the temporary harm, to the character and appearance of the area. Accordingly, overall, very special circumstances exist which justify the development.”

Therefore, following the view of the Inspector in the Appeal decision quoted above, the principle of BESS in the Green Belt can be considered a ‘very special circumstance’ that can be acceptable under Para. 153 provided that, on balance, the degree of ‘other harm’ is acceptable. The degree of ‘other harm’ is considered further this Report.

#### 1.10. NPPF Para. 155 – Grey Belt

The latest version of the NPPF (published December 2024) introduced the concept of ‘Grey Belt’. Para.155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;
- d. Where applicable the development proposed meets the ‘Golden Rules’.

To test each point in turn:

- a. The definition of Grey Belt land contained within the Glossary of the NPPF is ‘land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.’ In this instance the site isn’t previously developed land and it does strongly contribute to (a) and (b) of Para.143 (see 1.7. above). It doesn’t strongly contribute to Para.143 (d), however by virtue of its contribution to purposes (a) and (b), the site cannot be considered Grey Belt.

It should be noted that an assessment of Green Belt boundaries was completed by the Council in July 2019 to support the emerging Hyndburn Local Plan. The application site is located within General Area 6 which

was assessed as making a moderate contribution to Green Belt purposes overall. A more specific assessment of small parcels of land close to the site identified them as making a strong contribution to the purposes of the Green Belt, therefore it is highly likely that should this site have been assessed in isolation at the time, the same view would have been reached.

- b. There is a demonstrable unmet need for this type of development.
- c. The site is in a sustainable location if one considers that post-construction phase the anticipated number of vehicle journeys to and from site will be relatively few in comparison with other more vehicle-intensive forms of development. The Transport Statement submitted with the application estimates the number of HGV journeys during the construction phase as 486 two-way movements plus smaller vehicle journeys for an estimated 15 construction staff. The estimated number of vehicle journeys during the operational phase, an estimated 40 years, is 10-20 small vehicle journeys per month, which is sustainable given the proximity to the road linking nearby settlements.
- d. The 'Golden Rules' are not relevant to this form of development.

The site is not therefore considered to be 'Grey Belt' for the purposes of determination of this planning application nor does it meet all the Para.155 requirements.

1.11. In respect of Green Belt and the NPPF therefore, the proposal isn't acceptable under the tests in Paras. 143, 154 and 155, however is acceptable as a 'very special circumstance' under Para. 153 provided that, on balance, the weight attributed to its positive factors outweighs any temporary harm caused to the character and appearance of the area and to other interests of acknowledged importance. These are considered below.

1.12. The site is currently undeveloped with an absence of any built form. The proposed development would result in a range of buildings and equipment being placed at the site including:

- 14no. Battery Clusters (footprint of 6.1m x 2.5m and 2.5m in height)
- 7no. BESS Transformers on banded foundations (maximum dimensions of 9.8m x 5m and 2.3m in height)
- 1no. Site Welfare and LV Switchroom placed on paving slabs at the corners (footprint of 7.5m x 2.3m and 2.9m in height)

- 1no 33kV BESS switchroom on raised pillars (footprint of 12.3m x 3.3m and height of 4.4m)
- 2no. 132kV Substation Switchrooms (3.3m in height)
- 1no. 33kV/415V Site Supply Transformer on bunded foundation (3.3m x 2.3m and height of 3.2m)
- 2no. 132kV Substation Transformer (9.3m x 5.5m and 6.8m in height)
- 2no. car parking spaces
- 2no. Water Tanks (11m wide and 4.5m in height)
- 1no. Fire Hydrant

1.13. Due to the size of the compound, the equivalent of an adult football pitch, and volume of the proposed buildings and equipment, the proposed development would result in harm to the spatial dimension of Green Belt openness. However it is acknowledged in Appeal decisions that harm to spatial openness can be tempered by visual perception. In other words, the fact that something may occupy ground isn't in itself sufficient reason to refuse an application on Green Belt grounds, as the impact of a development is also determined by how prominent it is in the landscape.

1.14. Having regard to the visual dimension of Green Belt openness, the application site is relatively well-screened by existing woodland from viewpoints from the public footpath (FP1105016) to the east and bridleway (BW1105015) to the south. Stanhill Road to the north overlooks the site and the proposed development would be perceptible from this viewpoint although the applicant proposes some landscape planting to screen the development.

1.15. The most prominent elements of the scheme would be the substation transformers which extend to a height of 6.8m. However, the site is well contained by existing landscape features. The submitted Landscape and Visual Appraisal notes that the visual envelope of the site is relatively limited, although during the months when vegetation loses its foliage, visibility of the site would increase. The harm to the visual dimension of openness is considered to be moderate subject to appropriate mitigation (i.e. landscape screening and the use of appropriate materials and colours).

1.16. There would be considerable activity during the construction phase of the development, both on and off site. However, this would be temporary and once operational the number of vehicle movements to and from the site would be low. The BESS would operate on an unmanned basis with an estimated 10-20 vehicle trips to site per month. This factor albeit relating to vehicle journeys and vehicles parked on site rather than to fixed plant, fencing etc. does contribute to the impact of the proposal on the Green Belt.

- 1.17. The development would have a lifespan of 40 years from energisation after which the site would be decommissioned and the land restored to its previous condition. The duration of the development and its remediability must be taken into account. Whilst the impact would be for 40 years only, this would still be a significant period for the harm identified to persist. However, this is a matter considered in recent Appeal decisions, and in those instances, the Inspectorate has accepted BESS development to be 'temporary' and this has weighed in their favour within the planning balance.
- 1.18. The applicant has submitted an Alternative Sites Assessment (ASA) and Brownfield Analysis Report. In selecting a viable BESS site there is a need to both import and export energy from and to the grid as required. A grid connection point must have available capacity with the ability to connect the BESS without the requirement for significant upgrades to the network to facilitate the connection. There is spare capacity at Blackburn grid supply point (GSP). The feasibility of projects is said to be constrained to within a 3km cable route of the grid point of connection that in this case would be made into a pylon to the north west of the site.
- 1.19. The applicant states that within urban areas, sites meeting such criteria are not commonplace, as well as having competition from other land uses such as residential and commercial development which make those locations unviable. The search area is in this case limited to within 3km of Blackburn GSP which is located close to junction 6 of the M65 motorway.
- 1.20. The ASA contains a map indicating suitable site options where landowners were contacted by the applicant. The majority of these are within the Green Belt and extend into the boroughs of Blackburn and Ribble Valley.
- 1.21. It is noted that a number of other low carbon energy facilities have been permitted and implemented within the borough of Hyndburn. Gas fuelled energy reserve plants have been built within established industrial areas at Land off Barons Way, Great Harwood, and Land off Petre Road, Clayton-le-Moors. Whilst these sites operate differently to BESS sites insofar that they are gas-fuelled power plants that produce their own electricity to feed into the grid, the requirement for spare capacity on the network and for the site to be close to a grid point of connection remains.
- 1.22. A 25MW BESS site at Land at Davies Road, Blackburn, was granted planning permission in March 2022. The site is located directly adjacent to the M65 junction 6 roundabout next to an existing industrial estate.
- 1.23. The approach of locating new energy facilities within, or adjacent to, existing industrial or commercial uses is considered a suitable approach. The above

cases demonstrate the availability of such sites and the Council's willingness to support these within urban areas. If no suitable sites are available within the urban boundary, consideration should be given to the redevelopment of previously developed land (PDL) in the rural areas, including the Green Belt.

- 1.24. The applicant's Brownfield Analysis Report states that brownfield sites are prioritised for development wherever possible. This includes consideration of all sites on the Council's Brownfield Site Register and a review of satellite imagery. 7no Brownfield Land sites were identified but were not large enough to accommodate the proposed development. All of these sites were also located in residential areas and were therefore too close to residential properties.
- 1.25. 5no industrial sites, all located within the Borough of Blackburn with Darwen, were also considered but were ruled out for numerous reasons including:
  - Public footpaths running through the site
  - Proximity of occupied buildings
  - Requirement for cable routes and construction traffic to move through urban and residential areas
- 1.26. Further research into these sites has found that they either already benefit from existing planning permission for residential or employment development or are allocated in the Blackburn with Darwen Local Plan for future employment development.
- 1.27. In summary, the proposal would be inappropriate development in the Green Belt that would conflict with the Green Belt's purpose to safeguard the countryside from encroachment and encourage the recycling of derelict and other urban land and would result in harm to openness in spatial terms and a moderate loss of visual openness. In accordance with the provisions of the NPPF, this harm attracts substantial weight and unless very special circumstances exist, the proposal should not be approved. Given recent Appeal decisions and changes to the NPPF in December 2024 however, the balance has swung in favour of BESS sites in the Green Belt and the 'bar' at which harm is considered to be sufficient to require refusal has been raised considerably, to the point where what was not acceptable pre-December 2024 is acceptable now. On balance and in particular taking into account recent Appeal decisions supporting similar proposals in Green Belt, the level of harm likely resultant from this temporary proposal isn't considered sufficient to require refusal of this planning application on Green Belt grounds.

## **2. Visual Appearance and Landscape Impact**

- 2.1. Hyndburn Core Strategy Policy Env6 and Policy DM26 of the Hyndburn Development Management DPD, along with the provisions of the NPPF all require development to be of high quality design. Core Strategy Policy Env3 requires new development to be appropriate to landscape character type, ensuring that new development is well integrated into its surroundings.
- 2.2. The applicant has submitted a Landscape and Visual Appraisal (LVA) to assess the visual impact of the development and its impact on the character of the landscape.
- 2.3. In terms of the site's sensitivity, the area locally is affected by traffic noise from the M65 Motorway to the west and there a number of man-made elements include the motorway, roads and electricity pylons. The LVA has assessed the visual impact of the proposed development from 5no viewpoints from Stanhill Road and nearby public footpaths.
- 2.4. The woodland surrounding the site would provide visual enclosure and the LVA assesses the impact as being minor when viewed from Stanhill Road. There would be no views directly into the site from the Public Rights of Way to the east and south due to intervening woodland.
- 2.5. However, the proposed development would change the character of the site, resulting in an adverse impact on the visual amenity of the site and its immediate locality. The proposed soft landscaping would take some time to mature during which the site would be more prominent from Stanhill Road and as discussed below, the proposed landscaping may be considered unsafe due to its proximity to the BESS units.
- 2.6. It is also important to note that the area of land immediately to the east and south of the site forms part of a wider 87-acre site known as Brookside (Bury Meadows). The Council, in partnership a number of other organisations, have purchased the site and earmarked it for restoration, transforming the land into a new country park. A concept 'Masterplan' for the site has been produced and indicates provision of new desire lines and paths close to the application site boundary. Development of the application site for the proposed use is at odds with the Council's aspirations for Brookside and would impact on the amenity and tranquillity of those areas of land close to the application site.

### **3. Impact upon Residential Amenity**

- 3.1. Core Strategy Policy Env7 and Development Management DPD Policy DM29 aim to protect the amenity of other uses adjacent to development. Policy Env7 requires proposals for new development to demonstrate that the material

impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. DMDPD Policy DM25 'Pollution Control' is also relevant.

- 3.2. The NPPF, at paragraph 187, requires decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution, including that from noise, on the natural and local environment and existing development.
- 3.3. A noise assessment has been undertaken to predict the potential impact of noise from the development on the nearest noise sensitive receptors, with the most affected likely to be residents of Stanhill Barn, Stanhill Road. The assessment concludes that the impact on noise is likely to be low subject to appropriate mitigation, specifically the erection of a 3m acoustic barrier to the west, north and east compound boundary and attenuation to the inverters.
- 3.4. The Council's Environmental Health Officer has raised no objection in relation to the noise impacts of the development and is therefore satisfied that whilst the proposed development may slightly affect the acoustic character of an area it would not be to the extent that there is a change in quality of life for nearby receptors.

#### **4. Site Safety**

- 4.1. A number concerns have been raised in relation to the safety of BESSs, with a common concern being the use of lithium-ion batteries and potential fire risk. This issue is considered in detail in the House of Commons Library Research Briefing 19 April 2024, 'Battery energy storage systems'. Lithium-ion battery fires are very rare and occur when part of a battery is damaged or has a manufacturing fault. Battery fires can be difficult to extinguish because batteries contain a lot of fuel to sustain a fire and the gases produced are toxic. There are also concerns that toxic metals and chemicals can leach into the water used to fight the fire which could then end up in water systems, posing a risk to wildlife.
- 4.2. However, the understanding of the cause of battery fires has improved in recent years with better and more flame-resistant battery designs. The NPPG encourages applicants and local authorities to consider guidance produced by the National Fire Chiefs Council (NFCC).
- 4.3. The application is supported by an Outline Battery Safety Management Plan (OBSMP) setting out safety management processes and procedures including

24/7 remote monitoring and control capability, segregation of containers to help reduce the risk of fire spread and protection of the site with security fencing and CCTV cameras. The applicant also proposes the siting of two water storage tanks on-site.

- 4.4. The Lancashire Fire and Rescue Service (LFRS) has been consulted on this application. Initially concerns were raised relating to the site access, separation distances between battery clusters and availability of water for the Fire Service. Following submission of further details in response to LFRS's concerns, no objection is raised by LFRS subject to imposition of Conditions requiring that a Detailed Battery Safety Management Plan (DBSMP) and Emergency Response Plan (ERP) are developed to the satisfaction of LFRS and the Planning Authority.
- 4.5. The NFCC Guidance states that suitable facilities for safely accessing and egressing the site should be provided, which should include at least two separate access points to account for opposite wind directions. The application site is served by a single point of access from Stanhill Road which splits to give alternative access points into the compound. The scheme as originally submitted had the split directly adjacent to the compound which was unacceptable to the LFRS. The scheme as amended shows the split a further 25m approx. to the west.
- 4.6. The NFCC Guidance also suggests a standard minimum spacing between BESS units of 6 metres (m) unless suitable design features can be introduced, which are supported by a clear evidence base. The scheme as proposed with minimum spacing of 3.0m is acceptable to the LFRS, subject to the Conditions suggested in (4.4.).
- 4.7. The NFCC Guidance states that areas within 10m of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site. It continues that areas with wildfire risk or vegetation that would result in significantly sized fires should be factored into this assessment and additional cleared distances maintained as required.
- 4.8. The Soft Landscaping Proposals originally submitted in support of the application indicated soft landscaping within 10m of the units and this was unacceptable to the LFRS. Revised landscaping details submitted show trees further away from the units plus areas of 'hay meadow' to the west and east of the battery units to provide the required separation distance.
- 4.9. The NFCC Guidance states that suitable environmental protection measures should be provided, including systems for containing and managing water

runoff. The system capability and capacity should be based on anticipated water application rates, including the impact of water based fixed suppression systems. Runoff from the development would be contained with a SuDS system to ensure that any potentially contaminated runoff does not enter the water environment. This would be designed to prevent the escape of any firewater which would subsequently be tested for contamination. In the event that no contamination is found, the water would be allowed to runoff as normal. In the event harmful contamination is present, appropriate disposal measures would be arranged. United Utilities has requested that a drainage plan be submitted and agreed via a pre-commencement Condition.

## **5. Highway Safety and Traffic**

- 5.1. DMDPD Policy DM32 requires that development should not give rise to an increase in traffic volumes that exceed local or strategic transport network capacity and should ensure that any new development would not have an adverse impact on highway safety.
- 5.2. A Transport Assessment has been submitted and considers the impact of construction traffic on the highway network indicating a proposed route for HGVs during the construction phase. Consideration has also been given to the suitability and safety of the proposed site access for larger vehicles. The location of the point of access has been revised during the application process to take account of concern on the part of National Highways and Lancashire County Council regarding the proximity to the motorway to the west, and subject to Conditions, both consultees are satisfied with the site access.
- 5.3. Construction is anticipated to be over a 12-14 month period during which it is estimated that there would be approximately 486 two-way HGV movements. During the operation phase around 10-20 trips by cars or LGVs would take place per month.
- 5.4. Based on the above, the Highway Authority are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- 5.5. National Highways (NH) has also been consulted on the planning application and confirms that the level of traffic generated by the development would not be likely to have a severe impact on the strategic road network. NH did note that a section of the safety barrier on approach to the M65 Stanhill Road bridge parapet had been removed and an access into the field created. The safety barrier is a safety requirement and therefore it is not possible for a new access to be opened up at the proposed location. As a result of this a new point of access further to the east has been incorporated into the design.

## **6. Landscaping, Ecology and Biodiversity Net Gain**

- 6.1. In accordance with Core Strategy policies Env1 and Env2 and DMDPD Policy DM18, it is necessary to ensure that development is well landscaped and that Biodiversity Net Gain (BNG) is achieved on the site.
- 6.2. BNG is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act states that habitats should be secured for a minimum of 30 years. The Biodiversity Gain Hierarchy requires that in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.
- 6.3. DMDPD Policy DM17 (Trees, Woodland and Hedgerows) states that “Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value”.
- 6.4. A site survey identified a total of 15 individual trees, one tree group and one woodland on or adjacent to the site. The proposed development would require the removal of one category ‘B’ woodland and 5no category ‘C’ trees. In addition to this National Highways identify two trees on highway land that would have to be removed to create necessary visibility splays to Stanhill Road.
- 6.5. There are no ecological designations at the application site although survey results indicated opportunities for amphibians including the potential presence of great crested newts within waterbodies in proximity to the site. The site also has foraging potential for bats. Accordingly, additional survey work has been completed including a bat activity survey and great crested newt survey.
- 6.6. The bat activity survey found that the development may impact of foraging bats initially although compensation habitat planting is proposed. There would also be a requirement to implement a sensitive lighting scheme. A survey of nearby waterbodies tested negative for the presence of great crested newts. In event that the application is approved, there would be a requirement to ensure that mitigation measures set out in the Preliminary Ecological Appraisal Report are adhered to and the HBC ecology consultee has suggested a range of Conditions to ensure that opportunities for wildlife are enhanced.

- 6.7. With regard to BNG, the 10% required uplift can be achieved on site in relation to hedgerow and watercourse units and the development would achieve an on-site BNG gain of 10.31% overall. However, the net effect of the proposal would be a loss as the scheme results in trading down (the loss of higher distinctiveness habitat to lower distinctiveness habitat). The scheme will result in the loss of 3.75 habitat units, medium distinctiveness deciduous woodland, which is not able to be replaced onsite. The loss of 3.75 habitat units must therefore be compensated off-site through the purchase of woodland habitat units from a suitable habitat unit provider. Any permission granted would be subject to the statutory BNG condition with a requirement for the on and off-site BNG to be subject to 30-year management and monitoring as enshrined within an appropriate legal agreement.
- 6.8. Representations have been submitted by Lancashire Wildlife Trust (LWT) which raise a number of criticisms relating to the ecological surveys submitted in support of the application. Officers are satisfied that the applicant's surveyor is suitably qualified and a response has been provided to the points raised in the LWTs objection.

## **7. Drainage and Flood Risk**

- 7.1. DMDPD Policy DM20 provides detail on the consideration of flood risk management in developments. The site is located within Flood Zone 1 and an assessment of all flood risk sources considers the site to be low risk.
- 7.2. The site would be developed using permeable surfacing materials to allow rainwater to infiltrate into the ground where it would be intercepted by pipework and carried to a controlled storage structure which would provide suitable treatment and attenuation prior to discharge.
- 7.3. No objections have been received from United Utilities or the Lead Local Flood Authority and a Condition is requested requiring submission/approval of a drainage plan.

## **8. Additional Considerations**

- 8.1. The application is supported by a Heritage Statement. There are no designated heritage assets within the Site. Within 1km of the Site there are five Grade II Listed Buildings and the Stanhill Conservation Area. It is considered that the proposed development will not adversely affect the significance of any of the designated heritage assets

- 8.2. A number of additional considerations have been raised in representations. These relate primarily to the type of facility proposed and its benefits to the local community.
- 8.3. Current government guidance indicates that energy storage facilities such as the one proposed form part of the government's energy strategy to support the transition to low carbon and renewable energy sources.
- 8.4. Whilst the proposed development would not benefit the local community directly through the provision of low cost energy for example, it would provide a benefit to the wider network to ensure that network capacity can meet demand as the country relies more heavily on green energy.

### **Planning Balance and Conclusion**

- 8.5. It is acknowledged that this is inappropriate development in the Green Belt and does not accord with DM DPD Policy DM34. However the DM DPD was drafted and adopted prior to introduction of the December 2024 NPPF. Chapter 13 of the NPPF describes development that is acceptable in the Green Belt under 'very special circumstances' and recent Appeal decisions have made it clear that BESS facilities are, subject to the planning balance applied to other harm, acceptable development.

Given that the balance is weighed heavily favour of battery storage presently and that 'other harm' is both limited within the proposal and will be mitigated by suggested Conditions, my conclusion is that this planning application should be approved.

### **Recommendation:**

- i. That the application be approved subject to the conditions set out below; and,
- ii. That delegated authority be given to the Chief Planning and Transportation Officer to modify the wording of the conditions as necessary; and,
- iii. That delegated authority be given to the Legal Officer to enter into a s.106 Agreement to secure BNG.

### Background Papers:

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F24%2F0389>

### Additional Background Papers:

The National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

Appeal References:

APP/C4615/W/24/3345744  
APP/D3640/W/24/3347530  
APP/N1920/W/23/3320599  
APP/Q4625/W/24/3348223  
APP/V4630/W/24/3347424

Conditions

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:

The planning application form received by Hyndburn Borough Council on 26<sup>th</sup> September 2024

The following Plans and Documents received by Hyndburn Borough Council on 26<sup>th</sup> September 2024:

Drawing No. YLM-BESS-GEN-001.11 Rev. A – Water Tanks proposed  
Root Power Transport Statement Ref. LTP/24/5979 dated August 2024  
Topographical Survey sheets 1-3  
Drawing No. YLM-BESS-GEN-001.4 Rev. A – Site Supply Transformer proposed  
Drawing No. YLM-BESS-GEN-001.3 Rev. A – Site Cabin/LV Switchroom proposed  
Drawing No. YLM-BESS-GEN-001.5 Rev. A – BESS Transformers and Inverters proposed  
Drawing No. YLM-BESS-GEN-001.8 Rev. A – Wooden Fence proposed  
Drawing No. YLM-BESS-GEN-001.6a Rev. A – BESS Battery Cluster proposed  
Drawing No. YLM-BESS-GEN-001.2 Rev. A – Switchroom proposed  
Drawing No. YLM-BESS-GEN-001.1a Rev. A – Substation proposed  
Arboricultural Impact Assessment Ref. 81-840-R2-2 dated August 2024  
Millar Goodall Noise Assessment Ref. 103162 dated 9<sup>th</sup> August 2024  
Pegasus Group Heritage Assessment Ref. P24-1227 dated 30<sup>th</sup> July 2024  
Gondolin Flood Risk & Drainage Assessment Report Ref. GON.0506.0268 dated 31<sup>st</sup> July 2024

PWA Planning Statement Ref. EP-24-138 dated September 2024  
PWA Alternative Site Assessment Ref. EP-24-138 dated September 2024  
E3P Great Crested Newt EDNA Survey Ref. 81-840-L1-1 dated July 2024  
Construction Traffic Management Plan Ref. LTP/24/5979 dated August 2024  
The following Plans and Documents received by Hyndburn Borough Council  
on 19<sup>th</sup> November 2024:  
Bat Activity Survey Report Ref. 81-840-R4-1 dated November 2024

The following Plans and Documents received by Hyndburn Borough Council  
on 21<sup>st</sup> November 2024:  
Drawing No. YLM-BESS-GEN-001.10a Rev. A – Substation Switchroom  
proposed  
Drawing No. YLM-BESS-GEN-001.10 Rev. A – Substation Transformer  
proposed

The following Plans and Documents received by Hyndburn Borough Council  
on 29<sup>th</sup> November 2024:  
Outline Battery Safety Management Plan Ref. ARC-1223-005-R4 Issue 2  
dated October 2024  
Local Economic Benefits Statement undated  
Root Power Supporting Cover Letter dated 26<sup>th</sup> November 2024  
Root Power Brownfield Analysis dated November 2024

The following Plans and Documents received by Hyndburn Borough Council  
on 4<sup>th</sup> December 2024:  
Landscape and Visual Appraisal Ref. YLEM1488lva dated July 2024

The following Plans and Documents received by Hyndburn Borough Council  
on 13<sup>th</sup> January 2025:  
Visual Representations and AVR Non-Technical Methodology dated  
December 2024

The following Plans and Documents received by Hyndburn Borough Council  
on 17<sup>th</sup> January 2025:  
The Statutory Biodiversity Metric -Technical Annex 1 dated July 2024

The following Plans and Documents received by Hyndburn Borough Council  
on 13<sup>th</sup> March 2025:  
Drawing No. LTP/5979/P1/04.01 Rev.B – Proposed Eastern Internal Access  
Route  
Drawing No. LTP/5979/P1/03.01 Rev.A – Proposed Western Internal Access  
Route  
Drawing No. YLEM1488-11 – Soft Landscape Proposals  
Drawing No. KNZ-BESS-001.6 Rev.3 – Proposed Elevations

Drawing No. KNZ-BESS.001.5 Rev.3 – Proposed Layout

Drawing No. KNZ-BESS-001.4 Rev.1 – Location Plan

Drawing No. LTP/5979/P1/02.01 Rev.B – Proposed Visibility Splays

Drawing No. LTP/5979/P1/01.01 Rev.B – Proposed Access Design

The following Plans and Documents received by Hyndburn Borough Council on 17<sup>th</sup> March 2025:

Statutory Biodiversity Metric

Biodiversity Metric Report Ref. 81-840-R3 dated March 2025

Preliminary Ecological Appraisal Report Ref. 81-840-R1-3 dated March 2025

Arboricultural Impact Assessment Ref. 81-840-R2-3 dated February 2025

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on local amenity, character of the countryside and the Green Belt. To conform with Policies Env2,3,4,5,6,7 and T2 of the Hyndburn Core Strategy, Policies GC1, DM17,18,19,20,22,25,26,29,32 and 34 of the Development Management DPD, and the National Planning Policy Framework.

3. This permission shall be for a limited period of forty (40) years from energisation, after which it shall be discontinued and all built form, including all hard surfacing and access tracks, and all planting/landscaping for screening purposes, removed from the site in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority 12 months prior to decommissioning. The submitted restoration scheme shall detail the site's restoration to its previous use. The first operation date shall be notified to the LPA within 12 months of that date.

Reason: In the interests of visual amenity and the openness of the Green Belt in accordance with Hyndburn Core Strategy Policy Env3 and DMDPD Policy DM34 and Section 13 of the NPPF.

4. In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.

Reason: In the interests of visual amenity and the openness of the Green Belt in accordance with Hyndburn Core Strategy Policy Env3 and DMDPD Policy DM34 and Section 13 of the NPPF.

5. The pre-commencement statutory Biodiversity Gain Plan shall be prepared in accordance with the approved Biodiversity Net Gain Assessment, Statutory Biodiversity Metric, Preliminary Ecological Appraisal, Arboricultural Method Statement, baseline habitat plan and post development habitat and landscape plan.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990 and the NPPF.

6. Prior to commencement of all works, including enabling works, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the Local planning authority. The HMMP shall include:
  - a. A non-technical summary;
  - b. The roles and responsibilities of the people or organisations delivering the HMMP;
  - c. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - d. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
  - e. The monitoring methodology and frequency in respect of the created habitat or enhanced habitat to be submitted to the local planning authority. The frequency of monitoring shall be no less than 1, 2, 3, 4, 5, 10, 15, 20, 25, 30 years following the completion of development.

Notice in writing shall be given to the Local Planning Authority when the habitat creation and habitat enhancement works, as set out in the HMMP, have been completed. A completion report, setting out details and supporting evidence to demonstrate the completed habitat creation and habitat enhancement works, has been submitted to and approved in writing by the Local Planning Authority.

The created habitats and enhanced habitats specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990 and

the NPPF and to ensure that works detailed in the HMMP have been undertaken and are retained and maintained to the satisfaction of the LPA, in the interests of the ecology of the site.

7. Prior to commencement of construction, including enabling works, engineering works, grassland removal, scrub removal, tree felling, other groundworks an Arboricultural Method Statement and Tree Protection Plan to BS5837:2012 'Trees In Relation To Construction' shall be submitted and approved in writing by the Local Planning Authority. All tree work shall be completed to the British Standard BS3998: 2010 Recommendations for Tree Work. All trees to be retained shall be protected by a Construction Exclusion Zone with fencing in accordance with BS5837:2012 'Trees In Relation To Construction'. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and work material removed from the site.

Reason: To facilitate the protection of trees on and adjacent to the site.

8. Prior to commencement of construction, including enabling works, engineering works, grassland removal, scrub removal, tree felling, other groundworks, an ecological Construction & Environmental Management Plan (Ref: Chartered Institute Ecology & Environmental Management) for the avoidance of harm to biodiversity during construction, including Pollution Prevention Measures and Reasonable Avoidance and Mitigation Measures (small mammals, including Badger, Hedgehog, Water Vole, Fox, amphibians, including Great Crested Newts, reptiles, nesting birds & other appropriate species), shall be submitted to and approved in writing by the Local Planning Authority. The approved work described therein shall be carried out in accordance with the approved details.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

9. Prior to commencement of construction, a satisfactory programmed landscaping scheme to achieve the measured Biodiversity Net Gain in accordance with the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, which shall include soft and hard landscaping, means of enclosure, planting of the development, and annual maintenance shall be submitted to and approved in writing by the Local Planning Authority. The content of the planting scheme shall include the number of plants, species, planting size, planting and seed sowing

methodology, British Standards, and location of the planting. The work described in the scheme, shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter. The approved landscape scheme shall be implemented during the first planting season following completion of the main construction phase, inclusive access roads, buildings, and SUDs completed in entirety.

The approved scheme shall thereafter be kept in this manner, and any tree, shrub, plant or bulb/seed sown area which dies or is felled, uprooted, wilfully damaged or destroyed in the period described within the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, and no less than 30 years, commencing with the date of first planting shall be replaced by the applicants or their successors in title. The landscape scheme shall be managed and monitored for the period described within the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, and no less than 30 years, to ensure that the Biodiversity Gain Plan target condition shall be achieved.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

10. Prior to the commencement of construction, a scheme and programme to ensure that all external boundary structures, inclusive fences and walls, must be made fully permeable to hedgehogs through the provision of 13x13cm gaps at regular intervals (every 30-40m) across the whole development site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

11. Prior to the commencement of construction, details for the installation of 3 log piles and 3 hibernacula (amphibians, reptiles and hedgehogs) shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall include comprehensive details of location and construction methodology in accordance with industry best practice. The log piles and hibernacula must be installed during the construction phase in accordance with approved drawings and plans. The work described shall be retained in this manner thereafter.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12. Prior to the commencement of construction, details for the installation of 20 pole mounted bat roost boxes (minimum 10 poles) and 20 pole mounted bird nesting boxes (minimum 10 poles) shall be submitted and approved in writing by the Local Planning Authority. The boxes may otherwise be tree mounted where possible. The submitted details shall include the box type, manufacturer's name, and plans marking the location of installation. The box type must be manufactured from woodcrete/woodstone. The boxes must be installed during the construction phase, and installed in accordance with manufacturer's specification, to British Standard or appropriate guidance. The work described shall be retained in this manner thereafter.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

13. Immediately following completion of the construction phase a Statement of Good Practice shall be signed by the competent Ecological Clerk of Works, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that the Reasonable Avoidance and Mitigation Measures, Pollution Prevention Measures, and biodiversity enhancement measures have been implemented in accordance with good practice, drawings and scheme design upon which the planning consent was granted. The Statement of Good Practice shall extend to include the following ecological avoidance, mitigation and enhancement measures:
  - a. Bat boxes and bird boxes have been installed in accordance with the approved scheme and plans.
  - b. That all Reasonable Avoidance and Mitigation Measures, Pollution Prevention Measures, and Nesting Bird Protection Measures have been carried out in accordance with the approved Ecological Construction Environmental Management Plan.

- c. That the hedgehog highway has been completed in accordance with the approved scheme and plans.
- d. That the log piles and hibernacula have been completed and installed in accordance with the approved scheme and plans.
- e. That external flood lighting (where installed) has been installed in compliance with appropriate guidance (Bat Conservation Trust & Institution for Lighting Professionals 2018) to minimise the impact on protected species.

Reason: To ensure that works to contribute to and enhance the natural and local environment have been undertaken to the satisfaction of the LPA.

14. Prior to commencement of work, including enabling works, the ditch identified in the Preliminary Ecological Appraisal shall first be protected by temporary HERAS fencing to form a Construction Exclusion Zone. The fence must be set to 3m minimum distance from the bank edge to ensure that the ditch is fully protected from construction encroachment. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any construction or other operations, parking or passage of vehicles, or storage of building or other materials or any other object. The protection measures shall be retained for the duration of the works, and only removed once the construction phase is complete.

Reason: To facilitate protection of the watercourse and its immediate environs, in the interests of preservation of the natural environment in accordance with Paragraphs 187-195 of the NPPF (2024).

15. No removal of hedgerows, trees, shrubs or undergrowth shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Local Planning Authority.

Reason: To facilitate the protection of notable/sensitive habitats and bird species within the local area.

16. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. The scheme shall comply with the guidance 'Bats and Artificial Lighting at Night 2023' (Bat Conservation Trust & Institution of Lighting Professionals) to minimise the impact on

protected species. Any external lighting installed shall accord with the details so approved.

Reason: To minimise the impact of external lighting upon wildlife and in the interests of the visual amenities of the area.

17. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. The loading and unloading of plant and materials
- c. The storage of plant and materials used in constructing the development
- d. The erection and maintenance of security hoarding
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Details of working hours
- i. Routing and timing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network.

18. Prior to commencement, a scheme for the detailed design engineering construction of the site access and new embankments on Stanhill Road, plus a scheme for the temporary and permanent gating arrangements for the site access, shall be submitted to, and approved in writing by, the Local Planning Authority and shall subsequently be fully constructed/installed prior to commencement of any works.

Reason: To ensure a safe and suitable access for construction traffic and to allow the largest vehicles to clear the carriageway of Stanhill Road.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Stanhill Road to points measured 120m to both sides of the proposed access along the nearer edge

of the carriageway of Stanhill Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

20. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme (if applicable) shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to first charging of the BESS, an Emergency Response Plan (ERP) and a Detailed Battery Safety Management Plan (DBSMP) shall be submitted to, and approved by, the LPA in association with Lancashire Fire and Rescue Service. The site shall be operated in accordance with the details so approved thenceforth.

Reason: In the interests of public safety.

Informative notes

## 1. **BIODIVERSITY NET GAIN (BNG)**

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

Development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, which is required in respect of this permission, is Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

### **SUBMISSION REQUIREMENTS:**

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number

(to which the plan relates);

- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

<https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity-gain-plan.pdf>

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

## **2. Reasons for approval of the application**

Subject to conditional control the proposal would be acceptable in terms of amenity and would not cause demonstrable harm to highway safety or any

other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular policies Env6 and Env7 of the Hyndburn Core Strategy and Hyndburn car parking and access standards.

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

### **3. Strict accordance with approved plans**

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

### **4. Conditions**

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of

a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

**5. Building Regulations may be required**

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

6. The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk).
7. There should be no inference that the National Highways Planning Response supports the routing of any cabling to establish a grid connection most notably in relation to the M65 Stanhill overbridge. Nor does the National Highways planning response provide advice or guidance in respect to the requirements of the New Roads and Street Works Act 1991 (NRSWA) or other relevant legislation including any necessary agreements/easements.
8. Due to the nature of the proposal, the applicant should apply appropriate protection measures to the battery energy storage system, to remove the risk of battery leakage contamination to ground water and the public water supply.
9. In Condition 6 above, 'completion of development' shall mean:
  - a. The main construction phase has been completed, inclusive access roads, buildings, and SUDS completed in entirety.
  - b. The approved landscape scheme has been completed.
  - c. Habitat creation and habitat enhancement works, as set out in the Habitat Management and Monitoring Plan (HMMP), have been completed.