

PLANNING POLICY COMMENTS

Date: 16/06/23

Application Number: HPK/2023/0193

Location: Land at Marsh Lane, New Mills,

Proposal: the construction and installation of an Energy Storage System (ESS) including the formation of site levels and associated access, landscaping and site infrastructure.

Background / History: No planning history on the majority of the site apart from a small 126m² area to western boundary for a 2004 prior approval for telecoms apparatus [appears no longer on site].

Main Policy Considerations:

National Policy (NPPF July 2021)

Paragraphs of particular relevance include:

- Para 119 - Planning ..decisions should promote an effective use of land in meeting the need for [development]..
- Para 158 - When determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - (b) approve the application if its impacts are (or can be made) acceptable
- Para 174 - Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes..
 - d).. providing net gains for biodiversity..
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of.. noise.. pollution
- para 183 - Planning ..decisions should ensure that:
 - a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining..
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land ..
- para 185 - decisions should ..ensure that new development is appropriate for its location taking into account the likely effects..of pollution on health, living conditions..[including] a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development..

Green Belt

- para 147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- Para 148: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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 149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. [Exceptions listed]
- Para 151: 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.

High Peak Local Plan (Adopted 2016)

Policies of particular relevance include:

Policy S6 Central Sub-area Strategy: Part(1) refers to Promoting and maintaining the distinct identity of the ..towns by the protection of the designated Green Belt..

Policy EQ1 Climate Change: The Council intends to meet part of its future energy needs through renewable or low carbon energy sources and will therefore encourage and support the provision of renewable and low carbon technologies, including ..stand-alone installations..

A low carbon future for High Peak will be achieved by:

- Supporting opportunities to deliver decentralised energy systems, particularly those which are powered by a renewable or low carbon source
- Supporting connection to an existing decentralised energy supply system where there is capacity to supply the proposed development, or design for a future connection where there a firm proposals for such a system

Policy EQ2 Landscape Character: The Council will seek to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty.. [by]:

- Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the Landscape Character SPD
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement..

Policy EQ3 Rural Development: Outside the settlement boundaries.., including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.. whilst also facilitating sustainable rural community needs, tourism and economic development [by]:

- Ensuring that all development is of a high quality design and protects or enhances landscape character..

Policy EQ4 Green Belt Development: The Council will seek to protect the Green Belt and maintain its openness and permanence. Within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.

Policy EQ5 Biodiversity: The biodiversity.. of the Plan Area.. will be conserved and where possible enhanced by: Encouraging development to include measures to contribute positively to the overall biodiversity of the Plan Area [etc].

Policy EQ10 Pollution Control and Unstable Land: Ensuring developments avoid potential adverse effects and only permitting developments that are deemed (individually or cumulatively) to result in [various forms of] pollution if any remaining potential adverse effects are mitigated to an acceptable level by other environmental controls or measures included in the proposals..

Policy CF3 Local Infrastructure Provision: Suitable arrangements will be put in place to improve infrastructure [by]: Providing for strategic enhancement of the energy and utilities networks [etc].

Comments

The site is a flat greenfield approx. 2.1ha lying at its nearest point about 400m NE of Furness Vale boundary; and over 500m from New Mills boundary to the north, along Marsh Lane. Therefore the site lies in the countryside and green belt.

The scheme proposes a hardstanded compound covering the majority of this site, with a 33kv sub-station and control room, 'battery pack' and power control rectangular structures in groups orientated around a central access road. Some structures are 10m x2m x 3m high, others 12m x 2.5m x 3m high. Some peripheral fencing (3m), bunding, landscaping and a 4m noise barrier are also proposed. The bunding work involves engineering operations which would leave the finished ground level lower than existing, which is claimed reduces visual impacts further. The proposed operational lifetime of the project is 50 years, following which the Project would be decommissioned.

It is stated the premises have a total indicative export capacity of up to 30MWh over a 2 hour period. In summary, the Project will receive electricity from the grid at times of peak generation and can be used to manage that generation profile, releasing electricity back into the grid at times it is needed most. The ESS would operate alongside the nearby New Mills Substation(NMS), receiving and putting power back into the grid, by storing electricity onsite. It is stated the Project must be located in close proximity to the NMS in order to be deliverable for viability reasons. Planning permission for the transmission cable between the Project and the NMS, and the connection infrastructure at NMS would be secured separately either pursuant to Statutory Undertaker permitted development rights or by a separate standalone planning permission. NMS is located in the adjacent field under 100m to the south (also in countryside and greenbelt). It is stated that it is the only substation within the locality which is able to provide a connection for the Project, and a grid connection agreement has been secured with that substation.

Once operational, the ESS would have the ability to respond rapidly to the short-term variations in demand and fluctuations in the output from renewable energy sources, where energy production can be intermittent.

The planning statement (PS) references the findings of the **2022 Derbyshire Spatial Energy Study** which HPBC was party to. This evidence discusses the importance of the various forms of renewable/low-carbon energy across Derbyshire, including supporting battery

storage; and predicts future energy scenarios for these forms. For example it is stated that the measured output of battery systems that support renewable installations are predicted to rise over 92% 2022-2040. The PS also references a number of relevant UK Strategy documents in relation to energy and climate change such as – The Net Zero Growth Plan and Energy Security Plan March 2023 etc, which recognise the essential nature of energy storage including electricity storage in the respect of the urgent national need for energy and balancing the DNO network.

Compliance with Local Plan Policy

This application raises a number of policy issues for consideration during the determination process.

Green Belt Policy

The applicant concedes that the scheme represents **inappropriate development** in the GB. The Planning Statement argues that the automatic harm to GB plus any other harm is outweighed by 'other considerations'.

'Harm'

They state the extent of the GB harm would be restricted to harm to its openness and to that associated with the encroachment into the countryside. In terms of 'any other harm' they argue *"it is established that the proposed development is compliant with all the other provisions of the statutory development plan, so far as they are material. It is also established that the only harm associated with the proposed development relates to some limited adverse landscape and visual effects in close proximity to the site and the sensitivity of the [noise] receptors. None of the adverse effects were, however, so substantial to be approaching unacceptable"*.

Other Considerations argued to outweigh above 'harm'

The applicant points to *"The urgent national need for energy"* including *"The significant contribution it would make to the decarbonisation of the UK Economy.."* and the significant contribution to *security* of energy supply. Also the significant contribution to the DNO network to assist in balancing supply and demand at peak times. They state ESS projects are an integral part of the Government's energy and climate change policy because they are necessary to support the urgent national need to increase the generation of renewable energy.

Argued that:

- Project would have significant contribution to the local area in terms of HPBC's declared climate emergency
- The lack of less harmful alternative sites – the submitted *Alternative Site Assessment* has demonstrated scheme could not be delivered on a site either outside of the Green Belt, nor on a less harmful site within the Green Belt
- The Project would lead to a significant investment into the local and national economy both directly and indirectly through, for example, the increased reliability of energy supply and the balancing of the network, and job creation

Therefore the applicant argues that the scheme benefits overwhelmingly outweigh the harm to the Green Belt and any other harm; such that they amount to very special circumstances.

NPS1

The applicant quotes from **National Policy Statement 1** (the NPSs are material to decision-making in the NPPF): “*Paragraph 3.3.12 sets out that the Government believes that electricity storage, amongst other emerging technologies, will play an important role in low carbon energy systems. This is reiterated at paragraph 3.3.31.*” They then quote from the ‘draft NPS1 March 2023’ which states amongst other things that meeting the Government’s Net Zero objectives necessitates a significant amount of energy infrastructure, both large and small scale, including energy storage. As the date of the original NPS1 is not stated, it is not clear which version is being quoted from. However, it is noted that in any event there appears to be a final **NPS1 March 2023**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf : paras 3.3.25 – 3.3.31 clearly set out the importance of electrical storage as part of future national energy supply [in the context of a need for greater installed capacity of energy, a greater proportion of this through renewables, and greater ‘smart’ supply through storage].

Alternative Sites Assessment

The submitted **alternative sites assessment** (ASA) considers alternative sites to the application site. It is stated energy storage infrastructure can only be located where it is deliverable i.e. sites which are technically suitable, available, and financially viable. The methodology:

- identified all substations within High Peak with $\geq 30\text{MW}$ import and export capacity;
- then identified all 0.5h+a sites which are $\leq 1\text{km}$ of these substations (using sources such as the HPBC SHELAA, and from estate agents etc).
- The methodology also considered physical suitability characteristics such as topography, proximity to sensitive receptors etc. Non-greenbelt sites were considered before greenbelt sites, sites outside floodzones before within floodzones, and brownfield over greenfield sites

Then each substation in HPBC was assessed against physical suitability and available grid capacity etc; and considering whether suitable alternative sites were available within the 1km distance. “*..New Mills Substation (NMS) was identified as the only one which had sufficient import and export capacity for a 30MW ESS.*” It is subsequently argued that no deliverable brownfield sites were identified (after applying discounting assumptions) within adjacent urban areas; and that subsequently the only qualifying search result was the application site.

Other Issues

in relation to landscape impact the Planning Statement explains how the submitted landscape and visual assessment “*..concludes that landscape and visual effects would be localised and limited in nature, and would not affect the setting or purpose of the Peak District National Park.*”

The application is supported by an Agricultural Land Classification assessment which concludes that the Site is classified as a mixture of mainly Subgrade 3b land, with Grade 4 land ie not “best and most versatile” grading.

The applicant claims that the submitted Alternative Site Search Assessment “demonstrated that there are no deliverable sites available in the urban area, and that the site is likely to be the least harmful deliverable site within the Green Belt taking account of the substantial landscape screening along its boundaries and proximity to the grid connection at NMS”.

The applicant argues that the submitted Noise Assessment sets out that the Project is to have a potential low impact at the nearest noise sensitive receptors and that as such it would not affect their amenity either during the day or the night. These appear to be a collection of dwellings at the Ladypit Rd/Marsh Lane junction only 50+m southwest.

The site falls 100m east of a ‘landfill site’ on statmap at Calico Lane industrial area. Refer to policy EQ10, and NPPF paras 183, 185. The site needs to be sufficiently structurally stable and safe for subsequent operation.

In relation to NPPF para 174(d), and the forthcoming section 98 BNG duty under the 2021 Environment Act, the applicant has submitted a BNG Assessment document. This concludes the scheme would deliver: a 11.16% increase in habitat units, and a 100% increase in hedgerow units.

A transport statement has been submitted. This concluded that the Proposed Development will have negligible trip generation during its operational period. There will be occasional visits throughout the year (typically once per quarter) for inspection/maintenance.

Conclusion

This scheme raises three broad issues: firstly the justification for additional electrical storage capacity; secondly whether the scheme can be considered as a “renewable” installation under para 151 NPPF; and thirdly the justification of the application site for this scheme.

Technically, the scheme does not pertain to storage for *renewable/low-carbon energy* infrastructure per se, as it relates to generic storage for the national grid. However it is acknowledged that ESS infrastructure do serve the purpose of improving demand and supply conciliation in the DNO network, which in turn reduces the need for overall additional energy (including renewable and other energy) installed capacity, and has other benefits such as (therefore) reducing the carbon footprint associated with providing new energy generation facilities; costs to the economy of providing additional energy infrastructure, and improving national energy security etc. The Government’s position in NPS1 (see also wider NPSs), and recent strategy documents echo this. Refer also to HPLP Policies EQ1 and CF3 etc which broadly support improved energy infrastructure (including within the countryside). A view therefore needs to be reached over whether this scheme can be considered as “renewable”, and if so, whether it either contributes to, or represents the full, very special circumstances needed to justify this scheme in this GB location under para 151 NPPF. If not, VSC will be required in the normal way. [It is noted that numerous appeal decisions across the country do reference generic battery storage such as this as a benefit under para 151, eg APP/C3430/W/22/3292837 [file:///C:/Users/David.Davies/Downloads/APPEAL%20DECISION%20-%203292837%20\(1\).pdf](file:///C:/Users/David.Davies/Downloads/APPEAL%20DECISION%20-%203292837%20(1).pdf)].

Site Justification

It is noted that for reasons of viability/operability, the applicant seeks sites for ESS which are required to be within a proximity (of 1km) from, in this case, the New Mill substation. It is assumed that in this regard 'the closer the better' (in terms of transmission loss) however this is not fully understood.

The submitted ASA effectively rules out any adjacent sites in, for example Furness Vale (whether brownfield or greenfield) and concluded that the application site is the only available deliverable site. However it is questioned: why the ASA methodology only considered sources such as the Council SHELAA, when this would only catalogue a small proportion of actual sites in the vicinity? Also presumably sites in the SHELAA relate to appropriateness in relation to residential or employment land purposes, not for battery storage as such. How many sites (both brownfield/greenfield) of 0.5+ha would be available within the 1km radius of NMS (including within development boundaries), and why weren't these explored directly?

It is additionally questioned:

- Why is a substation specifically with total indicative export capacity of up to 30MWh required? Would a smaller ESS scheme with smaller export capacity imply wider substations would be viable, and therefore wider sites around them be also assessed?
- Why was premises of the adjacent NMS itself not considered (peripheral grassland off Ladypit Road appears greenfield unless this forms part of curtilage?)
- As the applicant argues for the need for battery storage in terms of national policy/national needs, it is questioned therefore why only one part of one authority (High Peak excluding Peak Park area) was considered as an area of search: why could not another part of the region/country with appropriately viable available substations in proximity were not first considered; with a preference for urban over rural sites, brownfield over greenfield, non-GB over GB, etc? Or if such examples of substations already benefit from adjacent serving battery storage, this needs to be explained.

Also in the case of greenfield sites in the countryside/greenbelt, these should be differentiated in terms of ALC, and respective visual impacts etc. So it is therefore questioned whether the applicant has demonstrated the requirement for a GB location, before considering the submitted case for very special circumstances under para 148 NPPF.

Other Issues

In terms of the submitted very special circumstances case, it is acknowledged that the GB harm centres on impacts to openness given this would be a new facility on a greenfield site (with intervening foliage and with additional landscaping proposed). Also the proposal to lower internal floor levels is argued to 'lower' the development behind the bunding, although 4m barriers are also proposed, and 3m high structures. The 'other harms' are argued to be limited. In addition to the site being partially visible from vehicular road Marsh Lane, there are also a number of adjacent public rights of way, one within 55m of the site, another within 100m. The scheme would clearly represent some encroachment onto the GB, and represent a loss of openness at that location, although it is acknowledged that the scheme proposes boundary treatments and site lowering, to partially mitigate. The scheme benefits are clear given the above discussion around NPS1 etc.

The provision of BNG (in accord with HPLP Policy EQ5, and in advance of the legislative requirements later in 2023) are noted.

Therefore it is considered that although the benefits of greater regional rollout of ESS are clear, and although a case is made for VSC in the GB, the applicant needs to reconsider the ASA methodology to: consider more alternative sites generally (beyond for example, the SHELAA) including more sites within the 1km radius of NMS (including NMS itself if appropriate); and more generally justify why wider sites (possibly outside the Borough/region), were not viable, if they are responding to a 'national' as opposed to local/regional storage need. Further it is not clear why a facility that would respond to a 30MWh export capacity is specifically required (ie why cannot ESS facilities be designed at smaller storage configurations, broadening the range of available substations). If closer sites are preferable for viability reasons, this needs to be explained. Alternative sites would (although HPLP Policies do not rule out rural locations) be preferable within urban, and brownfield over greenfield locations. If, in the event that this yields alternatives also in the GB (or does not identify alternatives at all) the case of GB VSC set out in the particulars would again be directly or partially applicable.

It needs to be concluded whether this scheme qualifies as 'renewable' under para 151 NPPF: therefore the submitted case argued to represent VSC should be considered in this context. If not general VSC would need to be submitted to outweigh the harms of inappropriate development in the normal way.