

Planning Application HPK/2023/0193

Construction and installation of a battery energy storage system on land off Marsh Lane at Gowhole near Furness Vale

Objection by Buxworth Residents Group, 29 June 2023

1. Summary

As acknowledged by the applicant, these proposals constitute inappropriate development in the Green Belt. In considering the harm to the Green Belt and other harm, these are not outweighed by other considerations. Very special circumstances have not been demonstrated. The proposals are contrary to national planning policy. The development plan states that in the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy. This application should be refused.

2. The application and relevant development plan

Novus Renewable Services Ltd has submitted a planning application for a battery energy storage system (BESS) on a site of 3.5 hectares off Marsh Lane at Gowhole near Furness Vale. The relevant development plan is the High Peak Local Plan (adopted 2016).

3. Key issue

Located on a greenfield site wholly within the Green Belt in the countryside, the key issue is whether the proposals would constitute inappropriate development for the purposes of Section 13 of the NPPF, and if so, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4. Inappropriate development

The Site Layout Plan shows that the proposed BESS would comprise equipment (batteries, inverters and transformers) housed in thirty six storage units (like very large shipping containers) which together with its own substation, would be ringed with a 3m high palisade security fence. The Planning, Design & Access Statement confirms that 2.4 hectares of the 3.5 hectare site would be developed. This would be an extensive fenced-off site with an industrialised character.

Local Plan Policy EQ4 Green Belt Development defers to national policy which states that a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate, excluding certain exceptions. As the proposals do not satisfy any of the exceptions, they constitute inappropriate development in the Green Belt. With the applicant agreeing with this assessment, this can be taken as “common ground” (Planning, Design & Access Statement, paragraph 5.9).

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.

5. Harm by reason of inappropriateness and other harm

We will now assess the harm by reason of inappropriateness and other harm

5.1. Openness of the Green Belt

In determining the nature and extent of impacts on Green Belt openness it is necessary to assess both spatial and visual impacts.

5.1.1. Spatial impact

The spatial dimension of openness is principally informed by consideration of the extent of existing development within a site and a comparison with how this would change if the proposals were implemented.

Currently there is no built development on the application site. In contrast, from Table 1 the proposals would comprise built development with a footprint of 994 m² and a volume of 3,000 m³.

This represents a substantial spatial impact on openness due to the proposed development.

5.1.2. Visual impact

In visual terms, the openness of the Green Belt derives from an absence of built development. Plate 1 provides a view of the application site from the proposed access, and shows a tranquil meadow with far reaching views.

While the applicant has not provided any photo montages depicting close-up views of the proposed development, the image in Plate 2 was included in the applicant's community consultation leaflet, and can be assumed to have some representational relevance.

From this, it is self-evident that the visual impact on openness arising from these proposals would also be substantial.

Table 1: Footprint and volume analysis of proposals

Components (1)	Qty	Dimensions (m)	Unit footprint (m ²)	Unit volume (m ³)	Total footprint (m ²)	Total volume (m ³)
Battery Packs	24	12L x 2.5W x 3H	30	90	720	2,160
PCS (Inverters / Transformers)	12	10.5L x 2W x 3H	21	63	252	756
Substation (2)	1	8.1L x 2.7W x 3.85H	21.9	84.2	22	84
Total					994	3,000

(1) Compiled from the following documents: Site Layout Plan, Energy Storage Dimensions, Inverter - Transformer (PCS) Dimensions, Substation

(2) Including plinth but excluding surrounding gantry

Plate 1: View of the application site from the proposed access



Plate 2: Image from applicant's community consultation leaflet



5.2. Purposes of the Green Belt

The NPPF defines five purposes served by the Green Belt. Purpose (c) is to assist in safeguarding the countryside from encroachment. The applicant has calculated the area of the works as 2.4 ha. This substantial industrialised development would be an encroachment into the countryside, contrary to one of the purposes served by the Green Belt in the NPPF.

5.3. Character and appearance

Through Local Plan Policy EQ3 Rural Development, the Council seeks to ensure that new development in the countryside is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy includes the categories of development that are supported and allowed. The proposals do not fall within any of these categories. Further the proposals would have an adverse impact on the landscape character of the site and adjacent land, contrary to Local Plan Policy EQ2.

5.4. Construction traffic

Over the 4 to 6 months of construction, entrance and exit movements of HGV's and other construction traffic would be via New Mills, using the Marsh Lane junction with Church Road / Low Leighton Road. The inadequacy of this tight junction for this intended purpose would disrupt the local highway and increase the danger and inconvenience to other highway users. We note some confusion over access routes documented in the Transport Statement in that DCC Highways believes there has been agreement to use "option 1" whereas the applicant intends "to utilise a mix of access options 2 and 3".

5.5. Hazardous risk

The application is silent about the battery technology to be used. At the community consultation, the applicant advised of a design requirement to recharge the 30MW battery capacity in 2 hours using lithium batteries. (The applicant's covering letter confirms the requirement to discharge at this same rate.) BESS's using lithium batteries are inherently hazardous. The technology carries the risk of "thermal runaway" where overheating in just one battery cell can lead to a chain reaction across the site with fire, explosion and release of toxic gases and liquids. The closest such incident was in Liverpool in 2020; the details are readily available through a Google search "BESS fire Liverpool 15 September 2020". Such an event occurring at this Marsh Lane site would be injurious to those living and working locally (particularly the responding emergency crews) and cause severe disruption from closure of local roads and the Manchester to Sheffield main line railway, contamination of surrounding land and pollution of the river Goyt from polluted fire water run-off.

The regulatory framework as it exists is concerned with safety in the workplace which has little relevance for an operating BESS which is usually unmanned. Some of our law makers believe that this is inadequate as evidenced by the following two references from Hansard.

[https://hansard.parliament.uk/Commons/2022-09-07/debates/FB0D6FE6-CF3E-4D2B-AA92-FCAE0A5B0B17/Lithium-IonBatteryStorage\(FireSafetyAndEnvironmentalPermits\)](https://hansard.parliament.uk/Commons/2022-09-07/debates/FB0D6FE6-CF3E-4D2B-AA92-FCAE0A5B0B17/Lithium-IonBatteryStorage(FireSafetyAndEnvironmentalPermits))

<https://questions-statements.parliament.uk/written-questions/detail/2021-07-07/29036/>

Referring to the first of these, we are particularly concerned that the Council's web page for this application has no record of the Derbyshire Fire and Rescue Service being consulted.

While the Council may be unable to take account of the generality of this hazardous risk in planning terms, the proposed location above an embankment to the mainline railway between Manchester and Sheffield should be a specific cause for concern, and arguably contrary to the principle of sustainable development.

6. Other considerations

We will now assess the other considerations that are to be weighed in favour of the proposals.

6.1. Renewable energy

Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (paragraph 151 of the NPPF). BESS's are often proposed to accompany a solar or wind renewable energy generation scheme, but these proposals are stand-alone. While the proposals should contribute to a reduction in the production of energy from fossil fuels, the applicant has not provided any evidence that the proposals would specifically harness renewable energy for storage.

6.2. Electricity load balancing

Battery energy storage systems are intended to address imbalances between supply and demand in the national grid. But Novus is not claiming that High Peak's electricity demand and its supply are volatile or imbalanced. Indeed, these installations can be located anywhere that allows a line connection to any substation with sufficient capacity. We understand from the community consultation that the purpose of this installation would be to provide improved supply stability in the Altrincham area. The applicant claims that this is the only suitable site for a BESS within High Peak. While the need for a connection to a primary substation and the national grid is understood, the applicant provides no convincing evidence that either the installation has to be sited at this rural location in the Green Belt or that it would actually benefit High Peak. (The Inspector had similar concerns in dismissing the appeal against the decision by the Council to refuse planning permission for a BESS at Waterswallows near Buxton, appeal ref: APP/H1033/W/17/3186235.)

6.3. Local economy

The proposals may provide a small benefit to the local economy during the 4 to 6 months of construction with the possibility of additional employment and increased expenditure in the area. However, these limited benefits would cease on commissioning as the site is intended to operate unmanned.

According to paragraph 5.125 of the Planning, Design & Access Statement, if planning approval is granted, the applicant is willing to enter into an agreement to provide an annual community benefit payment of £1,500 and an annual charitable payment of £600 for the lifetime of the 50-year project, index linked. We understand such an undertaking does not meet the legal tests of a planning obligation and so is not a material consideration that can be taken into account in deciding the merits of the application.

7. Whether the harm would be clearly outweighed

In considering whether other considerations outweigh conflict with the Local Plan, we have taken account of the benefits in support of the proposals. If not harnessing renewable energy, these include a contribution towards reducing the production of energy from fossil fuels by addressing imbalances between supply and demand in the national grid. However, this benefit is tempered as the applicant has not explained convincingly why High Peak needs a BESS sited at this rural Green Belt location. There would also be a transient minor economic benefit to the local area during the 4 to 6 months' period of construction.

Set against this, the proposals would constitute inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt and would result in conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. Consistent with paragraph 148 of the NPPF, substantial weight is attached to this harm. In addition, the harm to openness would be substantial in magnitude. The proposal would also cause harm to the character and appearance of the site and the surrounding area. Other harm would result from traffic disruption during construction and the hazardous risk arising from the site's unsustainable location for a BESS comprising over 2,000 m3 of containers of lithium batteries installed and operating under an inadequate regulatory framework (in the view of some of our law makers) above the embankment to the Manchester to Sheffield mainline railway.

Taking account of this harm and the weight that can be attributed to other considerations, we believe that a reasonable person in possession of all the facts would conclude that other considerations are insufficient to clearly outweigh the harm.

8. Very special circumstances do not exist

The harm to the Green Belt by reason of inappropriateness and any other harm is not clearly outweighed by other considerations, and therefore the very special circumstances necessary to justify the development do not exist. The proposals are contrary to national planning policy. Local Plan EQ4 states that in the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.

9. Conclusion

The proposals constitute inappropriate development in the Green Belt. Very special circumstances have not been demonstrated. The application should not be granted planning permission.

10. Recommendation

We request that this application be refused planning permission.