

---

**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 24-Mar-2022**

**Subject: Planning Application 2021/93073 Erection of energy storage facility contained within a fenced compound with associated landscaping and access works Land adj, Holme Bank Mills, Station Road, Mirfield, WF14 8NA**

**APPLICANT**

Peter Walker, Energy  
Optimisation Solutions

**DATE VALID**

04-Aug-2021

**TARGET DATE**

29-Sep-2021

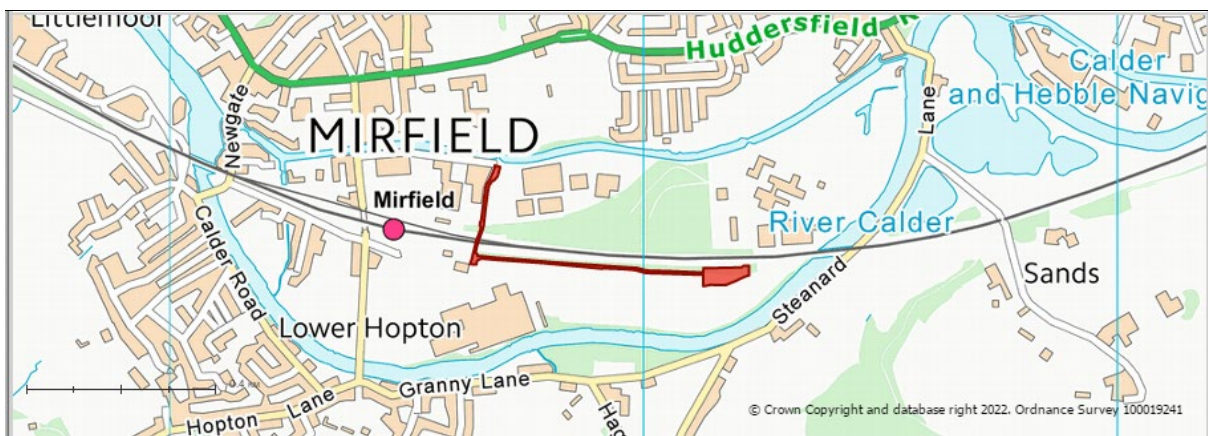
**EXTENSION EXPIRY DATE**

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

---

**Electoral wards affected: Mirfield**

**Ward Councillors consulted: Yes**

**Public or private:**

---

**RECOMMENDATION: Conditional full permission**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 The application is brought to the Strategic Planning Committee for determination under the terms of the Delegation Agreement, on the basis that the proposals are for non-residential development on a site in excess of 0.5ha.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site extends to approximately 0.7ha and is located on vacant land to the northwest of the Holmebank Business Park and south of the Huddersfield Railway Line, which runs in a west to east direction. Beyond the railway line, to the northeast of the site, are chemical works. Immediately to the south is a vacant field, beyond which lies the River Calder.

2.2 The site is stated *“to have previously been used in connection with the adjacent railway line and comprise of areas of hard standing and scrub vegetation”*. The periphery of the site benefits from semi mature vegetation and forms part of the Wildlife Habitat Network (WHN), a strategic green infrastructure network along the River Calder Corridor. It lies to the southwest of the Wheatleys Viaduct, but is detached from this Grade-II listed structure.

2.3 Parts of the existing access track to the site, which is served from Hurst Lane, lies within Flood Zones 2, 3a, 3a(i) (SFRA) and 3b, along with a very small area in the north-east corner of the site lying in Flood Zone 2 (no development is proposed on this part of the site).

**3.0 PROPOSAL:**

3.1 The proposed development comprises an energy storage facility contained within a fenced compound with associated landscaping and access. The layout of the proposed development is shown in the Proposed Site Plan (Drawing no. GA/003). Proposed elevations of the development are also provided. The proposals are confirmed to store approximately 42MW of energy.

3.2 The equipment proposed comprises 18 high efficiency battery energy storage units (referred to as RSU on plans) and 18 inverter units (RIU on plans) housed within individual containers, each with a height of 3m. The proposals also include 1 substation with a height of 3m, 1 33kV/11kV TX Compound with a height of 5.76m, 1. RCU Unit with a height of 3m and 1 switch-gear container, also 3m in height. The battery containers are arranged in four rows, with the other equipment located in the southwest portion of the site. Whilst the final route of the power connection has not yet been confirmed, it is stated that the route intends to follow the railway line and will be located below ground where possible.

3.3 The supporting statement states that the battery energy storage facility will support the National Grid and provide electricity at times when demand rises

above generation and absorb excess electricity when demand is below the level of generation.

3.4 The above equipment would be sited within a fenced compound. The compound accessway running into the site would be constructed of hardcore. The compound will be surrounded by a security fence of 3.5m in height. Motion sensor CCTV would be provided as well as lighting for emergency purposes. Both CCTV and lighting is to be conditioned as the location and luminance levels have not been determined.

3.5 Access to the site is to be provided to the west of the compound, with an existing access track leading off Hopton New Road. Three car parking spaces are proposed within the site for staff carrying out maintenance. .

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 Other than a pre application enquiry reference 2021/20078 which was considered and advice given that the principle of the proposals could be supported, there is no other relevant history to this site.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 The construction traffic management plan (CTMP) was revised twice during the course of the application, to address matters raised by the DM Highway Officers. The final CTMP is dated December 2021

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

##### 6.2 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP21 – Highway and access

LP22 - Parking

LP24 – Design

LP26 – Renewable and low carbon energy

LP27 – Flood Risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP31 – Strategic green Infrastructure Network

LP32 – Landscape

LP33 – Trees

LP35 – Historic environment

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

##### 6.3 National Planning Guidance:

Chapter 12 Achieving well designed spaces

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

6.4 Supplementary Planning Guidance / Documents:

Highways Design Guide SPD (2019)

Biodiversity Net Gain Technical Advice Note (2021)

Planning Applications Climate Change Guidance (2021)

West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

6.5 Climate change

6.6 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.7 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

6.8 Paragraphs 10.34 to 10.36 below are relevant which includes matters in relation to climate change.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Neighbour letters expired on 27<sup>th</sup> August 2021; Press advert expired on 9th September 2021; Site notice expired on 14th October 2021.

7.2 No representations received.

7.3 Ward Members have been consulted on the application. No response has been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways Development Management - no objections subject to conditions

KC Lead Local Flood Authority – requested a sequential test and a flood plan. No objection to the proposed surface water plan.

The Environment Agency – no objection subject to development being carried out in accordance with the submitted Flood risk Assessment (FRA). This can be conditioned.

Network Rail – comments awaited

Health & Safety Executive – Do not advise against the granting of planning permission.

### **8.2 Non-statutory:**

KC Ecology/biodiversity - No objection subject to the development being carried out in accordance with the submitted BMP and additional soft landscaping along the southern boundary of the compound.

KC Conservation & Design - The proposals would have no direct or indirect impact on any designated heritage assets.

KC Environmental Health – no objections subject to suggested conditions being imposed (EVCP, unexpected contamination & construction site working times)

KC Policy – no objections

KC Public Rights of Way – comments awaited

KC Trees – no objections subject to additional soft landscape condition

WY Architectural Liaison Officer – requested further clarity of works.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Local Amenity issues
- Local Environmental issues
- Heritage matters
- Highway issues
- Flood risk and safe development issues:
- Representations
- Other matters
- Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.
- 10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*
- 10.3 Policy LP2 states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...”*
- 10.4 Policy LP3 of the Kirklees Local Plan outlines that proposals will be required to reflect the Spatial Development Strategy.
- 10.5 The site is predominantly surrounded by industrial uses located and unallocated for any specific use on the Local Plan. The proposals are considered to constitute an industrial process.
- 10.6 Local Plan policy LP26 supports renewable and low carbon energy proposals. In this instance the proposals for battery storage would avoid wastage of large volumes of renewable energy by facilitating renewable energy generation, which in effect would be decarbonising and enabling low carbon emissions.
- 10.7 Consequently, the principle of development proposed is therefore considered acceptable subject to there being no conflict with local plan policies or national planning policy guidance.

### Urban design issues

- 10.8 The development proposed would comprise of a series of equipment as set out in paragraphs 3.1 to 3.5 above, to be contained within a fenced compound. Whilst the design of this development reflects its use and is purely utilitarian, it is considered that its location is such that it would not appear out of character with the wider surrounding built environment, which includes a range of industrial building designs and a variety of tall structures including Mill chimneys and mobile telephone masts.

10.9 Consequently it is considered that this proposal would accord with Policies LP3, LP24 and LP26(a) of the Kirklees Local Plan and national policy guidance contained in chapters 12 and 15 of the NPPF with regard to design principles.

#### Local Amenity issues

10.10 The closest residential property to the site is located approximately 145m to the southeast of the site, beyond the River Calder on Steanard Lane. The properties to the north south and west are at a significant distance from the application site, separated by existing industrial buildings and woodland. The periphery of the application site consists of semi mature vegetation, which screens the site from the surroundings. Due to the existing landscaping and buildings nearby residential properties are unlikely to gain significant views of the development. It is therefore considered that visual amenity of the occupants of those properties would not be significantly affected by this development.

10.11 In addition, the supporting statement states "*whilst cooling fans are to be located within the battery containers, the noise profile is stated would be low*". Other than the potential for unexpected contamination being found on site( to be addressed by condition), Environmental Health on assessment of the submitted information, raise no concerns in relation to noise, vibration, light, dust and odour.

10.12 Given the site's location away from residential properties and other sensitive uses, there would be no impact on residential or local amenity. Consequently, this development would accord with Kirklees Local Plan policies LP24 and LP26(d) and Section12 of the NPPF.

#### Local Environmental issues

10.13 The site forms part of the WHN and is covered by a Bat alert zone on the Councils geographical information system. It also forms part of the Strategic Green Infrastructure Network along the River Calder Corridor and consequently should deliver a Biodiversity Net Gain.

10.14 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.15 Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Policy LP30 also states that proposals will be required to safeguard and enhance the function of and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated in the long term.

- 10.16 As the site falls within the Strategic Green Infrastructure Network, landscaping is necessary both to visually integrate the industrial fencing and structures into its context and demonstrate the achievement of Biodiversity Net Gain on site.
- 10.17 The submitted Biodiversity Management Plan (BMP) states:
- “the site does not support the floral species richness typical of brownfield sites / previously developed land; however, altering the structure of land within undeveloped areas of the Site would create opportunities for more diverse flora including plants, lichens and bryophytes and subsequently amphibians, reptiles, invertebrates and birds and bats”.*
- 10.18 The BMP sets out ecological enhancements measures to be carried out and an indicative monitoring & management schedule. These measures are welcomed. A condition will be imposed to ensure the works are carried out and implemented in accordance with the BMP to enhance and improve ecological interests within the site, should the committee be minded to approve the application.
- 10.19 On assessment of the proposals, the Council’s Tree and Biodiversity Officers raise no objections, particularly with the proposed ecological enhancement measures together with the existing vegetation on the periphery of the site to be retained. However, it is acknowledged that additional soft landscaping is required along the southern boundary not only to visually integrate the industrial fencing and structures into its context but also to the wildlife corridor in accordance with Policy LP30 of the Local Plan and guidance within the NPPF. It is therefore reasonable for these details to be dealt with by condition, to which the applicant is agreeable to.

#### Heritage matters

- 10.20 The Council has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.21 On assessment of the proposals, the Council's Conservation officer advises that:
- “the site is southwest of the Wheatleys Viaduct but is detached from the grade-II listed structure and makes no contribution to its appreciation or setting. The proposed development of enclosed battery storage would be similarly screened from the designated heritage assets and would have no adverse impact on the understanding or appreciation of the listed bridge. Consequently, the proposed development would have no direct or indirect impact on any designated or non-designated heritage assets”.*
- 10.22 It is therefore considered that the proposals would cause no harm to the significance of the designated heritage, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is compliant with Local Plan policy LP35 – Historic environment or Chapter 16 of the NPPF.



## Highway issues

- 10.23 The supporting information states that the construction period is expected to be 26 weeks and the traffic generation is anticipated to be in the region 2320 two-way HGV and 2400 staff and light commercial vehicle movements. A total of 4720 two-way movements over the 26-week period averaging at 181 weekly and 36 daily movements. Times of use of the access are between 0.900 and 16.00 to avoid the peak hours for traffic.
- 10.24 DM Highway Officers required further information following an initial assessment of the proposals and the submitted transport statement accompanying the application. The final revised construction traffic management plan (CTMP) includes Swept Paths, pre and post construction road condition surveys, the use of a Banksman, as well as the requirement for all vehicles to be parked off the highway and within the site and details of access under the low bridge on Hurst Lane.
- 10.25 Subject to the development being carried out in accordance with the final submitted CTMP, DM Highway Officers raise no concerns in relation to highway safety and parking. Following the completion of the development, it is likely traffic generation to and from the site would be low, for maintenance purposes only. The proposals are therefore considered to comply with Policies LP20 and LP21 of the Local Plan and guidance in the NPPF.

## Flood risk and safe development issues:

- 10.26 The access road to this site lies within Flood Zones 2, 3a, 3a(i) (SFRA) and 3b, while a very small part of the storage facility site is in Flood Zone 2 (no development is proposed on this part of the site). The proposal is considered to be defined as essential infrastructure, for vulnerability classification as set out in Table 2 of the NPPG. This is because the infrastructure compound provides an energy storage facility which balances services to the national grid and the applicants have justified clear operational reasons why this must be located in a flood risk area. Therefore, it is appropriate, only after the sequential test has been passed.
- 10.27 The Local Plan Policy LP27 (flood risk) states that the whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed, each case will be assessed on its merits.
- 10.28 The sequential test received provides the following justification for a smaller area of search:
- 10.29 In order for an energy storage connection to be viable, the point of connection (in this case the Thornhill Power Station to the northeast of the site) must meet the following criteria:
- It must be located on a part of the electricity network that has available capacity;
  - It must be located at a strategic substation; and
  - It must be located at a substation with available demand capacity.

10.30 Also as the proposal is for an energy storage facility, site sources, should be:

- Unallocated sites
- Undeveloped sites

10.31 The applicant searched areas free from designations and development, which are large enough to accommodate the proposed development (approx. 0.7ha required). Therefore, it is considered all available sources of potential sites have been explored.

10.32 The site of the energy storage facility itself must be in close proximity to the point of connection. The connection is approximately 1.7km from the application site, which is at the very limits of where a connection is viable. Also, an area large enough to accommodate the proposed development is required. In this instance, approximately 0.7ha. Officers accept the justification for this area of search given the nature of the development proposed and are satisfied that all available sources of potential sites have been explored.

10.33 An exception test should be applied following application of the Sequential Test. This should show that the wider sustainability benefits to the community outweigh flood risk and provide evidence to show that the proposed development would be safe and that any residual flood risk can be overcome to satisfy the requirements of the Exception Test as set out in Para 159, of the NPPF.

10.34 The applicant states that this proposal is for a type of low carbon development that is inherently sustainable; the facility will store energy from the National Grid at times of high production and low use and release it back to the National Grid at times of higher need; thus energy is not lost.

10.35 The applicant goes on to say that:

*'Energy storage technology makes a valuable contribution to energy security and supply, and as more of these facilities are deployed, they reduce the need for new fossil fuel power generation to come online. As renewable energy production is intermittent (since it relies on atmospheric conditions), energy storage capabilities mean that the energy produced by renewables is not lost, and therefore they allow more renewable energy to come online.'*

10.36 Given this and having regard to the objectives in the Local Plan's Sustainability Appraisal Framework, which include:

- Reduce air, water and soil pollution
- Reduce the contribution that the district makes to climate change

it is considered that the proposed development scores positively against the aims and objectives of the Local Plan Sustainability Appraisal in that it will contribute to the wider sustainability benefits to the community that outweigh flood risk.

#### *Safe development*

10.37 The developer must provide evidence to show that the proposed development would be safe and that any residual flood can be overcome to the satisfaction of the local planning authority.

- 10.38 Mitigation proposals are set out in the submitted 'Drainage Strategy Incorporating an Assessment of Flood Risk' and Planning Statement, against the possibility of isolated flooding should it occur. These include:
- The flood levels of the substation and switchgear stations to be set a minimum of 300mm above the existing ground levels.
  - The battery storage units are to sit on individual bases and raised a minimum of 300mm above the existing ground level.
- 10.39 Provided the development is carried out in accordance with the mitigation measures along with electric connections to be and associated control equipment to be set at a minimum height of 600mm above ground level to reduce the risk of damage occurring, the proposals are considered would be safe.
- 10.40 In relation to the access road, the highest recorded flood level adjacent to the site was in December 2015. The EA has provided a flood history map that shows the extent of the flooding. The extent of the flooding in 2015 did not affect the site of the battery storage facility and only affected the access road at its junction with Hurst Lane.
- 10.41 The applicant has said that the site will be unmanned and therefore access and maintenance will be planned to avoid peak storm events, thus minimising risk to operatives alleviating the need for a flood plan. This matter can be addressed by a condition.
- 10.42 To summarise the sustainability benefits associated with this development and the site to be unmanned except for maintenance purposes together with any residual flood risks matters being addressed, including the requirement for safe access and egress to the site, the Exceptions Test is passed, in accordance with Local Plan Policy LP27 and guidance in the National Planning Policy Framework.

### Representations

- 10.43 None received

### Other Matters

#### *Unexpected contamination*

- 10.44 To ensure that any unexpected contamination is dealt with appropriately and to protect the future occupants of the development from any risk of contamination Environmental Services has recommended a condition to deal with any unexpected contamination encountered during the construction phase, to accord with Local Plan policy LP53 and guidance within Chapter 15 of the National Planning Policy Framework.

#### *Construction Site Working Times*

- 10.45 A condition to restrict the construction working times is also recommended by Environmental Services, in the interests to protect nearby sensitive noise receptors and to accord with Local Plan policy LP52 and guidance within the National Planning Policy Framework.

### *Electric Vehicle Charging Points*

10.46 In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring a charging points scheme (in accordance with the Environmental Health comments dated 20<sup>th</sup> August 2021) would be necessary if the application were to be approved.

### *Artificial Lighting & CCTV poles*

10.47 The submitted planning statement at paragraph 5.4 states motion sensor CCTV and lighting for emergency purposes. However, details of the location of the poles for motion sensor CCTV and lighting including luminance levels were not available during the course of the application. Therefore, the applicant is agreeable for these matters to be addressed by condition. These measures and details are required to protect amenity of nearby sensitive receptors including the wider WHN and Strategic green Infrastructure and also welcomed by the WY Police Architectural Liaison Officer from a secure by design aspect.

## **11.0 CONCLUSION**

11.1 The proposal would provide a useful facility for the storage of electricity at peak times which would help manage demand on the Grid. It is considered that, whilst utilitarian, the design of the proposal is acceptable. Impacts on local amenity associated with this proposal are considered to be acceptable or could be mitigated to an acceptable level. The development will be served by existing access arrangements and will provide adequate parking facilities within the site, and it is therefore considered that it would not adversely affect the local highway network. Furthermore, it is considered that subject to conditions the proposal would have no significant detrimental impact on the area's local environment and can be accessed safely for maintenance purposes.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Enhancement and monitoring management measures as set out in the Biodiversity Management Plan (BMP) to be adhered to
4. Details of additional soft planting along southern boundary to submitted and approved
5. Fencing details to be submitted and approved
6. All construction shall be carried out in accordance with the approved Highways Traffic Management Plan ( December 2021 ) throughout the period of construction.

7. No more than of 20 heavy vehicle movements (10 in 10 out) per day shall take place at the site in each working week (Monday – Saturday)
8. Prior to the development being brought into use, the proposed car park shown on Proposed Site Plan number GA/003 hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority
9. Proposals to be carried out in accordance with measures set out in the submitted 'Drainage Strategy Incorporating an Assessment of Flood Risk' and Planning Statement
10. Access and maintenance within the site to be scheduled to avoid peak storm events
11. Electric connections to be and associated control equipment to be set at a minimum height of 600mm above ground level
12. Dealing with unexpected contamination
13. Restricting construction working times
14. Details of electric vehicle charging point/s to be provided and approved prior to installation of any electrical system on site
15. Details of lighting scheme including luminance and location of poles to be provided and approved prior to installation.
16. Details of CCTV location of poles to be provided and approved prior to installation

**Background Papers:**

Application and history files. See assessment above

Website link to be inserted here:

[Link to application details](#)

Certificate of Ownership – the application is accompanied by Certificate C