

# **Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017**

**APPLICATION:** FUL/2021/0375  
**PROPOSAL:** Proposed erection of a Battery Energy Storage System (BESS)  
**AT:** Balderstone Lane, Burnley  
**APPLICANT:** Widdow Hill BESS Ltd

## **Screening Opinion**

This is the Screening Opinion of the Local Planning Authority for the proposed erection of a Proposed 152MWh battery storage contained within 36 battery units measuring 10.6m in length and 2.6m in width, associated transformers, electrical equipment, switch room, control room, 2.4m high palisade fencing, site drainage, 8 mounted CCTV cameras on 6m high poles, floodlighting on buildings and access track

## **Background**

The above planning application was made valid on the 13<sup>th</sup> July 2021.

Battery storage is not explicitly listed within Schedule 2 of the EIA Regulations. Schedule 2, Class 3 a) refers to: '*industrial installations for the production of electricity, steam and hot water.*' Whilst the proposal is not for the actual production of electricity, the storage of electricity plays its part in the process of production.

Furthermore, it is considered that the proposals fall within the category of Energy Industry at 3 (a) of Schedule 2 where the following thresholds are applicable:-

(i) The area of the development exceeds 0.5 hectare.

The overall application site area for the proposed development is 1.3 hectares

In conclusion, the proposed development would exceed the threshold at 3 (a)(i), in which case a Screening Opinion is required pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No screening request has been submitted either prior to or with the planning application. As such, a screening assessment has been carried out which utilises the information submitted to accompany the planning application.

## **Assessment**

The information contained within the planning application (FUL/2021/0375) has been considered alongside the selection criteria in Schedule 3, part 2 (Selection criteria for screening schedule 2 development) of the 2017 Regulations and advice in the National Planning Practice Guidance.

Consideration against the selection criteria of Schedule 3 of the Regulations is required. Schedule 3 lists the selection criteria as:

- Characteristics of the development
- Location of the development
- Types and characteristics of the potential impact

These are discussed within the sub-headings below:-

### **Characteristics of the development**

The site is located within the defined settlement boundary as designated in Burnley's adopted Local Plan. The site sits within an existing Protected Employment Site (EMP2/4), Heasandford & Innovation Drive and has a specific employment allocation (EMP1/6).

The site is considered to be in a sustainable location and access to the site is proposed from Balderstone Lane. The surroundings uses to the site are commercial and the LCC household waste recycling centre associated with the wider employment site. To the north of the site is an elongated protected green space which forms a natural buffer between the site and residential properties on Lydgate, Horning Crescent and Croasdale Avenue. To the immediate eastern edge of the site the defined settlement boundary marks the beginning of open countryside.

There are obvious site level changes, from the north falling to the south (Balderstone Lane). There have already been some preliminary site clearance and levelling off as part of a previous planning approval (APP/2018/0296). To the eastern boundary of the site flows Walshaw Clough which flows southwards to join the River Don, and to the western boundary of the site is a small brook which culverts close to Balderston Lane.

Footpath No. 154 runs to the northern and western boundaries of the site with Footpath No. 152 running vertically. Note that both footpaths lie outside the application boundary but clearly views from the footpaths will be directly affected by the proposals.

### **Location of development**

#### Ecology and Biodiversity

The site is part of the Lancashire Ecological Grassland and Woodland Network and designated as such in the Local Plan policy NE1. The area in which the site is located is described as 'stepping stone habitat' (see figure 2 below). These stepping stone habitats are described as 'high quality habitats' occurring along the network. the site is also covered in a Ecological - Woodland designation in which policy NE1 is applicable.

There are no statutory designated sites located within 1 km of the site. The site falls within the Impact Risk Zone (IRZ) for the South Pennine Moors Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC), located 3 km south east of the site. The protected area is designated for its mosaic habitat of blanket bogs, upland dry heaths, old sessile oak woods and species rich acidic flushes and mires. However, the proposed works do not fall into any of the categories that require consultation with Natural England, therefore, no further consideration regarding the Impact Risk Zones is required.

There are two non-statutory Biological Heritage sites (BHS) within 1 km of the site; River Don Brun Valley (BHS) is located 240 m south east of the site and Michelin Factory and Smallshaw Industrial Estate Grounds (BHS) is located 520 m south west of the site comprising of a single pond.

The Preliminary Ecological Appraisal conducted in Feb 2021 by Bowland Ecology sets out the methodology for the report, results, evaluation and assessment of potential impacts and conclusions and recommendations.

The site was formerly designated as part of the Heasandford District Wildlife Site because the area supported important lowland heathland and acid grassland habitats. These habitats were in decline and have now been subject to significant losses caused by the recent site remediation works associated with a previous planning application. Despite some losses of habitat on the site, the application site is described as lowland heathland vegetation, a priority habitat for conservation. It provides habitat for a range of wildlife, including deer which visit the site. The consultation responses from GMEU and the Burnley Wildlife Conservation state that its main value is as habitat rather than for breeding, contributing to the Heasandford District Wildlife Site.

### Mitigation

Contributions from the Council's Parks and Open Space team for additional tree planting. Furthermore, The Brun Valley Greenway section that runs up the east/southeast side of the development needs to be kept wide enough so that there is plenty of space for cyclists/walkers, etc. without fencing being too close to the greenway. As such, can we ask that the fencing erected is set back at least 3-4 metres from the existing path.

The existing woodland would be retained and improved with underplanting and new trees. A condition is required to ensure adequate protection measures during construction. Conditions are also recommended to require a detailed Landscape Creation and Management Plan for the application site, as well as precautionary measures to protect badgers and birds. The latter would ensure that protected species are not put at risk. Subject to these measures and conditions, the identified adverse impacts of loss of habitat would be mitigated by an off-site scheme of meadow creation, and new planting to the north and east sides of the site and on-site measures to optimise appropriate landscaping at the site. These measures would, in total, ensure that the development complies with Policies NE1 and NE4.

Any light pollution created by the flood lighting will be minimised to the number of times any staff will visit the site which is estimated to be approximately 3 times a year. A condition will be attached to the permission requiring the flood lights to be switched off at any other time.

There is no known contamination from the site that would need to be dealt with. The site has been subject to historic surface coal mining activities which could potentially lead to issues of land instability, particularly where unrecorded mining shafts may exist. The proposed development involves little intrusive works to mount the proposed solar array on an aluminium frame but it would be necessary to ensure even minimal works (including any ground works for the siting of substations, battery storage, inverters, kiosk and associated equipment) are not adversely affected by past coal mining legacies. The Coal Authority has been consulted on the application and recommend a Condition to require further assessment to be carried out prior to the commencement of development. The scale of the likely impact is confined to the application site and adequate mitigation can be secured through a planning condition.

The application site falls within Flood Risk Zones 1. Flood Zone 1 has the lowest risk of flooding. A Flood Risk Assessment has been requested as the site is major development. Surface water will be consulted upon with the LLFA. There will still be areas of existing landscaping maintained within the site, ie not all the site area will have built form upon it. Measures for surface water pre and post construction will be detailed in a Construction

Management Plan. The impacts of the construction and operation of the development on flooding is therefore not of a magnitude that requires any further assessment through Environmental Impact Assessment.

Risk to human health as a result of potential contamination to the land, water or air is likely to be low. There are no identifiable significant risks to human health that would require an Environmental Impact Assessment.

The cumulative impact of the combined development has been taken into account and would not lead to a significant cumulative impact and an Environmental Impact Assessment would not be needed to address these issues.

### **Types and characteristics of the potential impact**

The impacts that have been identified (on ecology, resources, pollution, noise, visual impact, traffic impacts, contamination, ground conditions, health risks, risk from major accidents) and discussed above.

The impact of the proposal on natural resources, biodiversity, visual impact, pollution, waste, noise, traffic, historic assets, flooding, the risk of major accidents, the risk to human health are clearly definable and are unlikely to lead to transboundary impacts. The impacts of the development from the construction process have been identified and can be adequately mitigated.

#### Pollution and nuisances

The Site is not located within an Air Quality Management Area (AQMA).

Any emissions generated during construction, including dust and vehicle emissions will be managed in accordance with standard best practice. There will be no emissions from the battery storage facility during operation and the impact from construction will be temporary and not significant in nature.

In accordance with Lancashire Fire and Rescue, a fire risk assessment will be commissioned to inform the development. The assessment will make any recommendations to be incorporated into the final design of the proposed storage facility that might be required.

Control of noise, especially background noise will be covered by conditions which have been detailed by Environmental Health officer, informed by a technical noise assessment.

#### Human Health

As minimal human interaction is involved with the installed equipment, there are considered to be no additional risks of accidents associated with the operation of the battery storage facility.

There is a small risk that accidents may occur during construction and operation however measures in accordance with Health and Safety legislations will be implemented and best practice measures to minimise the risk of accidents.

The closest residential properties to the Site are located on Lydgate approximately 70 to the north of the site. The immediate surrounding area is industrial/employment which borders

onto the open countryside. During the construction phase, the works are not anticipated to result in any significant risks to human health

### Cultural Heritage and Archaeology

The Site is not located within any statutory or non-statutory heritage assets. The proposal is not considered to give rise to any significant effects to these cultural heritage and archaeological sites.

### **Conclusion**

The characteristics of the development and the site's location and the potential impacts of the development have been considered. The local planning authority is satisfied that the magnitude and complexity of the likely impacts are at a local level and both short term impacts from the construction phase and longer terms impacts on the landscape, natural resources, biodiversity, pollution, waste, noise, flooding, public health, historic assets and archaeology, risk of accidents and hazards are capable of being assessed through a series of individual reports and assessments.

No significant cumulative impacts have been identified that would require Environmental Impact Assessment (EIA). It is not considered that there would be significant transboundary impacts resulting from the proposal. The nature and degree of mitigation measures will be determined partly through the individual assessment reports and can be controlled by planning conditions and other mechanisms such as a legal agreement where necessary.

The proposed development has therefore been screened with reference to the relevant criteria in Schedule 3 and for the reasons explained above, the local planning authority is of the opinion that it is not likely to have significant effects on the environment and as such, the proposed development **is not EIA development** within the meaning of the Regulations. Environmental Impact Assessment is therefore not required.

Prepared by Paula Fitzgerald

Date of Issue: 14<sup>th</sup> February 2023