URBAN RESERVE
BLENHEIM POWER
FLEXIBLE ENERGY FACILITY

Response to Adur District Council & Third Party Appeal Statements

Appeal Reference: APP/Y3805/W/21/3274190

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1.0 Introduction

1.1 We refer to (1) the letter from the Planning Inspectorate dated 1 September 2021 enclosing the Adur District Council Appeal Statement and a Third Party Representation from Lancing Business Park; and (2) the letter from the Planning Inspectorate dated 6 September 2021 enclosing a Third party Representation Stickland Wright. These representations relate to appeal APP/Y3805/W/21/3274190.

1.2 This additional statement submitted on behalf of the Appellant, AMP Energy Services Ltd, provides comment on a number of points raised in these submissions. The Appellant's responses are made in the order they are raised in the submissions, starting first with Adur District Council, then Lancing Business Park, and then Stickland Wright.

2.0 Adur District Council Response

First Comment

2.1 *"The Council considers that the proposal, in its entirety, relies exclusively on the use of gas which is then converted to electricity. The development is therefore contrary to the fundamental framework for sustainable development objectives contained with the NPPF and the aims of the Council to achieve carbon neutrality."*

2.2 The Appellant's need case for gas powered reserve power is set out in detail in paragraphs 5.1 to 5.9 of the Appellant's Appeal Statement. The need for increased renewable and low carbon energy generation and the infrastructure (in particular balancing and reserve power plant) required to supply this power to consumers and deliver the UK's zero carbon emissions commitment is very clear.

2.3 Reserve power generation is essential ancillary infrastructure required to facilitate the connection of intermittent renewable energy and decentralised generation to the grid. Reserve power generators will support the increasing contribution from renewable sources; provide security and resilience to the grid; and help drive the transition to a net zero carbon future. This is, contrary to the Council's assertion, consistent with and supported by the NPPF (paragraphs 148 and 151) and National Policy Statement EN-1 (paragraph 2.2.20) as set out in the Appellant's Appeal Statement.

2.4 The Inspector is invited to note that on the 6th of September 2021, the Department for Business, Energy and Industrial Strategy published 'Planning for New Energy Infrastructure - Draft National Policy Statements for Energy'[1]. This consultation has invited comments on the proposed updates to the suite of energy National Policy Statements (NPS). Whilst the existing NPSs remain it is important to note that Government's proposals reiterate the need and importance of new energy infrastructure to meet the government objectives including wind, solar, wave, tidal, energy from waste with or without CCS, biomass with or without CCS**, natural gas with or without CCS,** and low carbon hydrogen. Although consultation documents these amended NPSs are material considerations for energy related applications.

Second Comment

2.5 *"The Appellants' Statement only includes generic information that flexible energy facilities are required to support the development of renewable energy systems and there is no site specific evidence that there is a requirement in this location for such a facility."*

2.6 The Appellant provides information on its site selection process in section 3.3 of the Planning Statement submitted with the Planning Application. The UK needs a significant increase in flexible reserve power plant across the transmission and distribution grid networks. This is not only to facilitate the necessary increases in intermittent renewable energy generation being delivered to the grid but also to help balance increasing demand (especially in urban areas) for electricity for example for charging electric vehicles, electrification of heating systems, and increasing automation of industry etc. Need for renewables development (including its supporting ancillary infrastructure) does not need to be demonstrated (NPPF paragraph 158). The Appellant has identified a suitable connection point to the local distribution network (as described in paragraph 3.3.5 of the Planning Statement) and has a connection agreement secured with

[1]https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-review-of-energy-national-policy-statements

UK Power Networks. UK Power Networks is the local District Network Operator and its electricity supplies to the local network will be supported by this proposed development.

2.7 In a letter to the council (to Mr. Peter Barnett dated 4th March 2021 - APPENDIX C_C.19 in appeal submission), AMP Energy Services explained that in 2019-2020 part of its 'Flexibility First' approach to cater for new connections, UKPN was seeking to procure 123.0MW of flexible power. One of these contracts was in the Lancing area. This demonstrates site specific evidence that the networks require schemes such as this in the area to help meet the demand.

Third Comment

2.8 " … the use of a gas fired facility is not in line with Adur's net zero and climate change policies and the Appellants' Statement has not addressed the issue of increased carbon emissions in the area from the operation of the plant. The appellant has stated that it will contribute to lowering carbon emissions due to supporting increased renewable energy; however, at the time of the application they confirmed that the proposal would generate 4,778 tonnes of carbon per year.

2.9 The need for reserve power generation is set out in the Planning Statement, the Appeal Statement and in this further response (see above paragraph 2.3). As already stated, increasing reserves of flexible generation are required to deliver an ever increasing contribution from intermittent renewable energy generators onto the grid. Reserve flexible power generators are essential ancillary infrastructure to the renewable energy industry. Both are needed as part of the urgent transition to zero net carbon emissions by 2050.

2.10 In a letter to the Council (to Mr. Peter Barnett dated 4th February 2021 - APPENDIX C_C.14 in appeal submission), AMP Energy Services advised that *"once Hydrogen is widely available, we will be looking to fuel our engines, which can already run on a 40% hydrogen/natural gas mix, fully on Hydrogen fuel. Indeed, we would expect all our projects to be operating on Hydrogen before 2050"* and following the Governments recently published 'UK Hydrogen Strategy'[2] that could be as early as 2035 should hydrogen supply in the UK develop in a timely fashion. The need for gas powered flexible reserve power is here and now and into the short / medium term future. These engines are flexible and will be able to run on Hydrogen when it is more widely available and as part of the transition to net zero carbon emissions.

2.11 Emissions from the proposed plant need to be seen in the context of the increasing contribution from intermittent renewable energy generators (and associated carbon savings) that plant like this facilitate and support. It is too simplistic to only focus on the carbon emissions predicted from circa 2,000 hours of operation of the plant (the 4,778 tonnes of CO_2 referenced) as this needs to be balanced against the significant carbon emissions reductions from ever increasing renewables generation that National Grid is enabled to connect and deliver with the help of these plant waiting on standby.

2.12 It is timely that recently (week commencing 7th of September 2021) unseasonably low wind levels led to record high electricity prices and the highest recorded costs incurred by National Grid to maintain security of supply. During this time AMP Energy Services projects have been operating to help prevent power cuts across the country.

2.13 See also the response below in paragraph 2.16 to the issue of the use of fossil fuel and reserve power generation in other appeal decisions.

[2] https://www.gov.uk/government/publications/uk-hydrogen-strategy/uk-hydrogen-strategy-accessible-html-version

Fourth Comment

2.14 *"The Appellants' Statement is also largely dependent on classifying the plant as "supporting infrastructure" for renewable energy plants. Supporting infrastructure is not defined in the NPPF however the Council considers supporting infrastructure to comprise of grid substations, cabling and the like and not including separate stand alone power plants."*

2.15 The Council's definition of supporting infrastructure is somewhat narrow and fails to understand the supporting (or ancillary) infrastructure needed on the grid to allow the connection, transmission, and delivery of intermittent renewable energy generation. National Grid (transmission network operator) and the District Network Operators need reserve power plant (including gas and battery powered) to balance system, provide emergency back-up power, and to meet the increasing demands for electricity supply. National Grid's 'Future Energy Scenarios' sets out the need for generation decentralisation and flexibility over the coming decades. This is set out in section 1 (page 1) of the Planning Statement supporting the planning application.[3]

2.16 The Appellant makes reference to a number of relevant appeal decisions in the Appeal Statement that have concluded that reserve power generation is essential ancillary development in delivering renewable and low carbon energy generation and the transition to net zero carbon emissions. These are set out referenced in paragraphs 5.10 and 5.11 of the Appellant's Appeal Statement. We would particularly like to draw the Inspector's attention to Appeal – APP/P0119/W/20/3261646, where the Inspector stated that he would *"regard the proposed development as being a form of associated infrastructure to support the increased use of renewable and low carbon energy".*

Fifth Comment

2.17 *"…the Appellants have not included location specific evidence that there is a need for this plant and rather depend on generic information. The Council does not consider that there is sufficient justification for this facility."*

2.18 As noted above in paragraph 2.6 above, the need for renewables development (including its supporting ancillary infrastructure) does not require demonstration. Notwithstanding, the Appellant has set out in its Planning Statement its site selection process and it should be noted that the Appellant has the benefit of a grid connection agreement. This agreement facilitates the delivery of the proposed balancing and reserve power backup to the local grid and local District Network Operator. See also paragraph 2.7 above noting the need for backup generation in the area identified by the District Network Operator UKPN.

Sixth Comment

2.19 *"Fossil fuels will run out and the continued emissions from burning such are unsustainable and this facility cannot be seen as ensuring that development meets the needs of existing and future generations and is therefore unsustainable. As the Council's Sustainability Manager said at the time of the application, "there are other low carbon solutions such as large scale battery storage with or without renewable energy such as wind or solar that could perform this function, without emitting greenhouse gas emissions that contribute to climate change, and these would also have no impact on local air quality."*

[3] The Inspector is advised to note that since the planning application and appeal National Grid has published it's Future Energy Scenarios 2021 (published July 2021), which provides updated information on the demand for standby generation. https://www.nationalgrideso.com/future-energy/future-energy-scenarios/fes-2021#fes-reports

2.20 Please see response above in paragraph 2.10 which addresses the role of gas powered reserve power generation in the transition to net zero carbon emissions and the ability to transfer to a mix of hydrogen and natural gas through to full use of hydrogen as fuel in due course. Gas powered and battery powered reserve power plant are both needed on the transmission and distribution networks. It is not a case of one or the other. Whilst both provide balancing and backup power services they operate differently. Gas powered plant can operate as long as National Grid requires support. Batteries can deliver power for as long as the battery can regenerate stored electricity. Typically commercial scale batteries can only supply power (from a full charge) for 1-2 hours and then need 'down time' to recharge. Whilst battery technology is improving and long discharge times (circa 4 hours) will become more common they are not as durable as gas powered reserve power generation.

2.21 The Appellant also makes reference to a relevant appeal decision at paragraph 5.11 in the Appeal Statement where the Inspector, who considered the Maryport Peaking Power Plant appeal, addresses the issue of the plant using fossil fuel to generate electricity.

Seventh Comment

2.22 "The site is currently an occupied vehicle storage yard for a company based on the park. Lancing Business Park in their representations have stated that it is very difficult to identify vehicle storage land in Adur and Worthing and that there are currently several companies based on the park who are looking for land of this type to support their operational needs. The loss of the land to enable a non sustainable development such as this is not considered to be justified."

2.23 See response below to Lancing Business Park's representation (paragraph 3.7).

Eighth Comment

2.24 "Taking account of the social, environmental and economic factors of sustainable development, overall, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits."

2.25 The council refused this application on the sustainable credentials of natural gas powered flexible power generation and loss of parking / storage only, and has not identified any other reasons for refusal. As the Appellant has provided evidence that the project has an important role in the energy transition to net zero carbon emissions; is securing security of supply; and would occupy a site that offers limited and constrained parking / storage capacity, the refusal is not justified. It should also be noted that the second reason for refusal refers to loss of land currently used for B8 storage use. This is land used for parking and occasional container storage associated with a B8 use class unit. To clarify, it will not result in loss of B8 employment floorspace. See also the response to Lancing Business Park's objection (paragraph 3.7 below).

2.26 There were no objections to the planning application from the occupier of the business unit; the landlord for the site; neighbouring business park occupiers; and notably no objections from key consultees including the Environmental Health Officer and Highways Officer. The Appellant considers that the Council has not identified any adverse impacts from the proposal that 'significantly and demonstrably' outweigh the benefits as stated by the Council.

Proposed Planning Conditions

2.27 The Appellant has no comments on the proposed planning conditions.

3.0 Lancing Business Park Response

3.1 Responses to the Lancing Business Park representation are made against the bullet points set out in its letter dated 17 August 2021.

First Bullet Point

3.2 Lancing Business Park states that the proposal would conflict with LBP's aim to reduce the carbon footprint of the business park.

3.3 See responses to Council statement above addressing the need for flexible reserve power generation and how proposed developments like this are essential ancillary infrastructure for increasing increased renewables generation onto the transmission and distribution networks. The proposed flexible reserve power plant will only operate when required by National Grid and when operating will be providing essential balancing and backup power services. The latter are essential to maintain local electricity supplies (including to the business park) thus providing local grid resilience and security. With increasing demand for electricity for electrification of transport, heating and industrial systems urban areas in particular will require more of these flexible generation plant. The benefits of increasing renewable and low carbon generation need to be seen in the wider context beyond the boundaries of the business park and as noted above, the Appellant expects its flexible generation plant to be fuelled by hydrogen and natural gas and in due course by hydrogen only as hydrogen generation and hydrogen supply increases in the coming decades.

Second Bullet Point

3.4 Lancing Business Park refers to a power cut experienced on 29th July 2021 and subsequent repairs undertaken by UK Power Networks to repair an aging transformer suggesting that the business park does not require back up power to stabilise power supply on the business park.

3.5 The Appellant respectfully wishes to point out that this statement fundamentally misunderstands the operation of the proposed flexible generation facility. The proposed facility provides balancing and reserve power services to the national grid. The facility is not proposed to provide direct back up power to the business park, instead it provides back up power, when required, to the local distribution network. The local distribution network and the district network operator, UK Power Networks, provide electricity supply to the local area, which includes the business park. In the event of a power outage on the local network, flexible generation facilities like the proposed development will be called on by National Grid to deliver power to the local supply grid. The problem that Lancing Business Park refers to appears to have been caused by equipment failure and not a loss of electricity supply to the local grid.

Third Bullet Point

3.6 Lancing Business Park refers to the unit occupier not being able to relocate its vehicles to a suitable alternative storage site and as a consequence would cause considerable impact to the operations of this business and hamper their business recovery.

3.7 The Appellant wishes to point out that:

- there was no objection to the planning application from the business unit operator (Rabbit Waste Management Ltd - the current tenant of the site);

- an option to lease the site for the proposed development has been signed by the Appellant with the landlord for the site. The landlord is leasing the site to the current tenant on a 'month by month' basis and Rabbit Waste Management Ltd has confirmed to the landlord that it is able to relocate its storage to another of its yards;
- the application site due to its size and shape is not well suited to vehicle parking and has historically been used for skip storage; and
- due to its size, shape, location, and historic use the site is ideally placed for the location of the proposed Flexible Energy Facility.

4.0 Stictland Wright Response

4.1 Responses to the Stictland Wright representation are made against the bullet points set out in its submission made on 13 September 2021. Where representations repeat matters already raised in the Adur District Council or Lancing Business Park representations, references to previous responses in this rebuttal statement are made.

First Bullet Point

4.2 The impact of the loss of current parking and storage is unproven. Local demand exists for such parking and the displacement of current uses has not been considered or justified.

4.3 Please refer to paragraph 3.7 above.

Second Bullet Point

4.4 Creating a new gas fired electricity generator, in this location, is contrary to the stated aims and objective of the local authority, in respect of decarbonisation.

4.5 Please responses to Adur District Council's representations in paragraphs 2.4 to 2.4, 2.9 to 2.13 and 2.20 to 2.22.

Third Bullet Point

4.6 The appropriateness, or need for the use of, this specific location, has not been sufficiently detailed or justified.

4.7 Please responses to Adur District Council's representations in paragraphs 2.6 to 2.6 and 2.18.

Fourth Bullet Point

4.8 Insufficient detail is provided with regards to the material consumption of the facility and its outputs.

4.9 It is not clear what information is sought by Stickland Wright, nor its materiality to the planning determination. The project will be capable of generating 5MW (5,000kW) of electricity per hour and its predicted operating parameters are set out in section 3.2 of the Planning Statement supporting the planning application APPENDIX B.15 in the appeal submission.

Fifth Bullet Point

4.10 Impacts on air quality are entirely unknown and have not been subject to the scrutiny of the local authority. This has the potential to impact upon nearby commercial premises, which include office workers.

4.11 An air quality assessment was not required to be submitted with the planning application and Adur District Council's Environmental Health Officer raised no objection on the grounds of emissions to air. The Appellant also wishes to point out that an Environmental Permit will be required to operate the facility, and this is a separate application process to the Environment Agency.

Sixth Bullet Point

4.12 *There is no commentary, in the planning assessment, upon the noise impacts of the facility upon nearby office workers. This must be scrutinised and justified.*

4.13 A noise assessment was submitted with the planning application (please see APPENDIX B.16 of the appeal submission) Adur District Council's Environmental Health Officer raised no objection on the grounds of noise impacts.

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