



Appeal Decision

Site Visit made on 2 September 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

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

**Blenheim Power, 62 Marough Road, Lancing Business Park, Lancing
BN15 8UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Wallace of AMP Energy Services Ltd against the decision of Adur District Council.
 - The application Ref AWD/1966/20, dated 27 November 2020, was refused by notice dated 10 March 2021.
 - The development proposed is An Urban Reserve Flexible Energy Facility and associated equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the address given for the appeal site on the application and appeal forms and restated in the banner heading above, the site is reached from Blenheim Road, which is off Marlborough Road, and there is no Marough Road near the site. Following correspondence after the application was submitted, the appellant amended the site address on the application plans to read 56 Blenheim Road, Lancing Business Park, Lancing, West Sussex, and the Council's decision notice refers to the site address as 56 Blenheim Road, Lancing Business Park, Lancing, West Sussex BN15 8UQ.

Main Issues

3. The main issues are whether the proposed development would be:
 - an acceptable use of resources in the context of relevant Development Plan policies, and
 - an acceptable re-use of employment land.

Reasons

Resources

4. One of the visions in the Adur Local Plan 2017 (LP) is to make progress towards a low carbon, sustainable community through, amongst other things, energy efficiency and the use of renewable energy, and to make a significant contribution to low and zero carbon energy production. LP Policy 1 aims to reflect the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). LP Policy 19 aims to support standalone energy schemes subject to compliance with other Plan policies.

5. Framework Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Framework paragraph 152 says that the planning system should support the transition to a low carbon future. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, and support renewable and low carbon energy and associated infrastructure. Framework paragraph 154 adds that new development should be planned for in ways that can help to reduce greenhouse gas emissions.
6. The narrow roughly rectangular site is located within Lancing Business Park and is reached from Blenheim Road. The proposed Urban Reserve Flexible Energy Facility (URF) would include 2 x 2.5 MW power units with an exhaust stack and ventilation/cooling equipment, 2 substations, a gas kiosk, oil storage tank, a tall acoustic fence by part of the roughly south site boundary, and a lower palisade fence and gate by the roughly east boundary. There are offices close by, and dwellings beyond them in Winston Road and Western Close.
7. The appellant says that the URF would generate electricity locally to supply local demand when it is most needed by coming online within minutes during periods of peak demand. Increasing reliance on renewable energy sources such as wind and solar, and increasing demand for electricity, say, for heating and electric vehicles in urban areas, means that grid capacity is in increasingly short supply where it is needed most. The URF is designed to provide power only during peak periods of demand. So, it would mainly operate during daily weekday peaks (between 1600 hours and 1900 hours, Monday to Friday), and other times, say, when electricity from renewable sources falls short of real time demand. As demand for electricity at night is presently low the URF would be unlikely to operate then, and, typically, a URF would only operate between 1,500 and 2,000 hours each year. By generating 11kV electricity locally transport losses would be reduced, and the heat that is a biproduct in the process could be supplied to local users, with a 5MW URF producing enough heat for around 416 homes.
8. The URF would support the move from carbon intensive forms of electricity generation to renewable, sustainable energy sources, and could be a reliable back up to renewable energy sources which are still dependant on variable factors such as the weather. When renewable electricity sources cannot meet demand, URFs can ensure a continued supply of electricity to local businesses.
9. However, the Council has declared a climate emergency and has committed to 100% clean energy by 2050. The URF would generate electricity by burning gas and its generators would consume oil, so it would be reliant on fossil fuels, which are a diminishing high carbon resource. Although the appellant has suggested that permission could be time limited by condition until 2045, and adds that the URF could run on a 40% hydrogen/natural gas mix once hydrogen is widely available, it could emit greenhouse gases until then. The appellant also says that the URF could fully run on hydrogen from as early as 2035, but that would not overcome the harm in the meantime and possibly some while thereafter. So, the URF would be at odds with the aims of the Council, which recognise that the earlier carbon emissions are reduced, the greater the cumulative impact.

10. The appellant says that roughly 4,778 tonnes of carbon would be generated by the URF each year. However, the comparison between the CO₂ emissions of electric cars with petrol and diesel cars attracts little weight because the URF would not be used solely to power electric cars. The inconvenience of occasional power cuts noted by interested parties has not been quantified. Whether they were due to loss of electricity supply or equipment failure, recent local works have been carried out, and further recommendations have been made, to deal with the issue by UK Power Networks.
11. The appellant has referred to paragraph 3.3.11 of the Overarching National Policy Statement for Energy (EN-1), which recognises the possibility that even when the UK's electricity supply is almost entirely decarbonised, we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand, for example when there is little wind. However, there is little evidence that other low carbon solutions, such as large scale battery storage with or without renewable energy, could not perform some or all of the same functions as the URF without emitting greenhouse gases. Moreover, the Council would have had regard to national policy in EN-1 in the preparation of its current Local Plan, and as the updated energy National Policy Statements are at an early stage, they attract little weight.
12. I have had regard to my colleagues' appeal decisions that were drawn to my attention by the appellant. In appeal decision ref APP/R1010/W/17/3172633 the Council accepted that the proposed generators could be described as 'associated infrastructure', the site was in the countryside, and the Local Plan dated 2000 specifically referred to development 'required for the exploitation of sources of renewable energy'. In appeal decision ref APP/Y1138/W/20/3259142 the proposal would run on gas produced from the adjoining anaerobic digestion plant and on mains gas certified to come from renewable sources, in appeal decision ref APP/G0908/W/17/3189773 the site formed the only undeveloped site within the estate, and in appeal decision ref APP/P0119/W/20/3261646 the site was adjacent to a National Grid Substation in the Bristol and Bath Green Belt. So, their circumstances differ materially from the proposal before me.
13. I consider that, in the context of relevant Development Plan policy, the proposed development would not be an acceptable use of resources. It would be contrary to LP Policies 1 and 19, and the Framework.

Employment land

14. LP Policy 25 aims to protect and enhance existing employment sites. It aims to allow the redevelopment of land currently in Class B8 Use for other uses only where the site is genuinely redundant, and no effective demand exists or is likely to exist to use the land for B class uses.
15. The site is occupied and presently used for HGV parking and large skip storage, which falls within Class B8 use, by a business based in the business park. The appellant accepts that the URF is not an employment use, but says it has the potential to support job growth indirectly by ensuring local businesses have a reliable and secure source of electricity when required.
16. However, Lancing Business Park Ltd has explained that land for vehicle storage in Adur and Worthing is scarce. Whilst the present occupier may be able to relocate its storage to another of its yards, Lancing Business Park Ltd has confirmed that there are other businesses based in the park that are seeking

this type of land. By contrast, the proposal would be unrelated to any employment generating business based at the business park.

17. Whilst a connection point has been identified, and an agreement to connect arranged, there is little evidence to show that other sites capable of serving the area have been considered or why they would be less suitable. So, although UK Power Networks is seeking to procure flexible power, and one of its contracts includes the Lancing area, there is insufficient site specific evidence to show that the URF would be needed at the site. Furthermore, it has not been shown that the site is genuinely redundant.
18. I consider that the proposal would cause a harmful loss of land in employment use. It would be contrary to LP Policy 25.

Conclusion

19. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
20. For the reasons given above, the appeal should be dismissed.

J Reid

INSPECTOR