



Meeting note

Status	Final
Author	Mark Wilson
Date	14 October 2016
Meeting with	Statera Energy Ltd
Venue	Temple Quay House, Bristol
Attendees	Andrew Troup (Statera Energy Ltd) Lewis Elder Kirsty Cassie Mark Wilson (The Planning Inspectorate) David Price (The Planning Inspectorate)
Meeting objectives	To discuss The DCO Process
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (PINS) explained its statutory duty, under section 51 of the Planning Act 2008 as amended (PA 2008), to record the advice that is given in relation to an application or a potential application and to make this publicly available. PINS also explained that any advice given by the Planning Inspectorate does not constitute legal advice upon which applicants (or others) can rely.

Statera started by describing the progress it has made to date in bringing forward battery storage projects under 50MW, through the TCPA process. Particular reference was made to three current projects; Stockton on Tees; Pelham in Uttlesford, Essex; and Langley in Wolverhampton. The Company also has interests in other sites around England. None of these projects required an EIA.

Their purpose is to import electricity from the grid, store it and release it on demand. Statera explained that they consider that battery technology has the potential to revolutionise the contribution renewable energy makes to the UK's energy supply and improve the resilience of the Grid system.

Statera explained that battery storage projects primarily consist of the battery technology which is normally housed within shipping containers, and other necessary electrical components which can be housed in buildings or be located outside (if air cooled). Each battery container has a capacity to store and release approximately 3.8MW. A 50MW system would typically comprise up to 13 containers arranged on a gravel base compound with an access road / track. Battery storage projects of this

scale and larger can be distribution connected ideally where there is good grid resilience. They can be connected into the grid by a 132kV cable that typically would be underground. Statera confirmed that the facilities had been regarded as temporary structures by the local planning authorities that have considered the projects in the TCPA regime. Typically, a battery cell container will have a design life of 25 years.

Statera is interested in developing larger projects that would be above the 50MW NSIP threshold. However, given the relatively low impact these developments they are interested to make sure that the DCO process is proportionate in terms of timescales and the resources required.

PINS explained that advice given previously to another developer in December 2015 is recorded on our advice register [here](#). While this advice suggests that battery storage may not be a NSIP, PINS recognises that battery storage is a new and novel form of energy infrastructure and further consideration and work is needed to understand the technology better and the regulatory framework it will operate in. As such, Statera and other developers of battery storage infrastructure should not regard that as a settled view. The Department of Business, Energy and Industrial strategy (BEIS) is currently considering how battery storage fits into the wider energy infrastructure landscape. The policy position will be clarified in due course.

PINS commented that DCO process provides greater certainty for developers in terms of statutory timescales. It is intended to be more of a "one stop shop" approach with the ability to include associated development and compulsory acquisition into a single DCO application.

In terms of the DCO process, the timescales at the pre application stage and pre examination stage are largely driven by the developer, subject to compliance with statutory duties.

The process is intended to be proportionate to the scale and nature of the infrastructure proposed; however, while the examination (6 months) and decision making timescales (6 months) are maximums, there are limits to how much these timescales can be shortened due to the regulations governing publicity and notification requirements. The ability to complete the examination and decision making stages in a shorter than maximum timescale is directly related to how well the application is prepared.

The pre application stage should be tailored to the needs of the project. The developer will need to consult with technical consultees under s42 of the Act. There is a list of prescribed bodies that need to be consulted in Schedule 1 of the [Infrastructure Planning \(Applications: Prescribed Forms and Procedures\) Regulations 2009](#) (as amended). If compulsory acquisition is needed then those with affected land interests also need to be consulted.

A developer is required to formally notify the Secretary of State under s46 of the Planning Act 2008 at the same time or before they consult under s42, using the same consultation material used for the purposes of consulting with the prescribed bodies. This can be done by writing to PINS with the consultation material and including confirmation about whether or not the developer intends to prepare an Environmental Statement as part of the application.

Consultation with affected communities should be carried out under s47 of the Planning Act 2008. This sets down the need for a developer to prepare a Statement of Community Consultation (SoCC) and consult the relevant local authorities about the proposed consultation methodology, before making the SoCC publicly available.

Statera explained that the battery storage projects they are currently involved in did not require EIA and for the most part had very few environmental impacts. PINS advised Statera that while most NSIP projects have included an Environmental Statement, about 3 projects had this requirement screened out. PINS advised Statera to seek a screening opinion from PINS before submitting an application. PINS also advised Statera to have regard to Applications and Prescribed Forms and Procedure Regulations and the information required to accompany an application. PINS remarked that these Regulations would apply and that a certain level of environmental information is required on all NSIP applications including those that are not EIA development.

Statera explained in brief the likely nature of impacts that could occur as a result of a typical battery storage project. It was explained that the developments are contained within a relatively small development footprint but will generate some noise and some minor disturbance issues during construction. Operational impacts were described as very low due to minimal maintenance activity and the small overall scale of development. PINS explained the relationship between Regulation 6 of the EIA Regulations and s.42 of the Planning Act 2008 (as amended). PINS also explained that in order to develop a robust screening opinion a sufficient level of detail regarding the proposal and its likely effects will be required. PINS explained that it was happy to meet with the developer to discuss the approach to screening in more detail at an appropriate time before a request is made.

PINS also advised Statera to seek legal advice given the need to prepare a draft DCO, which is in the form of a Statutory Instrument.

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