Report Reference Number: 2021/0789/FULM

To: **Planning Committee**
Date: **8 December 2021**
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Lead Officer: **Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2021/0789/FULM	PARISH:	Fairburn Parish Council
APPLICANT:	UKPA EnergyMF Ltd	VALID DATE: EXPIRY DATE:	23rd June 2021 22nd September 2021
PROPOSAL:	Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping		
LOCATION:	Land South of Electricity Substation Rawfield Lane Fairburn Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO REFERRAL TO THE SECRETARY OF STATE		

This application has been brought before Planning Committee as the scheme is inappropriate development in the Green Belt and Very Special Circumstances are required to approve it.

1. 0 INTRODUCTION AND BACKGROUND

Site and Context

1.1 The site lies to the south of the existing Electricity Substation off Rawfield Lane, Fairburn to which this facility would be connected. It is a substantial site with the red line extending to 5.04 hectares of land and would be accessed from a new access and junction with Rawfield Lane. The A1M motorway is located approximately 0.5km (as the crow flies) to the west of the site. A substantial area of land to the south and east (approximately 53 hectares) is included within the blue line as being within the applicant's control.

The Proposal

1.2 The proposal is for the construction of a 320MW (maximum) Energy Management Facility for the storage of electricity to support the National Grid in balancing electricity supply and demand. This would be a battery storage facility, which would hold electricity already generated.

1.3 The development would comprise of:

- One Energy Management Building – 20.7 m x 38.6 m x 7.2 m;
- 104 Battery Containers, in 5 blocks – 16.7 m x 4.5 m x 2.63 m;
- 104 Inverters with Transformers – 9.01 m x 2.06 m x 3.75 m;
- Two Main Transformers – 10 m x 6 m x 9 m;
- Five additional transformers - 3 m x 3 m;
- 7 Switchgear Containers (one per battery block and 275kV transformer) – 12.2 m x 2.44 m x 2.9 m;
- One Communications House – 12.2 m x 2.44 m x 2.9 m;
- High Voltage Infrastructure - 10.8 m high;
- Three 5 m high acoustic walls;
- Six 6 m high security columns;
- 2.4 high palisade fencing with 1 m additional electric fencing;
- One shallow surface water drainage swale (385 m2); and
- Landscape proposals, summarised below.

1.4 Most components of the proposed development would be housed in steel container-style units, while the main energy management building would be constructed of pre-galvanised powder coated steel. The northern portion of the site adjacent to the Substation will be occupied primarily by grid stabilisation equipment, while the smaller-scale battery storage equipment will be located in the southern portion of the Site. The applicant has agreed to amend the steel palisade fencing to powder coated green colour and for green housing to the containerised battery units and green wall materials to the large energy management building.

1.5 The site would incorporate landscape screen planting around the outer edge with a belt of 10 metres deep. An additional area of planting would be provided to the southwest of the site incorporating a strip of land stretching east from the existing pond. This would retain the existing woodland area and provide a further area of native species shrub mix and an area of wildflower grassland.

1.6 The development would have an operational life of 40 years. There would be a one-year construction period and decommissioning period anticipated of approximately 3 months.

Relevant Planning History

1.7 The following historical application is considered to be relevant to the determination of this application.

2020/0594/FULM: Installation and operation of 11no. 4.5MW gas engines and ancillary development on land: Sub Station, Rawfield Lane, Fairburn, Knottingley, West Yorkshire. Decision: **Pending (on adjacent site)**

2021/0633/FULM: Installation and operation of a battery storage facility and ancillary development on: Land South of Electricity Substation, Rawfield Lane, Fairburn, Selby, North Yorkshire, Decision**: Pending and also on this Committee agenda for Member's consideration**

2019/0723/FUL: Proposed erection of an agricultural building: Land South of Electricity Substation, Rawfield Lane, Fairburn, Knottingley, West Yorkshire: Decision **Refused**: 06-OCT-20 (site to the south of this application)

2021/0453/SCN: EIA Screening opinion request for Zero-Carbon Energy Storage and Management Facility on land adjacent to Monk Fryston Substation,Rawfield Lane, Fairburn, Selby, North Yorkshire. Decision: **EIA Not required** 24-JUN-21

2.0 CONSULTATION AND PUBLICITY

2.1 Yorkshire Water Services Ltd

Initial objections due to public water supply infrastructure crossing the site. A 6-foot diameter main crosses the site. Following site meetings, the developer will divert it around the boundary within a 6metre corridor of the new units. Subject to agreements and the final design a condition is recommended. No trees or deep-rooted shrubs to be provided over the route.

Selby Area Internal Drainage Board

No comments received.

SuDS

No comments received.

The Environment Agency (Liaison Officer)

No comments received.

NYCC Highways

No objections and conditions recommended for a new and altered private access and verge crossing, visibility splays, a construction management plan in the interests of public safety.

National Grid

Request confirmation that 5.3m minimum clearance will be maintained to the proposed development as shown on the supplied profile drawing.

Contaminated Land Consultant

The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The proposed site investigation works are acceptable. Recommend 4 conditions in relation to investigation, remediation, verification and reporting of unexpected contamination.

Environmental Health

The assessment alleviates concerns relevant to operational noise impact and there are no objections so far as this department's interests are concerned.

Comments made and conditions recommended to ensure the development is carried out in accordance with the Noise Impact Assessment and for a construction plan to avoid impact on residential amenity

Landscape Consultant

A number of concerns raised with this application and the application on adjacent land. Comments relate to both and the cumulative effects:

- There are likely to be adverse effects on the green belt, spatially and visually. Alternative sites should be considered better suited for this type of development not in green belt.
- There are likely to be cumulative landscape and visual effects; other similar developments in proximity.
- There are likely to be adverse landscape and visual effects, particularly in the first 10-15 years until screen planting is established.
- The use of a dark recessive colour (such as dark green) should be considered as part of the design; to reduce visibility and visual clutter of all fencing, battery units and equipment. Important in the short-term until screen planting is effective. The design technology and cooling system choice should take colour into account. Some battery technology may only be available in white.
- Night-time light effects – this is an elevated countryside location. Control and minimised lighting is important.
- Woodland screen planting should take account of other utilities and easements crossing the site (eg water).
- Long-term maintenance and management of screen planting and other mitigation is important, secured for the life of the development. This could be a combined landscape and biodiversity management plan.
- Screen planting should be at least 10m depth for all- year-round screening using local occurring native species; to enable sufficient height and structure to planting.
- Dependence on off-site hedgerows and other screen planting outside the applicant’s control which could be reduced by maintenance should be minimised/recognised i.e., roadside / field hedgerows are routinely cut to 1m high.
- If approved would expect a detailed landscaping scheme (hard and soft works).
- Restoration of the site back to agricultural use at the end of the project should be considered / conditioned.

Historic England

No comments or objections.

Conservation Officer

There is a potential impact on the setting of Monk Fryston Lodge, grade II listed. This is surrounded by rural fields, except that the existing substation is present with several pylons, set against the wider landscape context that also includes power stations. It seems that the location of the existing substation to the north of this site

will significantly reduce the impact of the presence of this facility in the land surrounding the listed building. Additionally, tree cover and topography is likely to screen from view the installations, or the installation will be seen in the context of the existing facility. Therefore, the impact on the setting of the listed building is likely to be minimal.

The desk-based assessment presented in the Cultural Heritage Report has sufficiently identified and assessed nearby heritage assets. The application is in accordance with the NPPF 2021, section 16 paragraph 194.

NYCC Heritage Officer

Following the archaeological geophysical survey some archaeological potential revealed. The level of ground disturbance minimal on parts where batteries would be. Other areas have more invasive groundwork and further works are advised to assess the depth of soils across the site and to trial trench archaeological features in the areas of higher disturbance could be carried out following planning consent. In this case, given the development impacts a reduced physical footprint this is a proportionate response to the anticipated significance of the archaeological remains. Comments made and condition is recommended to secure the archaeological recording.

Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. Advises checks made if the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

North Yorkshire Bat Group

No comments received.

Yorkshire Wildlife Trust

Supports the comments by NYCC Ecologist.

Encouraged to see the use of the Defra Biodiversity Metric to illustrate the Net Gains which can be achieved by the project. The metric should be treated as a live document and updated in line with any changes to the scheme. The management and maintenance of these habitats will need to be secured for at least 30 years in line with the requirements of net gain. We would also ensure that Natural England are consulted.

NYCC Ecologist

The site is mostly arable farmland or species-poor grassland of little intrinsic nature conservation value. Hedgerows and scattered scrub at the margins of the site would be retained except for a short section, which would need to be removed to provide

access. Breeding birds included several widespread species of conservation concern, primarily associated with the site boundaries or habitats adjoining the site.

- Great Crested Newts: A pond 135 m to the east of the site was found to support a small Great Crested Newt (GCN) population. Clarification of the applicant's approach to Great Crested Newt mitigation needed. Taking account of the distances involved, the small size of the nearest population and the disposition of terrestrial habitats, would not expect the proposed development to jeopardise the survival of local GCN populations provided appropriate mitigation measures were taken. Applicants approach uncertain and needs to be clarified prior to determination.

- Welcome the submission of a Biodiversity Metric Assessment based on the DEFRA Biodiversity Metric 2.0. Demonstrates how the proposed development would deliver net gains for biodiversity via on-site and off-site planting of native trees and shrubs and establishment of species-rich grassland. (Off-site works are set out in the Offsite Landscape Enhancement Plan and refer to 'blue line' land to the south-east of the application site). Overall, there would be a 15% net gain in Biodiversity Units with an 81% net increase in hedgerow.

- Landscape and Ecology Mitigation Plan and Offsite Landscape Enhancement Plan These plans should specify that all trees and shrubs must be of British native provenance. Planting of imported subspecies/forms of nominally native trees and shrubs (e.g. large-leaved forms of Field Maple) must be avoided as these are likely to have less value to wildlife. Off-the-shelf commercial seed mixtures are over-used in environmental enhancement. Would question whether the Emorsgate EM3 mixture (referred to in the Offsite plan) is appropriate to the location, as it contains a mixture of species unlikely to be found in Selby district except possibly on thin, low-nutrient soils on the magnesian limestone. Forbs (broad-leaved plants) contained in seed mixtures must be of British native provenance and appropriate for use in North Yorkshire; agricultural cultivars, forms or subspecies not native to Britain and geographically distinct genotypes such as the radiate form of Common Knapweed should be avoided.

SSSI consultation: The application site is within the Impact Risk Zone for Fairburn and Newton Ings Site of Special Scientific Interest (SSSI) and it will be necessary to consult Natural England. Would not expect any direct impacts on the SSSI due to lack of ecological connectivity; presumably there are no emissions (e.g., NOx) which could impact upon the SSSI?

Recommends conditions.

<u>Designing Out Crime Officer</u>

No objections.

<u>North Yorkshire Fire & Rescue Service</u>

Makes observations that:

It is assumed that the provision of water for firefighting will meet the requirements set out in National guidance document on the provision of water for firefighting, Appendix 5.

Public Rights of Way Officer

No comments received.

Waste And Recycling Officer

No comments received.

Parish Council

Fully endorsing national incentives to provide cleaner, efficient renewable energy but MFPC has several serious concerns and raise questions.

The PC Objects to the proposed development on the grounds of its impact on:

- the environment, irreversible effect on natural habitats of native species.
- the huge safety risk (explosion, fires and toxic gases) that runs with the battery storage and equipment involve and has not been assessed. Major incidents could occur and could impact on nearby settlements.
- Contrary to Green Belt Policy set out in the NPPF paras 133-147.
- Impact of construction traffic locally is of serious concern.

Additionally raise Q's if there any detailed plans to contain the storage batteries requiring further building construction and if so, what effect will this have on local landscaping? The amalgamation of several development in the area poses a serious threat to the urbanisation of the Green Belt.

Request all other possibilities of development on brownfield sites and decommissioned energy power plants are investigated before this application is considered.

Publicity

The application was advertised by site notice expiring on 12 July 2021 and an advert was placed in the local newspaper.

No letters of response have been received as a result.

3.0 SITE CONSTRAINTS

Constraints

3.1 The site is outside of development limits on land that is Green Belt. It is within Flood Zone 1. Public footpath runs east-west along the south boundary. The Fairburn and Newton Ings Site of Special Scientific Interest is located approximately 1.8 km to the southwest of the Site. There are no statutory or non-statutory heritage assets on or immediately adjacent to the site. However, Monk Fryston Lodge, a Grade II Listed Building is situated approximately 600m to the northeast. Pollums House Farm is located approximately 600m to the northwest of the site. A Public Right of Way (PROW) runs adjacent to the full extent of the southern boundary of the site.

4.0 POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.

4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

SP1 Presumption in favour of Sustainable Development
SP2 Spatial Development Strategy
SP3 Green Belt
SP13 Scale and Distribution of Economic Growth
SP15 Sustainable Development and Climate Change
SP17 Low Carbon and Renewable Energy
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

4.7 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV3 Light Pollution
T1 Development in relation to the Highways network
T2 Access to Roads

5.0 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development in the Green Belt.
- The Impacts of the Development on:

  The Openness of the Green Belt
  The Character and Appearance of the Open Countryside
  Heritage Assets
  Highway Safety
  Flood Risk and Drainage
  Residential Amenity
  Contamination

- Very Special Circumstances.

The Principle of the Development in the Green Belt

5.1 Paragraph 138 of the NPPF explains that the Government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment.

5.2 Policy SP2 A (d) of the Selby District Core Strategy Local Plan (CS) advises that in the Green Belt, development must conform to Policy SP3. This is a general policy relating to the Green Belt covered in Selby District and sets out, at SP3 B, that in accordance with the NPPF planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify the development.

5.3 Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

5.4 Paragraph 149 (NPPF) states: *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt."* and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 150 lists further exceptions subject to them preserving the openness.

5.5 Paragraph 151 of the NPPF states that:

"…when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

5.6 This proposal does fall within any of the exceptions referred to in paras 149 & 150 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.

5.7 In relation to other policies of the development plan Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:

"All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:

i. are designed and located to protect the environment and local amenity or;
ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and
iii. impacts on local communities are minimised."

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

5.7 The National Planning Policy Framework is supportive of low carbon and renewable energy proposals in principle as is the Planning Practice Guidance which states:

"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".

5.9 While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the impacts of the proposals need to be given full and careful consideration and are discussed in more detail in further sections below.

5.10 Notwithstanding the positive approach in the NPPF to renewable energy projects, this does not outweigh the approach to inappropriate development within the Green Belt. This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually amount to the 'Very Special Circumstances' (VSC) necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.

Op

enness of the Green Belt

5.11 The essential characteristic of the Green Belt is its openness (lack of development) and permanence (enduring in the long term).

5.12 The National Planning Practice Guidance (PPG), advises that assessments on the openness of Green Belts requires consideration of matters such as, but not limited to:

- "…*openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation."*

5.13 The Applicants supporting Planning Statement suggests that in terms of impact on openness, the proposed development would be contained to a very small geographical area in relation to the Green Belt as a whole and the spatial impact of the development on the openness of the Green Belt is therefore considered to be negligible.

5.14 Their statement also suggests that there would be very limited visual effects seen within the Green Belt resulting from the development, due to existing vegetative screening, the Substation, the rolling landform and low-level nature of the proposed infrastructure within the majority of the development. Taller infrastructure will be located adjacent to existing taller infrastructure within the neighbouring substation in order to limit visual effects within the Green Belt. Cumulatively, an increase the amount of infrastructure would be seen from limited aspects of the Green Belt.

5.15 Officers fundamentally disagree with this assessment. The site would change from open undeveloped agricultural land to an expansive area of (majority) crushed stone and unbound aggregate surfacing with more than 100 battery containers (2.63m high) positioned closely together in 5 groups. Between the batteries there would be invertors and transformers projecting 3.75m high. Closest to the site entrance at the northeast side adjacent to the existing substation the largest structures would be positioned. These include the main energy management building with a footprint of nearly 800 sqm at 7.2m high, the invertors at 9m high and high voltage infrastructure of maximum 10.8m high.

5.16 Cumulatively these would significantly reduce the openness of this part of the Green Belt. The site is over 5 hectares (nearly 12.5 acres) which would be filled solidly with the batteries, infrastructure, equipment and buildings. Spatially there would be significant loss of openness due to the sheer presence of an immense array of batteries, buildings, roads, lighting columns, fencing enclosures and associated infrastructure.

5.17 In terms of the visual aspect (the visual element of the Green Belt is not an assessment of visual quality) the site is open agricultural land with hedgerow and trees to some boundaries. The development would impair the visual aspect of the Green Belt through the change in character and the solid industrialisation of the site. Structures and equipment would be introduced across a vast 5-hectare area where none exist at present. Due to the scale of the development, the change to the landscape which would ensue and its visual prominence, the views afforded from

the road and the public right of way, it is considered the development would severely impair the visual aspect of the openness of this part of the Green Belt.

5.18 In terms of the duration of the development, although the proposal is not permanent and includes the decommissioning of the site and its return to its current use, the development is intended to endure for 40 years. This is not a short-term temporary period and will during this long period of time impact harmfully on the Green Belt's openness both spatially and visually. In terms of remediability, the batteries would sit on the aggregate and would not have deep foundations. Much of the infrastructure could be removed and the land returned to its former state. Decommissioning could take place over a short period, although whether the land would be capable of returning to the same quality of agricultural land is not known given topsoil would be removed to lay the surfacing.

5.19 In terms of activity, there will be a great deal of activity during the one-year construction period with, at peak, approximately 32 two-way HGV movements per day, 8 two war car and van movements. However, during the operation period the site will be remotely operated with occasional visits for inspection and maintenance. Therefore, the impact on the Green Belt in terms of activity generated will be minimal.

5.20 The fundamental aim of Green Belts is to prevent urban sprawl and keep land permanently open; the essential characteristics of the Green Belts are their openness and permanence. It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a significant reduction in the openness. Due to the scale and extent of the proposal and the solid filling of the site with batteries buildings and equipment, the development would severely impair the openness of the Green Belt both spatially and visually.

5.21 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF.

The Character and Appearance of the Open Countryside

5.22 Relevant policies in respect of design and the impacts on the character of the area include policy ENV1 (1) (SDLP) and policies SP18 and SP19 (CS). Policy ENV1 requires good quality development which takes account of, amongst other things, the effect on the character of the area. Policy SP18 of the Core Strategy requires the high quality and natural distinctiveness of the natural and man-made environment to be sustained by, amongst other things *"…steering development to areas of least environmental and agricultural quality."*

5.23 The land within the application site is classified as being Grade 2 (Best and Most Versatile (BMV)) in accordance with the Natural England Agricultural Land Classification. Thus, on the face of it, the proposed development would lead to the loss of approximately 5 hectares of BMV agricultural land.

5.24 An agricultural land classification report has been submitted by the Applicants by Soil Environmental Services Ltd. This confirms that grading on the MAFF maps shows the land as Grade 2. The report involves a desk top survey, a field survey and laboratory analysis. This concludes that a small part of the site (around the main access) is Grade 2, a small part on the northwest side is Grade 3a and the remainder of the site (more than half) is Grade 3b (moderate quality). Such land is

not the ‘best and most versatile’ quality therefore it is accepted that the loss of the agricultural land is not so significant.

5.25 In terms of the impact on the character of the countryside, the application has been supported by a Landscape and Visual Assessment (LVIA prepared by Arcus). The LVA comprises a description of existing baseline conditions, an assessment of potential landscape and visual effects (including cumulative effects with the proposed gas peaking plant to the east) and recommendations for mitigation measures. The LVA indicates that the site is of medium landscape sensitivity due to the absence of landscape designations, degraded boundary features together with the presence of landscape detractors such as the Substation, overhead power lines and pylons.

5.26 The report summarises that the main landscape effects would primarily be limited to the site itself due to the existing screening immediate adjacent to the site to the north, east, south and west and the retention of landscape features such as woodland and the majority of hedgerow and scrub planting on site. It states that the main landscape effects would be the change in land use and rural quality and reduction in tranquillity but that these qualities have already been compromised by surrounding infrastructure.

5.27 It is acknowledged that the existing substation is a substantial and prominent feature in the landscape. However, it is surrounded by open green fields which provide a rural pastoral tranquil setting to this essential existing national infrastructure site. The presence of the substation does not, in Officers’ opinion, compromise the surrounding landscape nor does it provide a justification alone to allow further development in this Green Belt site. Substations and pylons are common and necessary infrastructure in the open countryside and land uses around them often remain undisturbed. Notwithstanding this, the siting of the development immediately adjacent to the existing substation with the taller fixtures being located in the closest proximity, it is agreed that these would be viewed in the landscape as an extension to the substation site. It would, however, significantly increase the amount of manmade infrastructure within the existing landscape setting.

5.28 Other Landscape designations within the Study Area of the LVIA are limited to the LILA and Monk Fryston Conservation Area which would not be affected as there is very little to no intervisibility between the site and designations and changes created by the Development would not impact or remove landscape features or qualities which define these designations. Therefore, the proposed development would not give rise to unacceptable effects on any landscape-related planning designations.

5.29 The visibility of the site is greatest to the west, with more limited visibility to the north, northeast and south. The extent of theoretical visibility reflects the higher topography south of the site, Woodland east of the Site and Monk Fryston Substation north of the Site limit views some from the wider area.

5.30 The LVIA report assesses the views from residential receptors with either a negligible or minor moderate effect from the outset and a negligible effect when the landscaping mitigation is established at Year 15.

5.31 Notwithstanding the above it is considered that the visual impact on the character and appearance of the area is not just limited to the views from the limited nearby residential receptors. The site is widely visible from the road to the west and south

and from the public footpath running across the south of the site from Rawfield Lane to the A162 to the east.

5.32 Overall the applicants LVIA concludes that:

"…the nature, scale and from of the development would result in some adverse effects on landscape character and on visual amenity but this would be at the localised level only, due to existing screening, landform and neighbouring substation. The limited height of the majority of the development and degree of containment afforded by screening vegetation, bunding and topography, limits the majority of any likely effects to within the immediate context of the Site and views of the Development from wider aspects of the Study Area are considered to be negligible. The tallest infrastructure (10.8 m) has been located adjacent to the existing substation and as such would be viewed within the landscape as an extension to the existing infrastructure however any visual effects would be filtered by existing and proposed woodland bands within the Application Site. Overall, there is no reason why the landscape and visual effects arising from the Development should be regarded as unacceptable, and in some circumstances embedded mitigation would provide landscape and visual enhancement, which would also deliver wider ecological and biodiversity gains."

5.33 Notwithstanding the conclusion of the applicants LIVA, the Council's Principal Landscape Architect raises a number of concerns. A key issue relates to the cumulative effects in relation to other developments in the area. These are discussed in more detail in the final section of this appraisal when considering the locational need for the development. Notwithstanding this, at the present time neither the NSIP Yorkshire Green Project nor other projects have permission and therefore the impact of this site needs to be considered individually on its own merits. For information, at the time of writing this report a six-week statutory consultation period is underway on the Yorkshire Green NSIP. A further similar proposal but on a smaller area of land is under consideration under application reference 2021/0633/FUL and is also on this agenda. The cumulative effects of both proposals should be considered.

5.34 The Council's Principal Landscape Officer's concerns regarding the adverse landscape and visual effects in the first 10-15 years until screen planting is established are of significant concern. Until the planting is established there will be a harmful visual impact on the locality. It is advised that the minimum screening depth should be 10m for all year-round screening using locally occurring native species. The current layout plan does provide this. Moreover, the Applicants are prepared to provide more mature tree species so that the screening effect can be achieved in a shorter time. Generally native species needs to be a minimum depth of 10 metres to ensure views through are not afforded in winter when deciduous trees lose their leaf cover. The harmful impact of the development will be reduced with adequate established landscaping. Conditions can be imposed the detailed planting species, schedules and timing. However, it will still take some years to establish during which time the development will be visible and harmfully effect the visual amenity of the area.

5.35 Even with adequate screening, the development will be visible for a considerable time. When established there will still be some impact and change to the character and appearance of the area. For these reasons, Officers had concerns about the colour of the perimeter fencing, the colour of the battery casing and the colour materials for the buildings. The Applicants have now agreed to use green fencing,

green battery casing and green building materials. The contract for the batteries will specifically require green colours only and the applicants will accept a condition to this effect. Evidence has been provided to show the availability of green battery casings. The use of green materials described above would also help to reduce the visual harm impact until screening around the site perimeter is established.

5.36 Policy ENV3 of the Local Plan restricts outdoor lighting to the minimum level required for security and operational purposes whilst minimising glare, light spill. In terms of lighting for this development, 6 x 6 m columns are proposed in the corners of the site. Clarification has been sought on the basis that lighting on all the time would make the development far more visually intrusive in this rural location. Moreover, it could have a harmful impact on ecological interests and negate the benefits proposed by the mitigation landscape scheme. The Applicants have confirmed that the lighting would be off at all times unless required for checks and maintenance. A condition can be imposed to secure this and the details of the lighting.

5.37 Subject to the aforementioned revisions and appropriate conditions to secure the successful establishment of the screen landscaping it is considered the harm would be reduced. However, given the time period this would take to establish, Officers conclude that the scheme will have a materially adverse impact on the character and appearance of the area due to the significant scale of the proposal, the change in character of the rural landscape and the current open lack of screening to the site.

5.38 In this respect the development would be contrary to Policy ENV1 and ENV3 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

Nature Conservation and Protected Species

5.39 The application has been supported by an Ecological Impact Appraisal (EIA) prepared by Arcus June 21. The EIA incorporates the results of a Phase 1 Habitat Survey and breeding bird survey, as well as habitat assessments for bats, badgers, reptiles and great crested newts ('GCN').

5.40 The application site itself is not subject to any ecological designations. In terms of statutory designations, Fairburn and Newton Ings SSSI is located 1.7 km to the southwest of the Site. No European/International statutory designated sites are located within 5 km. There are 6 non-statutory sites within 2 km of the Site, the closest of which is the Field at Betteras Hill Road 1.4 km east of the Site. No designated sites will be directly impacted by the proposed development.

5.41 The EIA found that the grassland and scrub on site provide suitable habitat for reptiles and the pond to the east has good suitability to support GCN. An eDNA survey carried out in 2020 confirmed GCN presence at the pond and population surveys from April-June 2021 indicate that there is a low population of GCN at the pond. The Habitat Enhancement Area with its proposed native shrub and wildflower grassland to the east of the Site and around the pond will provide additional connectivity and enhance GCN and reptile habitat. With regard to birds, as all boundary habitats will be retained, direct habitat loss is not expected to impact breeding birds. The planned hedge and tree planting and enhancement measures such as bird boxes will improve and strengthen existing boundary habitats and offer long-term gains for some species.

5.42 No trees with potential roosting features suitable to support bats were identified at the site. While the existing vegetation could support foraging and/or commuting bats, habitat enhancements will increase areas of available habitat suitable for foraging and commuting bats, with only a small area of hedgerow at the entrance to be lost, such that the overall impact on bats will be negligible.

5.43 A Biodiversity Metric Assessment ('BMA') has been undertaken. The assessment makes use of the DEFRA Biodiversity Metric 2.0 Calculation Tool Beta Test (2019) to quantify the biodiversity units before and after construction to determine the impact of the Development on biodiversity.

5.54 The BMA calculations indicate that the Development will result in a 15% net gain in biodiversity compared to the existing situation. In addition, there will be a 81% net gain of hedgerow units following replacement and additional hedgerow planting.

5.55 As well as enhancing habitats for birds, bats and mammals, the woodland planting around the Site boundary will provide substantial screening to ensure that the Development is visually contained. The offsite shrub and grassland planting will provide enhanced opportunities for biodiversity around the existing pond and increase the connectivity with nearby hedges and woodland.

5.56 The NYCC Ecologist has been consulted and although they have no concerns about the jeopardy and survival of the GCN's, they commented that clarification is needed on the approach and mitigation measures. Further details were received, and the ecologists' comments now confirm these mitigation measures are acceptable. In terms of the impact on SSSI's no direct impacts are expected and and the applicant confirmed that there will be no onsite emissions associated with the operation of the scheme. The ecologist is satisfied that there will be no adverse impact on the SSSI's.

5.57 In terms of landscaping in relation to the Landscape and Ecology Mitigation Plan and Offsite Landscape Enhancement Plan, queries were raised about the using the most appropriate species being of British native provenance as imported varieties or off the shelf commercial seed mixtures have less value to wildlife and are less suited to local conditions. A condition can be imposed to ensure appropriate species are used and the applicant has agreed to this.

5.58 Overall, the development will not result in harm to protected species, designated sites, watercourses or habitats and will result in a significant net gain for biodiversity. Subject to the County Ecologist confirming the GCN mitigation and protection measures are satisfactory, the scheme is considered acceptable with respect to nature conservation and protected species. Moreover, it will deliver a Biodiversity net gain which is of ecological benefit to the locality. It therefore complies with Policy ENV1 of the Selby District Local Plan, Policies SP17 and SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Heritage Assets

5.59 The development plan includes policy ENV1 of the Selby District Local Plan which accords broadly with the NPPF. Policy SP18 seeks to safeguard and enhance the historic and natural environment which includes the landscape character.

5.60 Paragraphs 194, 195, 199 and 200 of the NPPF requires applicants to describe the significance of heritage assets (including their setting) which might be affected by development. Paragraph 199 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.61 The nearest identified Listed Buildings are the Grade II Monk Fryston Lodge 662m to the northeast and 2 Grade II milestones the nearest being situated 0.2 mile south of the junction with Betteras Hill Road within 858m of the site. A Heritage Impact Assessment has been submitted with the application and the development is not considered to affect the setting of these assets. The Council's Conservation Officer comments that the location of the existing substation to the north of this site will significantly reduce the impact of the presence of this facility in the land surrounding the listed building. Additionally, tree cover and topography are likely to screen from view the installations, or the installation will be seen in the context of the existing facility. If this is the case, the impact on the setting of the listed building is likely to be very low / low (and therefore the impact on significance of the listed building would be negligible).

5.62 An Archaeological Desk Based Assessment (DBA) has been submitted The DBA indicates that there is limited potential for subsurface archaeology to be encountered. A watching brief to be secured by planning conditions is recommended as mitigation for any potential impacts on archaeology.

5.63 The NYCC Archaeologist comments that the archaeological geophysical survey requested revealed a number of anomalies of archaeological potential including a number of boundary features and a possible enclosure. However, the level of ground disturbance in the battery storage areas is minimal and consists of a scrape to even the surface followed by stoning up. This is unlikely to have an impact on sub-surface archaeology which is expected to survive at a depth of approximately 200-300mm. This makes the ground-disturbing footprint of the development much smaller and avoids the area of the potential enclosure.

5.64 There are other areas of the proposal where more invasive groundwork is proposed further works are advised to assess the depth of soils across the site and to trial trench archaeological features in the areas of higher disturbance could be carried out following planning consent. In this case, given the reduced physical footprint this is a proportionate response to the anticipated significance of the archaeological remains. A Condition is recommended to secure the archaeological recording.

5.65 Subject to this condition the scheme is considered to be acceptable in terms of the impacts on Heritage Assets and would comply with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and with the NPPF.

Highway Safety

5.66 The proposed development would be accessed via a new vehicular access onto Rawfield Lane to the north of the site. The application has been supported by a Transport Statement by Arcus June 2021 which provides an overview of the development.

5.67 Construction and operational access to the proposed development would be taken from Rawfield Lane, close to the existing access for the Monk Fryston substation. Rawfield Land is a single carriageway road which is wide enough for opposing HGVs to pass one another. A visibility splay assessment has been undertaken. In addition, a swept path assessment has been undertaken which demonstrates that the Site can be successfully accessed in forward gear.

5.68 The construction of the proposed development is anticipated to run for approximately 12 months. During the peak period of construction (Month 2) approximately 32 two-way HGV movements per day are expected to occur, along with approximately 8 two-way car and van movements. This would represent an increase in HGVs of 29%, with an overall increase of 2% taking into account all types of vehicles.

5.69 Construction vehicles would approach the Site from the A1(M) via the A63 eastbound and Rawfield Lane southbound. They would use the same route in reverse when leaving the Site. There are no sensitive receptors along the construction route as the traffic will not go through a built-up area. It should be noted that these HGV movements will be distributed throughout the working day. Therefore, the increase in traffic generation due to construction is negligible and not significant.

5.70 The Applicants have assessed cumulative traffic with the proposed gas peaking plant to the east of the Site. The peak traffic volumes for both developments have been combined and assessed based on a worst-case scenario in the event that both developments are constructed at the same time. However, even if the peak construction periods were to coincide, the effect of the cumulative traffic levels is assessed as being negligible, due to the low number of vehicle movements associated with the gas peaking plant. The Yorkshire Green National Grid development is at an early stage in the DCO process with scoping recently completed. Cumulative effects with Yorkshire Green have been scoped out of this assessment as the construction timescales are extremely unlikely to overlap.

5.71 NYCC Highways have been consulted on the application and have advised they have no objections subject to three conditions relating to: (1) a new and altered private access or verge crossing; (2) visibility splays; and (3) a construction management plan.

5.72 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Flood Risk and Drainage

5.73 Although the site is in Flood Zone 1, (low probability of flooding) a Flood Risk Assessment has been completed as the site area exceeds 1 ha. The report concludes the residual risk of the development flooding from all sources is negligible.

5.74 An outline sustainable Drainage Strategy has also been provided. The proposed development has been designed to minimise surface water runoff with internal access tracks mainly made up of unbound aggregate. Battery containers, inverters, transformers and the communications house will be mounted on plinths and

underlain by crushed stone which is a permeable surface. The total proposed impermeable area at the Site is stated to be only 0.12 ha of the total 5 ha.

5.75 An infiltration basin with native shrub planting is proposed in the northwest corner of the Site to dispose of surface water for up to 0.2 ha of impermeable areas. The Applicants state that the proposed SuDS system will therefore provide additional capacity which can result in betterment to the surrounding catchment during extreme rainfall events. The Drainage Strategy also recommends maintenance measures to ensure that the infiltration basin performs this function for the lifetime of the development. Overall, the drainage scheme will reduce the rate of runoff from the Site to the surrounding area and store more water in comparison with the current situation. The development is stated to be safe from flood risk and will not increase the risk of flooding elsewhere.

5.76 The report also provides advise and mitigation measures for the construction phase of the development. As the submitted drainage strategy is an outline one, a condition should be imposed requiring a fully detailed drainage strategy for the written approval prior to development commencing.

5.77 A 6-foot diameter water main crosses the site. Following site meetings, the developer has agreed to divert this around the boundary within a 6metre corridor of the new units. Yorkshire Water are satisfied with the revisions subject to conditions to ensure no buildings or landscape features (including deep rooted trees) are located within 3 metres either side of the public main. A condition is required to ensure this is adhered to.

5.78 No comments have been received from the IDB or the Suds officer and it must therefore be assumed they have no objections.

5.79 Having regard to the above and subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with national planning policy contained within the NPPF.

Residential Amenity

5.80 In terms of residential amenity, there are no existing dwellings in the immediate vicinity of the application site and the nearest residential property lies approximately 700 m to the northeast. Therefore, no adverse impacts would arise in terms of outlook, light or loss of privacy. A planning application for a single dwelling located approximately 250 m north of the Development (Ref: 2021/0075/FUL) was recently refused due to noise form traffic levels and this is currently at appeal. As such, the potential effects of the development on the amenity of the existing and proposed dwellings and cumulative effects with the adjacent developments have been considered.

5.81 A Noise Impact Assessment (NIA) has been undertaken to determine the existing acoustic climate, predict the sound levels as a result of the development and assess the potential impact on nearby receptors. The development has been designed to minimise noise emissions, with the synchronous condensers enclosed in a building and the batteries enclosed in containers, as well as three 5 m high acoustic barriers to mitigate any noise emissions in the northern part of the Site.

5.82 The Council's Environmental Health Officer (EHO) was consulted prior to undertaking the noise assessment and it was agreed that noise levels associated with the proposed development should be limited to no more than the prevailing daytime and night-time background noise level. The EHO are satisfied that the NIA assessment alleviates concerns relevant to operational noise impact and raise no objections subject to conditions that the scheme is carried out in accordance with the advice and mitigation measures proposed in the NIA.

5.83 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening) it is not considered that the proposed development would have any adverse effects on residential amenity.

5.84 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Land Contamination

5.85 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant. A Phase 1 Land Contamination Desk Study is included with this application. The Council's Contaminated Land Consultant has confirmed that The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report concludes that there are some moderate risks at the site and recommends that further intrusive investigation is carried out to confirm ground conditions and refine the conceptual site model and risk assessment.

5.86 The proposed site investigation works are acceptable, and the consultant recommends 4 standard conditions in relation to investigation, remediation, verification and reporting of unexpected contamination

5.87 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Balancing whether the harm by reason of inappropriateness and any other harm is outweighed by Very Special Circumstances

<u>What are Very Special Circumstances</u>

5.88 What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.

5.89 What constitutes VSC, will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors combine to create VSC.

5.90 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any

development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'VSC' but the case must be decided on the planning balance qualitatively rather than quantitatively.

5.91 In weighing up any of the circumstances put forward, the positive measures to mitigate the impacts of the development do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development.

Wider Environmental benefits

5.92 The development constitutes inappropriate development in the Green Belt as it does not fall within any of the list of exceptions of appropriate development set out in 149 and 150 of the NPPF. As stated earlier, paragraph 151 of the NPPF makes clear that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

"In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

5.93 Whilst this proposal is not a new renewable energy provider, it is designed to support and supplement renewable energy through the storage of energy produced. Renewable technologies are intermittent as the amount of energy generated is dependent on weather conditions. It is therefore necessary to balance demand and supply in order to prevent shortages and blackouts. The proposed development is designed to support the flexible operation of the National Grid and the decarbonisation of the electricity supply. Given the reduction in centralised coal-fired power and the increasing but intermittent renewable energy supply such as wind and solar power, it is increasingly likely there will be peaks and troughs in the UK energy supply and demand. The battery storage plant would respond in times of high demand and would assist in balancing the grid frequency at times of stress. This would support increasing reliance on renewable energy forms by providing a quick and flexible backup energy supply. 'Enhanced Frequency Response' (EFR) is relatively new technology which would work in conjunction with the adjacent National Grid sub-station to help it balance fluctuations on the grid system.

5.94 Energy management is cited as being the best solution for a clean, direct and immediate reduction of energy consumption through the storage of excess electricity. Substantial weight is afforded to the proposal's wider environmental objectives and benefits which contributes to meeting energy management, resource conservation, climate protection and cost savings.

Locational Justification

5.95 Due to the site being located within the Green Belt the applicant was asked to justify locationally why this site was chosen, and why other sites not in the Green Belt could not be utilised to the same benefit.

5.96 The applicant aims to provide a zero-carbon energy storage and management facility within a specific zone (B7a and B11 (Yorkshire) of the National Grid Network. This area extends to the north as far Osbaldwick in York, Knaresborough. To the south as far as Chesterfield. To the east to the coast including the Humber to

Flamborough and to the west beyond Elland and Bradford. To be effective it must be located adjacent to an existing National Grid Substation. A comparison of 31 substation locations has been provided and a score given to each one.

5.97 Of these only 9 substations in the region have three or more 400kV connections. This is very important as it enables a large capacity connection (320 MW). Of these, only 3 400kV substations are central to the transmission zone (B7a/B11), thus providing greater regional support in Yorkshire. Direct access to the 275kV network is also important for the Site to support the National Grid, at both a Local and National level. The only substation which benefits from the connections required for the zero-carbon energy storage and management facility is Monk Fryston.

5.98 Monk Fryston Substation is interconnected by 3 x 400kV and 5 x 275kV circuits, which would enhance the effectiveness of a zero-carbon energy management facility in this location. Given that the Substation is strongly connected at both 275kV and 400kV, is central to the B7a/B11 boundaries, and is not an operational or closed power station, it is the most appropriate location for the facility within the Yorkshire B7a/B11 zone. These provide a functional justification for this site over and above 30 other sites in the search area zone and as such it has been demonstrated to be the most appropriate in the region to which substantial weight is afforded.

5.99 In addition other key criteria have contributed to the site being strategically chosen for its location adjacent to the Substation. Given the close proximity lengthy cables/overhead lines will not be required, ensuring an efficient and viable connection to the National Grid, minimising electrical losses, disturbance and costs. The Substation is capable of accommodating the transfer of large amounts of electricity to and from the Site at a viable cost, which will provide valuable support to the grid, protecting customers at times when high demand places stress on the local and national electricity network.

5.100 As a result of the close proximity to the Substation, underground cables will avoid any major infrastructure, minimising connection and transmission costs. The small scale of the underground grid connection required will also significantly minimise construction-related disruption.

5.101 The other key criteria in selecting a location for the Development include:

- Separation from residential properties and settlements;
- Existing visual screening provided by trees and hedgerows around the perimeter of the Site;
- Ease of access to the site for construction; and
- Lack of environmental constraints (e.g., ecological/landscape designations, heritage assets, flood risk, etc.).

5.102 These are advantages of this location which would be hard to repeat all of them in many other locations and therefore substantial weight can be afforded for these circumstances.

5.103 The Applicants consider the Monk Fryston Substation is the most suitable location for the Development to maximise the benefits to the National Grid. The surrounding area is entirely within Green Belt and there are no other sites within 1 km of the Substation which are not within the Green Belt.

5.104 Notwithstanding the locational need for the proposed development to be within 1 km of the Substation, the applicant states there are no alternative viable and available locations for the Development outside of the Green Belt. It should be noted that as part of the justification consideration was given to former and existing power stations. For technical reasons Ferrybridge and Eggborough were excluded as unsuitable. It was stated that Drax is not available and is actively producing electricity. However, it should be noted that a similar substantial battery facility has recently been granted at Drax with 50 batteries on 3 hectares of land just to the southwest of Drax site with an intended energy storage capacity of 99MW. As such only limited weight can be afforded to the contention that no alternative viable sites are available. Moreover, a number of other battery applications within the district have been approved in recent years.

Yorkshire Green

5.105 An EIA Scoping Request for the proposed National Grid Energy Transmission Yorkshire Green Energy Enablement ('GREEN') Project was submitted to the Planning Inspectorate in April 2021. A Scoping Opinion was issued by the Planning Inspectorate in April 2021 (Ref: EN020024). At the time of writing this report a six-week statutory consultation period has just begun on the Yorkshire Green NSIP. As a guide, they will not be ready to submit the application until late 2022/early 2023.
The GREEN Project incorporates the construction of two new substations, up to 4 km of overhead transmission lines and additional infrastructure to upgrade the grid network. One of the two proposed substations is to be located adjacent to the existing Substation at Monk Fryston. The red line site boundary for the Yorkshire Green Scoping request has been drawn wide and includes the northern part of this application site. However, the indicative location for the new substation does not overlap with the application site. It is anticipated that the DCO application for Yorkshire GREEN, which is anticipated in Q4 2022 will include consideration of cumulative effects with the proposed Development.

5.106 Since the NSIP application does not currently have permission it is not at this stage a firm proposal. Nevertheless, it does provide an indication of the strategic importance of the Monk Fryston Substation site as a location for future expansion relating to the renewable energy. As such moderate weight should be afforded to this circumstance.

Other harm

5.107 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF. There harm arising from the development includes the harm to the character and appearance of the area. Whilst this can be mitigated in the longer term, in the short and medium term (0-15 years) the development will be visible from the surrounding countryside. Moreover, the industrial appearance of the development will detract from the green rural character of the site.

Balancing whether VSC exist.

5.108 Paragraph 151 of the NPPF states that the wider environmental benefits associated with increased production of energy from renewable sources may be included in very special circumstances. The Development comprises infrastructure which is essential for the storage and supply of renewable energy to the National Grid, and as such, the environmental benefits in terms of decarbonising the energy supply

and thereby mitigating climate change contribute to very special circumstances in accordance with Paragraph NPPF 151.

5.109 Substantial weight is afforded to the proposal which contributes to meeting these wider environmental main objectives of energy management, resource conservation, climate protection and cost savings.

5.110 Substantial weight is afforded to the functional and technical justification and evidence provided for this site over and above 30 other sites in the search area zone and as such it has been demonstrated to be the most appropriate in the region.

5.111 Substantial weight is afforded to the advantages of this location in relation to the proximity and ease of connection to the substation, the remoteness and separation from other property and the lack of environmental constraints. These would be hard to repeat collectively in many other locations.

5.112 Moderate weight only is afforded to the lack of alternative sites. It is clear that other sites can be available as evidenced by the recent permission granted at Drax and other sites in the district.

5.113 It is considered that, the above factors taken collectively do amount to the VSC and are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

6 CONCLUSION

6.1 The application proposes the construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping. The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.

6.2 The development would also be harmful to the character and appearance of the locality. However, the proposed landscaping should adequately screen the development in the medium to long term.

6.3 The impacts of the development are acceptable (subject to the revisions and conditions referred to in the report) with respect to the Heritage Assets, Highway Safety, Flood Risk and Drainage, Residential Amenity and Land Contamination

6.4 Overall, it is concluded that there are very special circumstances which, taken collectively, are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

6.5 Under the Town and Country Planning (Consultation) (England) Direction 2021- the application requires referral to the Secretary of State on the basis that the site is Green Belt Development of more than 5 hectares and includes inappropriate development and would have a significant impact on the openness of the Green Belt.

7 RECOMMENDATION

That the application be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 with the Planning Committees' resolution to support it.

In the event the application is not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the following conditions.

In the event the application was called in for the Secretary of States own determination, a further report would come to the Planning Committee.

Time limit

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:
In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

(To be inserted)

Reason:
For the avoidance of doubt.

Discontinuance

03. The buildings, batteries and all associated equipment and infrastructure shall be removed, and the use of the land discontinued restored to its former condition on or before (date to be inserted- 40 years from date of approval) in accordance with a decommissioning programme and a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason
In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP3,SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Discontinuance

04. Within six months of the development ceasing to be used for the storage of electricity, the battery energy storage containers; HVAC units; combined power conversion systems, transformers and associated switchgear; auxiliary transformer;

grid compliance equipment units; substation; security fencing; lighting and CCTV columns and any other associated infrastructure shall be permanently removed from the land and the site restored to its former agricultural use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out.

Reason:
In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Tree and hedge protection

05. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.

Reason:
To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Landscaping

06. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a detailed landscape management plan. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes which shall be of native indigenous species (of which X % of trees to be size (to be inserted)) shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape management plan for the lifetime of the development.

Reason:
In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Construction Management

07. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

(i) the parking of contractors' site operatives and visitor's vehicles;
(ii) areas for storage of plant and materials used in constructing the development clear of the highway;
(iii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason
In the interest of public safety and amenity during the construction phase

Access

08. The development must not be brought into use until the access to the site at Rawfield Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E70 and the following requirements.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.

All works must be carried out in accordance with the above approved details.

Reason
To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Visibility

09. There must be no access or egress by any vehicles between the highway and the application site at Rawfield Lane until splays are provided giving clear visibility of 130metres (north) and 129 metres (south) measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason
In the interests of highway safety

Drainage

10. Before development commences a fully detailed drainage strategy (based on the principles provided in the outline drainage strategy provided by Arcus) shall be submitted for the written approval of the Local Planning Authority and thereafter only the approved details shall be implemented and maintained for the lifetime of the development

Reason

To ensure the satisfactory sustainable drainage of the site and to comply with Policies ENV1 of the Local Plan.

Archaeology Condition:

11. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be brought in to use or the site occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason
To secure the archaeological interests of the site in accordance with Paragraph 204 of Section 16 of the NPPF as the site is of archaeological significance

Contamination Investigation

12. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(iv) a survey of the extent, scale and nature of contamination (including ground gases where appropriate):

(v) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service linesand pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(vi) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Contamination Remediation Scheme

13. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Verification of Remedial Works

14. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason:
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Reporting of Unexpected Contamination

15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Noise Impact

16. The development hereby approved shall be carried out in accordance with the supporting Noise Impact Assessment dated May 2021, or an alternative scheme agreed by the Local Planning Authority. The mitigation measures shall be retained for the life of the development hereby approved

Reason:
To protect the residential amenity of the locality during the operational phase and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

Lighting

17. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.

Reason:
In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

Materials

18. The battery containers, palisade fencing and energy management building shall be finished with green colour materials only and prior to their installation, the details of the colour and finish of the battery energy storage containers, transformers and associated switchgear; containers, communications house, energy management building, perimeter palisade fencing, acoustic walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason:
In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Ecology

19. The development shall be carried out in full accordance with the recommendations, advise and mitigations measures contained in the Landscape and Ecology Mitigation Plan and offsite Landscape Enhancement Plan and adherence to the measure set out in the Ecological Impact Assessment by Arcus

dated June 2021 and the additional mitigation measures for GCN dated (to be inserted).

In order to ensure that adverse impacts on wildlife are minimised and net gains for biodiversity are delivered in accordance with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and the NPPF.:

Water Main

20. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e., a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason
In order to allow sufficient access for maintenance and repair work at all times

National Grid

21. A 5.3m minimum clearance with National Grid Assets must be maintained as shown on the drawing number (to be inserted).

Reason
In order to ensure the National Grid Assets are protected.

INFORMATIVES

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website:

   https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edi.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in the above conditions:

2. Visibility Splays -(MHC-05) An explanation of the terms used above is available from the Local Highway Authority.MHC-15B

3. NATIONAL GRID -BEFORE carrying out any work you must:

   - Refer to the attached cable profile drawings (if any) which provide details about the location of National Grid's high voltage underground cables.
   - Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 -'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at http://www.hse.gov.uk
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.
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8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/0789/FULM and associated documents.

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Appendices: None