

**Report Reference Number:** 2021/0633/FULM

**To:** Planning Committee  
**Date:** 8 December 2021  
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APPLICATION NUMBER:	2021/0633/FULM	PARISH:	Fairburn Parish Council
APPLICANT:	HD777FRY Ltd	VALID DATE: EXPIRY DATE:	19th May 2021 18th August 2021
PROPOSAL:	Installation and operation of a battery storage facility and ancillary development on land off Rawfield Lane, Monk Fryston		
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. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The site is 0.48 hectares located on land off Rawfield Lane to the southwest of the Monk Fryston National Grid Substation. The A1M motorway is located approximately 0.5km (as the crow flies) to the west of the site. A further application (different applicant) on an adjacent parcel of land of 5 hectares for a similar battery storage facility (2021/0789/FULM) is also under consideration on this agenda. The site is undeveloped land within the Green Belt. The main Site is bound to the south by agricultural arable land and a strip of mature vegetation and trees located a further 50m south. Further south of this lies extensive agricultural fields, bordered

by semi mature / mature vegetation. Beyond which lies the A162 and the settlement of Burton Salmon.

## **The Proposal**

- 1.2 The proposal is for the installation and operation of a battery storage facility (BSF) and ancillary equipment. The development would comprise:

The application has been amended from a scheme for 52 double stacked to a scheme for 26 single level Battery Energy Storage Systems ('BESS'). These would have the appearance of a standard metal shipping container of grey/green colour with ventilation units for cooling and would be arranged in two parallel blocks on the site.

- The containers would be supported by ancillary infrastructure including: 26 no. inverter/transformer stations, 2 no. external switchgear units, 1 no. auxiliary transformer compound, 1 no. control room and a 40 cubic metre water tank.
  - The containers and ancillary infrastructure would be located within a secure compound surrounded by a 2.4 m high weldmesh fence with CCTV security cameras.
  - Boundary treatments – 2.4m high weldmesh security fencing
  - Maintenance access track – permeable reinforced grass construction with compacted stone for batteries.
- 1.3 The Site would be accessed via a new access track from Rawfield Lane which would lead to the substation complex. Vehicles would then use an existing access track running through the substation complex and exit to the southwest corner. A new track would be constructed from this point leading to the main Site.
- 1.4 The proposed development would be capable of importing (storing) electricity from the grid at times of excess supply in the system and exporting it back to the grid at times of high demand/reduced generation capacity. The proposed development is referred to by National Grid as a 'balancing service'. It would assist in balancing grid frequency at times of system stress providing a flexible back-up power source to the grid and can respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation resulting from an ever-greater use of intermittent renewable energy sources. The aim is to contribute towards ensuring that there is a reliable and constant supply of electricity across National Grid's transmission network.

## **Relevant Planning History**

- 1.3 The following historical application is considered to be relevant to the determination 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 (relates to adjacent site- 2021/0789/FULM)

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 (same site as this application)**

2021/0789/FULM- Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping on 5 hectares of land (**Pending – on this agenda**)

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) (Adjacent Land to the south)

## **2. CONSULTATION AND PUBLICITY**

### **2.1 National Grid**

Initial objections removed following receipt of revised plans. Map provided showing location of overhead lines in the vicinity.

#### NYCC Highways

No Objections and conditions recommended in relation to a construction management plan, visibility splays and work in accordance with the plans.

#### Conservation Officer

There is no Heritage Statement and no reference to heritage assets within the Planning Statement. Monk Fryston Lodge (Grade II Listed) is located close to the site (540m away).

In terms of assessing the impact, Monk Fryston Lodge is surrounded by rural fields, tree cover and topography is likely to screen from view the new installations. If this is the case, the impact on the setting of the listed building is likely to be very low (and therefore the impact on significance of the listed building would be negligible), but in any case, appropriate landscaping and mitigation measures should be put in place.

#### Yorkshire Water Services

Initial objection withdrawn provided the 6ft water main is diverted at the developer's expense as per agreed route. 6m corridor too be maintained with no trees or deep-rooted shrubs planted within it so that access can be obtained if required.

#### Landscape Consultant

Comments were provided for the larger adjacent scheme 2021/0789/FULM.

#### Contaminated Land Consultant

The site is concluded to pose a negligible risk to human health with regards to contamination, however the report recommends that further investigations include the collection and testing of samples from foundation-bearing strata for pH and

soluble sulphate to allow determination of aggressive conditions. The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. Recommend conditions.

#### Selby Area Internal Drainage Board

No comments received.

#### Environmental Health

In response to the Noise Impact Assessment dated 12th May 2021, report predicts the operational rating noise levels, but fails to account for cumulative noise impact from this and undetermined application ref: 2020/0594/FULM (installation and operation of 11 no. 4.5 MW gas engines), which predicts an operational rating noise level of 36dBLAr at 540 metres. Furthermore, the report identifies the nearest noise sensitive receptor at a distance of 540 metres, which fails to account for undetermined application ref: 2021/0075/FUL (conversion of a single storey stables to dwelling) at 400 metres. Significant cumulative operational noise disturbance at 400 metres is not envisaged. In order to ensure compliance with the report, and account for uncertainty regarding existing background sound levels at nearby sensitive receptors, a condition is recommended.

#### Natural England

No objections based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.  
Generic advice given.

#### North Yorkshire Bat Group

No response received.

#### Yorkshire Wildlife Trust

Pleased to see that survey has been undertaken in accordance with best practice guidance and that a Biodiversity Net Gain (BNG) assessment has been completed which indicates a significant uplift in biodiversity units. YWT would like to see the full results of the BNG assessment submitted (for transparency), and a commitment to manage the habitats for a minimum of 30 years, as is required for habitats created as part of the BNG assessment.

#### County Ecologist

Agree with the assessment which concludes that there would be no impact upon statutory or non-statutory designated sites. With regards to habitats and species the assessment identifies potential constraints and makes recommendations for mitigation or enhancement measures which are acceptable.

Provided that these recommendations are followed, satisfied that ecological impacts can be avoided or mitigated in line with the NPPF if the recommendations are followed.

The Ecological Assessment has also provided a biodiversity net gain calculation which demonstrates that the landscape scheme can achieve a biodiversity net gain in excess of the Defra recommended 10%. Pleased to see this assessment being included and it is assumed that as there is likely to be a planning condition securing the landscape scheme, there is no need to duplicate this to secure the BNG.

#### Designing Out Crime Officer

Noted the battery containers and ancillary infrastructure are to be located within a secure compound consisting of a 2.4m high weldmesh fence, protected by alarm and CCTV systems. These measures are considered to be appropriate for this type of site.

#### North Yorkshire Fire & Rescue Service

No objection/observation to the proposed development at this stage. Will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

#### Public Rights of Way Officer

No response received.

#### NYCC Heritage Officer

No objection to the proposal and no further comments make.

#### The Environment Agency

No response received.

#### Monk Fryston Parish Council

- Fully endorse national incentives to provide cleaner, efficient renewable energy but has several concerns regarding the above application.
- Location and visual impact -Plans show the proposed battery installation on land, to the south of the existing substation. Query 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?
- Cumulative Impact- several applications in the immediate vicinity regarding energy supply development. Ref 2021/0453/SCN Screening option, 2021/0373/CPO Construction of Additional Pylons. 2020/0594/FULM Development of Gas Energy Installation (Candent) and 2021/0373/CPO Yorkshire Green (37.5h) infrastructure development plans. There is also the intended Lorry Park development off the A1 Junction /A63. The amalgamation of all these developments would pose a serious threat to the urbanisation of the Greenbelt and with the expected increase in demand to support the import, export and storage of Green Energy what are the implications for future expansion and development of the Greenbelt once these plans are in situ.

- Access - Potential impact for construction traffic, hospitality for site contractors and the suitability of local roads to accommodate the increased demand on heavy vehicles. The impact on existing road networks, footpaths and to the environment of addition heavy plant vehicles around Rawfields Lane and the busy A63, particularly through Monk Fryston, is of particular concern.
- Environment Ecology - Concerns that survey not done correctly, and species missed. Objects to irreversible environmental impacts on the natural habitats of native species.
- Green Belt -Inappropriate development and Contrary to Green Belt objectives in NPPF.
- Other sites - requests all other possibilities of development on brown field sites and decommissioned energy providing power plants are investigated before permitting this application.

## 2.2 Publicity

The application was advertised by site notice and advertised in the local newspaper.

No letters of response have been received as a result.

## 3 **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 **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

### **Selby District Local Plan**

#### **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 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.

### **Openness 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 In relation to openness the applicants supporting Planning Statement suggests the conclusions of the Landscape Visual Impact Assessment (LIVA) concludes that the proposed development would not result in any changes in the openness of the Green Belt due to the surrounding vegetation cover and the adjacent substation

infrastructure, which would effectively screen the development. This limits any effects on the openness of the Green Belt, against which planning decisions need to be balanced.

- 5.15 Officers fundamentally disagree with this assessment. The site would change from open undeveloped agricultural land to a large area of compacted stone with 26 battery containers (12m x 2.43m x 2.90m high) positioned closely together in 2 rows. Between the batteries there would be invertors/transformers projecting of similar dimensions. There would also be auxiliary transformers, a control room, switchgear units, water tanks (4m cubed), 5m high acoustic fencing and 2.4m perimeter weldmesh fencing.
- 5.16 Cumulatively these would significantly reduce the openness of this part of the Green Belt. Although this site is much smaller and a more modest development than the adjacent 5 hectare site, it would still result in a large area of land which would be filled solidly with the batteries, infrastructure, equipment and buildings. Spatially there would be significant loss of openness due to the presence of an 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 the southwest site. Beyond the site to the south is a belt of trees and hedgerow. Both of these would screen the site to some extent, but neither are within the application site boundaries. Notwithstanding this 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 large 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 from the public right of way and wider area, it is considered the development would significantly 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 Belts 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 activity during the construction period. 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 significantly 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 0.488 hectares of BMV agricultural land.
- 5.24 In terms of the impact on the character of the countryside, the application has been supported by a Landscape and Visual Assessment. This concludes that the proposed development would be very modest both in extent and in height, being contained largely by the adjacent Monk Fryston Substation and by tree cover and located close to a series of large electricity pylons. In this context, change resulting from the presence of the proposed development would be very limited. Existing features would remain far more prominent and the influence of the proposed development upon its surroundings would be small at worst. Proposed new planting would provide enhanced long-term screening, biodiversity and green infrastructure benefits. The LVIA concludes that the landscape and visual effects of the proposed development would not be significant.
- 5.25 The landscape proposals are illustrated. These would comprise new native woodland to the west of the Site, and a new native hedgerow to the east and south-east. The new hedgerow is stated would be maintained at a height of 5- 6m. Due to the topography of the Site and its surrounds, and the presence of intervening vegetation, the proposed development would be fully screened from sensitive receptors to the south. The Applicants accept that full details of the landscape proposals would need to be agreed via planning condition, should planning consent be granted.
- 5.26 The main landscape effects would be the change in land use and rural quality and reduction in tranquillity. The Applicants consider but these qualities have already been compromised by surrounding infrastructure. 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 lands 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.

- 5.27 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 proposed 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.
- 5.28 The LIVA indicates that the introduction of the proposed development would not result in significant landscape and visual effects. It would be largely screened by the existing Substation structures or by existing tree cover. The proposed new planting that would envelop the Site to the east, south and west would provide further enclosure. However, this planting will take time to establish during which the development would be visible. Given the nature of the proposal, the change from an open field to the industrial appearance of the site will have a harmful visual impact on the character and appearance of the locality.
- 5.29 Notwithstanding the conclusion of the applicants LIVA, the Council's Landscape Officer raised a number of concerns relating to application 2021/0789/FULM which Officers consider are also applicable to this site. 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 substantially larger parcel of land amounting to 5 hectares is also under consideration under application reference 2021/0789/FULM and is also on this agenda. The cumulative effects of both proposals should be considered.
- 5.30 The Council's Landscape Officer's concerns related to 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 on the southwest side and there is an existing established hedgerow belt to the south. The applicants are prepared to accept a landscaping condition to secure an appropriate scheme. 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.
- 5.31 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 and the colour of the battery casing and the use of green materials described above would also help to reduce the visual harm impact until screening around the site perimeter is established.

- 5.32 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 the location and number of columns is not shown but the application makes clear that lighting and CCTV monitoring is proposed. The application details indicate the lighting will only be used for site when the site is visited for checking and maintenance. A condition can be imposed to secure this and the details of the lighting.
- 5.33 Subject to the aforementioned revisions and appropriate conditions to secure the successful establishment of the screen landscaping and confirmation regarding green fencing and battery casing, 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.
- 5.34 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**

- 5.35 The application has been supported by an Ecological Impact Appraisal (EIA) prepared by Avian Ecology. 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').
- 5.36 The 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 Development.
- 5.37 The EIA describes the site with the proposed access track located off Rawfield Lane, passing through the substation and emerging to the south where it passes through woodland, scrub and grassland, and a grazed field of poor semi-improved grassland with a defunct hedgerow, before reaching the proposed BSF, which is sited entirely within a field currently in arable usage.
- 5.38 New tree and scrub planting will be undertaken along the southern and western boundaries of the Site, as shown on the General Arrangement Plan. This will create a linear woodland strip approximately 15m wide and will contain native species. This planting will help strengthen local habitat connectivity, widening and reinforcing the habitat corridor provided by the existing woodland and provide biodiversity benefits as the planting establishes. In addition to the tree and scrub creation, a new native species hedgerow with trees will be created along the southern and eastern boundaries of the Site as shown on the Landscape Plan. This will provide additional habitat connectivity and value for wildlife.

- 5.39 A Biodiversity Net Gain calculation has been undertaken based on the Phase 1 habitat plan, aerial imagery and the General Arrangement Plan and Landscape Plan utilising the Defra Calculation metric (Beta 2.0). The proposed development can achieve a clear net gain through planting and ongoing management of a native tree and scrub area at the western and southern site boundaries, along with a new native-species hedgerow along the southern and eastern boundaries. In addition, bat and bird box installation will provide further benefit but are not taken into account within the Defra Metric.
- 5.40 The adjacent pond was surveyed for GCN's and no evidence was found of any. However, it is noted that the adjacent application surveyed the same pond and although no GCN's were found, they did find DNA evidence of their presence when the water was tested. Notwithstanding this, the EIA for this application proposes a scheme of 'Reasonable Avoidance Measures' to protect an GCN's or other reptiles during the construction phase. The NYCC Ecologist raises no concerns and is satisfied with the recommendations and mitigation measures proposed in the appraisal. No evidence of other protected species was found.
- 5.41 Overall, the development will not result in harm to protected species, designated sites, watercourses or habitats and will result in a net gain for biodiversity. The GCN mitigation and protection measures are satisfactory, and 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. Subject to compliance with the recommendations of the EIA the development is considered to comply 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 NYCC Archaeologist has been consulted and raises no concerns or requirements for further surveys on this site. The nearest 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. Although a separate Heritage Impact Assessment has not been submitted, the Heritage Assets have been considered within the Planning Statement 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 is 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 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**

- 5.63 The proposed development would be accessed via a new access track from Rawfield Lane. Vehicles would then use an existing access track running through the substation complex and exit to the southwest corner. A new track would be constructed from this point, running southeast through a scrub / grass / woodland area, to the main Site. The proposed new access tracks would be constructed using permeable surfacing. Construction traffic would also use the same access route, which would be temporarily widened during the construction phase. The access arrangements are considered in more detail in the Highways Technical Note provided by Axix. The areas of hardstanding on the site would provide sufficient parking space for the occasional maintenance engineer vehicle to park while carrying out activities within the compound.
- 5.64 It should be noted that, once operational, the traffic generation associated with the proposed development would be limited to the occasional LGV accessing the site for maintenance purposes. The proposed development is likely to generate in the region of just 1 to 2 light vehicle movements per week at most. This level of increase is minimal and will have a negligible effect on highway safety. The Highway Technical Note concludes there are no grounds for refusal from a transport perspective.
- 5.65 Cumulative traffic with other proposed developments has not been assessed. However, it is noted that this was considered on the adjacent scheme (2021/0789/FULM). 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 were scoped out of the assessment as the construction timescales are extremely unlikely to overlap.
- 5.66 NYCC Highways have been consulted on this and the adjoining application site 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.
- 5.67 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**

- 5.68 The site is in Flood Zone 1, (low probability of flooding). A Flood Risk Assessment was not required for this site as the site area does not exceeds 1 ha.
- 5.69 As the site would not be permanently manned as such there is no requirement for foul drainage to serve the proposed development. The Site is not currently surfaced, and the proposed development would introduce areas of impermeable surfacing that could potentially increase surface water run-off rates from the Site. To mitigate this potential effect, a Sustainable Urban Drainage System ('SuDS') would be used and details have been provided in the applicants drainage strategy.
- 5.70 A review of geological, hydrogeological and soils data indicates that infiltration would provide inception storage, but disposal of significant volumes of runoff may not be appropriate. At this stage, it is proposed that the surface water runoff from the Site can be discharged partially via infiltration SuDS methods. A drainage ditch is located adjacent to the eastern boundary of the Site. This ditch has potential for the discharge of attenuated flows of surface water. The details of this can be approved through a suitably worded condition. Details of drainage in the construction phase would also need to be agreed.
- 5.71 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.
- 5.72 No comments have been received from the IDB or the Suds officer and therefore it is assumed they have no objections.
- 5.73 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**

- 5.74 In terms of residential amenity, there are no existing dwellings in the immediate vicinity of the 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 proposed development (Ref: 2021/0075/FUL) was recently refused due to noise form traffic levels and this is currently at appeal. As such, consideration of this dwelling need not be included since it does not have planning permission at this time. The potential effects of the proposed development on the amenity of the existing and proposed dwellings and cumulative effects with the adjacent developments have been considered.
- 5.75 A Noise Impact Assessment (NIA) has been undertaken to determine the existing acoustic climate, predict the sound levels as a result of the proposed development and to assess the potential impact on nearby receptors. The report predicts noise levels but does not account for cumulative noise impact from this and other



undetermined applications in particular (2020/0594/FULM-gas peaking engines application). As there is uncertainty a condition is advised by the Council's Environmental Health Officer to ensure the cumulative level of sound does not exceed a specified level.

- 5.76 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 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.
- 5.77 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.
- 5.78 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**

- 5.79 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to land contamination. The application is supported by a contamination assessment that has been reviewed by the 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.
- 5.80 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.
- 5.81 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**

#### What are Very Special Circumstances

- 5.82 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.

- 5.83 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.
- 5.84 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.
- 5.85 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

- 5.86 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.”*

- 5.87 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 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.
- 5.88 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.
- 5.89 The UK's energy sector is currently experiencing a rapid change in response to efforts to address commitments and policies on tackling climate change. This will inevitably see an increase in the development in renewable energy generation and

this will need to be mirrored by similar increases in balancing services, such as the Proposed Development. Two-thirds of existing traditional power stations in the UK are reaching the end of their operational lifespan and are anticipated to close by 2030.

- 5.90 In response to this requirement, the Government in the past 10 years has set out a clear policy framework for the delivery of facilities to meet the UK's future energy demands through a number of publications. More recently these include the '*Energy White Paper- Powering out our Net Zero Future*' (December 2020). The Paper sets out that:

*"By 2050, we expect low-carbon options, such as clean hydrogen and long-duration storage, to satisfy the need for peaking capacity and ensure security of supply at low cost, likely eliminating the reliance on generation from unabated gas."*

It is clear from this that the UK Government sees storage as the way forward for peaking facilities and to ensure energy security.

- 5.91 BSFs are considered to be a key component of the future energy mix in the UK under all scenarios considered in the FES. The existing storage provision will need to increase significantly by 2030 to be on track to achieve net zero by 2050. The Proposed Development would help deliver the flexible energy network envisaged by the white paper. 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

- 5.89 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. The applicant has provided the following justification.
- 5.90 Battery storage facilities can only be delivered where site conditions are favourable and two main criteria are both satisfied. Firstly, and most importantly, battery storage facilities must be located proximate to an existing substation that has capacity to both export and import the requisite amount of electrical energy. There are a very limited number of sub-stations in the UK that are able to both import and export electricity from the grid. Secondly, in order to allow connection to the National Grid, there is a locational requirement for battery storage facilities to be sited proximate to existing electrical substations. This is due to the need to: minimise transmission losses; ensure that the facility is well located to provide rapid response to any dip in grid frequency; and to remain viable in terms of the cost of grid connection.
- 5.91 A considerable number of storage sites would be required across the UK to achieve this; if each facility delivered 50MW capacity, between 72-205 new sites would be required by 2030 and 394-734 new sites would be required by 2050. To put this in context of available sites, National Grid have a network of 298 no. Super Grid Transformer Substations across the UK and of these, only 168 no. currently have capacity to accommodate a battery storage facility of the size proposed. Therefore, even if all the existing Super Grid Transformer Substation sites with capacity were utilised, there would still be a considerable shortage of suitable sites required for storage facilities. This would require considerable investment in the transmission

system over the next 30 years. Other sites are constrained by other means such as separation distances to property or in flood zones.

- 5.92 The Monk Fryston Super Grid Transformer Substation is one of the 168 no. sites which are considered to be generally unconstrained in planning terms, other than being within the Green Belt. It should be noted that many of the other sites with potential to accommodate a BSF/balancing service are also located within the Green Belt. Within the search area of Selby District Council Monk Fryston is stated to be the only substation with sufficient capacity to accommodate the development.
- 5.93 A search was undertaken which considered commercially available land, sites extending beyond the Selby district and details are provided in the applicant's submission with the main constraint being no Grid Capacity. The Grid Network in the district is constrained and the Monk Fryston supergrid Substation is stated to have the capacity to connect the new batter storage infrastructure. All the currently available sites that would be sequentially more preferable than the proposed development are located well beyond the maximum 500m distance from the Monk Fryston Supergrid Substation. Making the cost of connection prohibitively expensive and as such, making a battery storage facility in these locations unviable financially.
- 5.94 All land within 500m of the Monk Fryston Supergrid Substation is located within the Green Belt. Therefore, any battery storage facility connecting to the Monk Fryston Supergrid Substation would be located within the Green Belt. The most suitable available site within 500m was therefore identified.
- 5.95 This lies adjacent to the substation compound and is suitably screened by existing landscaping and existing development at the substation. Other than its location within the Green Belt, it is not subject to any planning or environmental constraints. As such, it is concluded that site MF1 is the most suitable, viable, available site.
- 5.96 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.

#### Yorkshire Green

- 5.97 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.
- 5.98 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

- 5.99 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.
- 5.100 Other 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

- 5.101 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 proposed 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.
- 5.102 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.
- 5.103 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.
- 5.104 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.
- 5.105 Moderate weight 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. 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.
- 5.106 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 with respect to the Heritage Assets, Highway Safety, Flood Risk and Drainage, Residential Amenity and Land Contamination, subject to the revisions and conditions referred to in the report.
- 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 RECOMMENDATION

**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 and 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 interests of public safety and amenity during the construction phase.

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 accord with the approved details.

Reason for Condition

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.

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 130 metres (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 be 0.6 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 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.

### Noise

11. The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

To protect the residential amenity of the locality during construction 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.

### 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:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments.
- (iii) 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.

## Lighting

16. 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

17. 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

18. The development shall be carried out in full accordance with the recommendations, advise and mitigations measures and biodiversity enhancements contained in the Ecological Assessment by Avian Ecology dated 17/05/2021 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

19. 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

20. 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

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 web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing in d est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20in%20industrial%20roads%20street%20works%202nd%20edi.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

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

## **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 2021/0633/FULM and associated documents.

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**Appendices:** None