

Report Reference Number: 2021/1089/FULM

To: Planning Committee
Date: 11 May 2022
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1089/FULM	PARISH:	Drax Parish Council
APPLICANT:	Aura Power BESS Ltd	VALID DATE: EoT DATE:	6th September 2021 17 th May 2022
PROPOSAL:	Development of a battery storage facility, associated infrastructure, access and grid connection		
LOCATION:	Land Off Hales Lane Drax Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as it is a major application where 10 or more letters of representation have been received, which raise material planning considerations and officers are recommending approval of the application contrary to these representations.

1 INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a cultivated agricultural field that is located in open countryside to the south of Hales Lane, which itself lies to the south-east of Drax village, and extends along the public highway to Drax Power Station to the north-west. The area of the site taken up by the battery storage facility itself including access but excluding landscaping is approximately 0.7 hectares.
- 1.2 The agricultural field is bound by existing trees and hedgerow along its eastern, southern and western boundaries, but is open along its northern boundary with Hales Lane. To the north on the opposite side of Hales Lane is the Drax Cemetery

and an open field extending to Drax' Main Road along which are residential development. To the east is Hales Farm including a series of equine paddocks and stables. To the west is Hales Lane Farm which also includes equine paddocks and stables and operates a kennels/cattery and grooming parlour. To the south is a belt of trees beyond which is the A645. Overhead electricity cables cross the site in line with its southern site boundary.

The Proposal

- 1.3 The proposal is for the construction of a battery-based energy storage facility comprising 14 no. parallel rows of Battery Energy Storage Systems (BESS) cabinets running north to south with medium voltage infrastructure located between them. Each row would include 40 no. battery cabinets in 2 no. blocks of 20 fixed to a galvanised metal frame on concrete footings set circa 0.8m above ground level. The cabinets would be 2.7m in height and would sit a maximum of 3.5m over ground level. Other supporting infrastructure includes a main substation with a maximum height of 7m, a customer switchroom and control building measuring 3m in height and a 2.6m high storage container. The facility would be accessed via an improved vehicular access from Hales Lane in the location of the existing field access, leading to an internal roadway. The perimeter of the battery compound would be surrounded by a palisade security fencing and a 4.5m acoustic fence/screen is proposed along the northern, eastern and western edges. Three no. 5m high columns with CCTV cameras are proposed within the compound, though the applicant has confirmed that these could be reduced in height to 4m. A communications cabinet and associated 5m high mast have been omitted from the application, as communications will now be provided through an underground fibre cable connection. Lighting would be kept to a minimum and limited to times of maintenance. Drainage and landscaping works are proposed.
- 1.4 The point of connection to the electricity grid would be at the Drax Grid Supply Point Substation located within the Drax Power Station around 600m to the northwest of the site. The connection would be installed underground and is being sought as part of this application, though if provided by the statutory undertaker could be carried out under permitted development rights. The route of the grid connection would be within the carriageway of Hales Lane, Main Road and New Road.
- 1.5 The intended capacity of the battery-based energy storage facility is up to 100MW. The proposed development would store power from the Grid at times of excess supply and would feed this power back into the grid at times of high demand or reduced generation capacity; thus, the proposed development would effectively provide a 'balancing service' which would assist in balancing grid frequency at times of system stress. The proposed development would provide a flexible and reliable back-up power source to the Grid that can respond to variations in local and national energy demand and fluctuations in generation from renewable energy sources.
- 1.6 In terms of the operational lifespan of the proposed development, it is anticipated that this would be 30 years from when it becomes first operational, after which infrastructure would be removed and the site restored to its present use and condition.
- 1.7 Further information has been sought during the application with regards highway works and revised plans have been submitted that seek to improve landscaping/screening around the facility. The redline has been extended to

incorporate the land up to Hales Lane to provide for increased landscaping, as a result of which further publicity was undertaken.

- 1.8 The application has been considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it is concluded that the proposed development is not likely to have any significant effects on the environment in terms of the Regulations and an Environmental Statement is not required.

Relevant Planning History

- 1.9 The following historical application is considered to be relevant to the determination of this application:

Application Number: CO/2003/1308, AltRef: 8/500/125/PA
Proposal: Installation of 66000 volt overhead line stretching from,
Address: A645 South Of Drax Power Station To Newland Bridge, Drax, Selby,
Decision: PERMITTED 09-JUN-04

2 CONSULTATION AND PUBLICITY

2.1 Drax Parish Council

Due to the proximity to existing residential properties and the potential risk of lithium polymer overheat explosion the parish council feel that the site is not suitable for the storage farm. A better location would be on the existing Drax Power site. The current proposed location is again the erosion of existing farmland. The parish council are not against such developments but the location of such sites.

2.2 NYCC Highways

Request that conditions be attached to any permission to cover the new or altered private access to the site, delivery of off-site highway works and a Construction Management Plan.

2.3 Yorkshire Water Services

Request conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Wastewater – surface water is to be drained to watercourse, which is endorsed. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

Water supply – A 90mm HPPE water main runs in the section of verge on Hales Lane proposed to be temporarily widened for GHV access, which will require suitable protection from any HGV traffic passing over the widened verge.

2.4 Environment Agency

No objection. The site lies within Flood Zone 3, with a high probability of flooding from rivers and/or sea. The application is for the construction of a battery storage facility, which are classified as a 'essential infrastructure' in the PPG. It is necessary

for the application to be supported by a site-specific flood risk assessment (FRA) which can demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

The FRA, by KRS Environmental, has been submitted. Provided the proposed development is built in accordance with the submitted FRA then there are no objections.

Highlight the need to satisfy the sequential test, separate to and despite no objections on flood risk grounds.

2.5 NYCC Lead Local Flood Authority

No objection subject to conditions being attached to address detailed infiltration testing for surface water run-off. The ground conditions suggest that there is the potential to manage the surface water onsite through infiltration and that the site will be predominantly made up of permeable areas with only small areas of impermeability. The site is also classed as 'less vulnerable' according to the vulnerability classification. There is a public sewer that could be considered as a Plan B. There is very little evidence of groundwater in this area. A maintenance plan has been submitted, which seems reasonable. Therefore, it seems reasonable to cover through condition.

2.6 Selby Area Internal Drainage Board

The IDB provide comment on current guidelines for any increase in surface water discharge and recommend planning condition for larger development be attached.

2.7 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. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

2.8 County Ecologist

The site of the proposed development is currently an arable field with woodland and hedgerows to the boundary. The development will occupy the southern part of the field with grid connection cables passing through the northern part of the field.

The type, scale and location of the development would mean that there will be no impacts upon any statutory or non-statutory designated sites within the local area. In relation to amphibians, there are no ponds within the site, three ponds within the surrounding area were surveyed and tested for GCN eDNA - the results of the eDNA were negative and as such no impacts are expected in relation to great crested newts.

Overall, the site is of low ecological value and the recommendations set out within Table 5.1 within Appendix 5-1 are sufficient to ensure that any local disturbance is minimised, these include: creation of areas of meadow grassland, tree, shrub and

hedgerow planting; protection of retained trees and pollution prevention; provision of bat and bird boxes; and timing of works to avoid nesting birds.

The recommendations set out in table 5.1 (e, u and x), should be secured through condition or informative. In particular, the provision of a landscape and biodiversity restoration and management plan should be secured.

2.9 Yorkshire Wildlife Trust

No response

2.10 Landscape Consultant

The site is located within an agricultural field between Hales Lane and A645 road. The local landscape character and context is predominantly rural within an area of mixed of arable fields, equine paddocks and stables. There are several local farms and roads in proximity to the site with Hales Lane Farm to the NW corner of the site and Hales Farm to the NE side of the site. There are approximately 30-40 other residential properties around Drax village fringe within approximately 200m - 400m to the northeast side overlooking the site. The fields between the site and the village are relatively open. The proposed development will include 14 parallel rows of battery storage units (3.5m high), substation (7m high), inner security fence (2.5m high), outer acoustic fence to the west, north and east sides (4.5m high), and other associated electrical infrastructure and access roads, CCTV and night-time security lighting. The battery storage units will be light grey in colour. The proposed development would be for 30 years, infrastructure removed, and the site restored at the end of this period.

There is potential for significant long-term adverse landscape and visual effects within the local area due to nature of the proposed development, particularly if existing screen hedgerows are outside the Applicant's control.

Following the submission of revised plans, the officer confirms that is reasonably satisfied that the additional information clarifies the Landscape issues previously raised and would generally agree with the conclusions of the Landscape and Visual Addendum. Confirms also satisfied that the proposed Landscape Mitigation provides what is reasonable and possible, to help reduce adverse landscape and visual effects.

There are likely to be some close proximity views of the development within the first 10 – 15 years (including those from Hales Lane Farm, Hales Lane and other settlement edge properties along Main Road and Mill Lane). Visibility and adverse visual effects are likely to reduce to low and negligible as proposed screen planting becomes established.

The Applicant has incorporated additional screen planting to the west, east and south sides within the site to ensure control and permeance. Screen bunding 2m high is proposed to the northern side with additional planting. Additionally, the internal battery containers and perimeter acoustic fence could be coloured with a suitable recessive colour (such as dark green) to help reduce visibility in the short term while planting becomes established.

Requests the following conditions should be secured by suitably worded condition:
(1) Detailed landscaping scheme; to be implemented in the first available planting

season, minimum 5 year replacement defects period for planting; (2) Battery containers and perimeter acoustic fencing to be a dark green colour; (3) Long-term maintenance and management plan; secured for the life of the development; (4) Restoration of the site at the end of the operational life; to suitable agreed agricultural after use; and (5) Control of lighting; to minimise night-time adverse effects.

2.11 Environmental Health

While the proposed development is outside the village and some distance from the majority of residents, it is still in proximity to some residents of the area and, therefore has the potential to have a negative impact by way of noise, vibration and dust during construction. As such, conditions are requested regarding noise, vibration, dust and dirt and restricting hours of work.

A Noise Impact Assessment concluded that the installation of an acoustic screen at a height of 4.5m around the facility would reduce the potential impact of operational noise on nearby residents. Condition requested re: the acoustic screen.

Raises no further comment in response to the further information on the design and location of the acoustic barrier.

2.12 Contaminated Land Consultant

The submitted information and historical maps demonstrate that the development site is currently agricultural land and has not previously been developed. Additionally, the proposed development should not be particularly sensitive to the presence of contamination, so no further investigation or remediation work is required. Recommends that a planning condition is attached to any planning approval, in case unexpected contamination is detected during the development works.

2.13 North Yorkshire Police Designing Out Crime Officer

In relation to safety and security, it is considered that the fencing, gates and CCTV arrangements are appropriate for this proposal and as such as no further comments to make.

2.14 North Yorkshire Fire & Rescue Service

No comment with regards means of escape and fire precautions which may be required under the Regulatory Reform (Fire Safety) Order 2005.

2.15 NYCC Archaeologist

The application includes a Heritage Impact Assessment along with the results of an archaeological geophysical survey. Although there is some archaeological potential for prehistoric and Romano-British activity in the general area the largely negative results of the geophysical survey suggest that there is a low risk for his particular site. As such, the results of the survey do not require following up with trial trenching and there is no justification to require any further archaeological work post-determination. No objection to the proposal and have no further comments make.

2.16 Conservation Officer

No response received.

2.17 Public Rights Of Way Officer

No response received.

2.18 National Grid

No response received.

2.19 Publicity

The application was publicised in the press and through the posting of site notices in the locality. The revised scheme was re-advertised by site notice. In total, 16 no. representations were received to the initial consultation and 3 no. to the re-advertisement, objecting to the proposal including on the following grounds:

- Lack of consultation with adjoining landowners and the Parish Council prior to the planning application being submitted.
- The change of use from agricultural field to industrial use breaks an existing covenant on the land in this area sets a precedent if approved for other uses of agricultural land.
- The battery storage facility should be on a site zoned for industrial use with the infrastructure and road system to support and sustain industrial development.
- Noise pollution and disturbance to local residents and to horses kept on adjacent land and livery yard.
- Kennels and Equine businesses will be severely disrupted during construction and health and well being of animals will be severe from construction and due to noise from the site.
- Access to site via a single-track road that is used by local residents for access, equestrian riders and the local cemetery and kennels will be restricted during 26-week construction period.
- The development is outside the village development envelope and has no special value which would justify special treatment and would set precedent for further industrialisation.
- Conflicts with Green Belt policy and is in flood zones 2 and 3 [NB The site is not within Green Belt].
- Application has not covered protection of adjoining lines of hedges and trees and wildlife.
- The land is traditionally flooded in winter with standing water from normal rainfall and liable to annual flooding from rainfall and there is no indication of how this is going to be mitigated and the impact of run-off water causing flooding to adjacent land.
- Views along Hales Lane and visiting the cemetery will be changed for 25 years.
- View from property will be dominated by 4.5m high acoustic fence, which will affect value.
- The widening of Hales Lane to allow access of HGVs and removal of a grass verge will affect the safe access to horse riders in the event of oncoming traffic and will lead to loss of mature trees.
- Hales Lane is in dreadful condition and not suitable to carry HGVs, which will totally destroy the lane and drain beneath.

- Limited access would cause extreme difficulty tending livestock on Hales Lane.
- Object to the lack of provision of an Environmental Statement due to noise and access issues to properties and to recreation facilities.
- Objection to the excavation of Hales Lane to dig a trench for the cable, with no details of how existing residents and businesses along Hales Lane will gain access to properties.
- The development and it will deliver absolutely no benefits to the local area.
- This is the wrong development in the wrong location as Drax is a small rural village already surrounded by Drax Power Station and Rusholme wind turbines, any further industrial development would be of great detriment to the village and its residents.
- Across the UK the clear majority of battery storage facilities are being located on industrial sites.
- Poses a fire hazard.

19 no. letter of representation received in total.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located in countryside beyond the defined Development Limits of the Secondary Village of Drax as defined in the Development Plan. The site lies largely in Flood Zone 3a (high probability), with a small section adjacent to Hales Lane falling within Flood Zone 2 (medium probability). In terms of Agricultural Land Classification, the upper part of the site adjacent to Hales Lane is identified as Grade 3b and the lower part of the site closest to the A645 (across which the overhead electricity cables pass) is Grade 3a.

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
SP12 - Access Services, Community Facilities and Infrastructure
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
ENV28 – Other Archaeological Remains
T1 - Development in Relation to Highway
T2 - Access to Roads

National Planning Policy Framework

4.8 The relevant chapters are:

2 – Achieving sustainable development
4 – Decision-making
12 – Achieving well-designed places
14 – Meeting the challenge of climate change, flooding and coastal change
15 – Conserving and enhancing the natural environment
16 – Conserving and enhancing the historic environment
Annex 3 – Flood risk vulnerability classification

5. APPRAISAL

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

- The Principle of Development
- Landscape and Visual Impact
- Natural Environment and Biodiversity
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Heritage Assets
- Other issues

The Principle of Development

- 5.2 Policy SP1 of the Core Strategy seeks a positive approach to development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and sets out how this will be undertaken.
- 5.3 Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A(c) relates to development located within the countryside outside development limits, which is *"limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improved the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."*
- 5.4 Policy SP13 seeks sustainable development that brings sustainable economic growth in rural areas through local employment opportunities including the diversification of agriculture and other land based rural businesses. This policy is accords with Paragraph 84 of the NPPF, which supports a prosperous rural economy through, amongst other things, diversification of agricultural businesses. Whilst not specifically diversification of a agricultural businesses as the facility would be separate to the running of the farm holding, the proposal would indirectly contribute to the vitality of the rural economy by providing a stable, long-term income for the existing farm, Top House Farm.
- 5.5 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it specifically, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.
- 5.6 Policy SP17C 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 saved 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 Turning to National Policy and Guidance, the NPPF is supportive of low carbon and renewable energy proposals in principle as is the Planning Policy Guidance. This states that *“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 delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”*.
- 5.8 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. The impacts of the proposals will be discussed in more detail below.

Landscape and Visual Impact

- 5.9 Saved Policy ENV1 of the Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Core Strategy Policy SP17(C) requires all renewable energy and low-carbon energy generation and supporting infrastructure to protect the environment and local amenity. Core Strategy Policy SP18 seeks to protect landscape character and setting of areas of acknowledged importance. Core Strategy Policy SP19(e) requires new and existing landscaping to be incorporated as integral part of the design of the scheme. Paragraph 130 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area and are sympathetic to the landscape setting.
- 5.10 The proposal would involve the provision of plant and equipment on a site that, as an open agricultural field, is presently free from any form of development other than overhead lines. The compound would be surfaced in gravel with the laying of concrete support pads upon which the battery storage units [JT1] and associated substations, switchroom, container and storage container would be fixed, with a maximum height of the substation transformer being 7m, though the majority being around 3m in height. It would be surrounded by a 4.5m high acoustic fence and separate security fencing. Other associated works include a gravel access road linking the facility to Hales Lane and a landscape bund across the width of the site to the northern side. Further landscaping to supplement existing planting is proposed along the remaining sides. Three 4m high columns with CCTV and lighting for security and maintenance purposes are proposed within the compound.
- 5.11 As such, due to the size and height of equipment, the proposed development has the potential to be a significant intrusion in the local landscape and have an adverse impact on the character and appearance of the surrounding rural area, though it is noted that the area open countryside and is not identified as an area of acknowledged importance, e.g. Green Belt or Locally Important Landscape Area.
- 5.12 The application is supported by a Landscape and Visual Impact Assessment, dated August 2021 and prepared by Axis. However, the scheme has been amended since first submission and additional Landscape Addendums have been submitted.

- 5.13 The Council's Landscape Architect has been consulted on the proposals and is generally supportive of the landscape appraisals and revised scheme as it seeks to mitigate any visual harm by pulling the facility away from the side site boundaries in order to provide improved additional landscaping on all sides and a landscaped bund to the side facing Hales Lane. A number of conditions are requested including: (1) the colour and finish of the battery energy storage containers, transformers, substation and all fencing and means of enclosure; (2) Provision of a detailed hard and soft landscaping scheme, to be implemented within the first available planting season following completion, with initial 5-year replacement defects period; (3) the approved landscaping scheme to be retained and managed to maintain screening of the site, for the life of the development; and (4) a detailed restoration scheme to be submitted should the development cease to operate, where all structures and equipment are to be removed and the site to be re-instated to agricultural use. These are all considered reasonable and necessary, and suitably worded conditions could be attached to any planning permission granted.
- 5.14 Having regards to the above and subject to the aforementioned conditions, it is considered that the landscape and visual impact of the proposal on the character and appearance of the area would be acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP17, SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Natural Environment and Biodiversity

- 5.15 Policy SP18 of the Core Strategy seeks to safeguard the natural environment, including at: (3) promoting the effective stewardship of the District's wildlife; (7) protecting soil, air and water quality from pollution; and, (9) steering development to areas of least environmental and agricultural quality. Saved Policy ENV1(5) of the Local Plan requires proposals to take account of the potential loss or adverse effect upon, *inter alia*, trees and wildlife habitats. ENV2 of the Local Plan deals with environmental pollution and contaminated land.
- 5.16 This is reflected in national policy at paragraph 174 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things: "*(a) protecting and enhancing valued landscapes...and soils; (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; (d) minimising impacts on and providing for net gains for biodiversity; (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*".
- 5.17 Planning Practice Guidance sets out how to take account of the quality of agricultural land, green infrastructure, biodiversity and ecosystems, and landscape.

Quality of Agricultural Land

- 5.18 The application site sits within a larger swathe of open agricultural land south of the village of Drax. The land within the application site is identified on the Natural England Agricultural Land Classification maps as Grade 3 agricultural quality with the majority of the field being sub-grade 3a: Good Quality Agricultural Land and with a smaller section adjacent to Hales Lane itself being sub-grade 3b. This is based on

an assessment of the land in 1993 that is made available by Natural England as part of its Detailed Post 1988 ALC Survey data.

- 5.19 Natural England has produced guidance (updated 5 Feb 2021) on protecting agricultural land and soils. It confirms that the Best and Most Versatile (BMV) agricultural land is graded 1 to 3a and describes Grade 3a as land capable of consistently producing moderate to high yields of a narrow range of arable crops (especially cereals) or moderate yields of other crops. As the proposal would lead to a small loss (under 20ha) of BMV land, notification to Natural England is not required.
- 5.20 The applicant has appointed a soil specialist to undertake a detailed up-to-date soil resource and agricultural quality survey for the field south of Hales Lane, totalling 1.52 hectares. This identifies two main types of soil: a sandy type and heavier soils with clay subsoils. Whilst it concludes that the land is of Grade 3 agricultural quality, it finds that a lesser area in the southern part of the site is occupied by sub-grade 3a land (35% of the field or 0.53ha) and more of the land being within sub-grade 3b (65% or 0.99ha). Of the sub-grade 3a land, it finds that this land has clay subsoils with loamy topsoil and has slow drainage that causes seasonal wetness that limits workability in winter and spring. The sub-grade 3b land has sandy subsoil with low moisture reserves and is prone to agricultural limitation from drought. Therefore, the proposal would lead to a reduced loss of BMV agricultural land. Given the extent of works to provide a raised base for the facility, it is likely that the site, even following restoration, would not be able to return to its current sub-grade of agricultural land without substantial works.
- 5.21 Therefore, the short-term and longer-term loss needs to be weighed in the balance against the wider sustainability benefits of the proposal.

Nature Conservation and Protected Species

- 5.22 In terms of biodiversity, an Ecological Appraisal prepared by Avian Ecology, dated 17.8.2021, has been submitted. No impacts upon any statutory or non-statutory designated sites are likely given the type, scale and location of the development, nor has any negative impact on protected species been identified and the site considered to be of low ecological value. Ecological Constraints and Opportunities are identified including creation of areas of meadow grassland, additional planting, protection of retained trees, pollution prevention, provision of bat and bird boxes and timing of works to avoid nesting birds.
- 5.23 The County Ecologist has raised no objections subject to the imposition of conditions including securing the provision of a landscape and biodiversity restoration and management plan. These conditions are considered to meet the tests of planning conditions outlined in paragraph 56 of the NPPF.

Pollution

- 5.24 There is not anticipated to be any unacceptable pollution as a result of the provision of the facility. The site has not been previously developed and the proposed development is not particularly sensitive to the presence of contamination. Whilst no further investigation or remediation work is requested by the Council's Contamination Consultant, a condition in the event of unexpected contamination is sought, which is considered to be reasonable and proportionate.

- 5.25 In light of the above, it is considered that the proposal would not adversely impact the natural environment or biodiversity and, therefore, complies with Policy SP18 of the Core Strategy and advice in the NPPF.

Impact on Residential Amenity

- 5.26 Saved SDLP Policies ENV1(1) requires proposals to take account of the amenity of adjoining occupiers, ENV2 to prevent unacceptable noise and nuisance impacts and ENV3(3) to ensure outdoor lighting proposals do not significantly adversely affect local amenity. Core Strategy Policy SP17(C) requires all new renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.
- 5.27 The application site would be located to the south/south-west of the village of Drax, adjacent to Hales Lane along which are a number of scattered residential properties, Hales Lane Farm and Hales Farm, which sit either side of the application site at distances of 30m and 70m respectively, though further from the facility itself. The nearest property is Hales Lane Farm that lies to the west, separated from the facility by existing agricultural buildings. The nearest residential grouping of houses is to the north at a distance of approximately 115m to the north-west of the site, but around 195m from the facility itself.
- 5.28 The proposal would be visible in views of towards the site from surrounding residential properties, particularly given the height of the acoustic fence at 4.5m high and the main transformer at 7.5m high. However, the planning system does not seek to protect private views and such views would be mitigated in part, once established, by the landscaped bund and additional planting. Further, a condition could be imposed to ensure that the acoustic fence is painted green, or another similarly recessive colour, to minimise its appearance. Infra-red lighting linked to the CCTV is proposed but is kept to a minimum for security and maintenance purposes.
- 5.29 Given the size, siting and design of the proposed development and the provision of fencing and landscaping, the proposed development would not have any adverse effects in terms of overshadowing or oppression on neighbouring properties.
- 5.30 There is likely to be disturbance from noise and traffic movements during the construction phase and de-commissioning stage, but these are short-term impacts. The hours of construction on site can be controlled through condition and a Construction Management Plan is sought by condition.
- 5.31 In terms of operational impact, the application is supported by a Noise Assessment, dated 23 December 2021, prepared by Miller Goodall, which takes account of the revised design. This identifies key receptors as being those residential properties either side of the site but concludes that the predicted increase in noise levels would equate to a low impact for residents in the vicinity of the proposed site and would be mitigated by the 4.5m high acoustic barrier, which reduces noise levels to below backgrounds in the daytime and just above background in the night-time.
- 5.32 The Council's Environmental Health Officer has raised no objections in light of the design and location of the acoustic barrier, though requests conditions are imposed to cover: (1) A scheme to minimise noise, vibration, dust and dirt during construction works; (2) A restriction on house of construction; and (3) A condition to secure the provision of the acoustic fence. A further condition to control outdoor lighting would be required if the scheme is to be approved.

- 5.33 Subject to conditions, the impacts on residential amenity of surrounding residents would be minimised and largely limited to the construction phase and de-commissioning, both of which are short-term works. It is therefore considered that in respect of the impact on residential amenity, the proposal would be in accordance with Saved SDLP Policies ENV1(1), ENV2, ENV3(3), Core Strategy Policy SP17(C) and national planning policy contained within the NPPF.

Impact on Highway Safety

- 5.34 Saved Local Plan policies ENV1(2), T1 and T2 of the Local Plan require development to ensure that there is suitable access and no detrimental impact on the existing highway network. The NPPF seeks a safe and suitable access (paragraph 110) and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety (paragraph 111).
- 5.35 The proposal would involve the construction of a new access from Hales Lane and access road within the site. The application also includes the laying of cables to provide the connection to the National Electricity Grid located at Drax Power Station along Hales Lane and New Road. It is explained in the application that these works could potentially be provided under permitted development rights.
- 5.36 Given the nature of the use, the main potential impact on highway safety would be during construction works, with full construction anticipated to take 26 weeks. The application is supported by a Transport Statement. Further information has been sought by the local highway authority through the course of the application, particularly given the works to Hales Lane to provide the Grid connection and the number of construction vehicles (284 two-way trips over a 7-week period) using the lane that is narrow in width with the potential for damage to the highway and verges. Once operational, there would only be occasional visits for routine maintenance.
- 5.37 It is now proposed that two passing places would be provided along Hales Lane to ensure no vehicular conflicts in the interests of highway safety, which the local highway authority has confirmed it would be happy to secure through condition.
- 5.38 From a highway safety perspective, the application is acceptable subject to the imposition of conditions and it complies with national and local planning policy in respect of highway safety.

Flood Risk and Drainage

- 5.39 Relevant Development Plan policies in respect to flood risk, drainage and climate change include saved Policy ENV1(3) of the Local Plan and Policy SP15 of the Core Strategy. Detailed advice on flood risk is contained in the NPPF at chapter 14 and in the Planning Practice Guidance that accompanies the Framework. The aim of national flood risk policy is to direct inappropriate development away from those areas at highest risk of flooding and ensure development is made safe for its lifetime without increasing flood risk elsewhere (paragraph 159).
- 5.40 The application is supported by a Flood Risk Assessment and Surface Water Drainage Assessment, dated January 2022 and carried out by KRS Environmental. This confirms that the site is located within Flood Zone 3a, which is assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a

1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year. It lies within an area that benefits from flood defences.

- 5.41 Given the site's location within Flood Zone 3a, the application is subject to the sequential test to determine whether there are any other available sites at a lower probability of flooding which could reasonably accommodate the proposed development. The NPPF advises that development should not be permitted where there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding (paragraph 162).
- 5.42 Where it is not possible to locate development in lower flood risk zones, the exception test may have to be applied, depending on the potential vulnerability of the site and proposed development, in line with the Flood Risk Vulnerability Classification in Annex 3 of the NPPF (paragraph 163).
- 5.43 In addition to the application of the above tests, paragraph 167 of the NPPF requires that flood risk is not increased elsewhere and development in areas at risk of flooding should only be allowed if, after application of the sequential and exception tests, it can be demonstrated that, inter alia, the development is appropriately flood resistant and resilient, and sustainable drainage systems are incorporated.

Sequential Test

- 5.44 In terms of the application of the sequential test, the FRA highlights the key criteria for the development to be in close connection to the electricity power network (provided by the 132kv substation at Drax Power Station), the higher risk of flooding in the wider area resulting in no reasonably available sites within lower risk flood zones and the lack of any advantage in locating the development elsewhere including outside an area at risk of flooding. This approach has been agreed for other similar battery storage proposals in the vicinity. Therefore, it is considered that the proposal can be considered to pass the Sequential Test.

Exception test

- 5.45 The FRA classifies the proposed development as 'less vulnerable', which is appropriate development in this flood zone and is not subject to the exception test. This has been the approach adopted for other battery-storage facilities that have been approved within the District as these schemes are not deemed essential to keep the energy supply running and the Grid could rely on alternative supply if the site were affected by a flood exceedance event.
- 5.46 However, the Environment Agency have commented on the basis that the facility is linked to the electricity generating industry and is therefore considered to be 'essential infrastructure'. As essential infrastructure, the exception test would need to be passed before the scheme could be considered to be appropriate development in Flood Zone 3a.
- 5.47 Paragraph 164 of the NPPF states that to pass the exception test it needs to be demonstrated that: 1. The development would provide wider sustainability benefits to the community that outweigh the flood risk; and 2, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

- 5.48 The proposal would support the electricity generation sector and store generated electricity from renewable energy sources at times of excess supply for use by the Grid at times of demand. In doing so, it would offer wider sustainability benefits to the community within the District and at a national level. It is considered that the first part of the test is satisfied.
- 5.49 The site-specific Flood Risk Assessment and Surface Water Drainage Assessment (January 2022), highlights that the site is at risk from fluvial and tidal flooding from the River Ouse and surface water flooding from the poor permeability of the land. Whilst the likelihood or significance of flood risk from fluvial or surface water flooding is considered to be none or low respectively, that from tidal flooding is considered to be of medium significance, though would be only in the most extreme flood events if the flood defences were overtopped or breached.
- 5.50 It concludes that the site would be expected to remain dry in all but the most extreme conditions and were flooding to occur, the consequences would be acceptable. Given the nature of the proposal, there would be no vulnerable users and flood mitigation strategies could be employed to make the site safe, e.g. concrete pads to raised levels of equipment, monitoring water levels on site to allow shut down of plant in the event of a flood, flood warning and evacuation plan for maintenance staff/site visitors. It is therefore considered that the second part of the test is satisfied.

Surface water drainage

- 5.51 Surface water drainage from the 650mm concrete rafts and surrounding apron for the facility has been assessed as part of the FRA and ground conditions suggest infiltration would provide a suitable option, which could be covered by condition. If infiltration testing proves to be unsuitable, the only alternative would be discharge to the public sewer.
- 5.52 It has therefore been demonstrated that the proposal would be safe for its lifetime and that suitable surface water drainage can be provided for the development to avoid increasing flood risk elsewhere.
- 5.53 Yorkshire Water, the Lead Local Flood Authority and Selby IDB raise no objections to the proposals subject to conditions to cover surface water drainage arrangements. The Environment Agency has been consulted and has raised no objection to the proposal on flood risk grounds.
- 5.54 Therefore, subject to the imposition of a condition to cover surface water drainage, the proposal is considered to comply with local and national planning policies and is acceptable in flood risk and drainage terms.

Heritage Assets

- 5.55 The site does not fall within or close to a designated conservation area, is at a distance of over 500m from the Grade I St Peter and St Paul Church and Grade II Churchyard Cross and Castle Hill Moated Site schedule monument.
- 5.56 A Heritage Impact Assessment and Archaeological Geophysical Report have been submitted to support the application. These identify that although there is some archaeological potential for prehistoric and Romano-British activity in the general area, the largely negative results of the geophysical survey suggest that there is a

low risk for this particular site. As such, the results of the survey do not require following up with trial trenching and there is no justification to require any further archaeological work post-determination. Therefore, the County Archaeologist raises no objection to the proposal.

- 5.57 As such, the proposal accords with Core Strategy Policy SP18, which seeks to safeguard historic environments, and Saved Policy ENV28 of the Local Plan, which concerns archaeological remains, as well as complying with national guidance on heritage assets in the NPPF.

Other issues

- 5.58 Drax Parish Council has raised concerns about the potential risk of lithium polymer overheat explosion and the proximity to existing residential properties. It is noted that this is not a matter highlighted by the Council's Environmental Health Officer or the North Yorkshire Fire and Rescue Service.
- 5.59 The applicant has provided a briefing note on fire safety, which acknowledges the possible hazard of BESS of fire risk and should a lithium-ion battery overheat and combust it may be subject to discharging flammable and toxic gases. However, it points to this not being a new phenomenon that has been exaggerated in media reports as occurrences have been rare and where fires have occurred, they have been safely extinguished. The battery units used in the battery storage systems are climate-controlled to keep the batteries in a safe operating range and also have built-in alarms and fire suppression systems that can extinguish the fire automatically if needed. It confirms that the proposed development will be fitted with a fire suppression system that will be retained in-situ and maintained thereafter for the entirety of its operation.
- 5.60 The briefing note also addresses site selection by the applicant as provided in more detail in the supporting Planning Statement, and focuses on the requirement for favourable site conditions, being: (1) a location close to a point of connection to the grid with capacity to both export and import the requisite amount of electrical energy; (2) a location proximate to the point of connection (i.e. cable or existing substation) to minimise transmission losses; and (3) available land for purchase/lease at reasonable and acceptable commercial terms.
- 5.61 It goes on to explain that this site has been chosen as it was within the identified study area with a point of connection at Drax, was commercially available land and following the adoption of a sequential approach to site selection. Following an assessment of all available sites within the study area, this site was most favourable from environmental, social and economic perspectives. In terms of environmental perspective, the site's location next to the A645, limited ecological value, Grade 3b agricultural land and natural woodland backdrop were considered. Social, the distance from the village and mitigation for any detrimental amenity impacts. With regards economic factors, the site was considered favourable as it would support to an existing agricultural business from a stable, long-term income.
- 5.62 The Planning Statement provides information about the need for such facilities nationally to balance out electricity supply, particularly from increasing renewable and low-carbon energy sources and provide a reliable source of energy. It also outlines the national energy policy and strategy context set down in numerous documents, including National Policy Statement for Energy (July 2011) and the Energy White Paper – Powering our Net Zero Future (December 2020). The latter

sets down Government aims to increase supply from renewable energy sources to achieve net zero emissions by 2050.

6. CONCLUSION

- 6.1 The application proposes the construction of a battery-based energy storage facility on existing agricultural land off Hales Lane, Drax. The proposed development would connect into the existing local electricity grid infrastructure – specifically the 132kv substation adjacent to Drax Power Station – via a cable within the public highway. The proposed development would allow electricity from the Grid to be stored in batteries at times of low demand and then exported back to the Grid at time of high demand; thus, the proposed development would effectively provide a ‘balancing service’ which would assist in balancing grid frequency at times of stress. The proposed development would support increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at time of high demand, contributing to ensuring a reliable energy supply to the Grid and the wider community. In doing so, it would fit within the Government’s aims to be achieve net zero emissions by 2050.
- 6.2 The application is considered to be acceptable in principle in accordance with the relevant policies of the development plan when read as a whole (specifically SP1, SP2 and SP17 of the Core Strategy) and national planning policy and guidance contained within the NPPF and PPG respectively, which are all supportive of low carbon and renewable energy proposals.
- 6.3 The proposal would lead to the loss of land that is agricultural use largely within Grade 3b, but with 0.53 ha of Grade 3a best and most versatile agricultural land. It also has the potential to significantly impact on the landscape and amenity. The proposal has been revised to increase landscape mitigation around the facility to reduce the visual impacts of the proposed development on the rural character and appearance of the area that lies south of Drax village. Measures are proposed to limit the impact of the proposal on sensitive receptors in the vicinity of the site. Conditions are requested to address highway safety along the public highway of Hales Lane, biodiversity, flood risk and drainage in addition to landscape and visual impact and residential amenity.
- 6.4 Having assessed the application against the relevant policies and national policy advice in the NPPF, it is considered that, on balance, the proposed development accords with the overall aims and requirements of national and local planning policy and is therefore recommended for approval subject to conditions.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

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.

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

AP.11 Rev 03 – Site Location Plan
AP.10 Rev 03 – Block Plan
3038-01-L-001 Rev C – Landscape Mitigation Plan
AP.1 Rev 3 – Drax Site Layout
Ap.2 Rev 4 - 132/33kV HV Substation Plan
AP.3 Rev 3 - 132/33kV HV Substation Elevation
AP.4 Rev 5 - Customer Switchroom/Control Building
AP.5 - Battery, Transformer and PCS Elevation and Plan
AP.6 – Fence and Gate Elevations
AP.7 Rev 2 – CCTV Camera
AP.9 – Spare Parts Container

Reason:

For the avoidance of doubt.

03. Notwithstanding the details submitted as part of the application documents, prior to their installation, details of the colour and finish of the battery energy storage containers, power control units, transformers, ring main unit, acoustic fence/screen, security fence, substation, switch room/control building room, communications cabinet, storage container, mast, CCTV poles and any other associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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.

04. The approved bund and landscaping scheme (as shown on drawing 3038-01-L-001 Rev C - Landscape Mitigation Plan) shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted, in accordance with a detailed planting scheme to have been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs and bushes 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 a detailed long term landscape maintenance and management plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, for the lifetime of the development. The maintenance and management plan shall include details of how any existing landscaping to be retained as well as proposed landscaping to be implemented as part of the proposals shall be maintained and managed.

Reason:

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

05. Within six months of the development ceasing to be used for the storage of electricity, the battery energy storage containers, power control units, transformers,

ring main unit, acoustic fence/screen, security fence, substation, switch room/control building room, communications cabinet, storage container, mast, CCTV poles and any other associated infrastructure shall be permanently removed from the land and the site restored to its former 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 visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policy ENV1 of the Selby District Local Plan.

06. No visible artificial external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing by the Local Planning Authority. 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 saved Policies ENV1 and ENV3 of the Selby District Local Plan.

07. Prior to any site preparation or the commencement of the development, a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority. The construction of the development shall be completed in accordance with the approved scheme.

Reason:

To protect the amenity of the area, the environment, and local residents from pollution, having had regard to saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

08. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

09. Prior to the development being brought into use, a barrier surrounding the perimeter of the storage facility shall be erected to provide effective acoustic screening to surrounding residential properties and be constructed of either timber and or concrete to a height of 4.5m above the surrounding ground level, as stated in the mitigation measures within the noise assessment that was carried out in connection with this application. The panels shall have a surface mass of not less than 17kgm² and shall be free from gaps and cracks. All joins to post to be effectively sealed as shall the joint between the lower edge of the panels and the

soil. Once installed, the barrier shall be retained and maintained as such throughout the site's operational life.

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

10. The development must not be brought into use until the access to the site at Hales 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 crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E40 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.
- The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

In accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11. The following schemes of off-site highway mitigation measures on Hales Lane must be completed as indicated below:

- Temporary and/or permanent localised widening/passing places prior to commencement of any works of site.
- Pre-construction condition survey report, followed by a post-construction survey to identify any remediation works that are needed.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

12. No development shall 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:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of Castle Hill Lane, Drax access for construction purposes;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- 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, in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan.

13. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Table 5.1 within Appendix 5-1 of the Ecological Assessment (ref. AxisL-043-1505 Version 1), dated 17th August 2021, prepared by Avian Ecology, with particular reference to recommendations (e), (u) and (x) relating to the creation of habitats through the provision of a landscape and biodiversity restoration and long-term management plan. This plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Ecologist prior to works commencement.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

14. The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment (dated January 2022 and prepared by KRS Environmental (reference KRS.0310.048.R.001.A)).

Reason:

In order to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, having regard to SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

15. Prior to the commencement of development, details of surface water drainage arrangements shall be submitted to and approved in writing by the Local

Planning Authority, in consultation with the Lead Local Flood Authority. Such details shall include:

Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the permeable surfaces, which shall be confirmed in writing to the Local Planning Authority.

If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. These post development runoff rates shall be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff shall be confirmed in writing to the Local Planning Authority.

Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason:

To ensure that the site is properly drained and in order to prevent increase flood risk elsewhere on the site or off-site and overloading to the public sewer network, in accordance with Policy SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network, in accordance with Policy SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

17. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are 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 the interest of public health and maintaining the public water supply.

18. 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, in accordance with Policy SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan and Policy ENV2 of the Selby District Local Plan.

INFORMATIVE:

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 and industrial estate roadstreet works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roadstreet%20works%202nd%20edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 10.

INFORMATIVE:

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

INFORMATIVE:

You are advised that separate consent from the Internal Drainage Board (IDB) may be required in addition to any planning permission granted. Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy

and within 3 months of development progressing on site, so as not to increase flood risk downstream of sites during temporary works/development.

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 2021/1089/FULM and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None