

**North Yorkshire Council**  
**Community Development Services**  
**Strategic Planning Committee**

**11 FEBRUARY 2025**

**ZG2023/1179/FULM – INSTALLATION OF A BATTERY STORAGE FACILITY AT LAND  
OFF LUNN LANE, KELLINGTON**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the installation of a battery storage facility at Land off Lunn Lane, Kellington.
- 1.2 This application has been reported to Committee due to the application being defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

**2.0 SUMMARY**

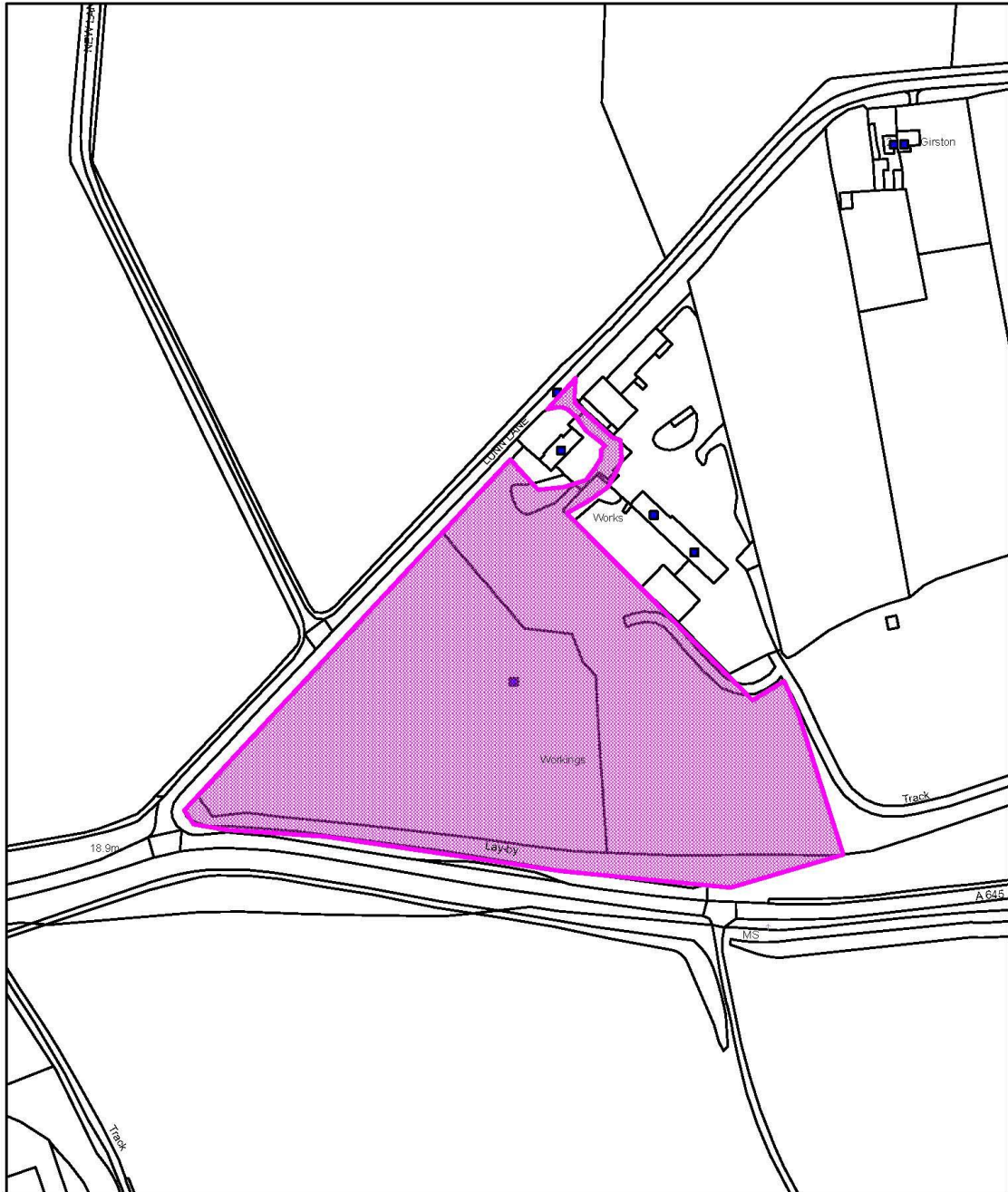
**RECOMMENDATION:** That planning permission be **GRANTED** subject to the conditions listed in Section 12 of this report, the completion of a s106 legal agreement in accordance with the details listed in Table 1 in Section 12 of this report, and the outcome of the referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (b) - the proposed development is inappropriate development in the Green Belt and consists of or includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

- 2.1. This is an application for full planning permission for the installation of a battery storage facility at Land off Lunn Lane, Kellington. The application site is located outside the defined development limits of any settlements and is located within the Green Belt.
- 2.2. The proposed development is inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.3. 'Very special circumstances' 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. Other harm has been identified, namely, harm to the openness of the Green Belt; harm to one of the purposes of including land within the Green Belt; harm to the landscape character of the site and through visual impact; and harm to designated heritage assets.
- 2.4. In terms of matters weighing in favour of the proposals, 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 times of high demand, contributing to ensuring a reliable energy supply to the Grid. There is a clear and pressing need for renewable energy developments to assist in meeting net zero targets, and with that, a clear need for supporting infrastructure such as Battery Energy Storage Systems (BESS). This BESS scheme has a secured connection to the Grid at the 132kv substation at Ferrybridge. The scheme must be located close to this point of connection to the grid, to minimise the loss of energy during transmission and ensure the development remains viable. An Alternative Site Assessment has demonstrated there are alternative non-green belt sites suitable for this scheme.

- 2.5. Paragraph 168 of the NPPF requires significant weight to be given to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future, when determining applications for all forms of renewable and low carbon energy developments and their associated infrastructure.
- 2.6. In addition, the proposals would provide for just over 10% biodiversity net gain. This is not an application where statutory net gain is required, therefore significant weight can be attached to this matter. The proposals would result in economic benefit to the households and businesses experiencing the negative effects of rapidly rising energy costs, but also through employment during construction, operation and decommissioning of the BESS. Furthermore, the proposals would support the rural economy through farm diversification, by providing the landowner with additional revenue and would not result in the loss of any Best and Most Versatile (BMV) agricultural land.
- 2.7. In this instance, it is considered that very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt by reason of its inappropriateness and the other harm identified. It is therefore recommended that planning permission be granted, subject to conditions, the completion of a s106 legal agreement, and the outcome of the referral to the Secretary of State.

Land Off Lunn Lane, Kellington  
ZG2023/1179/FULM



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Do Not Measure From Plan

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [ZG2023/1179/FULM | Installation of battery storage facility | Land Off Lunn Lane Kellington East Yorkshire \(selby.gov.uk\)](https://www.selby.gov.uk/ZG2023/1179/FULM | Installation of battery storage facility | Land Off Lunn Lane Kellington East Yorkshire).

### **4.0 Site and Surroundings**

- 4.1. The application site is located outside the defined development limits of any settlements and is located within the Green Belt.
- 4.2. The application site comprises approximately 3.5 hectares of agricultural land to the north east of the junction of Lunn Lane with Weeland Road. The area of land is broadly rectangular in shape and has a fairly flat topography, set slightly below the adjoining road level, which would remain unchanged as a result of the proposed development.
- 4.3. To the north of the application site are a collection of buildings which are understood to be in commercial use. The site is otherwise located within an agricultural setting, with open agricultural fields to all sides encompassing sporadic buildings including dwellings, farms and commercial establishments. The Grade I listed Church of St Edmunds is located approximately 1km to the north east off Church Lane, while the Grade II listed Kellington Windmill is located approximately 800m to the east off Weeland Road. The nearest settlements are Kellingley (approximately 800m south west), Beal (approximately 800m north west), Kellington (approximately 1.3km north east) and Eggborough (approximately 2km south east).
- 4.4. Access to the site is taken from an existing vehicular access off Lunn Lane to the north.

### **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for the installation of a battery storage facility (comprising 180 battery energy storage containers; 45 inverter units (one located adjacent to each block of four battery storage containers); a 132KVa transformer; a DNO control room; a DNO compound; a welfare building; and a storage building), which would be accessed from an existing vehicular access from Lunn Lane to the north of the site.
- 5.2. The battery storage containers would have a maximum height of 2.6 metres; the inverter units would have a maximum height of 2.9 metres; the 132KVa transformer would have a maximum height of 7.4 metres; the DNO control room would have a maximum height of 3.9 metres; and the welfare and storage buildings would have a maximum height of 4 metres.
- 5.3. The Applicant has confirmed that the battery energy storage containers and inverter units could be painted RAL 6005 (Moss Green) in order to assist in reducing their visual impact. The site would be surrounded by a 2.4 metre high green painted securimesh paladin fence and six CCTV camera/lighting structures to a maximum height of 4 metres. Landscaping works are proposed to all sides of the facility. The Landscape Masterplan shows existing trees and hedgerows to the north west and southern boundaries being retained as part of the proposal. Native shrub planting and tree planting are proposed to all sides of the facility with additional tree planting to the

north west and southern boundaries and meadow grassland planting to the north, south and east of the facility.

- 5.4. The proposed development would connect into the 132kv substation at Ferrybridge. Consent for the connection infrastructure is not being sought under this application. This would be applied for at a later date; or, if delivered by the local Distribution Network Operator (DNO) could be carried out using their permitted development rights.
- 5.5. The intended capacity of the battery storage facility is 200MW. 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 times of high demand, contributing to ensuring a reliable energy supply to the Grid.
- 5.6. In terms of the operational lifespan of the proposed development, it is anticipated that this would be 35 years with an 18-month construction period. Once decommissioned, the land would return to its former use.
- 5.7. The battery storage facility would be managed 24 hours a day, 365 days a year by both on-site and off-site personnel. On-site personnel would be limited to approximately two people visiting the site to carry out general inspections 10-15 times per month. To maximise safety and security the site would be monitored by CCTV at all times by off-site personnel.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan, adopted 22 October 2013
  - 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
  - Minerals and Waste Joint Plan, adopted 16 February 2022

### Emerging Development Plan

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2024 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation

took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024.

On 17<sup>th</sup> January 2025, a report was taken to the Selby and Ainsty Area Committee and Development Plans Committee recommending that work on the emerging Selby District Council Local Plan is ceased. This recommendation is to be taken to North Yorkshire Council's Executive on 4 February and then North Yorkshire Council's Full Council on 26 February.

Having regard to the above, limited weight is to be applied to the Selby District Council Local Plan publication version 2024 (Reg 19), but some weight may be able to given to the evidence base.

The North Yorkshire Local Plan - no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework, December 2024
  - National Planning Practice Guidance

#### **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Object. There is the risk to health from fumes and the constant risk of fire and explosion. Inappropriate development in this area with no benefit to the local community.
- 7.3. **Archaeologist:** No objections.
- 7.4. **Conservation Officer:** The proposal would result in less than substantial harm to the setting of designated heritage assets. No heritage benefits result from the proposal. The less than substantial harm would need to be weighed against the public benefits of the proposal.
- 7.5. **Contaminated Land:** No objections subject to condition relating to unexpected contamination.
- 7.6. **Designing Out Crime:** No objections.
- 7.7. **Ecologist:** No objections subject to conditions requiring a, ISMP (Invasive Species Management Plan), CEMP (Construction Environmental Management Plan) and

LEMP (Landscape Ecological Management Plan). BNG (Biodiversity Net Gain) to be provided on and off site so needs securing via a s106.

- 7.8. **Environment Agency:** No objections.
- 7.9. **Environmental Health:** No objections subject to condition relating to working hours during construction.
- 7.10. **Historic England:** No response, refer to Conservation Officer.
- 7.11. **Landscape Architect:** In broad agreement with the findings of the Landscape Visual Assessment (LVA). *Effect on Landscape resource/features* - long term loss of pasture grassland to be greater than 'negligible'; and the change of land use to be significantly adverse. *Effect on Landscape character of the site* - the proposed development would have a minor to moderate adverse effect on the landscape character of the site itself, mainly due to the loss of openness and the loss of natural vegetation by way of the introduction of hard standing across a large proportion of the site, and the introduction of built development of an industrial nature. *Effect on Local landscape character area* - the overall additional impact on the local character area 16 would be negligible at this time. *Visual effects* - the visual impact of the proposed development is localised to views in the immediate vicinity of the site. Visual mitigation, as proposed on the revised Landscape Masterplan, increases summer time screening and the filtering effect in the winter.
- 7.12. **Local Highway Authority:** No objections subject to conditions relating to visibility splays at the site access and the provision of a construction phase management plan.
- 7.13. **Local Internal Drainage Board:** No objections.
- 7.14. **Local Lead Flood Authority:** No objections.
- 7.15. **Minerals and Waste:** No objections.
- 7.16. **Natural England:** No response.
- 7.17. **North Yorkshire Fire and Rescue:** Refer to Standing Advice. This covers a range of topics such as layout and design, access, and emergency and risk management plans.
- 7.18. **Public Rights of Way Officer:** No response.
- 7.19. **Trans Pennine Trail:** No response.
- 7.20. **Tree Officer:** No objections, there are trees to the site boundary which are to be retained and a number of new trees proposed as part of the landscape scheme. Recommend a condition relating to root protection area fencing and ground protection measures.

- 7.21. **Yorkshire Water:** No comments are required as foul drainage is to existing septic tank and/or replacement klargester system and surface water is to soakaway system.
- 7.22. **Yorkshire Wildlife Trust:** No response.

### Local Representations

- 7.23. There have been 12 local representations received all of which object to the proposed development. The points raised can be summarised as follows:
- Encroachment into fields. Impact on visual amenity and industrialisation of rural landscape.
  - Significant risks of fire, explosion, emittance of poisonous gases; contamination of watercourses.
  - Proximity to local villages.
  - Inappropriate development in Green Belt.
  - Risk to wildlife.
  - Noise pollution and traffic levels during construction.
  - Light pollution.
  - Impact on house prices.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed falls within Column 1, 3(a) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) and the proposals exceed the applicable threshold of this type of development as set out in Column 2, being in excess of 0.5 hectares.
- 8.2. The Local Planning Authority did not receive a formal request for a screening opinion from the Applicant prior to the submission of this application. However, upon receipt of the application, the Local Planning Authority has screened the application. The Local Planning Authority has taken account of the criteria set out in Schedule 3 of the Regulations, has considered the indicative screening thresholds in National Planning Practice Guidance (NPPG) and applied the screening checklist also contained in NPPG.
- 8.3. Having considered the characteristics and location of the development, the Local Planning Authority consider the proposed development is not likely to have significant effects on the environment. No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- The Principle of the Development
  - Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt
  - Agricultural Land Assessment
  - Landscape and Visual Impact
  - Impact on Heritage Assets
  - Impact on Archaeology



- Ecological Considerations
- Impact on Highway Safety
- Impact on Residential Amenity
- Flood Risk and Drainage
- Land Contamination
- Minerals and Waste
- Other Issues
- Consideration of Very Special Circumstances

## 10.0 **ASSESSMENT**

### Principle of Development

- 10.1 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 10.2 The application site is located outside the defined development limits of any settlements and is located within the Green Belt.
- 10.3 Policy SP2A (d) of the Core Strategy states:
- "In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies"*.
- 10.4 Policy SP3B of the Core Strategy states:
- "In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted"*.
- 10.5 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the harm to the Green Belt by reason of its inappropriateness, and any other harm identified.
- 10.6 Paragraph 154 of the NPPF sets out that the Local Planning Authority should regard development in the Green Belt as inappropriate and sets out a limited number of exceptions. The proposal would not fall within any of the exceptions listed in paragraph 154.
- 10.7 Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) There is a demonstrable unmet need for the type of development

proposed; (c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157. The proposal would not utilise grey belt land and therefore the exception set out in paragraph 155 would not apply.

- 10.8 Having regard to the above, the proposal would therefore comprise inappropriate development within the Green Belt. This is not disputed by the Applicant.
- 10.9 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' 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. Furthermore, it states Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt, including harm to its openness.

- 10.10 Paragraph 160 of the NPPF states:

*“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.”*

- 10.11 In relation to other policies within the Development Plan, Policy SP17 C 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”.*

- 10.12 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.

- 10.13 Policy SP13 of the Core Strategy relates to 'Scale and Distribution of Economic Growth'. Part C specifically relates to the rural economy and states:

*“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:*

- 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
- 2. The redevelopment of existing and former employment sites and commercial premises;*
- 3. The diversification of agriculture and other land based rural businesses;*
- 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and*
- 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.”*

10.14 The proposal would represent partial diversification of agriculture and other land based rural businesses and provide the landowner with an alternative income stream for the duration of the development.

10.15 Turning to National Policy and Guidance, the National Planning Policy Framework is supportive of low carbon and renewable energy proposals in principle as is the Planning Practice Guidance.

10.16 Paragraph 168 of the NPPF states:

*“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;” (my emphasis).*

10.17 The Planning Practice Guidance 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”.*

10.18 In relation to Battery Energy Storage Systems specifically, the Planning Practice Guidance states:

*“Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.”*

10.19 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.

10.20 Notwithstanding the positive approach in National Policy and Guidance to renewable energy projects, this does not outweigh the approach to inappropriate development in the Green Belt (as set out in paragraph 153 of the NPPF). The development would comprise inappropriate development in the Green Belt. The proposal should therefore be refused unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. These other considerations are set out at paragraph 10.92 of this report and discussed in Section 11 of this report.

#### *Section 149 of The Equality Act 2010*

10.21 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age

(normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.22 The proposed development of the site would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt

- 10.23 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.24 National Guidance advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstance of the case and the courts have identified a number of matters which may need to be taken into account in making this assessment. These includes but are 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”*.
- 10.25 The application site comprises approximately 3.5 hectares of agricultural land within the open countryside, which has a flat topography. The proposal would involve the provision of 180 2.6 metre high battery energy storage containers; 45 2.9 metre high inverter units (one located adjacent to each block of four battery storage containers); a 7.4 metre high 132KVa transformer; a 3.9 metre high DNO control room; a DNO compound; a 4 metre high welfare building; a 4 metre high storage building and six CCTV camera/lighting structures to a maximum height of 4 metres, which would all be surrounded by a 2.4 metre high green painted securimesh paladin fence. As a result, the majority of the site would be covered with development where none currently exists. This would have a significant impact on the spatial aspect of the Green Belt.
- 10.26 The visual impact of the proposed development is localised to views in the immediate vicinity of the site namely the approach from New Lane; from Lunn Lane (from the direction of Beal) bordering the north west side of the site; and from the A645 Weeland Road, bordering the southern edge of the site. The transformer station and compound in particular would be notably visible during dormant winter months due to their height, size and industrial nature, which would attract attention in this otherwise predominantly rural agricultural landscape. Visual mitigation, as proposed on the Landscape Masterplan, has been improved throughout the course of the application, thereby increasing summer time screening and the filtering effect in the winter. However, the proposal would significantly industrialise this open field resulting in a visual impact on the openness of the Green Belt.
- 10.27 In terms of duration of the development and remediability, although the proposal is not permanent, and includes decommissioning of the site and its return to its current use, the development is intended to have a lifespan of 35 years, which is a considerable amount of time and not a short-term temporary use. The openness of the Green Belt would be significantly reduced during this time period.
- 10.28 In terms of activity (comings and goings to and from the site and on the site), in the short term this would be high during the construction phase, but this would be reduced to 10-15 visits from smaller maintenance vehicles per month when the

development becomes operational, therefore, it is considered there would be no harmful impact on openness in this regard.

- 10.29 Having regard to the above, the development is considered to result in a significant impact on the openness of the Green Belt.
- 10.30 Paragraph 143 of the NPPF states that the Green Belt serves five purposes, those being: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.31 The development would conflict with purpose c) of paragraph 143 of the NPPF – to assist in safeguarding the countryside from encroachment. It is considered the proposed development would result in substantial harm to this purpose of including land within the Green Belt. This harm is balanced against the benefits of the proposal in Section 11 of this report.

#### Agricultural Land Assessment

- 10.32 Policy SP18 of the Core Strategy relates to 'Protecting and Enhancing the Environment' and states:

*"The high quality and local distinctiveness of the natural and man-made environment will be sustained by... [amongst other things] ...steering development to areas of least environmental land agricultural quality".*

This accords with paragraph 187 of the NPPF, which requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best most versatile agricultural land, and of trees and woodland.

- 10.33 The application site comprises approximately 3.5 hectares of undeveloped agricultural land.
- 10.34 The land within the application site is classified as being Grade 3 (Good to Moderate) in accordance with the Natural England Agricultural Land Classification. However, this mapping does not subdivide Grade 3 into Subgrades 3a and 3b and is intended for strategic and regional purposes only and is not suited for interpretation at the field scale. As such, the application has been supported by a Soil Assessment and Appraisal, dated February 2024, prepared by Charles MR Holt, a Farm Management Consultant. The submitted Report concludes that the agricultural land across the whole application site is Subgrade Grade 3b (Moderate). This is not Best Most Versatile (BMV) agricultural land.
- 10.35 Having regard to the above, the proposal would not result in the loss of any BMV agricultural land.

#### Landscape and Visual Impact

- 10.36 Saved Policy ENV1 of the Selby District 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. Saved Policy ENV3 of the Selby District Local Plan requires

development proposals involving outdoor lighting to (4) not detract significantly from the character of a rural area. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. SP17 of the Core Strategy, which specifically relates to Low Carbon and Renewable Energy requires development proposals to be designed and located to protect the environment and local amenity or to demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity.

- 10.37 These local policies accord with paragraph 135 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.
- 10.38 The proposed development is as described section 5.0 of this report - 'Description of Proposal' - and as shown on the submitted drawings. The application has been supported by a Landscape and Visual Appraisal (Revision B), dated July 2024, prepared by Weddle Landscape Design. It should be noted that the application has been amended and updated throughout the application process in response to comments from consultees, including those from the Council's Landscape Architect.
- 10.39 The site sits within Selby landscape character area 16 - Eggborough, which in turn is located within National character area 39 - Humberhead levels. There are no landscape designations within, or adjacent to, the site. To the north of the application site are a collection of low-level brick-built buildings which are understood to be in commercial use. The site is otherwise located within an agricultural setting, with open agricultural fields to all sides encompassing sporadic buildings including dwellings, farms and commercial establishments. Access to the site is taken from an existing vehicular access off Lunn Lane to the north.
- 10.40 In terms of landscape character, the proposed development is different in character to neighbouring built uses and the surrounding field network. Hardstanding would be applied across the vast majority of the site, consisting of tarmac, hard-core, and trackgrid (hard construction over-sown with grass). This in itself would have a considerably harmful impact on the nature of the site due to the loss of existing grassland and vegetation cover. The introduction of extensive rows of 180 battery containers and 45 inverter units, with associated infrastructure including a transformer and DNO control room and compound would have a substantial impact on the landscape character of the site. The 2.4 metre high green painted securimesh paladin fence and six CCTV camera/lighting structures at 4 metres high would also be industrial/urban in character and atypical for this rural location, adding to the overall industrial nature of the proposed development within the application site.
- 10.41 The proposed development would not affect National character area 39 - Humberhead levels. There would be an impact on Selby landscape character area 16 - Eggborough due to the change of use, of which there would be views. However, the change would be confined over a small area and the views localised in relation to the overall landscape character area. Therefore, the proposed development would not have a significant effect on the overall Selby landscape character area 16 - Eggborough. The proposed development would have a minor to moderate adverse effect on the landscape character of the site itself, mainly due to the loss of openness and the loss of natural vegetation by way of the introduction of hard standing across a

large proportion of the site, and the introduction of built development of an industrial nature.

- 10.42 The visual impact of the proposed development is localised to views in the immediate vicinity of the site namely the approach from New Lane; from Lunn Lane (from the direction of Beal) bordering the north west side of the site; and from the A645 Weeland Road, bordering the southern edge of the site. The transformer station and compound in particular would be notably visible during dormant winter months due to their height, size and industrial nature, which would attract attention in this otherwise predominantly rural agricultural landscape. Visual mitigation, as proposed on the Landscape Masterplan, has been improved throughout the course of the application, thereby increasing summer time screening and the filtering effect in the winter. However, the proposal would significantly industrialise this open field resulting in a visual impact from the surrounding road network in particular, as a result of views through the landscaping, particularly during the winter months and from some structures rising above the height of the landscaping.
- 10.43 The Landscape Masterplan shows existing trees and hedgerows to the north west and southern boundaries being retained as part of the proposal. Native shrub planting and tree planting are proposed to all sides of the facility with additional tree planting to the north west and southern boundaries and meadow grassland planting to the north, south and east of the facility. The proposal is supported by a Landscape and Visual Impact Assessment to which to the Council's Landscape Architect raises no major concerns, subject to conditions securing the landscaping scheme for the lifetime of the development and the submission and approval of a landscape management plan. It would also be considered reasonable and necessary to attach a condition requiring details of the colour and finish of the battery energy storage containers, inverter units, transformer, DNO control room, DNO compound, welfare building, storage building and CCTV and lighting columns to be submitted to and agreed in writing prior to their erection or installation in the interests of visual amenity. The Applicant has confirmed that the battery energy storage containers and inverter units could be painted RAL 6005 (Moss Green), but further details of this and the colour and finish of the other buildings and structures would need to be secured by condition.
- 10.44 External lighting has the potential to negatively effect the character and appearance of the area. The CCTV would utilise infrared lighting, however, LED downward facing lighting is shown to be attached to the CCTV columns. This would be operated from a manual switch in the control room and the default position would be that this is switched off. The lighting would only be utilised during maintenance periods, when required. Maintenance visits would usually take place in daylight hours when the lighting would not be required. A suitably worded condition could ensure the external lighting is installed and utilised in the manner proposed so as not to adversely affect the character and appearance of the area.
- 10.45 Having regard to the above, and subject to the aforementioned conditions, some harm would arise to the landscape character of the site and through visual impact, following landscape and visual mitigation, it is considered that the design and impact of the proposal on the character and appearance of the area would be acceptable in accordance with saved Policies ENV1 and ENV3 of the Selby District Local Plan, Policies SP17, SP18 and SP19 of the Core Strategy and national planning policy contained within the NPPF.

#### Impact on Heritage Assets

- 10.46 The application site itself does not contain any designated heritage assets. However, the Grade I listed Church of St Edmunds is located approximately 1km to the north

east off Church Lane, while the Grade II listed Kellington Windmill is located approximately 800m to the east off Weeland Road. Therefore the proposed development has the potential to affect the setting of those designated heritage assets.

- 10.47 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 10.48 Relevant policies within the NPPF which relate to the effect of development on the setting of heritage assets include paragraphs 207 to 215.
- 10.49 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 10.50 The application has been supported by a Heritage Statement, dated June 2024, prepared by Humble Heritage. This identifies the Grade I listed Church of St Edmunds and the Grade II listed Kellington Windmill as heritage assets which have the potential to be affected by the proposed development and assesses their setting and significance. The submitted Heritage Statement concludes that the proposed development will not be within the setting of the Grade II listed Kellington Windmill so will not cause any harm to the significance of that heritage asset. Furthermore, it concludes that as no part of the proposed development will be visible from the surroundings of the Grade I listed Church of St Edmunds, it does not form part of its setting and will therefore cause no harm to its significance.
- 10.51 The Council's Conservation Officer has reviewed the application and has advised that the submitted Heritage Statement provides a clear analysis of how the different elements of the existing setting contributes to (or detracts from) the significance of the heritage assets and addresses the full range of relationships between the heritage assets and their surroundings. The Council's Conservation Officer advises that existing and/or previous development in the surrounding area, such as the industrial units along Lunn Lane, have previously introduced an element of harm and should not constitute a positive precedent. Consideration should be given to whether additional change will further detract from or enhance the significance of the asset and the ability to appreciate significance, which has been recognised in the submitted Heritage Statement.
- 10.52 The Council's Conservation Officer notes that the topography of the site is relatively low-lying with the occasional building or piece of infrastructure such as an electric pylon or telegraph pole. Such development, whilst unnatural in the rural environment is sporadic. However, the form and appearance of the proposed development is more concentrated and would significantly industrialise this open field resulting in a visual impact from the surrounding road network in particular and negatively impact the setting of the Grade I listed Church of St Edmunds. As a result, the Council's Conservation Officer considers the proposal would result in harm to the significance of the designated heritage asset of the Grade I listed Church of St Edmunds, contrary to the findings of the submitted Heritage Statement. This harm is considered to be less than substantial in NPPF terms.



- 10.53 In accordance with paragraph 215 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal. The proposed development would have an intended capacity of 200MW. It would provide a 'balancing service' to the Grid and support increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high demand, contributing to ensuring a reliable energy supply to the Grid. Furthermore, the proposed development has an anticipated lifespan of 35 years and at the end of the 35-year period, the proposed development would be decommissioned, and the infrastructure and hardstanding areas removed ready for the land to be restored to its former agricultural use; thereby restoring the wider agricultural setting of the listed building. In weighing the harm against the public benefits of the proposal, it is considered that the public benefits would outweigh the harm identified in this instance.
- 10.54 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade I listed Church of St Edmunds. When the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable, as the public benefits identified would outweigh the harm. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national planning policy contained within the NPPF.

#### Impact on Archaeology

- 10.55 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 207 of the NPPF.
- 10.56 The Council's Archaeologist has reviewed the application and considers the archaeological potential of the site to be low and therefore, raises no objections to the proposed development.
- 10.57 Having regard to the above, it is considered that the proposed development would not have any adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

#### Ecological Considerations

- 10.58 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 10.59 This is reflected in the national policy at paragraph 187 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural

capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity.

- 10.60 It should be noted that the application was submitted prior to 12 February 2024 and is therefore not subject to statutory biodiversity net gain.
- 10.61 The application has been supported by A Preliminary Ecological Appraisal Survey Report, dated August 2023, prepared by Estrada Ecology Ltd; a Reptile Survey Report, dated October 2023, prepared by Estrada Ecology Ltd; a Breeding Bird Report, dated August 2024, prepared by WDEC; a Biodiversity Net Gain Metric; and a BNG Offset Landscape Masterplan (drawing no. 1602-007 Rev B).
- 10.62 The Council's Ecologist has reviewed the application and has advised that they have no objections subject to conditions requiring an Invasive Species Management Plan (ISMP), a Construction Environmental Management Plan (CEMP) and a Landscape Ecological Management Plan (LEMP).
- 10.63 The proposed development would provide for just over 10% biodiversity net gain (provided on and off site through a combination of landscaping within the proposed development site and off-site habitat creation). This would be in accordance with the mandatory biodiversity net gain target, although as noted earlier the application was submitted prior to 12 February 2024 and is therefore not subject to statutory biodiversity net gain. This nevertheless complies with local policy and provides a benefit arising from the development. Off-site biodiversity net gain would need to be secured by s106 legal agreement.
- 10.64 Subject to the aforementioned section 106 legal agreement and conditions, it is considered that the proposed development would not have any adverse impact on ecological considerations and would provide net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

#### Impact on Highway Safety

- 10.65 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios (paragraph 116).
- 10.66 The application has been supported by a Transport Statement, dated June 2024, prepared by Local Transport Projects. Access to the site would be from an existing vehicular access from Lunn Lane to the north of the site, where a visibility splay of 2.4m x 117m is achievable to the left of the access (subject to trimming of vegetation under land controlled by the Applicant and/or within the extents of the adopted highway) and a visibility splay of 2.4m x 99m is achievable to the right of the existing access junction on Lunn Lane. Vehicular movements would be highest during the construction phase, but this would be reduced to between 10-15 per month for maintenance when the development becomes operational. The construction phase is anticipated to take place over an 18-month period. HCV construction traffic generation over this period will total approximately 5,050 two-way vehicle movements (arrivals and departures). Daily movements would be approximately 14 per day (Monday to Friday) during the first 8 months and would range between 6 and 21 per

day (Monday to Friday) over the final 10 months. The routing of Heavy Commercial Vehicles (HCVs) used in the construction phase will be via Junction 34 of the M62, along the A19, A645 (Weeland Road) and Lunn Lane, and vice versa. Light Construction Vehicles (LCVs) would also utilise this route.

- 10.67 The Highways Officer has reviewed the application and has raised no objections subject to conditions relating to visibility splays at the site access and the provision of a construction phase management plan, which would include measures for construction vehicle routing.
- 10.68 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

#### Impact on Residential Amenity

- 10.69 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 resists development which would give rise to unacceptable levels of noise, or nuisance, unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Saved Policy ENV3(3) of the Selby District Local Plan requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.
- 10.70 The nearest residential properties are located in excess of 200 metres from the application site boundary to the west (on Weeland Road) and to the north east (on Lunn Lane).
- 10.71 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 of overshadowing, or oppression.
- 10.72 In terms of noise and disturbance, the application has been supported by a Noise Impact Assessment, dated June 2024, prepared by Hepworth Acoustics. The Council's Environmental Health Officer has reviewed the application and raises no objections to the proposals in respect of noise and disturbance during the construction phase. However, it would be considered reasonable and necessary to attach a condition to any planning permission granted to ensure only the equipment that has formed the basis of the noise impact assessment to be utilised in order to prevent more noisy equipment being utilised which may have an adverse impact on residential amenity.
- 10.73 In order to protect residential amenity during the construction period, the Council's Environmental Health Officer recommends a condition relating to working hours during the construction period, which is considered reasonable and necessary.
- 10.74 In terms of external lighting, the CCTV would utilise infrared lighting, however, LED downward facing lighting is shown to be attached to the CCTV columns. This would be operated from a manual switch in the control room and the default position would be that this is switched off. The lighting would only be utilised during maintenance periods, when required. Maintenance visits would usually take place in daylight hours when the lighting would not be required. A suitably worded condition could ensure the

external lighting is installed and utilised in the manner proposed so as not to adversely affect residential amenity.

- 10.75 Subject to the aforementioned conditions it is considered that the impact on residential amenity would be acceptable in accordance with saved Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national planning policy contained within the NPPF.

#### Flood Risk and Drainage

- 10.76 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 10.77 From a search of the Environment Agency Flood Maps, it is confirmed that the application site is located within Flood Zone 1, which has a low probability of flooding.
- 10.78 Paragraph 181 of the NPPF, requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications and therefore requires certain applications to be supported by site specific flood risk assessments. This includes all proposals in Flood Zone 1 where the site exceeds 1 hectare.
- 10.79 The application has therefore been supported by a site-specific flood risk assessment. This has been assessed by the Environment Agency, who have advised that there are no objections to the proposals in terms of flood risk.
- 10.80 In terms of drainage, surface water is proposed to be disposed of via soakaway and foul sewerage is proposed to be disposed of via septic tank. The Local Lead Flood Authority, the Internal Drainage Board, Yorkshire Water and the Environment Agency have been consulted on the application. The Local Lead Flood Authority consider the application proposes a reasonable approach to the management of surface water and raise no objections. The Internal Drainage Board, Yorkshire Water and the Environment Agency also raise no objections to the proposals. A condition could be attached to any planning permission granted to ensure the development is carried out in accordance with the submitted drainage proposals.
- 10.81 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.

#### Land Contamination

- 10.82 Saved Policy ENV2 of the Selby District Local Plan requires proposals for development which would give rise to, or be affected by, unacceptable contamination or other environmental pollution, to not be granted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.
- 10.83 The Council's Contaminated Land Consultant has reviewed the application and raises no objections to the proposed development subject to a condition relating to the reporting of any unexpected contamination.
- 10.84 Having regard to the above and subject to the aforementioned condition, it is considered that the proposed development would be acceptable in terms of land

contamination, in accordance with saved Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

### Minerals and Waste

10.85 The application site is located within a Surface Minerals Safeguarding Area for sand, gravel, brick and clay.

10.86 Part 1 of Policy S02 of the Minerals and Waste Joint Plan relates to surface mineral resources and states:

*“Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:*

- i) It would not sterilise the mineral or prejudice future extraction; or*
- ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or*
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or*
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or*
- v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- vi) It constitutes ‘exempt’ development (as defined in the Safeguarding Exemption Criteria list).”*

10.87 In accordance with Policy S07 of the Minerals and Waste Joint Plan, given the development is located in such a Surface Minerals Safeguarding Area, the Minerals and Waste Team have been consulted on the application. The Minerals and Waste Team raise no objections to the proposed development on the basis that iv) and i) of Policy S02 are considered to apply. The submitted Minerals Assessment sets out that the location is no longer of any potential value for extraction, and as the development is temporary in nature, it would not sterilise the mineral or prejudice future extraction.

10.88 Having regard to the above, it is considered the proposal is acceptable in respect of its impact on minerals and waste.

### Other Issues

#### *Fire Safety*

10.89 The comments from the Parish Council and representees regarding Fire Risk are noted. North Yorkshire Fire and Rescue have been consulted on the application and have not made any site-specific comments but rather have referred to their guidance document for Grid Scale Battery Energy Storage Systems. The application has been supported by a ‘Fire Safety Measures’ document, which sets out what fire safety measures can be installed on this type of development in general terms and provides a list of specific measures to be installed in relation to the proposed development. These include spacing between structures; automatic fire gas and smoke detection; automatic suppression; use of fire-resistant materials; air ventilation and temperature control in battery containers; suitable access to all battery containers; and a commitment to direct consultation with the North Yorkshire Fire and Rescue prior to construction. Furthermore, it is noted that the battery storage facility would be managed 24 hours a day, 365 days a year by both on-site and off-site personnel. On-

site personnel would be limited to approximately two people visiting the site to carry out general inspections 10-15 times per month, but to maximise safety and security the site would be monitored by CCTV at all times by off-site personnel. A condition would be attached to any planning permission granted requiring a comprehensive Battery Safety Management Plan (BSMP), including a Fire Safety and Emergency Response Plan to be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development, and for the development to thereafter be carried out in accordance with the approved BSMP.

- 10.90 It should be noted that the Planning Practice advises, in relation to Battery Energy Storage System sites, *“The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.”*

#### *House Prices*

- 10.91 Representations have been made which raise concerns that the proposed development would have the potential to affect house prices in the locality. This is not a material planning consideration which can be taken account of in the determination of this application.

#### Consideration of Very Special Circumstances

- 10.92 It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Other harm resulting from the proposed development has been identified, namely: harm to the openness of the Green Belt; harm to one of the purposes of including land within the Green Belt; landscape and visual harm; and heritage harm. Therefore, it is necessary to consider whether very special circumstances exist, which clearly outweigh the harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal.
- 10.93 The Applicant has put forward a case for very special circumstances, which in summary, includes the following:
- The need for renewable and low carbon development in order to deal with climate change and meet net zero targets.
  - Powering Up Britain – Energy Security Plan (March 2023) - encourages the deployment of Battery Energy Storage System technology that delivers environmental benefits.
  - The North Yorkshire Council Climate Change Strategy 2023 – 2030 acknowledges the need to reduce greenhouse gas emissions through a ‘whole system approach’ which includes where power comes from. There is a stated ambition that North Yorkshire is the first carbon negative region by 2040.
  - Energy Resilience - The development will help to buffer the National Grid against variation in generation as renewable generators respond to varying amounts of sunlight and wind.
  - The ability to generate low carbon, low-cost electricity is constrained by grid connection opportunities. In this case the applicant has managed to secure a connection agreement to connect to the National Grid’s Grid Supply Point (GSP) Ferrybridge B 132kV Substation. A Site Selection Report has been

submitted demonstrating there are no other alternative sites available which are not in the Green Belt, which could utilise the secured grid connection.

- Provision of just over 10% Biodiversity Net Gain on a site which is not subject to mandatory Biodiversity Net Gain.
- The site is not subject of a landscape designation.
- The proposed development is intended to have a lifespan of 35 years and therefore is not permanent. Following its operational lifespan, the site would be decommissioned and returned to its current use, therefore the impacts are reversible.
- Economic benefit to the households and businesses experiencing the negative effects of rapidly rising energy costs.
- The proposal is a rural development with Battery Energy Storage Systems becoming a common diversification opportunity for the landowners. The proposal will support the rural economy through farm diversification, by providing the landowner with significant revenue boost.

10.94 These very special circumstances will be considered in the planning balance in Section 11 below.

### **PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposal would comprise inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the proposal would result in significant harm to the openness of the Green Belt and to one of the purposes of including land within the Green Belt to safeguard the countryside from encroachment. Paragraph 153 of the NPPF requires substantial weight to be given to any harm to the Green Belt, including harm to its openness.
- 11.2 Also to be weighed into the balance are other harms identified. With regard to landscape and visual impact, the proposed development would result in some harm to the landscape character of the site and through visual impact. There would also be less than substantial harm to a designated heritage asset.
- 11.3 In terms of matters weighing in favour of the proposals, 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 intended capacity of the battery storage facility is 200MW. 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 times of high demand, contributing to ensuring a reliable energy supply to the Grid. There is a clear and pressing need for renewable energy developments to assist in meeting net zero targets, and with that, a clear need for supporting infrastructure such as Battery Energy Storage Systems.
- 11.4 Paragraph 168 of the NPPF requires significant weight to be given to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future, when determining applications for all forms of renewable and low carbon energy developments and their associated infrastructure.
- 11.5 The development of a Battery Energy Storage Systems has one key locational requirement - that is the availability of and proximity to a grid connection. Sites must be located close to the point of connection to the grid, so as to minimise the loss of

energy during transmission and ensure the development remains viable; but the grid must also have capacity import and export electricity as required.

- 11.6 The point of connection to the grid would be the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant. An Alternative Site Assessment has been undertaken and submitted as part of the application, which has considered a search area of 6.5km from the point of connection. The Alternative Site Assessment is considered to provide a robust assessment and concludes that there are no alternative non-green belt sites suitable for this scheme. Significant weight can be attached to this matter.
- 11.7 The proposals would provide for just over 10% biodiversity net gain. This is not an application where statutory net gain is required, therefore significant weight can be attached to this matter. The proposals would result in economic benefit to the households and businesses experiencing the negative effects of rapidly rising energy costs, but also through employment during construction, operation and decommissioning of the Battery Energy Storage System. Furthermore, the proposals would support the rural economy through farm diversification, by providing the landowner with additional revenue. Limited weight can be attached to these matters, as they are unquantified.
- 11.8 These considerations, collectively, carry great weight and are considered to amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm resulting from the proposal.
- 11.9 The application requires referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 prior to any decision being made as per paragraph 10 of the Direction. This is because the proposed development is inappropriate development in the Green Belt and consists of or includes any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt (paragraph 4 (b) of the Direction). As per paragraph 12 of the Direction, where a Local Planning Authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Authority in writing that they have received the referral. If, before the expiry of the 21-day period referred to in paragraph 12, the Secretary of State has notified the Authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Authority may proceed to determine the application.
- 11.10 Note: the 2021 Direction is applicable rather than the more recent 2024 Direction as application was submitted prior to 26 January 2024.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below, the completion of a s106 legal agreement in accordance with the details listed in Table 1 below, and the outcome of the referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (b) - the proposed development is inappropriate development in the Green Belt and consists of or includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

### 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.

- 001 Revision 3.0 – Site Location Plan
- 002 Revision 8.0 – Proposed Site Layout
- 001 Revision 1.0 - Battery Container Details
- Revision 1.0 - PCS Invertor Unit Details
- Revision 01 – 132kV Transformer
- 008 Revision 1.0 – DNO Compound Details
- Revision 1.0 – Standalone Control Room – (66kv, 132 kv)
- Revision 1.0 - Additional Site Buildings - Welfare & Storage Containers
- Revision 1.0 - Boundary Details - Paladin Fence & Gate
- Revision 01 - Typical CCTV & Lighting Details
- 009 Revision 1.0 - Site Sections
- 1602-005 Revision C – Landscape Masterplan
- LTP/5799/V1/01/01/C - Visibility Splays
- 23264-DR-C-0100 Revision 2 – Drainage Strategy

Reason: For the avoidance of doubt.

03. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to store or distribute electricity to/from the Grid.

The installation hereby approved shall be permanently removed from the site and the land shall be restored within 35 years and six months of the date of notification, in accordance with a decommissioning scheme that must be submitted to and approved in writing by the Local Planning Authority. The decommissioning scheme shall include a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.

The Local Planning Authority shall be notified in writing of the removal of the development within one month of the event.

Reason:

In accordance with the terms of the application and 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.

04. Notwithstanding the submitted details, prior to their erection or installation, details of the colour and finish of the battery energy storage containers, invertor units, transformer, DNO control room, DNO compound, welfare building, storage building and CCTV and lighting columns and securimesh paladin fence and gate(s) 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 saved Policy ENV1 of the Selby District Local Plan.

05. The landscaping scheme as shown on drawing no. 1602-005 Revision C (Landscape Masterplan) 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 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 (not just the 5 years proposed on the drawing).

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. 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 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 saved Policy ENV1 of the Selby District Local Plan.

07. External lighting is permitted in accordance with the locations shown on drawing no. 002 Revision 8.0 (Proposed Site Layout) and the design shown on drawing no. Revision 01 (Typical CCTV & Lighting Details). Development shall proceed in accordance with the approved details and shall thereafter be maintained in accordance with the approved details. The lighting may be switched on only when maintenance/operational visits are taking place and shall be switched off when personnel are absent from the site.

Reason: In the interests of the amenities of the area having had regard Policies SP17, SP18 and SP19 of the Core Strategy and saved Policy ENV1 of the Selby District Local Plan.

08. Prior to commencement of development, an Invasive Species Management Plan (ISMP) shall be submitted to and approved in writing by the Local Planning Authority. The ISMP shall detail how the developer would carry out control and manage risks

presented by invasive non-native plant species on site. The permitted development must be undertaken in strict accordance with the approved ISMP.

Reason:

To ensure adherence to environmental legislation.

09. Prior to commencement of development (including ground works and vegetation clearance) a Biodiversity Construction Environmental Management Plan (BCEMP) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved BCEMP.

The BCEMP shall include, but not be limited to, the following:

- risk assessment of potentially damaging construction activities;
- identification of “biodiversity protection zones”;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- use of protective fences, exclusion barriers and warning signs;
- incorporate relevant recommendations from the PEA and other ecological surveys.

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

10. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. Once approved, the LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

The LEMP must include, but not be limited, to arrangements for the following:

- description and evaluation of features to be managed;
- ecological trends and constraints on site that might influence management;
- aims and objectives of management;
- appropriate management options for achieving aims and objectives;
- prescriptions for management actions;
- preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- details of the body or organization responsible for implementation of the plan;
- ongoing monitoring and remedial measures;

- details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery;
- how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the approved scheme (where the results from monitoring show that conservation aims and objectives of the Plan are not being met).

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

11. There must be no access or egress by any vehicles between the highway and the application site at Lunn Lane until splays are provided giving clear visibility of 117 metres to the west and 99m to the east along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road as shown on drawing no. LTP/5799/V1/01/01/C (Visibility Splays). 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 for the lifetime of the development.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and in order to comply with saved Policies ENV1 and T2 of the Selby District Local Plan.

12. No part of the development must be brought into use until the parking, manoeuvring and turning areas within the site have been constructed in accordance with the approved development, as shown on drawing no. 002 Revision 8.0 (Proposed Site Layout). Once created these areas must be maintained clear of any obstruction and retained for their intended purpose for the lifetime of the development.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

13. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved plan.

The CMP 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 the Lunn Lane access for construction purposes;
- vehicles to exit and egress the site via Lunn Lane onto the A645, Weeland Road;
- details of the routes to be used by HCV traffic;
- a dilapidation survey to be carried out prior to any construction access for the development;

- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction;
- 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;
- details of site working hours;
- details of the measures to be taken for the protection of trees; and
- 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, amenity and protecting the environment and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

14. Only the Trina Storage Elementa fitted with an Envicool EMW400HCNC1B Chiller (for the Battery Energy Storage System) and Sungrow SC2500U (for the inverter units) shall be used as part of the development hereby permitted.

Reason: In order to secure a development that complies with the noise model used for the submitted noise impact assessment and to prevent more noisy equipment being utilised which may have an adverse impact on residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

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

Reason: To protect the residential amenity of the locality during construction and to comply with the Noise Policy Statement for England (NPSE), saved Policies ENV1 and ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

16. Surface water drainage and foul drainage shall be installed as show on drawing no. 23264-DR-C-0100 Revision 2 (Drainage Strategy) and shall be managed and maintained as such for the lifetime of the development.

Reason: To ensure appropriate drainage and reduce the risk of flooding in pursuance of Policy SP15 of the Core Strategy.

17. In the event that unexpected land 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in in order to comply with saved Policy ENV2 of the Selby District Local Plan.

18. A comprehensive Battery Safety Management Plan (BSMP), including a Fire Safety and Emergency Response Plan to be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development, and for the development to thereafter be carried out in accordance with the approved BSMP.

Reason: To ensure BESS operates in a manner that minimises the risks and harm to sensitive receptors and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

S106 Legal Agreement

12.2 The following Heads of Terms have been agreed with the applicant for this application.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Biodiversity Net Gain	Biodiversity Net Gain	i) To implement the Off-Site Biodiversity Net Gain Scheme as shown on drawing no. 1602-007 Revision B; prior to the development being brought into use. ii) To manage and monitor the progress of the Biodiversity Net Gain Scheme in accordance with the agreed Biodiversity Monitoring and Management Plan for a period of at least 30 years.

12.3 It is considered that the above s106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

**Target Determination Date:** 14.02.2025

**Case Officer:** Jenny Crossley, [jenny.crossley@northyorks.gov.uk](mailto:jenny.crossley@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**