COMMITTEE REPORT

Date:		**Ward:**	Osbaldwick And Derwent
Team:	East Area	**Parish:**	Murton Parish Council

Reference:	24/02303/FULM
Application at:	Land Comprising Field Adjacent To Gells Farm Murton Way York
For:	Installation of a Battery Energy Storage System (BESS) and associated infrastructure, including access, a high voltage substation, inverters, switchgears, fencing, CCTV, landscaping and biodiversity enhancements
By:	Mr Aaron Jackson
Application Type:	Major Full Application
Target Date:	20 March 2025
Recommendation:	Approve

1.0 THE SITE & PROPOSAL

The Site

1.1. The site covers approximately 9.7ha and is currently used for agriculture as part of the pastoral and arable agricultural holding at Gells Farm Osbaldwick. The site is within the Green Belt. The site is located approx. 350m to the east of Osbaldwick and bound to the north by Murton Way, to the northeast by agricultural fields and residential properties (including Gells Farm), to the southwest by the Osbaldwick Substation and by agricultural fields at all the remaining boundaries. The edges of the site are generally formed by hedgerows and trees as part of recognised field boundaries.

1.2. To the south of the site is the 400 kV Osbaldwick Substation. There are currently 5no. overhead power lines with associated pylons connected to the substation, two of which cross the site. Immediately adjacent to the east of Osbaldwick Substation is an operation 50MW BESS scheme. To the west and northwest of the Site are a series of business parks accommodating a number of commercial, industrial and employment uses. To the north of the site, on the opposite site of Murton Way, is a field in which planning permission has recently been granted at appeal for a BESS scheme.

The Proposed Development

1.3. The application is for the installation of a 249.9MW Battery Energy Storage System (BESS) consisting of 272no. 4MWh BESS containers. BESS can provide a

flexible back-up power source to the grid which responds to variations in demand by importing (storing) electricity from the grid at times of excess supply and exporting electricity back to the grid at times of high demand or reduced generation capacity. This is referred to as a 'balancing service.'

1.4. Each of the 272no. BESS containers is approximately 6m long, 2.4m wide and 3m high and would be finished in Moss Green (RAL 6005) or similar. The battery units would be modern Lithium Iron Phosphate (LFP) batteries or similar. The BESS would be ground mounted and set a minimum of 3m apart. In addition there would be a high voltage substation compound; 5no. customer switch rooms (12m long, 4.6m wide, 2.85m high); 5no. Auxiliary transformers; 34no. medium voltage skid (10.7m long, 6.9m wide and 3.9m high); 4no. spares storage containers (6.5m long, 2.4m wide and 2.9m high); and 2no. water tanks with a capacity of 230 cubic metres.

1.5. The high voltage (HV) substation compound would be situated within the southwest corner of the BESS compound. This would be the mechanism for transporting electricity via underground cables between the proposed development and the Osbaldwick Substation. The tallest piece of infrastructure in the compound (the transformer set on a concrete pad) could extend to 12.m in height.

1.6. The BESS Compound would be enclosed by a circa 2.4m high weldmesh fence finished in Moss Green (RAL 6005) or similar and the substation would be secured by circa 2.4m high palisade fencing. CCTV cameras would be mounted on 3.5m high monopoles. Lighting is intended to be minimal, PIR sensor triggered and low level directional. No continuous lighting of the site is proposed.

1.7. Access would be provided in the northwest corner of the site from Murton Way. During the construction phase the site gates would be set back at least 20m for HGV access. Once operational the access would be kept open but with security gates located at the two entrances to the BESS Compound.

1.8. Landscaping includes the retention of the existing boundary hedgerows to be enhanced and maintained going forward at a height of 3.5m. New additional hedgerows will be planted. Specimen trees are proposed along the majority of site boundaries with denser areas of native woodland planting at the northern boundaries. Biodiversity net gain enhancements include seeding 2.1ha of species diverse grass mix and 1.6ha of grazing mix.

1.9. The proposed development would be sought on a temporary basis for 40 years at the point when the BESS first becomes operational (i.e. electricity connection becomes 'live'). Following this timeframe it is proposed that operations would cease, infrastructure decommissioned and removed and the site fully remediated to be converted back to agricultural use if no further planning application is forthcoming.

Site History

23/01706/FUL – APPROVED (07.11.2023)
Construction of vehicular access.

22/00137/EIASN – EIA NOT REQUIRED (04.03.2022)
Screening opinion in respect of the installation of a 50MW Battery Energy Storage System on land at Gells Farm

2.0 POLICY CONTEXT

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.

2.2. The development plan is the City of York Local Plan.

CITY OF YORK LOCAL PLAN

2.3. The City of York Local Plan was adopted on 27 February 2025. Local Plan policies relevant to the determination of this application are:

DP1 – York Sub Area
DP2 – Sustainable Development
DP3 – Sustainable Communities
SS1 – Delivering Sustainable Growth for York
SS2 – The Role of York's Green Belt
D1 – Place Making
D2 – Landscape and Setting
D6 – Archaeology
GI1 – Green Infrastructure
G2 – Biodiversity and Access to Nature
GI4 – Trees and Hedgerows
GB1 – Development in the Green Belt
CC1 – Renewable and Low Carbon Energy Generation and Storage
CC2 – Sustainable Design and Construction of New Development
ENV1 – Air Quality
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV5 – Sustainable Drainage
T7 – Minimising and Accommodating Generated Trips

MURTON NEIGHBOURHOOD PLAN

2.4. Following the decision to proceed to Referendum by the Council's Executive on 22 April 2025, the Murton Neighbourhood Plan Referendum took place on 10 July 2025. The positive result from the Referendum means that the Neighbourhood Plan came into legal force with immediate effect and has become part of the statutory development plan for York. The City of York Council will formally 'make' the Murton Neighbourhood Plan at its Executive meeting on 2 September 2025. The 'making' of the Neighbourhood Plan at that stage is considered to be a procedural formality.

2.5. Relevant Neighbourhood Plan Policies include:

- Policy ENV2: Green Infrastructure
- Policy ENV3: Historic Environment
- Policy ENV4: Design
- Policy ENV6: Flood Risk Management
- Policy EMP1: Employment
- Policy TRA1: Traffic and Movement

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.6. The NPPF is a material consideration relevant to the determination of this application. The relevant sections of the NPPF for the determination of this planning application are:

Section 1: Introduction
Section 2: Achieving Sustainable Development
Section 3: Plan Making
Section 4: Decision Making
Section 11: Making effective use of land
Section 12: Achieving well designed places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.7. The Planning Practice Guidance ('PPG') is a material consideration in planning decisions.

3.0 CONSULTATIONS

INTERNAL

<u>Public Protection</u>

3.1. No objection. However, past activities and land use could potentially have given rise to land contamination, so a site investigation is needed to find out whether contamination is present. Land Contamination conditions are recommended to this effect.

3.2. The applicant has submitted an updated noise assessment dated 6/2/25 to explain the sound reduction qualities of a caravan and the resultant noise levels with the caravans as a result of BESS operation. The noise from the BESS operation is of low impact and will not cause any adverse impact to the occupiers of the caravans (R7).

Strategic Planning Policy

3.3. The land in question lies within the York Green Belt. The applicants have identified a number of criteria which they argue justify very special circumstances, including an urgent need for a battery storage facility, no other sites available which are not in the Green Belt, low impact design, environmental enhancements, a temporary development and economic and social benefits brought about by the scheme. In terms of the visual impacts of the scheme, further advice should be sought from the Council's Landscape Architect. There would be some loss of good quality agricultural land and the scheme is located close to residential properties and heritage assets.

Design and Conservation – Landscape Architect

3.4. The landscape architect finds that within the scope of the methodology of the Landscape and Visual Appraisal (LVA), the appraisal is reasonable. The landscape architect notes that any variance in judgement between themselves and the LVA author would be minor and not cause significant disagreement. While the proposed landscape enhancements reflect the area's character and offer visual and ecological benefits, these are outweighed by the harmful and irreversible impact of extensive hardstanding that fundamentally alters the open countryside setting.

3.5. The development would significantly harm the site's arable countryside character by replacing much of it with industrial structures and extensive hard surfacing. However, due to the localised influence presented by the development, the adverse effects on the wider landscape character type (LCT28: Vale Farmland with Plantation Woodland and Heathland) would be minor.

3.6. Although the site's flat topography would remain, uncertainty over the management of excavation spoil raises concerns about potential unnatural and lasting alterations to the landscape.

3.7. The battery storage units and other components would be finished in a dark green colour which in the visualisations renders them quite recessive in the context

of the proposed/existing vegetation. While most of the development is low in height, the taller HV substation components would be visible above hedgerows from nearby viewpoints, though not prominently from the wider area. The visual impact of the development would be greater during times when leaf cover is absent.

3.8. The development would cause significant visual harm when viewed from Murton Way and Hull Road and would extend the industrial presence toward the A64. All of this would contribute to the gradual degradation of the rural landscape between Murton Way and Hull Road, though the overall impact is geographically limited.

Lead Local Flood Authority

3.9. Conditions are recommended in the event of an approval. SUDS strategy agreed in principle.

Design and Conservation - City Archaeologist

3.10. The results of the geophysical survey are trusted. No further investigation is requested. The cumulative visual impact of this and similar application in this area should be considered as they may have a detrimental impact on the setting of the city as viewed from the ring road.

Public Rights of Way Officer

3.11. There are no PROWs within or in the vicinity of the proposed development. The PROW team have no comments to make on the proposals.

Design and Conseravtion - Ecology

3.12. No objections to the proposal but draft conditions recommended.

Highways Development Control

3.13. HDC cannot support the application, because there is insufficient vehicle swept path analysis

EXTERNAL

North Yorkshire Fire and Rescue

3.14. The York and North Yorkshire Combined Authority in its capacity as Fire and Rescue Authority (“YNYCA”) offer the following observations to the proposed development: The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance(nfcc.org.uk)

should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

Yorkshire Water

3.15. Recommended a condition relating to the implementation of the flood risk assessment.

Murton Parish Council

3.16. The Parish Council strongly objects to the proposed BESS. This is because the proposal is considered to have a detrimental impact on the rural separation between Osbaldwick and Murton. The proposal is clearly 'inappropriate development' in the Green Belt. The delivery of ST7 (Land East of Metcalfe Lane – Local Plan Policy SS9) in conjunction with this proposal will seriously compromise the Green Belt in this location.

3.17. Concerns regarding the loss of productive farmland. The 40-year limit is unrealistic as the cost of rehabilitating the site would be unrealistic. Once the land is 'industrialised' and taken out of food production, it will never return to its former use.

3.18. The Parish have requested conditions to be imposed in the case of an approval. These include an alternative access to that on Murton Way; further scrutiny of safety implications by the LPA, Fire Service and Environment Agency; and community gains for the local area to benefit for example creation of PROWs.

Environment Agency

3.19. No objection. Informatives recommended.

Northern Gas Network

3.20. No objection.

North Yorkshire Police

3.21. The security arrangements are appropriate for this proposal.

Foss (2008) Internal Drainage Board

3.22. The Board recommends that any approval granted to the proposed development should include a drainage condition.

4.0 REPRESENTATIONS

4.1. A total of 4no. objection comments and 2no. support comments had been received at the time of writing, including representation from the Ward Councillor who objects to the proposal. Osbaldwick Parish Council have also objected to the application. Osbaldwick Parish Council are not the Parish Council for the site. Where individuals have submitted multiple representations, these have been counted as one representation in total.

Ward Councillor – Cllr Mark Warters

4.2. Cllr Warters objects to the destruction of productive farmland and industrialisation of Green Belt land between Osbaldwick and Murton is important to keep open to maintain the separation between the villages of Osbaldwick and Murton. The Cllr does not consider that the climate emergency should be justification for the development which they consider to be in pursuit of financial gain. The Cllr disagrees that lithium BESS systems are safe, especially so many units in close proximity, and puts forward the position that the extraction of lithium, boron and like substances is destructive to the environment in the areas of extraction. The Cllr concludes by stating that food security should be of primary importance.

Osbaldwick Parish Council

4.3. Osbaldwick Parish Council strongly object to the proposal. The development is inappropriate development in the Green Belt and will have a detrimental impact on the rural separation between Osbaldwick and Murton. The delivery of ST7 (Land East of Metcalfe Lane – Local Plan Policy SS9) in conjunction with this proposal will seriously compromise the Green Belt in this location.

4.4. Concerns regarding the loss of high-grade farmland. No faith in the enforcement of the 40 year 'temporary' use of the site and its return to agriculture. Once the land is 'industrialised' and taken out of food production, it will never return to its former use. A dark sky area will be lost.

4.5. Construction and maintenance access taken from Murton Way is unacceptable. Residential properties will be adversely affected by the construction process. The fire safety strategy plan is inadequate to address concerns over the possibility of 'thermal runaway' events and the pollution impacts in the event of a major fire event.

4.6. Summary of the objection comments received:

- Loss of agricultural land
- Inappropriate development in the Green Belt
- Disruption to the road network

- High concentration of BESS in a small area
- Site is a natural flood plain, vulnerable to groundwater contamination
- Safety concerns and fire risk
- Energy not necessarily from renewable sources
- No long-term benefit to the proposal
- Visual impact on residential properties
- Loss of natural habitat
- Light pollution
- Noise pollution

4.7. Summary of support comments received:

- Support transition to renewable energy (if fire risk and noise is suitably addressed)
- Green infrastructure need

5.0 APPRAISAL

Key Issues

5.1. The key issues to consider in determining this planning application are as follows:

- Principle of Development
- Green Belt (including grey belt assessment; impact on openness and Green Belt Purposes; enhancing the beneficial use of the Green Belt)
- Landscape and visual assessment
- Ecology and Biodiversity Net Gain
- Archaeology
- Highways
- Drainage
- Public Protection
- Neighbour Amenity
- Fire Safety
- Loss of agricultural land
- The case for very special circumstances

PRINCIPLE OF DEVELOPMENT

Policy Context

5.2. Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) of the Local Plan is supportive of renewable energy developments where the impacts are demonstrated to be acceptable in terms of York's historic character and setting, residential amenity, new grid connection lines, nationally and internationally

designated heritage sites or landscape areas, nature conservation sites and features, the road network and agricultural and other land-based industries. Proposals for renewable and low carbon energy storage developments will be supported and encouraged subject to demonstrating that impacts on the above considerations are acceptable where relevant. Developments are required to be sited a suitable distance from major residential areas and have suitable fire suppression procedures.

5.3. Paragraph 161 of the NPPF (December 2024) states that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. Paragraph 168(a) states that when determining planning application for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

5.4. Additionally, there is a plethora of Government publications which support renewable energy in all its forms. It is Government policy to reduce carbon emissions, and the UK has legally binding targets. Although not strictly applicable to this proposal National Policy Statements EN-1 and EN-3 explain the national imperative for renewable energy in order to combat climate change. Energy storage is described as having a key role to play in achieving net zero.

Assessment

5.5. As required by the NPPF, significant weight is to be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. Policy CC1 is also clear that renewable and low carbon energy storage developments will be supported and encouraged subject to demonstrating that impacts are acceptable. The impacts on York's historic character and setting, residential amenity, new grid connection lines, nationally and internationally designated heritage sites or landscape areas, nature conservation sites and features, the road network and agricultural and other land-based industries are considered below.

GREEN BELT

Policy Context

5.6. The site is wholly within the Green Belt. Local Plan Policy SS1 (Delivering Sustainable Growth for York) details the spatial strategy for York by directing development to the most sustainable locations. Local Plan Policy SS2 (The Role of York's Green Belt) supports the spatial strategy and states that the primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is

considered to be inappropriate unless one of the exceptions set out in Local Plan Policy GB1 apply.

5.7. Local Plan Policy GB1 (Development in the Green Belt) states that inappropriate development in the Green Belt will not be approved except in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Exceptions are listed within the policy. The proposed development does not fall within any of the exceptions. The policy goes on to list forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal is not one of the forms of development listed in the policy.

5.8. Paragraph 160 of the NPPF states that when located in the Green Belt, elements of renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.9. Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of the following apply:

(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.

5.10. The City of York Local Plan is silent on matters of grey belt. For the purposes of plan-making and decision-making, 'grey belt' is defined in the NPPF as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

<u>Assessment</u>

5.11. The proposed BESS facility is not considered to fall within any of the exceptions in Policy GB1. The proposed development is therefore inappropriate development in the Green Belt by definition and, in accordance with Policy GB1, will 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 its inappropriateness, and any other harm, is clearly outweighed by other considerations.

Grey belt assessment

5.12. The developer does not consider the site to be grey belt as defined by the NPPF. Nevertheless, the Council has considered whether the site meets the definition. To aid this assessment, the Council has used the grey belt assessment criteria set out in the Planning Practice Guidance (PPG), paragraphs 64-002 to 64-010.

5.13. The site is undeveloped so does not represent previously developed land. To understand the contribution of the site to purposes (a), (b) and (d) it is necessary to consider the evidence within Topic Paper 1 – Approach to defining York's Green Belt Addendum (2021) - Annex 3: Inner Boundaries (from here on referred to as Annex 3 only) which forms part of the adopted local plan evidence base. The relevant section for the application site in Annex 3 is Section 6, Boundary 22 - Osbaldwick Link Road Industrial Units. The contribution of the site to purposes (a), (b) and (d) are considered as follows:

Purpose (a): "To check the unrestricted sprawl of large built-up areas"

5.14. Planning Practice Guidance is clear that this purpose relates to the sprawl of large built-up areas and that villages should not be considered large built-up areas. Murton is a village so the 'sprawl' of Murton would not be relevant. However, Osbaldwick is not obviously distinguishable from the built-up area of the city of York as a whole and therefore purpose (a) is considered to be relevant to the application site. Illustrative features of a strong, moderate and weak/none contribution to purpose (a) are set out within the table in PPG paragraph 64-005.

5.15. The site is free of existing development with the exception of pylons and overhead cabling. In terms of physical feature(s) in reasonable proximity that could restrict or contain development, the road network (Murton Way, A64 and A1079) are some distance from the site and could not be described as in reasonable proximity. Areas of hedgerow run along parts of the site perimeter, but these are often gappy and are not considered to be such physical feature(s).

5.16. Turning to Annex 3, it is noted that the land to the west of the Green Belt boundary is urban in character with the Green Belt boundary identifying the edge of the urban area and the land to the east of the Green Belt boundary has an

agricultural character and is open. This supports the position taken that the site is adjacent/near to a large built up area.

5.17. Finally, the proposal would result in an incongruous pattern of development, extending an island of development out into open and undeveloped Green Belt land.

5.18. Overall, the site should be considered to make a strong contribution to Green Belt Purpose (a) by virtue of being free of existing development, adjacent/near to a large built-up area, lacking physical feature(s) in reasonable proximity which could restrict and contain development and if developed would result in an incongruous pattern of development.

Purpose (b): “To prevent neighbouring towns merging into one another”

5.19. Planning Practice Guidance is clear this purpose relates to the merging of towns, not villages. As Murton is a village, the contribution of the site to purpose (b) is limited.

Purpose (d): "To preserve the setting and special character of historic towns"

5.20. Regard is had to a recent appeal decision (APP/C2741/W/25/3362064) close to the application site at Land at Murton Way, Osbaldwick, YO19 5UP. In the appeal decision the Inspector concluded that: “the appeal site has no visual, physical or experiential connection with the historic aspects of the city. The nearest developments are an industrial estate and a traveller site and these interrupt any potential for views towards the city centre with the Minster at its core. The experience on site is of being no more or less than being close to the edge of an urban area. There is no perception of the historic nature of the city. Thus, whilst the Green Belt overall may safeguard the setting of York, the appeal site plays little or no part in that objective. There is no strong contribution of the site to purpose (d).”

5.21. While regard is had to the Inspector’s assessment of the appeal site to the north, this is not considered to apply to the application site. Turning again to the table in PPG paragraph 64-005, illustrative features are given for a strong, moderate and weak/none contribution to Green Belt purpose (d). Areas which make a strong contribution to purpose (d) are likely to be free of existing development and include all of the following: firstly forming part of the setting of the historic town; and secondly making a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. It has already been concluded that the site is free from existing development and it is generally considered undisputable that York is a historic town. However, the assessment must consider whether the application site forms part of the setting of the historic town. Annex 3 provides evidence on this stating that the rural setting of the city is experienced along Murton Lane, an historic approach into the city, between Murton

and Osbaldwick (established on the 1852 OS Map) and also between the outer ring road and Hull Road to the south. A panoramic view of the rural landscape is particularly experienced when travelling south on the A64. The Green Belt boundary preserves the perception of a dense compact city and its contained form within the rural hinterland overall. Additionally, there is a key city-wide view of the Minster from the outer ring road to the east, predominantly experience from the outer ring road. The rural landscape provides the context for this view and the Minster as dominant landmark in the wider landscape. Considering the position taken within Annex 3, the application site should be assessed as forming part of the setting of the historic town and to make a considerable contribution to the special character of the historic town and therefore as making a strong contribution to purpose (d).

5.22. In conclusion, the site is considered to strongly contribute to Green Belt purposes (a) and (d) and therefore the definition of grey belt land does not apply to this site.

Green Belt Assessment

5.23. Development in the Green Belt is inappropriate unless certain exceptions apply as listed in paragraph 154 of the NPPF and as listed within Policy GB1 of the Local Plan. None of the exceptions are considered to be met. 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. The overall planning balance and assessment of very special circumstances is at the end of this report.

Impact on Green Belt Purposes

5.24. In terms of Green Belt purposes, the proposal is considered to be harmful to Green Belt purposes (a), (c) and (d). The introduction of a heavily industrialised development would fail to check the unrestricted sprawl of large built up areas by introducing built development into the open countryside on the periphery of York and would fail to preserve the setting and special character of historic towns by introducing incongruous development into the setting of the historic city. Additionally the development would fail to assist in safeguarding the countryside from encroachment by allowing the spread of development out into open, agricultural land.

5.25. The impact on purpose (b) would be limited as this relates to the merging of towns rather than villages. The impact on purpose (e) would also be limited as the type of development is not suited to urban areas owing to safety and noise requirements.

Impact on the openness of the Green Belt

5.26. The NPPF (paragraph 142) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Thus, the essential characteristics of Green Belts are their openness, which has both spatial and visual aspects, and their permanence.

5.27. The application site is a large flat and open field with a combination of typically rural boundary hedgerows and stretches of post and rail fence boundaries. In contrast to the existing rural situation, the development will introduce structures and development into an area currently free from development having a detrimental urbanising effect which would lead to a significant visual loss of openness. During the lifetime of the BESS there would be a both a spatial and visual impact on openness. Taking into account the highly industrial nature of the proposal, this is considered to equate to a substantial harmful impact on the openness of the Green Belt.

LANDSCAPE IMPACT

Policy Context

5.28. Local Plan Policy D2 (Landscape and Setting) states that development proposals will be encouraged and supported where they demonstrate understanding of the local and wider landscape character and landscape quality relative to the locality and the value of its contribution to the setting and context of the city and surrounding villages; protect and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities; demonstrate a comprehensive understanding of the interrelationship between good landscape design, biodiversity enhancement and water sensitive design; create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces; recognise the significance of landscape features; take full account of issues and recommendations in the most up to date York Landscape Character Appraisal; include evidence based sustainable, practical and high quality soft and hard landscape details and planting proposals that make a positive contribution to the character of streets, spaces and other landscapes; create a comfortable association between the built and natural environment; and avoid an adverse impact on intrinsically dark skies and landscapes, townscapes and/or habitats that are sensitive to light pollution, keeping the visual appearance of light fixtures and finishes to a minimum, and avoiding light spill.

Assessment

5.29. The development would cause significant visual harm when viewed from Murton Way and Hull Road and would extend the industrial presence toward the A64. All of this would contribute to the gradual degradation of the rural landscape

between Murton Way and Hull Road, though the overall impact is geographically limited. The development would significantly harm the site's arable countryside character by replacing much of it with industrial structures and extensive hard surfacing. However, due to the localised influence presented by the development, the adverse effects on the wider landscape character type (LCT28: Vale Farmland with Plantation Woodland and Heathland) would be minor. The visual impact of the development would be greater during times when leaf cover is absent.

5.30. It is proposed that planting will be utilised as screening. Existing boundary hedgerows to the north, south, east and west would be retained and enhanced then maintained at a height of circa 3.5m. A new hedgerow would be planted adjacent to the SuDS pond, providing a further layer of visual screening. Specimen trees are proposed along the majority of site boundaries with denser areas of native woodland planting at the northern boundaries to help screen views from the north. Gaps in the exiting hedgerow would be planted-up with native species.

5.31. Overall the proposal would result in significant visual harm to the landscape and be significantly harmful to the site's character. However, the impact of the harm is relatively localised between Murton Way and Hull Road. The proposal would fail to protect and enhance the landscape quality and character and the public's experience of it and would not make a positive contribution to York's special qualities and thus the objectives of Policy D2 of the Local Plan are not met. However, owing to the localised nature of the harm and the reversibility of the proposal which seeks planning permission on a temporary basis of 40 years (at the point when the BESS first becomes operational) the significant landscape harm is afforded only moderate weight in the planning balance.

DESIGN AND LOCATION

Policy Context

5.32. Policy D1 (Placemaking) requires development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) is also clear that the location must be acceptable in terms of scale.

5.33. Neighbourhood Plan Policy ENV4 (Design) requires development proposals should ensure that their designs, landscaping and planting create an attractive, locally distinctive and well-functioning environment.

Assessment

5.34. The applicant states "the Osbaldwick Substation has been secured as a point of grid connection based on the need for a commercially viable scale of BESS

development." The applicant has also confirmed via email dated 7 August 2025 that they have a valid grid connection agreement to Osbaldwick substation.

5.35. An alternative sites assessment has taken place which identified there are no suitable/available non-Green Belt sites within 2km of the Osbaldwick Substation with the exception of built up areas and allocated sites. While other Green Belt sites are available within the search area, the applicant considers Gells Farm most suitable in terms of technical, logistical and environmental impacts. Areas east of the A64 have been excluded as the A64 represents a significant barrier to development owing to the need for connection cables to cross this major road (either under or over).

5.36. The BESS compound would be enclosed be circa 2.4m high weldmesh fencing and matching gates, finished in Moss Green (RAL 6005) and the substation would be secured by circa 2.4m high palisade fencing and matching double lead gates. The colour of the BESS units has not been confirmed but could be conditioned if necessary.

5.37. Lighting at the site would be kept to a minimum with PIR sensor triggered lighting used at entrances to plant and structures when maintenance staff are present or when triggered by a security breach. No continuous lighting would occur on-site. Lighting is likely to be low level directional LED lighting with shrouds to prevent light spillage. Detailed design of mounted lighting could be the subject of a relevant planning condition.

5.38. CCTV cameras would be installed on monopoles around the site of a maximum height of 3.5m. The layout of CCTV camera would be confirmed via a suitable planning condition should planning permission be forthcoming. All cameras would be directed within the site to avoid external privacy issues.

ECOLOGY AND BIODIVERSITY NET GAIN

Policy Context

5.39. Biodiversity Net Gain (BNG) is a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). All developers must deliver a BNG of 10%. This means development will result in more or better quality natural habitat than there was before the development.

5.40. Local Plan Policy GI2 (Biodiversity and Access to Nature) requires development should achieve net gains in biodiversity and Policy GI3 (Green Infrastructure Network) requires development to maintain and enhance the integrity and management of York's green infrastructure network; protect and enhance the amenity, experience and surrounding biodiversity value of existing rights of way, national trails and open access land; ensure the protection of the hierarchy and

integrity of York's local, district and regional green corridors; and create and/or enhance 'stepping stones' and new green corridors that improves links between existing corridors including those in neighbouring authorities, nature conservation sites, recreational routes and other open space.

5.41. Murton Neighbourhood Plan Policy ENV2 (Green Infrastructure) requires development proposals should be designed to respect the natural environment of Murton Parish, taking into account: local hedgerows; significant green spaces; community, wildlife, amenity space and other values are preserved or enhanced, and particular regard must be made to avoiding harmful impacts on hedgerows and trees.

Assessment

5.42. The applicant has submitted a Habitat Management Plan (prepared by E3P dated December 2024). This details habitats that will be retained and enhanced and monitoring and reporting of habitats created. The BNG metric submitted shows a 10.69% increase in habitat units, a 292.36% increase in hedgerow units and a 16% increase in watercourse units. Conditions relating to Biodiversity Net Gain, Habitat Management and Monitoring Plan, Construction Environment Management Plan - Biodiversity, a Lighting Plan and Ecological enhancements have been recommended by the Ecologist and would be included should an approval be forthcoming.

5.43. The proposal would see some biodiversity and ecological enhancement compared to the existing use as arable farmland. These benefits are significant, particularly the increase in hedgerows which also meets the requirement of Policy ENV2 by enhancing opportunities for wildlife and enhancing local hedgerows.

ARCHAEOLOGY

Policy Context

5.44. Local Plan Policy D6 (Archaeology) requires development proposals that affect archaeological features and deposits will be supported where they are accompanied by an evidence-based heritage statement; they will not result in harm to an element with contributes to the significance or setting of a Scheduled Monument unless that harm is outweighed by the public benefits of the proposal; they are designed to enhance or better reveal the significances of an archaeological site; and the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with City of York Council.

Assessment

5.45. In consultation with the City Archaeologist, it has been identified that the results of the submitted geophysical survey are trusted and that given the low potential of the site, no further investigation or mitigation is required. While the results of the geophysical survey do not entirely rule out the possibility of features surviving on the site, it seems unlikely.

5.46. The City Archaeologist has emphasised that the cumulative visual impact of this development and similar applications in the area may have a detrimental impact on the setting of the city as viewed from the ring road.

5.47. While the localised and site-specific effect on archaeological features is considered to be generally acceptable within the scope of Policy D6, there are concerns that the development alone and in combination with other nearby BESS development are harmful to the setting and character of the city of York. However, there is a clear public benefit arising from the proposal within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms. Given the localised nature of the harm, the public benefits are considered to outweigh this harm.

HIGHWAYS

Policy Context

5.48. Due to the nature of the proposals, access by the public or by sustainable modes of transport would not be appropriate or encouraged. Local Plan Policy T7 (Minimising and Accommodating Generated Trips) requires development proposals to demonstrate that any resultant new traffic generated by new development can be safely accommodated on the local and strategic highway network, or can be made safe by appropriate transport infrastructure and service improvements.

Assessment

5.49. There is an objection to the proposals from the highways officer due to insufficient swept path analysis information. It is considered these details could be dealt with by condition should an approval be forthcoming.

5.50. Once constructed the facility will not be permanently staffed and trip generation will be very low (approx. 1 visit per month). With traffic generation likely to be so low, there are no highway safety implications from the proposal.

FLOOD RISK AND DRAINAGE

Policy Context

5.51. Local Plan Policy ENV5 (Sustainable Drainage) emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping should be designed to reduce surface water flooding and to enhance local biodiversity. Areas of hardstanding should be minimised and porous materials used. Policy ENV4 (Flood Risk) requires a site specific flood risk assessment that takes account of future climate change must be submitted with any planning application related to sites in Flood Zone 1 larger than 1ha.

5.52. Neighbourhood Plan Policy ENV6 (Flood Risk Management) requires development proposals should respond positively to their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan which shows that the risk of flooding both on and off site is minimised and managed.

Assessment

5.53. The application is accompanied by a Flood Risk Assessment (Revision P4, March 2025). Site specific infiltration testing on the site next door failed and therefore connection to the watercourse would be subject to separate consent from the Foss IDB. The drainage strategy (as revised) shows foul water being connected to a package treatment plant with the treated foul water being connected to the watercourse via the proposed onsite SuDS system and surface water being connected to the Foss (IBD) maintained watercourse known as Murton Station Dyke at a restricted rate of 7.7 litres per second with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change event.

5.54. The Flood Risk Management Team agree the SuDS strategy in principle and recommend conditions in the event of an approval. The requirements of Local Plan Policies ENV4 and ENV5 and neighbourhood plan policy ENV5 are considered to be met with these conditions.

AMENITY AND PUBLIC PROTECTION

Policy Context

5.55. Local Plan Policy ENV2 (Managing Environmental Quality) states development will be permitted where it does not unacceptably harm the amenities of existing and future occupiers and communities. Developments that are likely to give rise to adverse environmental impacts (noise, vibration, odour, fumes/emissions, dust and light pollution) must demonstrate how these matters have been considered in relation to both the construction and life of the development. This is further supported by criterion ii of Policy CC1 (Renewable and Low Carbon Energy Generation and Storage).

5.56. Local Plan Policy ENV3 (Land Contamination) states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination assessment.

Assessment

5.57. A Noise Impact Assessment has been submitted. The results of the assessment show that the noise contribution from maximum site rating noise levels at the neatest sensitive receptors (NSR) would be below the representative background sound level during daytime and nighttime periods. Therefore, the noise from the site would result in a low impact. However, the assessment shows the cumulative impact of numerous BESS facilities in the area does result in an increase in background noise levels at NSR R7. NSR R7 is the Caravan Park to the North of the site. Public Protection has asked the applicant to explain the impact that this may have on the occupants of the caravans at night. Further information was submitted by the applicant which explains the sound reduction qualities of a caravan and the resultant noise levels with the caravans as a result of BESS operation. Overall, the noise from the BESS operation is of low impact and will not cause any adverse impact to the occupiers of the caravans. Public Protection have been consulted raise no objection to the application on noise grounds.

5.58. Conditions relating to land contamination assessment and remediation would be used should an approval be forthcoming. The applicant has selected the site partly because it avoids areas of flood risk.

FIRE SAFETY

5.59. North Yorkshire Fire and Rescue Service have commented on the application to advise the National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

5.60. A Fire Safety Management Plan produced by Reliance Fire Ltd (25 March 2025) has been supplied by the applicant which demonstrates the design of this proposed battery energy storage system adheres to the current NFCC Guidance for Grid Scale Battery Energy Storage Systems. The LPA has no reason to dispute the contents of this report. Planning conditions for a Detailed Battery Safety Management Plan and an Emergency Response Plan and Site-Specific Risk Information (SSRI) are recommended in the event of an approval.

LOSS OF AGRICULTURAL LAND

Policy Context

5.61. Policy CC1 of the Local Plan states renewable and low carbon development will only be acceptable where impacts on agriculture are deemed acceptable.

5.62. Paragraph 187(b) of the NPPF (2024) states planning decisions should contribute to and enhance the local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

5.63. Footnote 65 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Assessment

5.64. The applicant has provided an Agricultural Land Quality Report which confirms the land impacted is Grade 2 agricultural land. The developer puts forward the view that whilst this loss represents harm, the retention of 1.6 ha of agricultural land onsite (identified for grazing but potentially suitable for arable use too) means that this harm should be given limited weight. However, the viable arable use of 1.6 ha of land would be limited. The proposal conflicts with Policy CC1 of the Local Plan and paragraph 187(b) of the NPPF. However, due to the minor scale of the loss and the reversibility of the proposal, this harm is ascribed only very limited weight in the planning balance.

THE CASE FOR VERY SPECIAL CIRCUMSTANCES

5.65. The proposal has been identified as representing inappropriate development in the Green Belt. 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. Substantial weight is to be given to any harm to the Green Belt.

5.66. Weight must also be given to a recent appeal decision for a Battery Energy Storage System in close proximity to the appeal site at 'Land at Murton Way.' This appeal (Planning Inspectorate reference: APP/C2741/W/25/3362064) was allowed on 17 July 2025 following a Public Inquiry. In the case of Land at Murton Way, the Inspector concluded that the Green Belt and other harm arising from the scheme where clearly outweighed by the benefits and for that reason the proposed development demonstrated the very special circumstances. In the case of Land at Murton Way, the benefits of the scheme and the harm arising are very similar to that at Gells Farm. The appeal decision is a material planning consideration and is

assigned significant weight in the planning balance due to the proximity to the application site and the similarity of the planning considerations.

5.67. The following harm has been identified:

- Substantial harm to the Green Belt and its openness which is afforded substantial weight in the planning balance
- Significant localised landscape harm which is afforded moderate weight in the planning balance
- Localised harm to the wider setting and character of the historic City of York is assigned limited weight in the planning balance.
- Loss of Grade 2 agricultural land which is ascribed very limited weight in the planning balance

5.68. The following benefits of the development have been identified by the developer:

- There is an urgent need for the Battery Storage Facility (developer assigns this significant weight applied)
- There are no available, suitable and/or preferable sites (from a land use perspective) that are located outside of the Green Belt. The site has been identified as resulting in the fewest technical, amenity and/or environmental impacts of plots in the Green Belt and thus is the most suitable (developer assigns this substantial weight.
- The design covers the smallest area of land practicable (developer assigns this limited weight)
- The proposed development would result in the ‘beneficial use’ of the Green Belt by assisting the National Grid Electricity System Operator and Distribution Network Operators in managing the transmission network. The transmission network is becoming increasingly volatile as more renewable energy scheme are connected to the Grid. The balancing service provided by the storage assists in managing the volatility.
- Biodiversity enhancements are secured with the Biodiversity Net Gain scoring above the 10% legal requirement.
- Proposed landscaping would help to reinforce and improve the landscape character and enhance the ecological network by reinforcing and improving field boundaries which form a ‘stepping stone’ that aids the connectivity of habitats and movement of species (combined, the developer affords these matters moderate weight)
- Temporary development (developer affords this limited weight)
- Economic and social benefit of assisting in energy security and reducing reliance on fossil fuels. Reduce cost to customers and keep energy bills low (developer affords this moderate weight).

5.69. The LPA has identified the following further benefits:

- City of York Council declared a climate and ecological emergency in 2019 and the York Climate Change Strategy (2022-2032) sets out themes, priorities, action and milestones required to achieve net zero carbon by 2030. The proposal will make a contribution to net zero carbon ambitions by improving energy flexibility and storage which is recognised in the York Climate Change Strategy (2022 – 2032) as one of the objective to remove carbon-based energy storges from the UK energy grid.

5.70. Overall, it is without doubt that the proposal would cause substantial harm to the Green Belt and its openness. This harm should also be considered in conjunction with other identified harms in the form of significant localised landscape harm, localised harm to the wider setting and character of the historic City of York and the loss of Grade 2 agricultural land. However, when the harms are considered within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms, there is convincing justification that the benefits of the proposal in combating climate change and achieving net zero carbon clearly outweigh the harms. Therefore the very special circumstances are considered to exist and it is recommended that the proposal be approved subject to conditions.

6.0 CONCLUSION

6.1. The proposal would be inappropriate development within the Green Belt which is harmful by definition, however it is considered that very special circumstances exist which clearly outweigh the harm to the Green Belt and other harms identified above. When the harms are considered within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms, there is convincing justification that the benefits of the proposal in combating climate change and achieving net zero carbon clearly outweigh the harms. The recommendation is therefore for approval subject to conditions.

7.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:

Location Plan - 3687-01-PLA-001, dated Dec 2024
Existing Site Plan - 3687-01-PLA-002, dated Dec 2024
Proposed Site Plan - 3687-01-PLA-003 Rev A, dated April 2025
Landscape Proposals - 3687-01-LAN-001 Rev D, dated Dec 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO. Eighteen months before the end of the 40-year period taken from the FON date submitted, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:

1. details of the retention of any approved boundary treatment(s) and planting, a restoration scheme to be used at the end of the operational lifespan of the development.
2. a written scheme of restoration for returning the site to a pasture field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted.

In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.

Reason: In the interests of visual amenity and the openness of the Green Belt.

4 Prior to commencement of the development hereby permitted, fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Auxiliary Transformers
- Battery Enclosure
- CCTV Arrangement
- Dual Skid
- Cross Sections
- HDD Cable Crossing
- Spares Enclosure
- Switchroom
- HV Compound Elevations

The development shall then be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

5 No development shall take place, until a Construction Environmental Management Statement (CEMS) has been submitted to and approved in writing by the local planning authority. The CEMS shall include details of:

a. construction working hours;
b. a scheme for recycling/disposing of waste resulting from construction works;
c. temporary portacabins and welfare facilities for site operatives;
d. site security arrangements;
e. wheel washing facilities and/or other measures to prevent mud or other material emanating from the development site reaching the highway;
f. measures to prevent flying debris;
g. dust mitigation measures;
h. noise and vibration mitigation measures (if piling and/or ground stabilisation is to be conducted).

The approved CEMS shall be adhered to throughout the construction period.

Reason: In the interests of public amenity.

6 No development shall take place until a Soil Management Plan, which demonstrates soil handling, restoration, aftercare and supervision has been submitted to and approved in writing by the local planning authority. The Soil Management Plan should contain details of how soils will be protected and where necessary, stored and managed on the site during construction, and during the life of the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting best and most versatile agricultural land.

7 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not limited to the following:

a. Risk assessment of potentially damaging construction activities.
b. Identification of 'biodiversity protection zones'.
c. 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).
d. The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting.
e. The times during construction when specialist ecologists need to be present on site to oversee works.
f. Responsible persons and lines of communication.
g. The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

8 Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite landscape and habitats and include the following:

a. Ecological trends and constraints on site that might influence management;
b. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
c. Appropriate management options for achieving aims and objectives;
d. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
e. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
f. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority;

g. a schedule for reporting findings to the local planning authority.

The HMMP shall also include 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(ies) responsible for its delivery.

The HMMP shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10,15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the CYC Local Plan.

9 Prior to the commencement of development, a detailed method of works statement (MoWS) / construction traffic management plan (CTMP) identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority; - the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing
- where contractors will park; and
- where materials will be stored within the site.

The approved MoWS / CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

10 Prior to the commencement of the development, details of the vehicular access from Murton Way with associated highway visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and visibility splays shall thereafter be maintained free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0metre.

Reason: In the interests of highway safety.

11 The approved landscaping scheme as illustrated on Landscape Proposals - 3687-01-LAN-001 Rev D, dated Dec 2024 shall be implemented within the first planting season following completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within the lifespan of the development shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the local planning authority.

Reason: In the interests of the character and appearance of the area.

12 The surface water drainage works shall be constructed in accordance with the Sustainable Drainage Strategy, fourth issue (March 2025) by Integra Consulting. Any changes to the scheme must be approved in advance in writing by the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, and the scheme shall be implemented as so approved before the development is brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage.

13 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works unless otherwise approved in advance in writing by the local planning authority.

Reason: To ensure the development is provided with satisfactory means of drainage.

14 A strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as Osbaldwick Beck shall be kept clear of all new buildings, structures, walls, fencing, hardstanding and planting unless agreed otherwise in advance in writing with by Local Planning Authority in consultation with the Foss (2008) Internal Drainage Board. Ground levels must also remain the same within this area.

Reason: To maintain access to the watercourse for maintenance or improvements.

15 A programme of post-determination archaeological mitigation is required, specifically an archaeological watching brief in the access road area. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No works related to the creation of the access road shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no works shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion of fieldwork or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

16 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately (within 5 working days) 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 shall be subject to the approval in writing of the local planning authority. Remediation shall be carried out as approved and following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be 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.

17 Prior to the installation of any security light and CCTV columns within the site, a detailed lighting scheme including lighting levels, direction/spread of light and details of operation shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details and thereafter retained as approved.

Reason: In the interests of the visual amenities of the area.

18 Prior to the delivery of any batteries to the site, a Battery Safety Management

Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Battery Safety Management plan shall include, or reference details of:

- Gas and/or specific electrolyte vapour detection systems
- Ventilation systems
- The facilities in place for the early alerting of the emergency services should thermal runway conditions be detected
- The detection system in place for alerting of fires that do not involve thermal runaway (e.g. fires involving electrical wiring)
- Confirm that continuous combustible gas monitoring within units is provided
- That external audible and visual warning devices and addressable identification at the control room and indicating equipment which is linked to a battery management system when a thermal runaway event is identified and a detection and suppression system activation
- The fixed suppression systems installed in units to prevent or limit propagation between modules
- The deflagration venting and explosion protection provided - The signage to be installed in suitable and visible locations on the outside of BESS units identifying the presence of a BESS system
- The post-incident recovery plan developed by the operator that addresses the potential for reignition of BESS and de-energizing the system, as well as removal and disposal of damaged equipment.

The approved Battery Safety Management Plan shall be adhered to for the duration of the life of the development.

Reason: In the interests of safety and to ensure compliance with the content of the NFCC publication Grid Scale Battery Energy Storage System BESS Design Guidance.

19 Prior to the delivery of any batteries to the site, an Emergency Response Plan including Site Specific Risk Information (SSRI) shall have been submitted to and agreed in writing by the Local Planning Authority. The Emergency Response Plan shall include measures to address the consequences of any thermal runaway event or other fire event, the likely path of any vented gasses or materials and in particular fire-fighting provision, water supply resilience and runoff contamination including any potential impact on the environment. The agreed Emergency Response Plan shall be implemented for the duration of the life of the development.

Reason: In the interests of safety and to ensure compliance with the content of the NFCC publication Grid Scale Battery Energy Storage System BESS Design Guidance.

20 Prior to the commencement of development, where any construction activity requires the use of an Abnormal Indivisible Load (AIL) details of the how this will access the site will be submitted to and approved in writing by the Local Planning Authority. Abnormal Indivisible Load (AiL) is defined as a vehicle meeting any of the

following criteria:

- weight over 44,000kg (43.3 tons)
- an axle load of more than 10,000kg (9.84 tons) for a single non-driving axle or 11,500kg (14.7 tons) for a single driving axle
- width over 2.9 metres (9.5 feet)
- rigid length over 18.65 metres (61 feet)

a Site-Specific Route Access Report (SSRA) shall be submitted to and approved in writing by the Local Planning Authority at least 3 months prior to the predicted date of AIL delivery.

The SSRA shall include the following details:

(i) Timeframes, route details and delivery vehicle details.
(ii) Proposals for surveying the route including overhead wires and buried cables and for consulting with the appropriate authority regarding suitability.
(iii) Details of any road widening, bridge strengthening or removal of street furniture required.
(iv) Proposals for trial run(s) and desktop swept path analysis.
(v) Proposed traffic safety measures to be adopted for all movements including confirmation of police escorting at all times.
The approved SSRA shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of highway safety

8.0 INFORMATIVES:

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