

## COMMITTEE REPORT

**Date:** 24 March 2025      **Ward:** Osbaldwick And Derwent  
**Team:** East Area      **Parish:** Murton Parish Council  
**Reference:** 24/01851/FULM  
**Application at:** Site At Junction Of Osbaldwick Road And Hull Road Osbaldwick York  
**For:** Erection of 2no. battery storage facilities, with 1no. facility of 40no. battery storage units within the existing Osbaldwick substation area and 1no. facility of 4no. battery storage units on land to the east of the sub-station, with ancillary structures and infrastructure, associated vehicle accesses, including new access track, and enclosed by 3 metre high palisade security fencing, 3.5 metre high acoustic barrier, and with 5.1 metre high lighting and CCTV columns.  
**By:** Mr Strakosias  
**Application Type:** Major Full Application  
**Target Date:** 28 February 2025  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### The Site

1.1 The application site extends to an area of just over 1.75ha and is split into two distinct parts: a larger facility accommodating 50MW of equipment within the grounds of the existing Osbaldwick National Grid electricity substation; and a smaller facility accommodating 7MW of equipment located to the east of the substation, immediately adjacent to another battery energy storage facility (BESS) which is already in situ. The two facilities combined create a floorspace of 1176.01 square metres.

1.2 To the west and part of the southern flank, close to the perimeter of the substation, is a mature belt of trees; Osbaldwick Link Road is to the west and Hull Road is to the south. To the north is a small industrial estate. To the east the land is designated as Green Belt, with a portion of the proposed access track and the 7MW BESS within the Green Belt. The larger 50MW BESS site is not in the Green Belt.

1.3 Access to the site is currently taken via the entrance and on site road which serves the substation and which links to Murton Way north of the site. This access will be maintained and utilised as a secondary access to the main 50MW BESS site.

## 1.4 The site is wholly within Flood Risk Zone 1

### Proposed Development

1.5 Erection of 2no. battery storage facilities, with the larger 50MW facility of 40no. battery storage units within the existing Osbaldwick substation area and 1no. additional facility of 4no. battery storage units on land to the east of the substation. Both facilities will contain ancillary structures and infrastructure, and will utilise existing vehicle accesses. A new access track is proposed from the smaller 7MW facility running east to west to provide access from that compound into the substation. The facilities will each be enclosed by 3metre high palisade security fencing, a 3.5metre high acoustic barrier, and with 5.1metre high lighting and CCTV columns.

1.6 The proposed 50MW BESS compound will contain 40no. battery containers arranged in clusters of four, each approx. 2.9m in height. Additionally there will be 10no. Inverter containers, 5no. transformers, 1no. auxiliary transformer, 1no. 33kv customer switchroom, 1no. pumping container, 1no. water tank and 3no. lighting and CCTV cameras.

1.7 The proposed 7MW BESS compound will be rectangular in shape and will contain 4no. battery containers, 2no. inverters, 1no. transformer, 1no. 33kv customer switchroom, 1no. pumping container, 1no. water tank and 2no. lighting and CCTV cameras. This compound will also be surrounded by a combination of a 3meter high security fence and 3.5meter high acoustic barrier.

1.8 Both compounds will be surfaced with open-graded crushed rock with the track section within the compound having a sealed surface. Vehicular accesses for the developments will be provided via the existing entrance to the Osbaldwick substation on Murton Way, or via an existing access off Hull Road. This Hull Road access will be utilised during the construction, installation and operation of the proposed 7MW development. This access was approved as part of planning permission 18/02659/OUT and 20/01515/REM for the existing BESS site next to which the smaller facility will be located. A new section of grass-crete track is proposed which will run across west to the substation. This section of track will require the removal of 10no. category B trees and a 7m section of category C hedgerow.

### Site History

1.9 The larger 50MW site is essentially a resubmission of a very similar BESS development which was approved within the substation site in March 2020 (19/01840/FULM). This permission was not implemented and has since expired.

1.10 As referenced in paragraph 1.8, also of relevance are planning permissions 18/02659/OUT 20/01515/REM on land immediately to the south of the proposed 7MW facility. These consents approved another BESS, which has been implemented.

## **2.0 POLICY CONTEXT**

2.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

### **2.2 THE DEVELOPMENT PLAN**

The City of York Local Plan (CYC local Plan) was adopted in February 2025 and carries full weight in the decision-making process. Policies relevant to the determination of this application include:

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  
GI2 – Biodiversity and Access to Nature  
GI3 – Green Infrastructure Network  
GI4 – Trees and Hedgerows  
GB1 – Development in the Green Belt  
CC1 – Renewable and Low Carbon Energy Generation and Storage  
ENV2 – Managing Environmental Quality  
ENV5 – Sustainable Drainage

### **NATIONAL PLANNING POLICY FRAMEWORK**

2.3 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in the determination of planning applications. Key chapters and sections of the NPPF relevant to this application are as following:

Section 6: Building a Strong and Competitive Economy  
Section 8: Promoting Healthy and Safe Communities  
Section 11: Making Effective Use of Land  
Section 12: Achieving Well-Designed Places  
Section 13: Protecting the Green Belt

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Erosion

Section 15: Conserving and Enhancing the Natural Environment

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **Public Protection**

3.1. Public Protection considered the application in terms of all environmental impacts: noise, air quality, contaminated land and dust.

#### Land contamination

3.2. Considered unlikely that there will be any risk to users of the site in terms of land contamination. However, a planning condition is recommended in case unexpected contamination is detected during the development works.

#### Construction Noise and Dust

3.3. An informative is proposed relating to timings of construction work and best practice.

#### Noise

3.4. The submitted ITP Energised noise assessment dated 8/10/24 demonstrates that the noise from the battery storage unit, inverters and transformers will not cause any adverse impact on the nearest residential properties, provided the acoustic fence is incorporated into the design. Therefore, provided this is part of the final design then there are no objections in terms of noise.

#### **Flood Risk Engineer**

3.5. Comments have been made following assessment of the Flood Risk and Drainage Assessment Report – Re:GON.0475.0252 Version 2 dated 4th October 2024 by Gondolin Land & Water. It is acknowledged that the flood risk and drainage principles were considered and agreed under 19/01840/FULM and conditions 3, 4 and 5 of that permission relate to drainage. There is no objection subject to conditions.

#### **Archaeology**

3.6. The site has archaeological potential relating to the late prehistoric – medieval period. This is limited to the bottom left corner of the site. The corner of the

proposed development site appears to have been little disturbed and may possibly contain the remnants of medieval ridge and furrow which is still visible on aerial photographs dating to the early C21. The impact of the proposed scheme would result in the removal of any upstanding medieval agricultural features and likely the removal of any earlier sub-surface features.

3.7. A walkover assessment by an archaeologist to confirm the presence/absence and quality of any surviving medieval ridge and furrow is required which may then require recording. An archaeological evaluation should take place, which can be conditioned. A condition has been put forward in the case of approval.

## **Landscape Architect**

### Trees

3.8 The proposed 50MW BESS layout is located outside of the recommended root protection area (RPA) of the existing woodland and individual trees adjacent to Osbaldwick Link Road and Hull Road. A suitable tree survey and tree protection plan has been submitted to illustrate this. There is some disruption to the end of G1 and part of the hedge H2 resulting from the extension to the access track to meet the 7MW BESS, but this would not cause harm to the integrity of the woodland.

### Visual Impact

3.9 The proposed development is considered to be compatible with the safe retention of the existing woodland and trees alongside Hull Road and Osbaldwick Link Road with the existing woodland providing sufficient screening of the proposed 55MW BESS, which would be viewed within the context of the existing transformer station. Additionally, the impact on views and the wider landscape character resulting from the proposed 5MW BESS would not be significantly harmful. It is recommended that some native planting is secured to the south and east of the compound to mitigate the visual harm and connect to landscape mitigation to the adjacent BESS development and to provide an appropriate setting for the development's location immediately adjacent to the open countryside.

3.10 This development is not considered to have a significant visual impact. Views of the site by vehicle are mostly at an oblique angle with greater scrutiny available from the footway and cycleway on the opposite side of Osbaldwick Link Road; and there is a pavement along Hull Road on the same side as the application site. There is some visibility of the existing transformer station through the winter tracery of the existing woodland alongside Hull Road and Osbaldwick Link Road, however given the depth of mature planting, the woodland is the most dominant element in the landscape. It is considered that although the proposal would bring development forward and closer to the rear of the woodland, it would be seen in the context of the existing equipment.

3.11 The proposed solid acoustic panel fence would partially screen the equipment behind it but would also present a more solid form behind the trees. Since written comments were submitted by the Landscape Architect, a sample photograph of the acoustic fence has been provided by the applicant. This shows a close boarded timber fence. The Landscape Architect verbally commented that this would be acceptable and should be left to weather naturally.

3.12 The security fencing drawing shows a 'twin wire panel' but the development description states 'palisade fencing.' Confirmation of material is required with wire/paladin preferable. Since the Landscape Architect submitted written comments, it has been identified that there will be areas of 'twin wire panel' security fencing, 'palisade fencing' and acoustic fencing with all three fence types serving different functions. The Landscape Architect verbally commented that these would be seen in the context of the two BESS and the Osbaldwick substation and considering this, the fences are acceptable.

## **Ecology Officer**

3.13 No objection subject to conditions (BNG, HMMP, CEMP and biodiversity enhancements). The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

## **EXTERNAL**

### **Foss 2008 Internal Drainage Board (York Consortium of Drainage Boards)**

3.14 The Board asked if a new road would be created for the Emergency Access in the section which is to the south of Bedale Avenue Drain. It was confirmed by the planning agent via email dated 20 January 2025 that the existing access does not require any alteration and the newly proposed stretch of the emergency access will be more than 10metres from the Bedale Avenue Drain. The Board advised that strictly on this basis, they are satisfied in this regard. The Board recommend that any approval granted to the proposed development should include conditions relating to drainage in accordance with agreed documents, and the requirement for a 9-metre land strip from Bedale Avenue Drain.

### **North Yorkshire Police – Designing out crime officer**

3.15 It is considered the security arrangement outlined in the application are appropriate for this proposal. The Designing out Crime Officer had the opportunity to

comment on amendments to the application and did not wish to make any further comments.

## **National Grid**

3.16 National Grid Electricity Transmission have no objection to the proposal and advise that the applicant must have valid connection agreement and follow the NGET safe working guidance at all times. Additionally, as the development is proposed on NGET owned land an agreement must be obtained or in place via the Use of NGET Land process.

3.17 It is considered the security arrangement outlined in the application are appropriate for this proposal.

## **North Yorkshire Fire and Rescue Service**

3.18 Advised that the National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance([nfcc.org.uk](https://nfcc.org.uk)) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

## **Osballdwick Parish Council**

3.19 No comments received.

## **Murton Parish Council**

3.20 No comments received.

## **4.0 REPRESENTATIONS**

4.1. The application has been advertised via Site Notice, local press notice and neighbour notification letter. No third-party representations have been received.

## **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
- Landscape and visual assessment
- Ecology and Biodiversity Net Gain

- Archaeology
- Highways
- Drainage
- Public Protection
- Neighbour Amenity
- Fire Safety
- Very Special Circumstances

## PRINCIPLE OF DEVELOPMENT

5.2. The requirement for the facility stems from the growth in renewable energy generation, predominantly solar and wind. However, due to the intermittent nature, and unpredictability of wind and solar power with peaks and troughs in production, the National Grid has become an increasingly challenging system to manage. Battery storage provides greater flexibility and enables rapid response and additional power supply when required to maintain National Grid at 50Hz.

5.3 With the need to reduce carbon emissions and tackle climate change, energy storage development to support renewable energy generation is supported in principle and given significant weight in the planning balance as per paragraph 168 of the NPPF.

5.4 Policy CC1 of the Local Plan is supportive of renewable energy developments. The policy requires that proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts (direct, indirect, individual and cumulative) 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. The wider impacts from the proposals will be assessed below, but in principle, the development is acceptable.

5.5 In assessing the proposal against the requirements of Policy CC1: the site is located in close proximity to the Osbaldwick Substation so any new grid connection lines will be seen in the context of the existing substation. There would be no impact on designated heritage assets or landscape areas and nature conservation sites. There will be a minor loss of agricultural land in the location of the 7MW facility. However, this area comprises such a small amount of agricultural land which already has limited capacity for use due to the constrained location between the existing BESS facility and the highway, that the matter carries minimal weight in the planning balance. The impact on York's historic character and setting, neighbour amenity and on the highway are discussed in more detail below.

5.6 The principle of the proposed development is considered to be acceptable within the context of Policy CC1 of the Local Plan and Paragraph 168 of the NPPF.

## GREEN BELT

5.7 The larger part of the site containing the 50MW BESS is not within the Green Belt. However, the smaller facility containing the 7MW BESS is within the Green Belt.

5.8 Policy SS2 of the Local Plan 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 it is one of the exceptions set out in Policy GB1 apply.

5.9 The proposed 7MW BESS facility is not considered to fall within any of the exceptions in Policy GB1 of the Local Plan. Part of 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.

5.10 It has been considered whether the site could represent Grey Belt land. The NPPF defines Grey Belt Land 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. The site does not represent previously developed land. The site has been considered in Topic Paper 1 – Green Belt Addendum - Annex 3 which forms part of the adopted local plan evidence base. In the Annex the site is identified as being necessary to keep open to prevent unrestricted sprawl and to preserve the setting and special character of the historic city. Therefore the definition of Grey Belt land does not apply to this site.

5.11 Part of the access track between the two BESS facilities would be located within the Green Belt. The formation of the access track is classed as an engineering operation. The access track is not considered to harm openness because it will be flat to the ground, lightly used and is not considered to conflict with the purposes of including land in the Green Belt. Therefore the creation of the track is not considered to be inappropriate development in the Green Belt.

### Impact on openness

5.12 The location of the 7MW BESS site including its surrounding fence and lighting/CCTV columns is located immediately to the south of an existing large 50MW BESS site. This current proposal is aligned in such a way that it will read as a modest extension of this existing BESS. However, despite this context, the facility

will still have a harmful impact on openness from the introduction of structures and development in an area currently free from development, and within what is a generally flat and open landscape, with this smaller facility being particularly visible from Hull Road to the south.

## LANDSCAPE AND VISUAL ASSESSMENT

5.13 Neither proposal will have a significant visual impact on the wider landscape. The application site slopes down and away to the north from Hull Road. For the 50MW BESS facility, views of the site would be mostly at an oblique angle, but with limited views available from the footway and cycleway on the Osbaldwick Link Road, and to a slightly greater extent, from the pavement along Hull Road. However, there is a deep and mature tree belt running along the Osbaldwick Link Road and Hull Road at this point, with this woodland being the most dominant element in the landscape. Although this BESS would bring development forward and closer to the rear of the woodland, it would be very much viewed in the context of these trees, and surrounding electricity infrastructure, which is large and extensive. The solid acoustic panel fence around the compound would partially screen the equipment itself but would also present a more solid form behind the trees. However, given its position within the substation boundaries, and the extent and maturity of the tree belt at this point, there would be no material harm in landscape or visual terms from this larger facility. When the trees are in leaf, this facility will hardly be seen from outside of the site.

5.14 For the smaller 7MW facility this would, to an extent, present as an extension to the adjacent BESS approved under 18/02659/OUT, and subsequent reserved matters. However, there would still be a degree of visual harm from the proposed new facility due to the introduction of utilitarian structures in a currently undeveloped location. The 7MW compound would reduce the gap between the existing BESS and Hull Road, and would bring existing development associated with the energy industry closer to Hull Road. A hedgerow lines Hull Road which allows filtered views of the BESS, but there would be clear view of the site from the south around the area where the access point would be taken. However, this new facility will be seen within the context of the existing transformer station and recent BESS development, and will largely read as a modest extension to that existing compound. It will project southwards from that towards Hull Road, and so in that respect will be clearly visible as an enlargement of that facility. However, it will be no wider than existing and will not extend development west or east into open land, instead being read with the existing BESS as its backdrop. Therefore in wider landscape terms, the proposal is considered acceptable, given its relatively modest size in its own right. It is noted that the landscaping scheme for recently implemented BESS development is still to take effect. However the absence of this landscaping is not considered material for the determination of this application, and further landscaping provision can be provided here through condition.

5.15 Views of both BESS facilities from the north have been considered. The 50MW BESS will be read in the context of the Osbaldwick substation which has a proliferation of buildings, plant and associated paraphernalia. The 7MW BESS would read as a modest extension to an existing BESS facility with the impact on the landscape being very slight. The impact on views from the north is considered to be minimal.

5.16 The intervening access track would be a modest feature, level to the ground and intended to be either of grasscrete or a similar material. This would not be perceptible in wider views. Additionally, the lighting/CCTV columns and acoustic fence would be read in the context of surrounding equipment so would not appear alien in the landscape.

5.17 Vehicular access to the 7MW site will be provided via an existing access junction off the A1079 AND which will be utilised during the construction, installation and operation of the proposed development. However, a new track measuring approximately 115m is proposed to run from this smaller BESS site into the Osbaldwick substation. This will run across intervening fields, which are currently devoid of such development. This new access tracks will be formed of grasscrete or a similar product. This will minimise visual impact and will have a less permanent appearance and impact on the landscape. The new track running west to east from the substation to the 7MW site will introduce a more alien feature in the landscape, however views of this will be mostly at an oblique angle, and mature planting and woodland will remain the most dominant element in the landscape. This, combined with the proposed grasscrete type surface, which will be flat to the ground, should mean that this new track will blend into the wider landscape in an appropriate manner.

5.18 Additionally a new emergency access track is proposed from the 50MW to join existing internal access roads within the Osbaldwick substation. Given its context around existing substation infrastructure, and the presence of the mature tree belt referenced above, there would be no impact from this new track on the wider landscape.

5.19 The 50MW BESS is located outside the root protection area (RPA) of the existing woodland and individual trees adjacent to Osbaldwick Link Road and Hull Road. However, the 115m long access track will require the removal of approximately 10no. trees from a B-Category group and 7m section of C-Category hedgerow. However, this would not cause harm to the integrity of the wider woodland, or planting, and the wider visual impact would not be materially harmed.

## ECOLOGY AND BIODIVERSITY NET GAIN

5.20 The biodiversity net gain metric and accompanying report set out that the applicant will utilise off-site compensation achieve a minimum 10% Biodiversity Net Gain.

5.21 Conditions could be used to secure ecological enhancements. Also required is a Habitat Management and Monitoring Plan and a Construction Environmental Management Plan.

## ARCHAEOLOGY

5.22 The site has potential archaeological interest. The proposal would have a detrimental impact on any subsurface archaeological features which may remain on the site. A programme of post-determination archaeological evaluation should take place ahead of development. This can be conditioned. This will ensure that any archaeological features which are revealed can be recorded.

## HIGHWAYS

5.23 Once constructed neither facility will be permanently staffed and trip generation will be very low with between 10 and 20 vehicle trips per annum (less than 2 per month). Both facilities could be access via existing site entrances, although it is expected that the new track linking the smaller BESS to the substation would be largely utilised for both. However, the existing entrance to the Electricity substation on Murton Way could be used as necessary. However, with traffic generation likely to be so low, there are no highway safety implications from the proposal.

5.24 Mitigation to reduce the impact on the highway during the construction period could be addressed by condition. A Construction Environmental Management Statement could include details of wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway.

## DRAINAGE

5.25 The flood risk and drainage principles of the larger 50MW BESS were considered and agreed under 19/01840/FULM and similar conditions can be imposed here.

5.26 The Internal Drainage Board have asked if a new road would be created for the Emergency Access in the section which is to the south of Bedale Avenue Drain. It was confirmed by the agent that the existing access does not require any alteration and the newly proposed stretch of the emergency access within the substation will be more than 10 metres from the Bedale Avenue Drain. The Board advised that strictly on this basis, they are satisfied in this regard. The Board

recommend that any approval granted should include conditions relating to drainage in accordance with agreed documents, and the requirement for a 9-metre land strip from Bedale Avenue Drain.

## PUBLIC PROTECTION

5.27 The submitted ITP Energised noise assessment demonstrates that the noise from the battery storage unit, inverters and transformers will not cause any adverse impact on the nearest residential properties, provided the acoustic fence is incorporated into the design. Conditions are recommended regarding Contaminated land and construction.

## NEIGHBOUR AMENITY

5.28 The nearest properties to the 7MW BESS are 1-3 Springfield Cottages located approx. 80m to the east. Given the presence of the existing facility and the noise generated by Hull Road, the impact on the amenity of these dwellings in terms of noise and activities is considered to be acceptable given the context.

5.29 The nearest properties to the 50MW BESS are on Redbarn Drive and are approximately 100m away from the facility and are separated from the facility by mature vegetation and Osbaldwick Link Road. This is considered to be a suitable distance to avoid impacts on neighbour amenity due to noise or activity.

5.30 Regard is had to the recently approved development at Land Lying to the South of Hull Road, Heslington, York. This application, 15/00166/OUTM, was a hybrid planning application comprising full details of residential development of 153 dwellings (C3 Use Class) and associated infrastructure and outline planning permission for 9 self and custom build plots (with all matters reserved except access). The impact on the amenity of future residents of this development is considered to be minimal due to the degree of separation from this site and the two BESS facilities. The separation is reinforced by the presence of Hull Road.

## FIRE SAFETY

5.31 A Battery Safety Management Plan based on the National Fire Chiefs Council (NFCC)- Grid-Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services (2022) has been produced. This sets out the fire strategy for the site which is one of active prevention and intervention to automatically extinguish the fire within the container.

5.32 If an incident does occur, provision has been made for the containment of firewater runoff into a containment pond on-site until disposal by a specialist contractor. The site access follows NFCC guidance providing two separate access points to each BESS facility. Containers will be spaced to prevent the cascading

effect leading to thermal runways. Overall the site should comply with and exceed the recommendation of the National Fire Safety Council recommendations.

5.33 Also provided is a Fire Water Management Plan (FWMP). The FWMP is based on the management and full containment of the proposed firewater suppression system and potential hydrant usage for a total estimated water usage of 700,000l within the proposed attenuation basin which has a total capacity of 916m<sup>3</sup>. This exceeds the minimum requirement for water supply of 2 hours at 1900 l/minute (total volume of 228m<sup>3</sup>) noted in the NFCC Guidance. Overall it is considered that the proposed measures and principles to manage firewater runoff at the site are acceptable and that firewater can be appropriately managed at the site without posing a risk to the environment / human health.

5.34 The applicant and National Fire Safety Service are intending to maintain an open dialogue with North Yorkshire Fire & Rescue Service (NYFRS) throughout the development, construction and operational lifespan of the project.

## VERY SPECIAL CIRCUMSTANCES

5.35 The proposal has been identified as representing inappropriate development in the Green Belt, by definition. Further harm has been identified as a result of the impact on openness of the development; minor harm to the landscape and visual character to the area. As such the development can only be approved in very special circumstances. Very special circumstances will only exist if the harm to the Green Belt by reason of appropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight should be given to any harm to the Green Belt, including harm to its openness.

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

5.37 The following very special circumstances are put forward by the applicant in support of the proposal:

### Locational Constraints

5.38 Stringent locational constraints apply to battery storage development. Energy storage projects of this type and scale need to be sited in locations where an available connection into the National Grid exists which can accommodate both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility. A location next to a substation is required to reduce the need for potentially visually intrusive connection infrastructure while maximising

the electrical efficiency of the storage facility and its interaction with the grid. The proposal is situated adjacent to Osbaldwick substation which meets these requirements.

### Energy Security, CO2 Reduction and wider environmental benefits

5.39 The proposal will help to provide security and resilience to the UK's electrical grid helping to facilitate the move to low carbon renewable energies. Although the facility would not produce any new energy, battery storage directly supports the development of new energy generating facilities which will increasingly be delivered from renewable energy sources. Development of battery storage would aid in the storage of energy generated from renewable sources which by their nature intermittently generate energy. Therefore the proposal can be regarded as low carbon energy associated infrastructure. A number of recent appeal decision are quoted in the Planning Statement to support this position.

5.40 Combined the two BESS proposed are expected to be able to store approx. 114MWh in a single charge. The developer has provided some context for this by explaining that one discharge of the battery is equivalent to:

- 342,000 miles travelled in an average electric vehicle
- the average daily energy usage of 15,400 homes
- Over 1 million kettles boiled

5.41 it is considered that the harm to the Green Belt by reason of inappropriateness and harm to its openness; and other stated harms is outweighed by the significant weight given to the accumulation of considerations outlined in paragraphs 5.38 to 5.40 above together with the need to support renewable energy infrastructure with the need to reduce carbon emissions and tackle climate change being given significant weight in the planning balance as per paragraph 168 of the NPPF.

## **6.0 CONCLUSION**

6.1. The battery storage facilities will provide electricity directly to National Grid to help balance the UK's energy supply through harnessing energy and releasing it as required to ensure the frequency of National Grid is maintained at 50Hz. Supporting sustainable renewable energy generation and associated infrastructure is a key principle in planning policy and significant weight has therefore been given to the principle of the development.

6.2. The smaller BESS facility is within the Green Belt. While it is concluded that the BESS is inappropriate development in the Green Belt by definition, very special circumstances are considered to apply as there is a demonstrable unmet need for the type of development which needs to be sited in a location where an available connection into the National Grid exists. The development will support renewable

energy infrastructure which will contribute to the need to reduce carbon emissions and tackle climate change. This is given significant weight in the planning balance as per paragraph 168 of the NPPF. The considerations set out paragraphs 5.38 to 5.40 clearly outweigh the harm to the Green Belt and other identified harms. Consequently, very special circumstances exist to justify the inappropriate development in the Green Belt.

6.3. The visual and landscape impact of the two BESS facilities together is not considered to result in minor harm. There is general compliance with policies D1 and D2 of the CYC Local Plan.

6.4. There are no significant impacts on public protection, ecological or archaeological grounds, subject to conditions. As such, the proposals are considered to be in accordance with relevant sections of the NPPF; particularly section 14 on climate change and section 15 on conserving and enhancing the natural environment. It is also found to be in accordance with policies DP2 Sustainable development and CC1 on renewable energy of the City of York Local Plan.

## **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:-

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 30 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 30-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:

a. 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.

b. 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 30-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 The surface water drainage works shall be constructed in accordance with the Flood Risk and Drainage Assessment Report - Project/Proposal No: GON.0475.0252 - Version: 3 - Date: 17/01/2025.

Any changes to the scheme must be approved in writing by the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, and then implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

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

5 A strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as Bedale Avenue Drain shall be kept clear of all new buildings, structures, walls, fencing, hardstanding and planting unless agreed otherwise in writing with Foss (2008) Internal Drainage Board.

Ground levels must also remain the same within this area.

Access arrangements should also be agreed with Foss (2008) Internal Drainage Board.

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

6 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The

information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.5 (one point five) litres per second,
- ii) the means by which the surface water attenuation up to the 1 in 100-year event with a 30% climate change allowance shall be achieved,
- iii) the site access road and turning areas,
- iv) the bases/plinths for the battery storage units, and
- v) the discharge/outfall structure to the watercourse.

Thereafter, the development shall be undertaken in complete accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

7 Prior to any development commencing on site, details of the discharge structure and pipe from the attenuation area to the drain to the west of the site running alongside Osbaldwick Link Road (Bedale Avenue Drain), and its exact route through the tree belt, shall be submitted to and approved in writing by the local planning authority. The route shall be informed and accompanied by an arboricultural assessment which shall identify a route for the outfall which results in the loss of the least number of trees and/or those of lesser value only. The assessment shall include an arboricultural method statement to ensure that minimal damage results to the retained trees, including appropriate tree protection measures, during the construction works. Where possible, the assessment and report shall include proposals for replanting. The development shall be undertaken in complete accordance with these approved details.

Reason: The mature tree belt is of local landscape value as a significant belt of woodland on Hull Road and Osbaldwick Link Road and for its value as a screen for the proposed development. Any unnecessary loss of trees in this location would result in a significant degree of harm to visual amenity and would open up views into a major electrical infrastructure site.

8 Unless otherwise first approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: So that the Local Planning Authority may be satisfied that no surface water discharges take place until proper provision has been made for its disposal.

9 A programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be

completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place in the green space on the corner of Hull Road and Osbaldwick Road until a written scheme of investigation (WSI) for evaluation which includes the results on a walkover assessment of ridge and furrow has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards and guidance 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or preserved in-situ.

10 Prior to development commencing, an ecological design strategy (EDS) addressing neutral grassland habitat creation to mitigate for the areas lost to development shall be prepared and submitted to the local planning authority for approval in writing. Thereafter, the EDS shall be implemented in accordance with the approved details within three months of the development coming into first use and all features shall be retained as set out in the strategy for the lifetime of the

development. The strategy shall include details of how the site will be returned to neutral grassland habitat should the development cease being in use for a period of three months or more. This being the case, all structures shall be removed from the site and the revegetation of the site implemented to the satisfaction of the local planning authority.

Reason: To mitigate for the loss of and damage/disturbance to a habitat of Local value in line with Policy GI2 Biodiversity of the CYC Local Plan and Paragraph 175 of the NPPF (2019) and to ensure if the uses ceases, the owner is required to return it to its natural state.

11 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 application site reaching the highway,
- f. measures to prevent flying debris,
- g. dust mitigation measures,
- h. noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures.

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

Reason: In the interests of public amenity.

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

Reason: In the interests of visual amenity

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

Planning Authority.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

14 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 and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- 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;
- Appropriate management options for achieving aims and objectives.
- 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;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Schedule for reporting findings to the LPA.

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 plan 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.

15 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 first agreed in writing by the local planning authority.

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

16 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the erection/installation of bat and bird boxes on the renovated and new buildings including a timetable for the implementation of such measures. The measures within the biodiversity enhancement plan/drawing as so approved shall thereafter be implemented in accordance with the approved timescale.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

17 Notwithstanding any proposed materials or finishes specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used for the track connecting the west 50MW BESS facility and the east 7MW BESS facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE: BIODIVERSITY NET GAIN (BNG)**

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

Development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, which is required in respect of this permission, is the City of York Council.

#### **SUBMISSION REQUIREMENTS:**

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;

- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

#### INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (f) There shall be no bonfires on the site

**Contact details:**

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