



Appeal Decision

Inquiry opened on 8 July 2025

Site visits made on 8 and 11 July 2025

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 17/07/2025

Appeal Ref: APP/C2741/W/25/3362064

Land at Murton Way, Osbaldwick, York, YO19 5UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Net Zero Fourteen Limited against the decision of City of York Council.
 - The application Ref is 23/02030/FULM.
 - The development proposed is the erection of a battery energy storage system (BESS), together with associated infrastructure, site levelling works, site access, landscaping, and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a battery energy storage system (BESS), together with associated infrastructure, site levelling works, site access, landscaping, and ancillary works at land at Murton Way, York, YO19 5UP in accordance with the terms of the application, Ref: 23/02030/FULM, subject to the conditions in the attached schedule.
2. At the case management conference held in May I made a ruling that I would consider the appeal on the basis of details and plans which had been slightly altered. These were consulted upon and no prejudice flows from my consideration of those details.
3. Although there were a significant number of written representations made in relation to this proposal, and the correspondents being notified of the appeal proceedings, no third parties attended the inquiry. I have of course taken full account of all written representations in reaching my decision.

Main Issues

4. The main issues in the appeal are:
 - a. Whether the appeal site lies within an area which is Green or Grey Belt, and if in the Green Belt whether it is inappropriate development;
 - b. If inappropriate development the effect on openness and purposes, and whether there are any other considerations which would clearly outweigh the harm by inappropriateness, and any other harm, such that very special circumstances are demonstrated so that planning permission can be granted.
 - c. The effect of the proposal on the character and appearance of the area;
 - d. Whether there is justification for the use of grade II agricultural land;
 - e. Whether the proposal has been shown to follow necessary safety protocols.

Reasons

Green or Grey Belt

5. The York Green Belt boundaries have been identified in the recently adopted Local Plan (LP)¹. At the time the LP was prepared and examined the concept of Grey Belt was not in play. That arose with the publication of the latest iteration of National Planning Policy Framework (NPPF) in December 2024. Consequently there has been no comprehensive assessment of what might constitute Grey Belt land around York. In this case a separate assessment has been made by both parties in relation to the appeal site, based on the guidance of National Planning Practice Guidance (PPG). The Council fairly conceded that if the land is to be classified as Grey Belt then it would be not seek to argue against the grant of planning permission.
6. As is well known, the definition of Grey Belt is set out in the glossary of the NPPF, and the starting point for assessment is whether or not the land in question contributes strongly to purposes (a) (b) or (d) in paragraph 143 of the NPPF. It is common ground that purpose (b) which seeks to prevent neighbouring towns from merging is not engaged since the settlement to the east, Murton, is a village.
7. Purpose (a) is to check the unrestricted sprawl of large built-up areas. By any definition it must be the case that York is a large built-up area. The PPG sets out a series of criteria which are likely to amount to a strong contribution to this purpose. These criteria are engaged in that the appeal site is currently free of development (save for minor structures at one extreme) and has a lack of physical features in reasonable proximity that could restrict and contain development. I do not regard the gappy hedgerows to the south of the site, and the shrubs alongside the northern boundary, as being such physical features. Although Murton Way to the south is one field width away, that field is open and agricultural. The A64 to the east is some distance away, and the disused railway at the northern boundary of the site is indistinct expect from the air. Taken in the round I do not agree that the site benefits from reasonable proximity to features which could restrict and contain development other than the small length of the north-west boundary.
8. Having said that, the site is close to the large built-up area at this north-western corner. But it is not remotely partially enclosed by existing development and (apart from the small building at the far eastern end of the site) does not contain existing development. Looked at realistically the site is not enclosed by other development in any meaningful or measurable way and is not inset into the urban area. The parties agreed at the inquiry that the overhead cables which cross the site, and the nearby pylons, are not, by and large, urban forms of development since they are commonplace in rural areas.
9. Development as proposed would extend development into the countryside, in an area which lacks current development and where there are no features of note that weaken its influence on purpose (a). Hence it is my judgement that the appeal site makes a strong contribution to the objective of checking the unrestricted sprawl of a large built up area.
10. Turning to purpose (d) it is of note that the primary objective of the York Green Belt is stated in LP Policy SS2 as the safeguarding of the setting and special character

¹ City of York Local Plan, adopted 27 February 2025

of York, and delivering the LP spatial strategy. This aligns closely with NPPF Green Belt purpose (d) which seeks to preserve the setting and character of historic towns. That the appeal site is within the setting of York in its broadest meaning is not at issue. But 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).

11. In relation to the assessment between Green and Grey Belt, therefore, it is my judgement that the appeal site makes a strong contribution to purpose (a). This must mean that the site is not located on land which can be considered to be Grey Belt. Hence the land retains Green Belt status, and there is no dispute that in those circumstances the development proposed would be inappropriate development. As is commonly known, this attracts substantial weight in the planning balance.
12. Self evidently a development of the nature proposed would have an effect on Green Belt openness. That impact would be largely experienced from a spatial perspective given the significant number of battery containers and associated development. But there would also be a visual element to the impact. That said it would be at a relatively low level and experienced in the context of the immediately adjacent pylon, several other pylons, overhead cables and further energy infrastructure. The industrial estate can also not be ignored as a detractor from openness.
13. Apart from conflict with purpose (a) as identified above there is no disagreement that the development would, to some extent, encroach into the countryside. That said, as a development of energy infrastructure that is not unusual as the parties accept. Nonetheless there is some conflict with purpose (c) too. The banks of battery containers and other development would extend into a currently open field and would, in effect, be similar to a finger of development in the Green Belt similar to that referenced in the PPG when discussing purpose (a).
14. There is an agreed position that there is no conflict with purpose (e) (assisting in urban regeneration by encouraging use of derelict and other urban land). Taking the issue as a whole, therefore, I am satisfied that it has been shown that the appeal site conflicts with purposes (a) and (c). There is conflict with the purposes when taken together and it is right to find that the site lies within the Green Belt and cannot be categorised as Grey Belt. It is inappropriate development which would have a moderate impact on openness and would lead to some encroachment. The harm to the Green Belt attracts substantial weight which I carry forward to the planning balance.
15. LP Policy GB1 sits alongside the more general objectives of Policy SS2 noted above. Policy GB1 closely follows the NPPF in seeking to prevent inappropriate development unless other considerations clearly outweigh the harm to the Green Belt and any other harm and therefore demonstrate very special circumstances. The development is not one of the exceptions noted in Policy GB1. There is therefore conflict with this policy. But paragraph 160 of the NPPF indicates that

the wider environmental benefits associated with increased production of energy from renewable sources may be capable of demonstrating very special circumstances.

Character and Appearance

16. The appeal site is located in the Vale Farmlands with Plantation Woodland and Heathland landscape as identified in the North Yorkshire and York Landscape Characterisation Project. Although of some age this document maintains relevance in that the characteristics of the area remain largely the same. The appeal site exhibits some of the key characteristics of the area, such as the low lying nature of predominantly arable fields, with mature hedgerows. The sense of openness is identified, but is limited hereabouts given the proximity to the city, the industrial estate and to the A64 nearby. There is a limited sense of tranquillity at best because of road noise and the impact of the industry close by.
17. Even so the land to the north remains largely open and this is a characteristic which can be experienced from the public right of way (PROW) which leads north from Outgang Lane. The open nature of land to the south is curtailed by infrastructure and rising ground. In essence the character of the appeal site is clearly that of countryside, with medium scale mixed use fields delineated largely by hedgerows. But there is a heavy influence of urban development and energy infrastructure which cannot be ignored, and which exerts a strong influence on character in the immediate area. I do not consider that the locality is of great sensitivity because of these local influences. This accords with much of the evidence submitted.
18. However, the appeal development would intrude into this environment. The assessments carried out for the Appellant and the Council in relation to this scheme do not differ greatly in their approach, and the judgements which lead to the conclusions follow similar paths if not similar conclusions in all respects. The comparative table of effects tend to agree that the magnitude of effects on character would be greatest at year 1 (as would be expected) reducing over time given the landscaping proposed. My own judgement is that the effect on landscape character is rightly assessed as being in the medium adverse bracket at year 1, particularly as the acoustic screening would be at its most prominent then. The adverse effects would be mitigated by the proposed landscaping scheme in that there would be benefits introduced by the planting of hedgerows and tree cover. This would limit longer term adverse effects to no more than minor harm.
19. Visually the scheme would be visible from Murton Way, in the gaps between the existing Murton Way and field hedgerows, and from the PROW to the north. Anyone using these routes for recreation, including cyclists, are sensitive to the development. But visibility would be fleeting and in the context of existing development. This visibility would reduce over time to a level which I assess to be minor. Similar conclusions can be drawn in relation to the nearest residential properties.
20. Taking this issue as a whole it is my judgement that the proposed development would be of locally moderate and adverse effect on character and visual amenity in its early years, but that this would diminish over time as a result of increased landscaping. The effect would therefore reduce to minor.

21. LP Policy D2 is supportive of development which would protect and enhance landscape quality and character, amongst other things. There is some conflict with this policy given the minor harm to character and appearance which would result from the proposal, albeit that the harm would be mitigated by landscaping and would be reversible in due course. The scheme does, though, recognise the value of existing tree cover and hedgerows, and adds further elements of both, which is in general accordance with Policy G14.

Agricultural Land

22. The development would be located on land which has been assessed as grade II, which falls into the category of being best and most versatile (BMV) as identified in the glossary of the NPPF. There is no policy requirement to keep such land in agricultural production although its benefits should be recognised. However, it is an objective of the NPPF that where significant development of agricultural land is deemed to be necessary, areas of poorer quality land should be preferred to those of higher quality. Significant development is not defined but is often taken to mean development involving a land area of more than 20 hectares.
23. This proposal would utilise a relatively small area of land, some 3.4 hectares in total, of which 1.7 hectares would be developed. In the context of the local area and North Yorkshire as a whole this would have a negligible impact on the availability of BMV land. There would also be a negligible impact on food production. In my view the loss of this land could not realistically be described as resulting from significant development of agricultural land. In any event the loss would be time limited and the land would be restored in due course (though I acknowledge a small portion would be likely to be retained as landscaped areas in the future).
24. I am also aware that development of the nature proposed can only be developed in certain locations (such as where a grid connection is available). In any event, on any objective measure the temporary loss of this land cannot be reasonably found to be materially harmful given the overall situation in the area and region.

Safety

25. I do understand the concerns of local residents and others who fear that the batteries located on the appeal site would be hazardous, particularly in the event of a fire breaking out. I am of course aware of the reported fires elsewhere (2 in the UK) and the aftermath. But in light of the revised layout and organisation of the proposed development the Council no longer contests this matter.
26. In recent months and years the understanding of risks has increased and recommendations have been agreed for the implementation of schemes to enable confidence that there would be the maximum degree of site safety. The current proposals follow the National Fire Chiefs Council recommendations as well as the safety guidance provided by the Department for Energy Security and Net Zero in 2024.
27. The batteries would be housed in containers which would be fitted with control units to regulate humidity and temperature. Furthermore, there would be detectors designed to establish any likely stress in individual batteries. In the unlikely event of a short circuit and fire breaking out in any battery container a fire detection and suppression system would operate. Experience and testing of the vapour cloud

from fires in the UK and abroad does not indicate that there would be likely to be hazardous concentrations of toxic gas release as a result of fire.

28. The Council and Appellant have agreed a Statement of Common Ground which acknowledges that guidance and recommendations (including those above) have been followed. Consequently it is agreed that the proposed development has been shown to have a residual safety risk which is as low as reasonably practicable. The implementation of acceptable safety precautions can be controlled by conditions. Whilst risk can never be eliminated I am satisfied that the current proposal is acceptable in relation to matters of safety. I therefore accept that this is not a matter which should weigh against the proposal.

Other Matters

29. The nearest residential occupiers to the proposal are located at the traveller site to the north-west. Concerns have been raised in relation to noise, in the knowledge that the battery containers would utilise cooling fans. However the acoustic assessment carried out demonstrates that the noise environment at the traveller site would not be unacceptable with the introduction of the proposed acoustic screening. Both day and night time noise would fall within acceptable parameters. Other residents to the south and east would also retain satisfactory living conditions. There is no conflict with LP Policy ENV2 in this regard.

Other Considerations and the Planning Balance

30. At this point it is apposite to address the benefits of the proposal. I do not need to repeat them here but there is agreement that 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. The proposed scheme would provide up to 100MW of storage capacity, sufficient to power over 300,000 homes for 2 hours.
31. The NPPF indicates that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the contribution to net zero. This is equally the case for the associated infrastructure developments. The weight afforded to schemes will vary from case to case, and it was agreed by the Council that the NPPF use of 'significant' does not amount to an upper cap on the judgement of weight. The PPG emphasises the benefits of being able to use renewable energy more flexibly with the introduction of storage facilities. The Clean Power 2030 Action Plan makes it clear that a very significant increase in provision (including battery storage facilities) is required if the aspirations of the Plan are to be achieved.
32. The UK Parliament and the City of York Council have declared a climate change emergency, and this gives added weight to the imperative to take decisive action to combat climate change. When taken together I find that the benefits of the provision of infrastructure of the type proposed must attract substantial weight.
33. The Appellant in this case has a confirmed grid connection offer. This is an important material consideration in allowing the scheme to progress quickly. It

would be linked into the nearby Osbaldwick substation. I agree that the availability of an early grid connection is a significant benefit of the proposal.

34. In addition to the benefits associated with the aspects of renewable energy and its storage, the scheme would provide other benefits. Biodiversity net gain would result from the extensive landscaping proposed. This would be particularly notable in the extensions and supplements to native hedgerows. Linked closely to this is the very fact that there would be an increase in green infrastructure across the site, including wildflower planting. These benefits are significant.
35. Farm diversification is promoted as a benefit, and I acknowledge that this is set out as an objective in the NPPF. However in my judgement it has not been demonstrated that this can attract more than limited weight. The primary driver here is to address the need for energy storage and the location of the site is driven by other factors rather than any imperative to diversify an agricultural business. In effect the diversification is a by-product of other influences.
36. Set against these benefits are the identified harms which I dealt with earlier in this decision. The first of these is the harm to the Green Belt and its openness. This of course carries substantial weight.
37. The impact on the character and appearance of the locality would be moderately adverse in the short term, but would reduce over time. This carries limited weight in the balance.
38. I do not ascribe any adverse weight to the minor loss of agricultural land over the period of the development, nor to the matters of safety. There are also no other matters which in my judgement would result in harm sufficient to count against the proposal.
39. I have set out above my assessment in relation to a number of LP policies. There is one further policy of importance, that being Policy CC1, which addresses climate change. The policy encourages renewable energy and associated development (including storage) where impacts are demonstrated to be acceptable. The policy has 7 criteria. In my judgement there is very minor conflict with criterion i. in relation to the surrounding landscape (whilst acknowledging the landscape proposals and reversibility of the scheme). There is no other conflict with the policy with which it clearly complies overall. I consider Policy CC1 to be the most important policy in this case. There are policies which pull in different directions but in this case the most important policy is satisfied and in my judgement the proposal is compliant with the LP when read as a whole.
40. The overall balancing factors in this case can be summarised as follows
 - Substantial harm to the Green Belt and its openness;
 - Moderate, reducing to minor, harm to character and appearance, which would be reversible in due course;
 - Substantial benefits to the provision of renewable energy infrastructure;
 - Significant benefits to biodiversity and elements of the landscape structure;
 - Limited benefit in respect of agricultural business diversity.

41. The assessment of the balance is not, as agreed at the inquiry, a mathematical exercise. Not all substantial or other weightings are necessarily equal. In this case it is my judgement that the other considerations which support the scheme are patently sufficient to clearly outweigh the Green Belt and other harm. For that reason the proposed development has demonstrated the very special circumstances which mean that the appeal should succeed.

Conditions

42. The Appellant and Council supplied a list of conditions which would be necessary should I have reached the view that the appeal should be allowed. I agree that the conditions suggested would be reasonable and necessary and meet all the required tests. The conditions can be briefly described as follows:
- Conditions are necessary which define the permission, the time in which development must begin, and control the time limit for development and subsequent restoration of the land. This is to ensure that development is properly controlled.
 - Pre commencement conditions are necessary which set out both construction environmental requirements, construction biodiversity requirements, soil management plans and habitat management and monitoring. This is to ensure development is carried out in a manner which protects important features and delivers necessary benefits.
 - Conditions are necessary to ensure that surface water is properly dealt with and the adjacent beck is properly protected.
 - In order to give maximum protection to the appearance and visual amenities of the area a landscaping condition is necessary, along with a condition requiring approval of any lighting scheme.
 - In order to ensure any archaeological remains are properly recorded a scheme of investigation is necessary.
 - In order to give maximum protection to the local environment and residents conditions are necessary which set out safety and emergency response plans. For the same reason a condition is necessary which requires any unexpected contamination to be properly dealt with.

Conclusion

43. For the reasons given above, subject to the imposition of conditions dealing with the above matters, I have concluded that the appeal should be allowed.

Philip Major

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:
 - Site Location Plan (FST007-SP-01 Rev 04)
 - Proposed Site Layout Plan (FST007-PL-01 Rev. 10)
 - Contextual Elevation Sheet 1 of 2 (FST007-EL-01 Rev. 09)
 - Contextual Elevation Sheet 2 of 2 (FST007-EL-02 Rev. 08)
 - Landscape Masterplan (P23-1507_EN_15 Rev. D)
 - Battery Unit (FST-007-SD-08 Rev. 02)
 - Inverter (FST007-SD-06 Rev. 03)
 - DNO Control Room (FST007-SD-12 Rev. 02)
 - 132kV Substation (Plan) (FST007-SD-01 Rev. 03)
 - 132kV Substation (Sections) (FST007-SD-02 Rev. 03)
 - Customer Switchgear (FST007-SD-13 Rev. 02)
 - Transformer and RMU (FST007-SD-07 Rev. 03)
 - Aux Transformer (FST007-SD-05 Rev. 02)
 - Battery Interface Cabinet (FST007-SD-04 Rev. 02)
 - 240,000l Water Tank (FST007-SD-15 Rev. 01)
 - 40ft Spare Parts Container (FST007-SD-03 Rev. 02)
 - 2.4m Palisade Fence and Security Gate (FST007-SD-09)
 - CCTV Camera and Pole (FST007-SD-10 Rev. 02)
 - Access Track (FST007-SD-11 Rev. 02)
 - 4.0m High Acoustic Fence (FST007-SD-14 Rev. 02)
 - Fire Strategy Plan (FST007-FS-01 Rev. 10)
- 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:
 - 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 agricultural use 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.

- 4) 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.

- 5) 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.
- 6) 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 be 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.

- 7) 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 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.
- 8) The approved landscaping scheme as illustrated on Landscape Masterplan P23-1507_EN_15 Rev. D 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.
- 9) The surface water drainage works shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy (Revision F) dated 28 March 2024. Any changes to the scheme must be approved by the local planning authority, in consultation with Foss (2008) Internal Drainage Board. The approved strategy shall be implemented before the development is brought into use.

- 10) 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 writing by the local planning authority.
- 11) 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 otherwise agreed in writing with the local planning authority in consultation with the Foss (2008) Internal Drainage Board. Current ground levels must also remain the same within this area.
- 12) A programme of post-determination archaeological mitigation, specifically an archaeological watching brief in the access road area. The archaeological scheme shall comprise 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 local planning authority 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 WSI approved under paragraph a) and provision shall be made for analysis, publication and dissemination of results and archive deposition to 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.
- 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 (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.
- 14) 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.

- 15) Prior to the delivery of any batteries to the site, a Battery Safety Management Plan shall be submitted to and approved 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 runaway conditions be detected;
 - The detection system in place for alerting of fires that do not involve thermal runaway (e.g. fires involving electrical wiring);
 - Confirmation that continuous combustible gas monitoring within units is provided;
 - 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.

- 16) Prior to the delivery of any batteries to the site, an Emergency Response Plan including Site Specific Risk Information (SSRI) shall be 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.
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