

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 28TH MARCH, 2024**

**PRESENT:** Councillor J Akhtar in the Chair

Councillors B Anderson, J Heselwood,  
D Jenkins, R Jones, J McKenna, M Millar  
and L Buckley

### **SITE VISIT**

Councillors Akhtar, Anderson, Jones and Heselwood attended the site visit earlier in the day.

**81 Appeals Against Refusal of Inspection of Documents**

There were no appeals against the refusal of inspection of documents.

**82 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

**83 Late Items**

There were no late items.

**84 Declaration of Interests**

No declarations of interests were made at the meeting.

**85 Apologies for Absence**

Apologies were received from Cllrs Sharpe and Stephenson. Cllr Buckley attended the meeting as substitute for Cllr Stephenson.

### **PRE-ELECTION ADVICE**

The Legal Adviser to the Panel read out the following statement:  
Before we start today's meeting, as members know, as a result of local and regional elections being called for the 2 May, currently we are in the pre-election period of heightened sensitivity period.

The Chair has asked me to advise members that the purpose of the pre-election period is not to prevent the Council carrying out its normal business, but it is to prevent the business conducted by the Council being used or having the potential to be perceived as being used, to secure any electoral advantage.

As such, please treat this as normal Plans Panel meeting but be mindful of debate that amounts to or could reasonably be perceived to amount to electioneering.

### **CHAIRS COMMENT**

The reminded Members of the North and East Plans Panel that this would be the last meeting for Cllr McKenna as he was retiring. He thanked him for all the work that he done over the many years as a Councillor and for the work that he had done on Plans Panels.

**86 Minutes - 29th February 2024**

**RESOLVED** – That the minutes of the previous meeting held on 29<sup>th</sup> February 2024, be approved as a correct record.

**87 23/03233/FU – Installation and operation of a Battery Energy Storage System and associated infrastructure at Land To The North Of Allerton Bywater, To The West Of The A656 Barnsdale Road, South Of Kippax.**

The report of the Chief Planning Officer set out an application seeking planning permission for the installation and operation of a Battery Energy Storage System (BESS) and associated infrastructure at land to the north of Allerton Bywater, and the west of the A656 Barnsdale Road, south of Kippax.

Members had attended a site visit early in the day. Slides and photographs were shown throughout the presentation.

The application was brought before North and East Plans Panel at the request of Councillors Lewis and Harland.

The presenting officer provided the Panel with the following information:

- The land was 2 hectares of Green Belt located near to Allerton Bywater, Ledston and Kippax. It was near Ledston substation, Low Lodge a grade II listed building, a listed barn at Home Farm, the grade I listed Ledston Hall and grade II Ledston Hall Registered Park and Garden, and the proposed Solar Park. It was noted that the application for the Solar Park had already been granted given there were very special circumstances, but the development had not yet started on this site.
- It was noted that the site was open agricultural land with the proposed access off Barnsdale Road between Low Lodge and Ledston substation. The substation is enclosed by hedgerow and trees.
- In the area there are several nature conservation sites including Kippax Lodge Pond Local Wildlife Site, Newton Ings Local Wildlife Site and Fairburn Ings and Newton Ings Site of Special Scientific Interest.
- The proposal was for a 40MW Battery Energy Storage System for a duration of 40 years, with associated infrastructure. This would consist of 32 battery units and 16 inverter/transformer units located within a hardstanding compound. A proposed 66kV substation would be surrounded with a high security fence, and comprise of control room, auxiliary building, water tanks and a parking area.
- Members were advised that the proposal included the planting of 81 trees, shrubs and hedgerows, and there was no lighting proposed. It was noted there would be some views through the vegetation, but the planting would provide screening.
- Objections to the proposed application had been received from Councillors Lewis and Harland, local MP, Kippax and Ledston Parish

Councils and 907 objections with an additional 2 more since the publication of the papers. The public responses were set out at Paragraphs 44 to 51 of the submitted report.

- Environmental Health had said that noise would not exceed permitted levels.
- The LCC Nature Team had recommended that conditions should be added to the decision relating to the requirement for the Construction Environmental Management Plan, a Landscape and Biodiversity Net Gain Management Plan, Biodiversity Net Gain Habitat Monitoring Reports, Method Statement for Great Crested Newts and for plans to be submitted relating to bat and bird pole mounted roosting.
- It was acknowledged that there had been significant concern from local residents on the issue of fire safety and the adverse impact on local communities should a fire occur. The only known incident in the UK had happened at Liverpool in February 2020. It was noted that since the incident guidance had been updated. The West Yorkshire Fire and Rescue Service (WYFRS) had been in consultation with the applicant prior to submitting the application and although no objection had been received, they had requested clarification from the applicant on issues set out in the submitted report at Paragraph 115. It was noted that the Fire Safety Management Plan would continue to be updated through engagement with the Fire Service.
- Highways were of the view that there would be minimal traffic disruption during construction.
- It was recognised that should the Plans Panel agree with the officer recommendation then the matter must be referred to the Secretary of State as the application site is over 1 hectare and would have significant impact to the Green Belt.
- Comments from the Climate and Emergency Team had not been available when the agenda was published, but their comments were read out at the meeting.

A member of the Save Our Village – Allerton Bywater, Kippax and Ledston Campaign Group and Councillor Lewis addressed the Panel and provided the following information:

- The campaign group acknowledged the importance of renewable energy but were concerned about the proposal of the site's location for the BESS and the significant and devastating impact of this proposal on the villages surrounding the site. The campaign group put forward several concerns which were:
  - Non-compliance of the NFCC Regulations. It was noted that the battery units should be 6 metres apart, however the proposal was for them to be 3 metres apart. There should be at least two access roads, but the proposal was for only one which was a track and prone to flooding.
  - Co-location of the BESS within a solar development is not essential. BESS can be co-located wherever there is access to the grid. Benefit of co-location minimises the cost of infrastructure which would only be beneficial to the applicant.

Commercial and economic reasons are not material planning considerations.

- Alternative site assessments had not considered enough alternative smaller BESS developments or Brownfield sites. It was the view that there was no evidence that this needs to be adjacent to the substation.
- It was the campaign group's view that if this BESS was to go ahead it would set a precedent for others to apply and this would cause destruction of the Green Belt and bring unwanted industrialisation.
- It was the view of the campaign group that BESS is not a renewable energy and was used for storing energy, therefore the applicant did not have special circumstances for the development within the Green Belt.
- It was also the view that the applicant had not provided definitive plans on technology, materials would be decided on after consent, and the noise level reports were hypothetical. It was noted that 25MW BESS on the opposite side of Barnsdale Road had been refused planning permission. The report of the planning officer on the refused application had been sent to Panel Members by the speaker.
- Councillor Lewis picked up a point from the presentation which was in relation to the mapping that showed the wider residential areas to the south of Park Lane, which had now been developed. Therefore, there were residential properties were closer than suggested to the proposed site.
- When Councillor Lewis and Councillor Harland had first put in their objection, they had been responding to emerging planning policy and it was their view that this was a new technology which the Panel should consider carefully.
- It was acknowledged that the Council had agreed a Solar Park in this location and that recognised the need for electricity to be generated using different methods.
- Councillor Lewis agreed with the campaign group in relation to the fire safety concerns and that the proposed site was in the Green Belt.

Responding to questions from the Members, the Panel were provided with the following information:

- In relation to concerns about fire safety, in the NFCC the guidance says that battery units should be 6 metres apart but, in the application, they were to be 3 metres apart and there should be at least two access roads to the site. Photographs had been sent by the campaign group to show flooding at this location especially on the access track. It had also been noted that in the planning officer's report it had stated that any buildings should be 25 metres from the batteries, however there is a building within 25 metres of the batteries. The suppression system had not yet been selected, so could not be determined as being appropriate for this site. It was also noted that any vegetation should be managed to limit any fire risk, the applicant had said they would manage this, but

in documentation it had been noted that this would only be managed for 5 years.

- It was confirmed that the fields in the area close to Barnsdale Road were prone to flooding not just in high rainfall but at times also had a lot of standing water.
- It was not the view that a BESS should not be developed in Leeds, but that this site was not the right location for this application. Councillor Lewis said that he was aware that in other Districts old power station sites had been used for BESS and there was land of this type around Leeds and West Yorkshire.
- In relation to alternative sites, it was noted that the size of this development was the main consideration when comparing to alternative sites, and the view was that more research should be done into utilising smaller sites. Members were informed that there were other sites in the UK and one of these was located 3km away from the BESS and one in Northampton was located 10km away, whilst the BESS at Creaky Beck linked to an offshore wind farm, with Dogger Bank being 131km from shore at its nearest point.

Rachael Edmunds and colleagues attended on behalf of the applicant Banks Renewables and informed the Panel of the following:

- Members were informed that the project team had worked with planning officers to ensure that the project had been sensitively designed. They were grateful for the input and advice that had been received. It was noted that the officers had performed a robust and thorough assessment for an appropriate delivery of the BESS.
- They advised the Panel that batteries were safe, clean and an efficient way to store electricity. They quoted the National Grid that said battery storage technologies were essential to speeding up the replacement of fossil fuels with renewable energy. The batteries enable energy generated from renewable sources such as solar and wind to be stored and released when most needed.
- It was noted that the BESS would save approximately 6,900 tons of carbon dioxide per annum assisting the aim of both the country and the council towards net zero. It would also contribute to the security of the supply of energy.
- The Panel were advised that the use of batteries could save the UK energy system up to £40bn by 2050 and reduce people's energy bills.
- They acknowledged the concerns in relation to fire safety. They had worked with WYFRS on the site design. Each battery unit would have built-in fire prevention technology and the site layout had been designed to eliminate fire spreading and ensure that the fire service had information and facilities they need on site.
- This location had been selected as it would be in the boundary of the agreed Barnsdale Solar Park and the assessment found this location to be the only available site in Leeds. The battery at this site it would allow for the sharing of infrastructure, including the grid connection.

- It was the view that new trees and hedgerows planted on the site would enhance wildlife habitats, as well as installing bat and bird boxes. Biodiversity net gain of 75% would be achieved.
- The project would provide significant economic benefits for the local area. £7m would be invested in the local economy and within the ethos of the company they would prioritise the use of local firms where possible.
- It was noted that Banks Renewables had a record of working with local communities in Leeds. The Hook Moor Wind Farm had been operating for 10 years and in this period £65,000 worth of grants had been awarded to the local community.

Responding to questions the following information was provided:

- The Panel were advised that Banks Renewables had not ignored the National Fire Chiefs Guidance, they had made sure that all steps in the guidance had been taken account of in the design of the scheme. The four points set out at Paragraph 115 of the submitted report which the WYFRS had required clarification on were answered as follows:
  - The selected suppression system – there was no specific battery technology selected at this time as no supplier had been identified yet. At the point when the battery is selected then a suppression system would then be selected. This would be in consultation with the fire service and within the principles of the National Fire Chiefs Guidance. It would be a lithium-ion battery and each supplier have a slightly different configuration for their battery. When an application is granted then a tendering exercise is done to select the supplier.
  - There are two access points into the battery compound one at the east side of the compound and one at the west side.
  - It was noted that the 6 metres between each unit set out in the guidance can be reduced. It was noted that technology had moved on since the guidance was introduced and the batteries on this site would have a 1-hour thermal barrier, therefore the space between the battery units can be reduced to 3 metres.
  - It was noted that the Fire Chiefs guidance was for occupied buildings and the control building on this site would not be occupied all the time only on occasions when maintenance was required. The closest occupied buildings would be 300 metres away.
  - Members were advised that Banks Renewables had engaged with the Fire Service throughout and were committed to continue to engage with them and meet them on an annual basis to check the Fire Management Plan.
- The alternative sites assessment was based upon 1km to 2km distance to the grid connection. This related directly to the cost of accessing the grid, as the further away from the grid the more costly it becomes. For a facility of this size, it was required to be 1 to 2km away from the grid to make it viable.
- The alternatives sites assessment had been published as part of the application on the Planning Portal for members of the public to view.

The scope of the assessment was in agreement with the planning officers. It was confirmed that no sites had been assessed outside the Leeds area.

- The energy that the batteries use comes directly from the grid, as with other BESS sites it does allow the gradual reduction of coal and gas. The batteries cannot pick out renewable energy, only energy that it can store. The Panel were informed that the location of the BESS site would allow the site and the Solar Park to work alongside each other to provide a more efficient form of energy storage.
- Members were advised that in relation to access and the risk of flooding, there was a Flooding Emergency Plan. There was to be two access points on opposite sides of the compound, and the project team were considering a third access.
- It was acknowledged that Highways had suggested that there would be increase heavy vehicle movements in the first two months of construction. Should maintenance be required to the highway and not renewed by the applicant then this could be sent to enforcement.

Members comments included:

- Members did not disagree that there was a need for a BESS, they were asked to consider if this was an appropriate location for this scheme. It was the view that not enough information had been provided, there was concern that not all aspects of the scheme had been addressed and it was not understood why the applicant had not explored other sites.
- There were concerns in relation to fire safety, the guidance in relation to distances between the battery units, and in relation to access points and flooding issues.
- Members wished to seek more clarification and details on aspects of safety.

Members were provided with further information in relation to BESS in Leeds with planning permission, three have been approved. The industry is growing rapidly, and the facilities are becoming larger. It was noted that there are other BESS facilities in Leeds, three have already been approved, totalling 400MW on brownfield land which is the best place for them next to substations, achieving economic goals of the developer and the public benefits from storing energy.

It was noted that there was one approved BESS in Green Belt at Howden Clough in Morley.

The one refused at Newton Lane on the opposite side of the road to this application was refused for the following reasons:

1. It was the view that there were no very special circumstances which outweighed the harm to the Green Belt and other harm.
2. The proposed site was on grade 3 agricultural land, which needs to be saved for food production and is part of Council Policy.
3. It would be harmful to the Ledston and Ledsham Special Landscape Area. However, the site being considered at this meeting was not in a Special Landscape Area.

4. There was a lack of information and assessments on listed assets and the impact on them directly and the setting.
5. There were also pollution concerns. Should a fire event occur, officers did not believe that in accordance with the advice from WYFRS that there would be enough water containment on site and could affect waterways given the proximity to a Site of Special Scientific Interest.

It was noted that there are 525 BESS sites consented in the UK some located in the Green Belt. This industry has grown since 2021. Officers in Leeds had regard to the location on Green Belt and the permissions given by other councils. It was acknowledged that each application for BESS must be looked at on a case-by-case basis.

It was noted that should Members wish the WYFRS to attend a meeting. However, Members had to consider the land use and whether in the context of planning the site is appropriate for this type of use. The Plans Panel should not seek to impose or duplicate fire safety regulations or safety regimes that exist elsewhere. It was recognised that Members may have concerns in relation to fire safety. However, this was not a matter for the Plans Panel, they need to concentrate on land use and planning merits of the scheme. It was noted that there was no information about the second access point and where that would be, how it would be constructed and routes into the compound. Members were advised that it was reasonable to defer on the points that Cllr Millar had made.

**RESOLVED** – To defer the application for further information in relation to:

- The location on Green Belt and the very special circumstances.
- The other sites assessed, and consideration be given to sites outside of the Leeds administrative boundary.
- Information in relation to the second access road.
- Clarification on aspects set out at Paragraph 115 of the report in relation to fire safety.
- Response of the Climate and Emergency Team in writing.
- Information on the batteries that might be chosen.

## **88 Date and Time of Next Meeting**

**RESOLVED** – To note the next meeting of the North and East Plans Panel will be Thursday 25<sup>th</sup> April 2024 at 1:30pm.

*The meeting concluded at 14:45*