



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd November 2018

Subject: 17/06830/FU – Development of a 49.99mw Battery Energy Storage System (BESS) comprising 25 containers, transformers, sub-stations, cabling and other ancillary apparatus and enclosure at land adjacent to 4 Redcote Lane, Armley, Leeds LS4 2AL.

APPLICANT

CJ Energy Ltd

DATE VALID

05th April 2018

TARGET DATE

29th November 2018

Electoral Wards Affected:

ARMLEY

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. In accordance with approved plans
2. Begun within 3 years
3. Cabling underground
4. Construction management plan
5. Soft landscape provision
6. Retention of existing vegetation
7. Surface water drainage
8. Phase 1 contaminated land
9. Facing materials to be approved
10. Lighting to be approved
11. Noise scheme - plant and machinery
12. Specified activity and delivery hours
13. Carried out in accordance with Flood Risk Assessment
14. Finished floor level details
15. Flood emergency action plan to be agreed

16. Vehicles areas to be made up and drained
17. Contaminated land remediation measures
18. Remediation verification
19. Imported soils
20. Use of buildings
21. Final Restoration

1.0 INTRODUCTION

- 1.1 Councillor Alison Lowe has requested this planning application be referred to Plans Panel for determination as she has concerns about the proposal's negative effect on health, connectivity and a green corridor, which gives rise to concerns affecting more than neighbouring properties.

2.0 PROPOSAL

- 2.1 The proposal comprises the change of use of the application site from caravan storage (B8) to energy storage (Sui Generis). With that, the proposal also includes the siting of 25 battery storage containers on the land, together with 4 substation cabins, open transformer plant, feeder substation building, substation annex, cabling and fencing across two compounds, and an access from for construction and maintenance. Access to the application site would be from Redcote Lane to the east and Wyther Lane to the west.
- 2.2 The application site would be split into two distinct areas. The area to the north-west would contain a substantial substation building along with a plant compound while the area to the south-east would comprise the storage of battery containers, with 4 additional container-sized sub-stations. It is anticipated that the use will have a lifespan of around 25 years.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site (minus access road/s) occupies approximately 0.48ha over two areas, both of approximately 0.24ha. The site forms part of a permitted caravan storage site, screened by trees on the boundaries. The site falls within the wider Kirkstall Valley Area which is allocated Open Space within the UDP.
- 3.2 To the north-west of the site is an electricity substation, operated by the statutory undertaker, of some 3.7ha, comprising largely of concrete hardstanding and electricity transformer plant. The electricity site is allocated within the saved UDP as an employment shortfall area and is a proposed employment site in the submission draft SAP. An existing residential dwelling is located within the caravan site but outside the application site, to the north-east of the proposed substation compound.
- 3.3 Aire Valley Marina lies adjacent to the southern boundary, with several residential barges moored there at any given time. The canal tow path runs adjacent to the south of the marina, which is a public right of way and the Leeds and Liverpool Canal runs adjacent to the south of this. The canal and river are designated as a Site of Special Scientific Interest (SSSI). A railway line runs to the north east of the application site, which would occupy land to the north of the proposed container compound and to the east of the substation compound.
- 3.4 In the wider context, the application site, which forms part of the surrounding caravan site, is surrounded by a significant area of open space, taken up by Gotts

Park Golf Club and Armley Park. The River Aire runs through the open space area to the north of the site. Redcote Lane connects the application site to Kirkstall and the A65 Kirkstall Road and there are two business units along this road within the open space area. There is also a further smaller electricity transformer site situated off Redcote Lane to the north of the site. The open space was once the site of Kirkstall Power Station, which was demolished and the land restored during the 1980's.

4.0 **RELEVANT PLANNING HISTORY:**

4.1 99-24/30/93/FU – boat and caravan storage, including maintenance and construction; approved 17.02.94. Included a signed Section 106 Agreement.

06/02082/FU – single storey caravan storage and repair building; approved 16.06.06

5.0 **HISTORY OF NEGOTIATIONS:**

5.1 Pre-application advice of the local planning authority was not sought by the applicant/agent prior to the planning application being submitted.

5.2 Negotiations have taken place over the course of this planning application to resolve the clarity of the proposed plans and proximity of the application site to the marina; and, submission of further information, including an acoustic report.

6.0 **PUBLIC/LOCAL RESPONSE:**

6.1 The planning application was advertised in the Yorkshire Evening Post on 03.11.17 and via site notices on 17.11.17. The application was re-advertised with additional site notices on 24.04.18 after the access arrangements were amended.

6.2 8 representations from members of the public have been received, raising the following concerns:

- Harm to boat residents from noise;
- Environmental impact – potential for leaks from batteries – flooding could cause contamination of the River Aire which has SSSI status;
- Against policies N1, N8 and N11 in the Leeds saved UDP;
- Visual impact will harm surrounding area;
- Red line boundary of the proposal includes third party land;
- Access issues to a service strip;
- No notice received for marina owners and boat residents;
- Health and safety issues – fire suppression systems could be hazardous to boat residents if they leak; and,
- The application includes both storage and generating capacity and as such involves more than 49MW, which would put it into the NSIP regime.

6.3 Councillor Alison Lowe for Armley Ward objects to the proposal because for the following reasons:

- Green Corridor - The area forms an important green corridor that connects Armley Park and Gotts Park to the West of the Leeds – Liverpool Canal with the Kirkstall Valley Nature Reserve in Armley Ward to the East of the Canal, and with new wildlife areas near Burley Mills in Kirkstall Ward to the East of the River Aire. The proposal would not enhancement the area;

- Connectivity – Redcote Lane is the only means to cross over from the existing recreational land in Armley Ward to the developing facilities in Kirkstall Ward. Users of this route deserve a high-quality green environment when moving between the two;
- Health impacts – inner city areas such as Armley and Kirkstall have higher than average mortality rates, incidences of suicide and mental health problems and the proposal would reduce the opportunities for walking, cycling and other outdoor physical activity.

7.0 CONSULTATION RESPONSES:

Statutory

- 7.1 National Grid – no objection
- 7.2 Canal and River Trust – recommend imposition of a planning condition to require drainage details and proper consideration to be given to residents of moored boats.
- 7.3 Environment Agency – the submitted Flood Risk Assessment is acceptable but local planning authority should satisfy itself that the development passes the flood risk Sequential Test.
- 7.4 Yorkshire Water – no objection
- 7.5 Natural England – initial concerns relating to drainage – possible to overcome via the imposition of a suitably worded planning condition/s.
- 7.6 Highways Team – no objection subject to planning conditions relating to the laying out of areas to be used by vehicles and provision for contractors during construction.

Non-statutory

- 7.7 Nature Team – the requested boundary planting is considered to be satisfactory.
- 7.8 Flood Risk Management Team - no objection subject to a planning condition relating to surface water drainage.
- 7.9 Neighbourhoods and Housing Team – no objection subject to planning conditions relating to sound insulation, lighting and delivery hours.
- 7.10 Contaminated Land Team – no objection subject to planning conditions relating to site investigations.
- 7.11 Public Rights of Way Team – no objection

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The policy guidance in Annex 1 to the National Planning Policy Framework (NPPF) is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the revised NPPF. The closer the policies in the

plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align with the NPPF. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

8.3 The adopted Leeds development plan consists of:

Leeds Core Strategy (Adopted 2014, Reviewed 2016)
Leeds Natural Resources and Waste Local Plan (Adopted 2013/15)
Saved policies of the Leeds Unitary Development Plan (Reviewed 2006).
Aire Valley Leeds Area Action Plan (Adopted 2017)
Any made Neighbourhood Plan

8.4 The Leeds Site Allocations Plan Submission Draft (2017) considers employment and is significantly advanced, with the examination hearings being concluded in August 2018. As such it is recommended that considerable weight can be given to the current SAP for proposals on non-Green Belt land and/or where the number of objections to the Plan is low.

8.5 The development plan policies, supplementary development documents and national guidance as outlined below are considered to be particularly relevant to the proposal.

Core Strategy 2014

8.6 General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy G1: Enhancing and extending green infrastructure
Policy G8: Protection of important species and habitats.
Policy G9: Biodiversity improvements.
Policy SP13: Strategic Green Infrastructure
EC3: Safeguarding Existing Employment Land
T2: Accessibility Requirements

Unitary Development Plan Review 2006 Saved Policies

8.7 Policy GP5: Refers to detailed planning considerations, environmental impacts and loss of amenity;

Policy N1: Protected Greenspace
Policy N5: Greenspace (23.3.15), former power station site, Redcote Lane
Policy N8: Green Corridors
Policy N11: Other Open Land
Policy LT6: Waterways corridor and tourism
BD2: Design and siting of new buildings
BD4: Plant, equipment and service areas
BD5: New buildings and amenity
LD1: Landscape design
A8.2: Sites of Special Scientific Interest

Natural Resources and Waste Local Plan 2013/15

- 8.8 Minerals 3: Mineral Safeguarding Areas – Coal
 Water 2: Protection of water quality.
 Water 4: Development in Flood Risk Areas
 Water 7: Surface water run-off.
 Land 1: Contaminated Land
 Land 2: Conservation and introduction of trees

Submission Draft Site Allocations Plan

- 8.9 Policy EG2-8 – General employment allocation (Land at former Kirkstall Power Station)

National Policies

- 8.10 NPPF (2018): Presumption in favour of sustainable development.
 Pro-active approach to mitigating and adapting to climate change

9.0 MAIN ISSUES

- 1) Principle – energy supply; greenspace; employment; and, tourism.
- 2) Visual Amenity.
- 3) Living Conditions.
- 4) Highways.
- 5) Ecology.
- 6) Drainage.

10.0 APPRAISAL

Principle

Energy Supply

- 10.1 The application is for battery storage of up to 49.9MW of electrical energy which is taken directly from the National Grid during times of plenty and fed back into the Grid during times of need. Energy storage can help to maintain reliable energy supplies by using stored electricity to compensate for lows in output from intermittent renewable technologies such as wind or solar, or power plants breaking down. It can also provide greater predictability of energy provision to assist in avoiding ‘energy blackouts’, especially given that the UK’s reliance on coal is being phased-out. Energy storage using batteries is therefore considered to contribute towards keeping the UK’s electricity grid stable and resilient to new demands and new sources of supply. There is no specific planning policy contained in the adopted development plan which is directly applicable to the proposed development. However, at paragraph 149 the NPPF states that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

10.2 *Open Space*

The application site falls within a larger area known as Kirkstall Valley which has protection under policy N11 of the UDP because of its visual amenity value as open space. The policy states that building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses and if it would not adversely affect the open character of the area. While the proposal does not comply with policy N11, it is considered that there are mitigating factors which

outweigh the requirements of this policy. Firstly, the proposal is for electricity infrastructure which, by necessity, has to be constructed close to existing local substations. Furthermore, the infrastructure contributes to the renewable energy mix promoted by paragraph 149 of the revised NPPF. Secondly, the two compounds are to be situated in areas which already benefit for planning permission for caravan storage, including an element of container storage, so the actual impact of the proposed development would be minimal, given the existing context. Thirdly, as described below, a Greenspace allocation for the smaller area specific to the caravan storage site has been removed due to its inaccessibility for recreational use. It would follow, therefore, that the same restrictions apply with regard to the farming or recreational uses being protected by policy N11.

Greenspace

- 10.3 The application site is identified in the saved UDP as protected Greenspace. Policy N1 states that development of such land will not be permitted for purposes other than outdoor recreation, unless the need in the locality for Greenspace is already met and a suitable alternative site can be identified and laid out as Greenspace in an area of identified shortfall. In this case the site is not proposed as Greenspace in the emerging Site Allocations Plan, which (with the exception of housing allocations, land within Green Belt and/or where sites have attracted a lot of objection) has been generally accepted by the Planning Inspectorate and is to be given considerable weight. The green space sites designated in the draft SAP are mainly sites designated as green space under policies N1, N1A and N6 in the saved UDP and those identified in a green space use in the citywide Leeds Open Space Sport and Recreation Assessment (OSSRA, July 2011). Some boundaries have been amended to more accurately reflect the current useable area of green space. In addition, new sites have been designated that were not previously designated in the saved UDP or identified in the OSSRA and some greenspace sites (such as this application site) are not being carried forward as a greenspace designation in the SAP mainly where they are no longer in greenspace use or they have been allocated for alternative uses. Taking account of this information, it is recommended that, on balance, the requirements of policy N1 no longer apply to the site and that greater weight should be placed on the emerging greenspace policy contained in the SAP, which does not propose the site to be a designated greenspace.

Employment

- 10.4 The application site falls within an area of employment shortfall as identified in the Council's most recent Employment Land Review and saved UDP policy. Land adjacent to the application site is allocated for employment use. Policy EC3 of the Core Strategy requires that proposals in such areas do not result in the loss of a general employment allocation except where the loss can be offset sufficiently by the availability of existing general employment land which are suitable to meeting the employment needs of the area. In this case the proposal would not result in any loss of employment potential on the adjacent site and would provide an additional employment site, albeit one with a low potential for employment generation in terms of numbers of employees per square metre.

Tourism

- 10.5 The application site is adjacent to the Leeds-Liverpool Canal with associated residential mooring facilities and a public right of way along the towpath, which is also a cycle route. Policy LT6 states that the tourism potential of the waterway corridor will continue to be recognised. In considering development proposals in the waterway corridor, the likely impact on tourism potential will be an important consideration. The application site is currently screened by trees on the boundary

and the proposal includes further planting to the southern boundary which is the most sensitive in terms of the adjacent waterway. While the impacts on amenity will be considered in more detail below, it is not considered that the proposal would have a detrimental impact on tourism in principle as it would be a fairly low-key development, associated with already existing national grid infrastructure.

Flood Risk

- 10.6 The application site falls within Flood Zone 2 as defined by Environment Agency flood maps. Policy Water 4 states that all developments are required to consider the effect of the proposed development on flood risk. Within zones 2 and 3a, proposals must pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF; make space within the site for storage of flood water and must not create an increase in flood risk elsewhere.
- 10.7 The Environment Agency considers the submitted Flood Risk Assessment (FRA) to be acceptable, subject to imposition of a planning condition on any approval requiring compliance with the mitigation measures detailed within the FRA. The Environment Agency also advise that the Local Planning Authority should satisfy itself that the Sequential Test is passed.
- 10.8 Paragraphs 157- 161 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception test can be applied if appropriate. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime, without increasing flood risk elsewhere.
- 10.9 In this case, the applicant has demonstrated through a FRA that the development will not be at risk from flooding and will not increase flood risk elsewhere. With regard to the sequential test, the applicant submits that there is a key sustainability benefit in the securing and redistribution of electrical energy and at the proposed location. The proposal by necessity requires it to be situated close to an existing electrical transformer substation of a certain size, so that it can tap into the resource and feed back into the Grid without losing viability – both economic and in terms of the amount of current/voltage that can be lost through additional cabling, which itself would have to be over ground and would have a significant visual impact on the area. In terms of using an alternative transformer, potentially every transformer of the right size can provide a valid resource, reducing the overall need for electricity generation from fossil fuels and each transformer will only serve a particular area. In this case it is the continuous supply of electricity to the local community, when required, which will be of significant benefit and this cannot be transposed to another site. It is therefore considered, on balance, that the Exception Test is satisfied in this case. Furthermore, the Council's Flood Risk Management section do not object to the proposal, subject to the imposition of planning conditions on any approval.

- 10.10 Taking account of all material planning considerations in this balance, it is considered that the proposed development, in this particular circumstance, is considered to be acceptable with regard to flood risk.

Coal – Mineral Safeguarding Area

- 10.11 The application site is located within a Mineral Safeguarding Area where the coal resource is known to exist. Policy Minerals 3 states that, in such areas, applications for non-householder development must demonstrate that the opportunity to recover any coal present should be removed prior to or during development unless:
- It can be shown that it is not economically viable to do so, or
 - It is not environmentally acceptable to do so, or
 - The need for the development outweighs the need to extract the coal, or
 - The coal will not be sterilised by the development.
- 10.12 The applicant has submitted an addendum to the planning statement which addresses this issue. The position set out is that the development is designed to be temporary and that all built infrastructure is to be removed at the end of the life of the project. A planning condition requiring restoration of the land either after 25 years or at the end of the life of the development, whichever is sooner, is recommended to be imposed on any approval of planning permission to ensure the underlying coal resource would not be sterilised by the proposed development.
- 10.13 The applicant further states that coal extraction in close proximity to a waterway and a marina used for residential purposes is unlikely to be considered acceptable by the local planning authority. Although a short campaign to remove the coal resource would not necessarily be considered inappropriate in the circumstances, the resulting void would require filling prior to the proposed development commencing. As the proposal does not require any land remediation and requires very little in terms of foundation building as built development is minimal, it is likely that the coal removal would create an unviable level of remediation, when measured against the usable resource.
- 10.14 Although the applicant has not investigated the potential volume or quality of the coal resource underneath the application site, it is considered that the small amount of land being used for the development, which is less than 0.5ha (minus access roads), and the fact that this is split into two discrete areas, would, in itself, render the site unviable for coal extraction in this particular instance.
- 10.15 On the whole, it is therefore considered that the proposal complies with the requirements of policy Minerals 3.

Visual Amenity

- 10.16 Saved policy GP5 require development proposals to resolve detailed planning considerations including design. Saved policy BD2 requires that the design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.
- 10.17 The current proposal consists of two distinct areas within separate compounds. The southern area, situated closest to the canal and public open space area, is comprised of 25 battery containers and 3 transformers in cabins of a similar size and appearance. The most sensitive boundary to the south is already screened by

trees and further tree planting is proposed for biodiversity and visual screening purposes. This would help to mitigate views into the site from public rights of way and the marina to the south. The 3m high containers will be coloured dark green. The area is occupied by rows of caravans, with a section given over to storage containers of a similar height, scale and colour to those proposed. Although the proposed containers would be higher than the caravans, they would be darker in colour and have a more regular appearance. It is therefore considered that the visual impact of the proposed containers would not be substantially greater than the existing situation, with the colour palette and planting elements representing an overall improvement.

- 10.18 The second compound, to the north-west, will be situated adjacent to Redcote Lane, between the existing large scale electricity transformer substation and the remaining caravan storage area. The site is visible from Redcote Lane, adjacent. The area is currently given over to caravan storage. This proposed compound will contain unenclosed plant and a substation building, originally proposed to be built in brick. Due to the proximity of a stone built dwelling, it is considered that artificial stone cladding may improve the appearance of the building and provide some continuity with the existing building in accordance with policy BD2. However, at this stage, insufficient information has been submitted for a detailed assessment of this to be made. As it is considered that, in principle, an acceptable solution can be found it is recommended that facing materials are re-assessed prior to construction by a condition requiring details to be submitted.
- 10.19 Gotts Park, a grade II listed park, is situated across the river. The boundary of the park is situated, at its closest point, 150m west of the second compound. The principal building within the park is Armley House (listed grade II), built in the late C18. The house was altered in c1820 to make it more convenient and to take advantage of the views to the east and south-east. The house is used to accommodate a cafe and club facilities for a golf course which now occupies the site.
- 10.20 The east front of the House has a terrace with central stone steps leading down to a lawn in the shape of an irregular oval which is fringed with trees and overlooks a steep wooded slope to the east. The terrace gives views to the east through mature trees over steeply falling ground. To the south-east there are views over the wooded slopes down to the canal and over falling parkland with rising land beyond and Leeds city centre in the distance.
- 10.21 It is not considered that the proposal site sits within the setting of either the House or the Park. The main elements of the original views are intact, with mature trees obscuring views of Armley Mill and the river. Armley Mill sits to the east of the proposal site, along the same line of sight and the same trees also obscure views of the proposal site. Adjacent to the west of the proposal site is a much larger electricity transformer station which, as the applicant states, is not visible from Gotts Park. Surrounding the proposed containers in the first compound, to the south-east, would be similar containers as well as rows of caravans. On the whole, the impact of the proposal on views from and through the park is not considered to be significant, given the limitations of the views and the existing context.

Residential Amenity

- 10.22 Saved policy GP5 requires proposals to seek to avoid problems of environmental intrusion, loss of amenity, pollution and accidents.

- 10.23 The submitted acoustic assessment report takes account of a residential dwelling to the north and residential barges to the south of the site. The report suggests that the proposed development would not result in noise nuisance. The report has been reviewed by the Council's Environmental Health officer who raises no objection to its findings. However, it is noted that air conditioning units will be utilised within the battery containers and these have not been included in the noise assessment (as they have not been chosen by the applicant at this stage). That said, Environmental Health officers identify that a baseline for low-impact noise emission has been established by the assessment and the selection of any future air conditioning units will have to comply with this. A planning condition is recommended to require a scheme to be submitted which ensures all plant and machinery operates to within acceptable levels.
- 10.24 With regard to risk of pollution, para. 183 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. It is considered that accidents and their control should be considered in the same manner. In this particular case, the FRA identifies that appropriate mitigation can be put in place to ensure the batteries are stored above potential flood levels. With regard to leakages these would be covered by Health and Safety and Environmental regulations and the NPPF states that the LPA should assume these regimes will operate effectively.
- 10.25 The requirement for external lighting is not clear from the details submitted. It is recommended that external lighting is controlled by a condition on the permission.

Highways

- 10.26 Policy T2 requires consideration to be given to access arrangements and highway safety. The submitted Transport Assessment and swept path analysis identified that construction and removal of the proposed development would be acceptable in highway safety terms. Vehicle movements during these phases would be low-key and less so during the course of the development being operational, for maintenance access only. The Council's Highways officers do not object to the proposal, subject to conditions relating to the construction phase and the laying out of areas to be used by vehicles.
- 10.27 Redcote Lane is a claimed bridleway and is well used by the public and abuts the application site. Another claimed footpath abuts the site by the marina. Neither of these paths would be affected by the proposed development.

Ecology

- 10.28 The canal directly to the south of the proposal site, as well as surrounding woodland and open space forms part of the Leeds Habitat Network and the Kirkstall Valley area forms part of the Urban Green Corridor as identified in saved policy N9. The adjacent canal is also designated as a Site of Special Scientific Interest. Saved policies N8 and GP5 require consideration to be given to nature conservation and environmental intrusion. The council's Ecologist has requested additional planting along the southern boundary of the application site to provide biodiversity enhancements contributing towards the Leeds Habitat Network. Further details have been provided by the applicant which includes the requested enhancements.

10.29 Natural England initially raised concern about the risk of run-off from potentially contaminated land but have accepted that this can be adequately mitigated against with an appropriate drainage strategy which can be required by condition. The proposal is therefore considered acceptable with regard to Ecology.

Drainage

10.30 Policies Water 7 and GP5 require consideration to be given to sustainable drainage and flood prevention. The Council's Flood Risk Management Team and the Environment Agency do not object to the proposal on Flood Risk grounds, subject to conditions detailing surface water drainage works and implementation of flood mitigation measures, including a flood emergency action plan to be agreed with Leeds City Council. Subject to the above, the proposal is considered acceptable with regard to drainage.

10.31 Representations

Where the issues raised have been material planning concerns, they have been dealt with elsewhere in this report. Those issues not covered above are:

- Red line ownership and access issues
- Application includes 49MW generation as well as 49MW storage.

With regard to the red line ownership and access issues, the applicant has stated that all owners of the land have been notified of the application under Certificate B of the planning application form. Beyond that, any issues of ownership and/or access are considered to be private matters and not material to the planning application.

With regard to the assertion that the proposal incorporates 98MW of total generation capacity, this is not correct. The application is for 49MW of storage capacity only and as such it falls within the scope of the planning regulations as development to be considered by the local planning authority rather than a Nationally Significant Infrastructure Project.

11.0 CONCLUSION

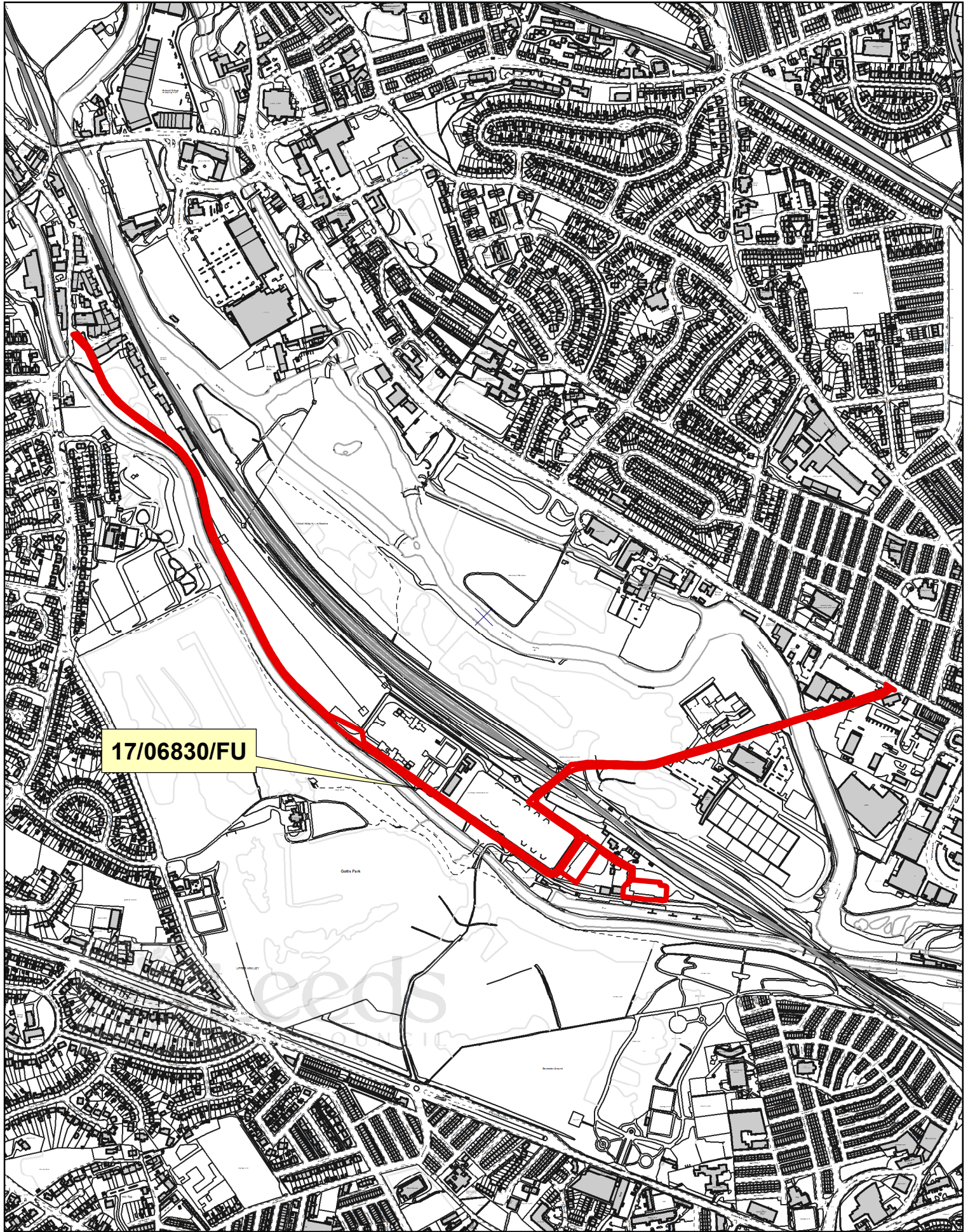
11.1 The proposal's contribution towards the security and stability of energy supply is supported in principle by national energy strategy/ policy (particularly from the Department of Business, Energy and Industrial Strategy) and is supported in general by the adopted development plan. The proposal results in some loss of allocated greenspace, the deletion of which is supported by the draft SAP. The loss of this greenspace has also been weighed against the site's non-greenspace function. After careful consideration, on balance it is considered that there are no other material planning considerations, including those issues of principle, which are considered to outweigh the benefits of the proposed development in this particular instance. Furthermore, it is considered that the identified harm would not be significant and that the impacts and effects relating to this, where they relate to the planning regime, can be satisfied via the imposition of planning conditions requiring mitigation measures. As such, a recommendation for approval is made subject to the schedule of recommended planning conditions.

Background Papers:

Application file

17/06830/FU

Certificate of ownership: Certificate B signed by the agent



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/8500

