

**YORKSHIRE LOCAL COUNCILS ASSOCIATIONS  
JOINT ANNUAL MEETING 2023**

**Report title: RESOLUTIONS FOR DEBATE AT THE JOINT ANNUAL MEETING 2023**

**Agenda item: 9.2**

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**Are any of these resolutions relevant to your council or parish meeting?  
Do you agree or disagree with them?**

**Come along and have your say so that the Yorkshire Associations and the National Association of Local Councils (NALC) can make well supported and meaningful policy decisions.**

**Proposed by the Richmondshire Branch** (to be presented by Councillor I Threlfall)

**RESOLVED**

That Yorkshire Water should be made a statutory consultee for planning applications, instead of a consultee.

**Proposed by the Ryedale Branch**

**RESOLVED**

That NALC be strongly encouraged to continue to lobby HM Government for the reinstatement of the facility for remote meetings. It is to be noted that remote meetings are a valid mechanism for local decision making.

**Proposed by the Hambleton Branch** (To be presented by Councillor S Bradnam)

**RESOLVED**

That NALC be strongly encouraged to continue to lobby HM Government for local councils to have the option of hybrid meetings. This should be part of the levelling up agenda and recognising Yorkshire's unique geography.

**Proposed by the South Yorkshire Branch** (To be presented by Mr A Towleron)

**RESOLVED**

That the Yorkshire Local Councils Associations and the National Association of Local Councils lobby HM Government to seek a change in national planning policy that would make it mandatory on local planning authorities that they must inform and consult with affected local councils of formal pre-application discussions involving major developments.

**Background**

Pre-application advice is where a developer seeks advice from a local planning authority on development before they apply for planning permission. The local planning authority will then issue advice on whether the proposal is acceptable in planning terms or what changes are needed to make it acceptable. Most often, the local planning authority will charge for this service. The advice provided is not binding on the local planning authority but can be a 'material consideration' to be taken into account in the planning application process should a formal planning application be made.

National planning guidance encourages developers and local planning authorities to enter into pre-application advice, and there is some evidence that there has been a big increase nationally in pre-application advice sought by developers.

However, while national planning guidance encourages engagement with local councils and the wider community in pre-application advice, this is not the mandatory bar in a few special

circumstances where it relates to planning applications for wind turbines. It is largely at the discretion of individual local planning authorities whether they involve communities in the pre-application advice process. Some do, and many do not.

That local councils have not been involved in pre-application advice discussions affecting their area is of some concern to some local councils.

The motion seeks a change in planning rules and regulations that would make it mandatory to consult the local community, including local councils, as part of the pre-application advice process ideally for all developments, but if this is not considered appropriate, for major developments at least. In Wales, it is also a legal requirement for developers to consult the local community before applying for planning permission for major developments.

**Proposed by the South Yorkshire Branch** (To be presented by Mr A Towleron).

### **RESOLVED**

That the Yorkshire Local Councils Associations and the National Association of Local Councils lobby HM Government for a change in planning law that would require local planning authorities to notify neighbouring parish councils of major planning applications affecting a parished area before the determination of a planning application.

#### Background

The rationale is that while there is duty on local planning authorities to notify parish councils relating to land in the parish there is no specific duty to consult with adjoining parish councils. It is largely at the discretion of individual local planning authorities whether they do or not. If implemented, the change in planning law will help to ensure that any significant cross parish boundary issues are more effectively and quickly addressed and enable more effective coordination and engagement as well as improved outcomes for the community.

It should be noted that the motion is not seeking a duty to notify adjoining parish sector councils on all planning applications, just major applications. The proposed definition for major planning applications is the same as set out in Section 2 of the Development Management Procedure (England) Order 2015, namely:

- a) the winning and working of minerals or the use of land for mineral-working deposits;
- b) waste development;
- c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) development carried out on a site having an area of 1 hectare or more.

**Proposed by Selby Branch** (to be presented by Councillor R Tams)

### **RESOLVED**

To call on HM Government to designate the Fire Service, Police, Environment Agency and Health and Safety Executive as statutory consultees in planning applications that concern any form of battery storage plant.

#### Background

The Selby Branch is concerned about the emergence of battery storage plants appearing in locations too close to housing and workplaces also minimum regard to safety. There is upward of 360 schemes in the process of planning or installing in the UK.

A 500mw application close to a housing estate at the former Eggborough power station has been passed which will now go ahead this is to the west of Hensall Village.

A 240mw application is now actively being considered to the south of Hensall Village next to a glassworks - downwind is Hensall primary school and housing.

90% of storage is Lithium - ion batteries, used car batters placed in shipping containers and usually stacked one on top of another. A key concern is around systems failures as the toxic fumes are detrimental to life. The only way to put battery fires out is to douse with water and wait until it stops burning – that water can contain Hydrofluoric acid, copper oxide and other particulates and will, if not contained, seep into the land, water courses ,dykes and rivers and potentially contaminate and threaten drinking water. When on thermal runaway the gases produced contain hydrogen fluoride, methane, carbon monoxide and other toxins from plastics etc – when that gas cloud meets an ignition source it will explode.

On both applications when asked if there is any use or storage of hazardous substances both applicants indicated that there were not, and when asked for water run off facility one says, 'sustainable drainage system' the other one says ' Soak away.'

Lithium-Ion storage facilities can be dangerous and, in the view of the Branch must be correctly categorised as hazardous. As such it is felt that the bodies/organisations proposed should be designated as statutory consultees as at the moment they are not.

Government reports since 2017 cite the removal of barriers to electrical storage as crucial for greener energy - correct enforcement of 'the Planning (Hazardous Substances) Regulations 2015 ' and 'The Control of Major Accident Hazards Regulations 2015.' would make these applications comply to better location and action on known hazards.

The energy technologies lead at the National Fire Chiefs Council, has called for “developers to engage at the earliest opportunity with the local Fire and Rescue Services”. The NFCC itself has said that it is “still learning about the potential impact of the exponential introduction of lithium batteries. Without an understanding of the risks and appropriate control measures required, we risk as a society creating the next legacy fire safety issue”.

**Proposed by Ilkley Town Council** (presented by Councillor P Allon)

## **RESOLVED**

That YLCA and the National Association of Local Councils lobby HM Government, combined authorities and major public transport providers to address the need for people living in both urban and rural areas to have access to good, reliable integrated public transport as a way of tackling climate change, improving mobility, access to services and physical and mental health.