



**Contact Details**

For enquiries relating to this agenda and meeting please contact:

Nicki Lishman, Senior Democratic Services Officer

E-mail: [nicki.lishman@northyorks.gov.uk](mailto:nicki.lishman@northyorks.gov.uk)

E-mail: [democraticservices.east@northyorks.gov.uk](mailto:democraticservices.east@northyorks.gov.uk)

Tel: 01653 638476

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Barry Khan  
Assistant Chief Executive  
Legal and Democratic Services  
County Hall  
Northallerton

2 April 2026

## North Yorkshire Council

### Strategic Planning Committee

Minutes of the meeting held on Tuesday, 10 February 2026 commencing at 10.00 am.

Councillor Andy Paraskos in the Chair and Councillors Bob Packham, Chris Aldred (as a substitute for Councillor Andrew Timothy), Andy Brown, Nick Brown (as a substitute for Councillor Yvonne Peacock), John Cattnach, Hannah Gostlow, David Hugill, Tom Jones, Andrew Lee, John McCartney, Neil Swannick, Roberta Swiers and Robert Windass.

Officers present: Cameron Clarke Alonso (Planning Officer), Linda Drake (Principal Planning Officer), St John Harris (Principal Democratic Services Officer), Amy Taylor (Principal Planning Officer), David Walker (Development Service Manager), and Laura Zielinski (Solicitor Lawyer Planning and Environment)

Apologies: Councillors John Mann, Yvonne Peacock and Andrew Timothy.

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**Copies of all documents considered are in the Minute Book**

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#### **133 Apologies for absence**

Apologies for absence were received from Councillors John Mann, Yvonne Peacock (substituted by Councillor Nick Brown) and Andrew Timothy (substituted by Councillor Chris Aldred).

#### **134 Minutes of the meeting held on 9 December 2025**

The minutes of the meeting held on 9 December 2025 were confirmed and signed as an accurate record.

#### **135 Declarations of interest**

Councillor Nick Brown declared an interest in Minute Item 138 since he knew the applicant.

Councillor John Cattnach declared an interest in Minute Item 136 since he had been contacted by his constituents about this application.

#### **136 Light Valley Solar - Nationally Significant Infrastructure Project**

*(Councillor Andrew Lee joined the meeting at this point)*

Authorisation was sought from the committee to delegate authority to the Head of Development Management to approve and submit the Local Impact Report, enter into and finalise Statement(s) of Common Ground, agree the content of the draft Development Consent Order (DCO), and make all further necessary representations on behalf of North Yorkshire Council in respect of the Light Valley Solar Nationally Significant Infrastructure Project (NSIP) planning application.

Members were advised that for NSIPs applicants applied directly to the Planning

Inspectorate (PINS) for a DCO rather than to the local planning authority and the application was determined by the Secretary of State on the recommendation of PINS. Local planning authorities were statutory consultees and the relevant planning authority for the discharge of the planning requirements within the DCO.

The planning officer then outlined the application process and further details of this 500MW solar scheme. After acceptance of the application which was expected imminently, PINS had up to six months to undertake the examination. During the Examination stage, the local planning authority had to prepare and submit a Local Impact Report, participate in preparing a Statement of Common Ground and provide written representations if requested on particular topics. Discussions continued between the council and applicant during Examination and council officers would attend any hearings. The council's planning officers and technical specialists had been involved in the project since the inception meeting with the applicant. The council's submission of information was required in accordance with deadlines set by the PINS which resulted in tight timescales for officers to review information and prepare responses.

During their consideration of the officer report and presentation, members' discussion centred on the following matters:

- The use of multiple sites linked only by a cable corridor. Members queried the rules around packaging several sites together when each individually fell below the threshold for decision by the Secretary of State. Officers confirmed this was a matter for the Planning Inspectorate (PINS). The developer had assured officers that the cable infrastructure was specific to this project and could not be used by others.
- Relationship with other approved schemes. Members noted that another solar farm at Hillam had been refused locally but approved on appeal. Officers confirmed that this was entirely separate and would require its own grid connection.
- Site maintenance strategy. Concern was expressed regarding long-term land management, including whether land would be sprayed with herbicide or grazed. Officers advised that the strategy had not yet been provided and undertook to seek clarification from the developer, noting that grazing was commonly used elsewhere.
- Extent of solar panel coverage and size of battery storage. Members sought clarity on the proportion of land to be covered by panels versus battery storage. Officers explained that final layouts were not yet confirmed and that landscape and ecological mitigation might reduce panel coverage. Battery storage would be limited to one site (site 2). Technological changes could reduce its size over time.
- Rationale for the inclusion of the Escrick site. Members queried the logic of including a site located some distance from the others. Officers advised that the developer had secured that land and chosen to include it but had not provided a definitive justification. The entire scheme connected only to the National Grid substation at Monk Fryston. Members asked whether concerns about this selection could be raised; officers confirmed that the council could do so within its submission.
- Influence of the committee on decision-making. Members expressed frustration at the limited role of the local authority in the Development Consent Order (DCO) process. Officers confirmed that if delegated authority were not granted, the Council risked missing statutory deadlines and losing the opportunity to comment.
- Site selection methodology. Members queried whether site selection was driven purely by willing landowners. Officers noted that land availability was one factor but others included proximity to substations and discounting of alternative locations.

- Residential amenity impacts. Significant concern was raised regarding homes that would be almost entirely surrounded by solar panels, and the effect on local residents' living conditions. Members stressed that this issue was particularly important and asked that it be strongly emphasised in the Council's submission. Officers agreed to raise this with both landscape and public health officers and to seek reductions in impact wherever possible.
- Location of examination hearings. Members asked whether PINS intended to hold examination events locally. Officers advised that this had previously been the case but that no decision had been made. Members stressed the need for accessibility for local residents.
- Cumulative impacts. Members discussed cumulative effects on landscape character, health, stress levels, recreation, and highway use, noting that multiple solar farms and battery storage schemes had already been approved in the area. Officers confirmed that cumulative impact on human health and local character was a central issue and would form part of the Local Impact Report.
- Public participation and representations. Officers confirmed that residents could submit representations directly to PINS and that any correspondence received by the council would be forwarded. A representation received about discrepancies in Light Valley Solar's documentation—especially regarding highways, access, sensitive receptors, and impacts on Hambleton Hough—would be investigated and forwarded.
- Loss of agricultural land. Members expressed concern about using productive farmland for solar development, arguing that this undermined food security and local farming.
- Balance of benefits and harms. Members acknowledged the potential energy generation benefits but expressed concern about agricultural land loss, landscape change, and limited community benefit.
- Grazing under solar panels. Members emphasised the importance of grazing rather than chemical spraying, both to preserve agricultural use and avoid long-term herbicide impacts.
- Geographical spread of energy infrastructure. Concerns were raised that renewable energy infrastructure was disproportionately concentrated in the former Selby district, which had historically hosted major power stations.

Members welcomed the clarification given by officers at the meeting but remained concerned about residential amenity, cumulative impacts, inclusion of the Escrick site, loss of agricultural land, and long-term land management. Officers agreed to incorporate these points into the Council's response and seek further clarification where required.

### **Resolved**

That the committee delegate authority to the Head of Development Management to approve and submit the Local Impact Report, enter into and finalise Statement(s) of Common Ground, agree the content of the draft Development Consent Order (DCO), and make all further necessary representations on behalf of North Yorkshire Council in respect of the Light Valley Solar Nationally Significant Infrastructure Project (NSIP) planning application.

Voting record:

A vote was taken and the motion was declared carried with 13 for and 1 abstention.

**137 Planning application for extraction of sand and gravel from a new quarry and restoration of the site to agriculture and nature conservation using imported infill materials, together with the construction of a new site access road, site offices and weighbridge on land at Broach Road, Hensall, DN14 0BU**

The Head of Development Management – Community Development Services sought determination of a planning application for extraction of sand and gravel from a new quarry and restoration of the site to agriculture and nature conservation using imported infill materials, together with the construction of a new site access road, site offices and weighbridge on land at Broach Road, Hensall, DN14 0BU on behalf of Darrington Quarries Ltd.

Members were reminded that this application had been initially reported to the committee for determination on 9 December 2025; however, the decision had been made to defer the application on the grounds of public amenity, specifically in relation to the soil bunds located adjacent to the nearest residential property, One Acre.

Members were advised that since the committee meeting on 9 December 2025, the applicant had reviewed the scheme and amended the position of the proposed subsoil bund south of One Acre. Two separate mounds were proposed in this area: a topsoil mound up to 3m high and a subsoil mound up to 5m high. The peak of the subsoil mound has been moved about 20m further into the site, away from One Acre, and its north-eastern slope has been substantially reduced to lessen visual impact. A technical note from the original noise assessor confirmed that the revised design still met the required noise attenuation and complied with the previously set noise conditions. The resident of One Acre had confirmed in writing on 14 January 2026 that they remained unsatisfied with the proposed amendment and their objection still stood. They stated that they had expected the bund to be moved back into the site 30-40m, not the 20m as proposed. It was also confirmed that the possible installation of a dropped kerb to the north of the property onto Broach Road raised at the meeting on 9 December was not a material planning consideration and should not be given weight when determining the application.

Richard Kendall and Amy Kendall then both spoke objecting to the application, sharing the allotted five minutes.

The applicant's agent, Sam Thistlethwaite, spoke in support of the application.

During their consideration of the officer report and presentation, members' discussion centred on the following matters:

- Noise screening methodology. Members sought clarification on how the applicant determined the revised position of the bund and whether alternative distances (e.g., 30–35m) had been modelled. The applicant explained that noise protection was only effective when placed either at the source or the receptor, and that the revised design represented the farthest distance possible while still providing adequate mitigation.
- Objector concerns regarding slope stability and flooding. Members noted the objector's concerns about the redesigned bund, particularly potential slope instability and flood risk. Officers advised that the bund would be seeded and planted to stabilise the slope and confirmed that the site was not within a flood zone.
- Mitigation for the most affected property. Members reiterated that the property nearest the site would experience the greatest impact and that mitigation remained important. Officers confirmed that the redesigned bund represented the most appropriate balance achievable.

- Highway access and dropped kerb. Members recalled that the applicant previously indicated willingness to contribute towards a new access arrangement for the affected resident. Officers confirmed discussions had taken place between the applicant and the resident. The applicant confirmed willingness to contribute if the separate highways approval process were successfully completed – this matter fell outside the planning process.
- Overall balance and recommendation. Members recognised that the applicant had responded to earlier concerns and made reasonable adjustments. While acknowledging the objector's dissatisfaction, Members considered that the revised proposal provided suitable mitigation and that further adjustments may not be practical.

Decision:

That planning permission be GRANTED subject to conditions listed in the report and completion of a Deed of Unilateral Undertaking with terms as detailed in the report.

Voting record:

A vote was taken and the motion was declared carried with 13 for and 1 against.

**138 NY/2025/0048/ENV Proposed anaerobic digestion facility associated access, infrastructure, landscaping and engineering works at former Skipton on Swale Airfield, Sandhutton, Thirsk, YO7 4EG on behalf of Advanced Fuel Partners**

The Head of Development Management – Community Development Services sought determination of a planning application for an anaerobic digestion facility associated access, infrastructure, landscaping and engineering works at former Skipton on Swale Airfield, Sandhutton, Thirsk, YO7 4EG on behalf of Advanced Fuel Partners.

By way of an update, the planning officer advised that since publication of the report, a further 14 local objections and a follow up email from Sandhutton Parish Council had been received, none of which raised any issues not already addressed in the report. In terms of potential planning policy conflicts, the planning officer reiterated that the absence of a second sequential flood risk test was given limited weight due to the limited extent and nature of development within higher flood risk areas. The loss of 11.5Ha of best and most versatile agricultural land was also afforded limited weight because the proposed accompanying Soil Management Plan (SMP) to be secured under condition, would set out detailed measures for soil stripping, bunding and reinstatement, ensuring that soil resources were protected in accordance with Natural England's guidance.

Bryony Cameron then addressed the committee objecting to the application.

Both Sebastian Speight (agent) and Robin Bosomworth (landowner) then spoke in support of the application, sharing the allotted five minutes.

During their consideration of the officer report and presentation, members' discussion centred on the following matters:

- Visual impact and height of Anaerobic Digestion tanks. Members queried why the AD tanks, stated as 16.5m high, appeared lower in presentation images when compared with the 18.5m exhaust stack. It was clarified that the exhaust stack shown was correctly depicted at full height and that colour treatment and landscaping would reduce visual prominence.
- Combined Heat and Power (CHP) unit. Members sought clarity on the gas-fired

CHP system, its purpose, and whether it used on-site biogas. The applicant explained that CHP would serve on-site heat and electricity demand, powered by gas, with biogas upgraded and injected into the national high-pressure pipeline via compressors.

- Transport arrangements and access routes. Members examined the movement of HGVs via Access Route 1 (avoiding the village) and Access Route 2 (through the village). Officers confirmed that maximum daily movements would be 88 (44 in/44 out), rising to 118 for up to 60 seasonal peak days per year. Routine routes would avoid the village, with other access points used only for National Grid maintenance.
- Pipeline pressure and connection. Members queried whether biomethane could be injected into a high-pressure 70-bar pipeline. The applicant confirmed National Gas Transmission had issued a connection offer, and appropriate compression and gas quality systems would be installed.
- Impact on Skipton-on-Swale bridge. Members raised concern about HGV volumes using an ageing bridge. Officers advised no specific objection had been raised by Highways but acknowledged that the matter had not been queried in detail. Officers would seek this assurance from Highways.
- Necessity of the facility and agricultural waste. Members noted the significant volume of manure generated locally by poultry and cattle farms and discussed environmental problems arising from spreading. Members considered anaerobic digestion a necessary and sustainable waste-management solution.
- Operating hours for vehicle movements. Members debated whether proposed hours (07:00–19:00) should be reduced. Some Members supported restricting movements to 07:00–18:00; another Member requested more evidence before altering hours due to potential impacts on school traffic.

Members acknowledged that the proposed facility addressed a significant agricultural waste issue and that the applicant had provided credible information regarding pipeline connection, transport routing, and CHP demand. Concerns remained regarding traffic impacts and bridge capacity (which officers would check with Highways), with differing views on appropriate vehicle movement hours.

It was then moved and seconded to approve the recommendations in the officer report with an amendment to Condition 3 in respect of transport operational hours that Monday to Fridays the operation of delivery and mobile plant transport shall only take place between 07:00 – 18:00 hours.

On being put to the vote, the motion was carried.

The decision:

That planning permission be GRANTED subject to conditions listed in the report (with the amendment to Condition 3 as detailed above) and subject to completion of a Unilateral Undertaking with terms detailed in Table 1 of the report.

Voting record:

Seven in favour, four against and one abstention.

*(In accordance with his declaration at Minute 135, Councillor Nick Brown left the room following his declaration of interest during the debate and determination of this item.)*

There were no urgent items of business.

**140 Date of next meeting**

Tuesday, 10 March 2026 – County Hall, Northallerton

The meeting concluded at 12.18 pm.

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## North Yorkshire Council

### Community Development Services

#### Strategic Planning Committee

14 April 2026

**ZB25/00887/FUL - Installation of a solar farm with associated works.**

**At: Land at E432397 N500603, East Cowton.**

**On behalf of: PS Renewables Limited.**

#### **Report of the Head of Development Management – Community Development Services**

##### **1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for the installation of a solar farm comprising ground mounted Solar PV panels with a generating capacity of up to 19MW(AC), including mounting framework, inverters and transformers, 2 no. substations, a container, control room, cabling, deer proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a period of 40 years on land at E432397 N500603, East Cowton.
- 1.2 The Corporate Director of Community Development considers the application to raise significant planning issues. The significant planning issues raised relate to the scale and type of the development and the potential for cumulative impact arising from the relationship between the proposal and adjacent developments.

##### **2.0 EXECUTIVE SUMMARY**

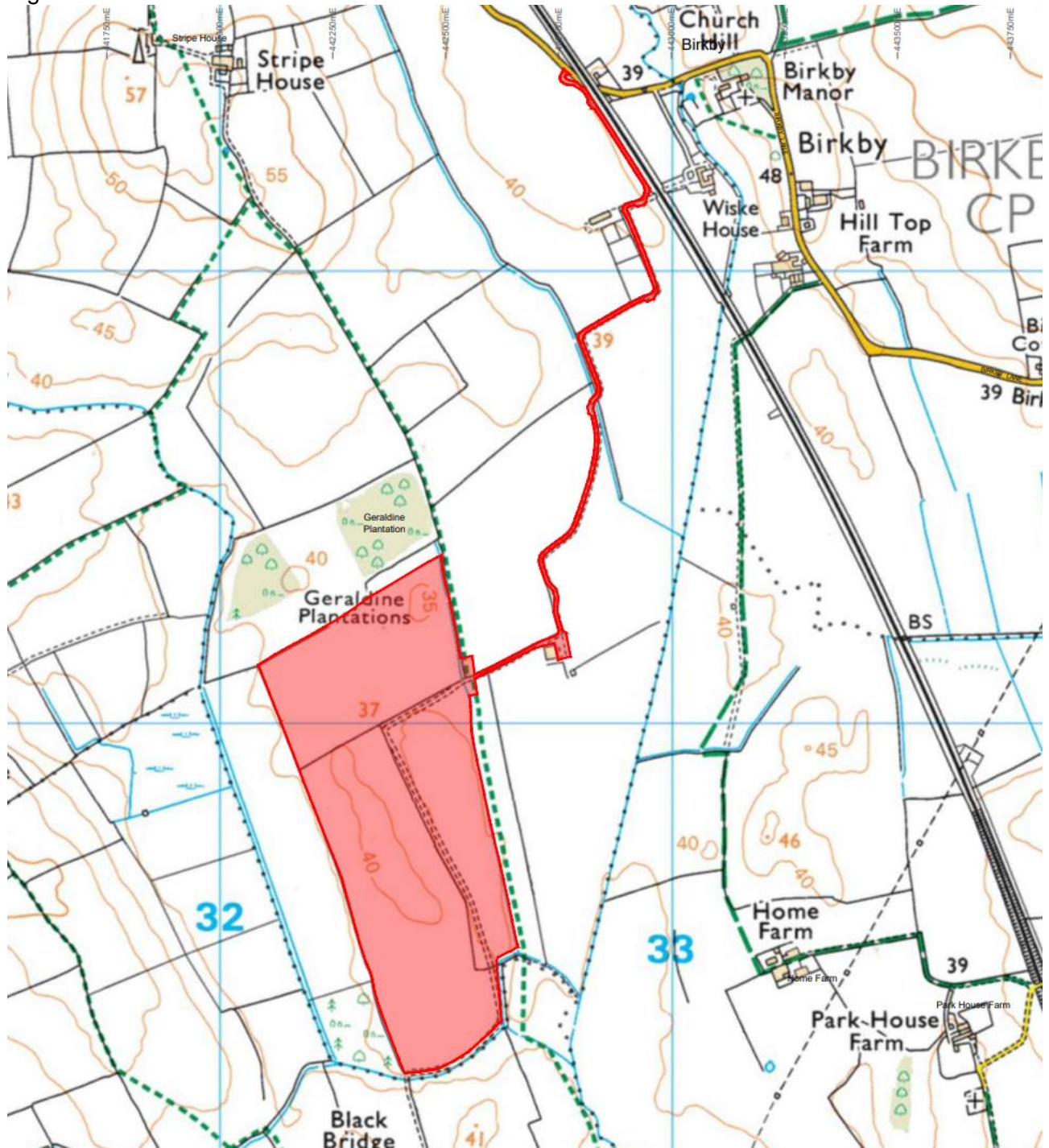
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1 Planning permission is sought for a new solar farm and ancillary development. The red line boundary covers an area totalling approximately 38 hectares. This includes land that would not be covered by the solar panels such as the access track and the existing field boundaries which would be retained in addition to several landscape features which are proposed.
- 2.2 The site itself is an irregular shaped area of primarily arable land immediately to the south of Geraldine Plantation, approximately 2.7km to the south-east of East Cowton and 2km to the north-west of Danby Wiske. Much of the site is within Flood Zone 1, although a substantial portion of the site to the eastern, western and southern boundaries within Flood Zones 2 and 3. Pepper Arden Bottoms, a designated Site of Importance for Nature Conservation (SINC) is located 2.7km to the north-west, with the East Coast Mainline (ECML) approx. 1km to the east. The Bishop Auckland to Pannal NTS Pipeline is located approximately 0.4km east of the functional, solar farm part of the site, and intersects the application site at the access track to the north-east. Two watercourses bound the site to the eastern, western

and southern boundaries: The Stell and a land drain. A Scheduled Monument (Birkby Medieval Settlement and Associated Field System, Moated Site and Fishponds) is approx. 1km to the north-east of the site.

- 2.3 There is strong national support for renewable energy schemes as set out in national guidance and policy documents such as the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN03) and the UK Government Solar Strategy (2014). The National Planning Policy Framework (NPPF) advises that the planning system should support the siting of renewable and low carbon energy production and associated infrastructure. The NPPF states that applications should be approved if its impacts are (or can be made) acceptable. The Hambleton Local Plan builds on this by providing a more detailed approach including the weighing of harm against public benefits and a sequential approach to harm (avoid, mitigate, compensate). In this case it is considered that the development does not result in such significant harm that would not be outweighed by the public benefits of the scheme.
- 2.4 The main issues on this occasion are flood risk, the landscape impact of the development, food security, ecological impacts, and the potential health and safety impact resulting from glint and glare owing to the proximity of the railway line and aerodromes, the impact on the highway network.
- 2.5 Overall, for the reasons set out in the report, it is considered the proposal is compliant with the overarching policies of the development plan and national planning policy requirements and thus, represents sustainable development. The identified harms can either be managed via condition or are otherwise outweighed by the benefits associated with renewable energy production.

Figure 1: Location Plan



### **3.0 PRELIMINARY MATTERS**

3.1 Access to the case file on Public Access can be found here:  
[https://documents.hambleton.gov.uk/PublicAccess\\_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1\\_REF=ZB25/00887/FUL](https://documents.hambleton.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1_REF=ZB25/00887/FUL)

3.2 There is one relevant planning application for this application which is detailed below:

**ZB24/01732/SCR** – Screening Opinion under Regulation 6 of the Town and Country planning (EIA) Regulations 2017 for a solar farm – NOT REQUIRED – 25.09.24.

### **4.0 SITE AND SURROUNDINGS**

4.1. The site consists of primarily arable land (Grade 3b/4) approximately 2.7km to the south-east of East Cowton and 2km to the north-west of Danby Wiske. Two watercourses bound the site to the eastern, western and southern boundaries, with significant portions of the site falling within Flood Zones 2 and 3 as a result. The East Coast Mainline (ECML) can be found approx. 1km to the east and a NTS Pipeline intersects the application site at the access track to the north-east. A Scheduled Monument (Birkby Medieval Settlement and Associated Field System, Moated Site and Fishponds) is found approx. 1km to the north-east of the site.

4.2. The surrounding area is mostly made up of agricultural land. There is a plantation to the immediate north of the site (Geraldine Plantation), which is broken into two parts, with a wide (approx. 140m) gap between the two planted areas. A Public Right of Way (PROW) runs directly along the eastern site boundary, intersecting with the access to the north-east of the site. The surrounding area contains a number of PROWs in all cardinal directions, though these are not immediately adjacent to the development in the main.

4.3. The landscape of the area consists of an undulating series of low rising hills, with the site itself set within a low point within the geography of the area; the resulting effect is that the area to be developed is set within a “bowl” formed by the relationship between the low ground and the surrounding high ground.

### **5.0 DESCRIPTION OF PROPOSAL**

5.1. Permission is sought for a renewable energy development consisting of solar panels across the site. The panels themselves would be arranged in rows on a east-west axis and sit at a maximum height of 3.2m above ground level. They are then mounted onto a frame which is fixed into the ground, leaving the ground beneath and around the panels accessible for livestock grazing and preventing the need for concrete bases.

5.2. Along with the solar panels, an array of ancillary development is required as well as other general alterations. This can be summarised as follows:

- Substation and grid connection compound - a compound measuring approximately 45m x 67m is proposed to be sited on the western edge of the site adjacent to the existing power line. This would comprise a 23m high pylon which is connected to an array of electronic infrastructure including a series of disconnectors and a transformer. Within this compound, it is also proposed to site a 15m high communications tower, four 5m high CCTV/floodlight columns, and a flat roofed control room measuring approximately 6.885m x 5.610m with a height of approximately 3.8m.
- Underground cabling from the panels to the compound.
- Access track leading off West Moor Road to the compound.

- Stone track running through the site for access.
- 32 CCTV columns measuring 5m high around the perimeter of the site.
- 2m high perimeter fencing around the site boundary (maintaining buffer around adjacent woodland and existing hedgerows).
- Wildflower planting along western and south-western boundaries to create buffer between the main part of the site and the adjacent woodland.
- New native hedgerow and tree planting adjacent to Bishop House.

## **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Hambleton Local Plan – February 2022
  - Minerals and Waste Joint Plan – February 2022

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework
  - National Planning Practice Guidance
  - Overarching National Policy Statement for Energy (EN-1)
  - National Policy Statement for renewable energy infrastructure (EN-3)
  - UK Solar PV Strategy
  - Written Ministerial Statement on Solar Energy (Protecting the Local and Global Environment - 2015)
  - Written Ministerial Statement (Solar and protecting our Food Security and Best and Most Versatile (BMV) Land - 2024)

### Other Relevant Strategies and Material Considerations

- 6.5. On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.
- 6.6. The North Yorkshire Climate Change Strategy 2023-2030 (NYCCS) was adopted in July 2023 and identifies ways in which the county can minimise the impacts of climate change, including providing support for the renewable energy transition.
- 6.7. The Government began a consultation exercise on a new draft of the NPPF. The consultation exercise is currently underway and ended March 2026. Currently, the NPPF encourages the planning system to, as per Para. 161, “support” renewable developments. This support is broadly strengthened and expanded upon within the draft NPPF: National Policy W3(1) grants “substantial weight” to qualifying renewable energy developments,

with W1 and W2 looking to limit “constraints” whilst “maximising the potential” of renewable developments through early engagement with developers and other stakeholders. Due to the flood risk associated with the site, there is currently a requirement for the proposal to include a site-specific flood risk assessment and for it to be assessed via the sequential and exception tests and for drainage of the site to be fully appraised. It is considered that Paragraphs F4-F8 of the Draft NPPF do not differ significantly in approach and in requirement in terms of both the information to be provided by the applicant and in the evaluation to be performed by the decision-maker.

Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and results of the consultation not published, represents only a limited shift from current policy, no more than negligible weight should be given to the consultation changes.

- 6.8 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. In this case given the nature of the development as an energy production facility it is considered that the above legislation is not relevant to the proposal.

## **7.0 CONSULTATION RESPONSES**

- 7.1 The following consultation responses have been received and have been summarised below.

- 7.2 East Cowton Parish Council: (summarised below):

- Loss of agricultural land is disappointing, particularly when the UK is moving towards self-sufficiency.
- Acknowledgement of encouragement of national and local policy support for renewable energy schemes.
- East Cowton lies in open countryside with valued local views. Although the location will eventually be well screened it will alter the rural landscape.
- Councillors note that the PROW will be protected.
- Concern over cumulative effect of multiple solar developments within the area, particularly relating to visual impact.
- Concern over run-off from the panel and how this will be drained due to slow drainage.
- Residential sound levels expected to be below limits.
- Concerns over future use of the site for battery storage.
- The proposed site entrance is unsafe. Concerns over safety of road users.
- The proposed access road to the west of the railway line is not as safe as that presently used by the stables one (to the west of the railway line).
- Traffic will go through East Cowton village.
- Use of some local roads will result in damage to roads and verges and the impeding of traffic, including buses.
- Community benefits protocol should be pursued on behalf of East Cowton parish.
- Would like conditions to limit the speed of commercial vehicles in the village, site traffic to be directed along the same approved route and to be prohibited from using Raby Lane.

In addition, further comments received 22.03.2026 raising concerns with the Local Highways Authority comments uploaded to the public website 10.02.2026. This includes routes for construction traffic.

- 7.3 Historic England: No comments to make with regard to the proposal.
- 7.4 Environment Agency: No objection; condition provided in relation to the laying out of the development in accordance with the submitted Flood Risk Assessment.
- 7.5 Environmental Health Officer: No objection; condition relating to Construction Management Plan provided.
- 7.6 Environmental Health Officer (Contaminated Land): No objection.
- 7.7 Lead Local Flood Authority: The proposal has demonstrated that the sequential and exception tests have been met. Infrastructure within the site is sited in such a manner as to avoid flood zones. Where the track interacts with Flood Zone 3, mitigation measures have been implemented. Additional impermeable surfacing takes up 0.08% of the site (259.3m<sup>2</sup>).
- 7.8 MOD Safeguarding: No objection.
- 7.9 Natural England: No objection.
- 7.10 Network Rail: No objection; informatives provided.
- 7.11 North Yorkshire Council Archaeologist: Identified the area as having high archaeological potential; condition provided.
- 7.12 North Yorkshire Council Ecologist: There are opportunities to be more ambitious with regard to the enhancement and management of retained habitats. However, is satisfied with approach to ground nesting birds, capacity to meet BNG requirements within the site, deer management and badger gaps in fencing. Conditions provided with regards to BNG beyond the statutory conditions and mitigatory works for species within the site.
- 7.13 Local Highway Authority: The Local Highway Authority raises no objections to the proposals, subject to the inclusion of the recommended conditions and informatives.  
  
General comments for consideration - As this is a full application, a Stage 1 Road Safety Audit, in line with GG119, should be submitted. The LHA as 'overseeing organisation' requests the applicant discusses Road Safety Audit protocol and Scope of the Audits before appointing a Road Safety Auditor to undertake this work. NYC reserve the right of first refusal on any Road Safety Audit works.
- 7.14 North Yorkshire Council Landscape Architect: Identify moderate/minor harm to the landscape. Would like for additional planting, e.g. wetland forest to southeast of site. Support the retention and improvement of existing hedgerow.
- 7.15 Teesside Airport: No objections.
- 7.16 Yorkshire Water: Our statutory mapping record shows that the site is absent of any wastewater or clean water assets. The application site is located within a Source Protection Zone 3 (SPZ3) and overlies a Principal Aquifer. The Flood Risk Assessment and Drainage Strategy is acceptable. A Construction Environmental Management Plan will be required.
- 7.17 North Yorkshire Council Footpaths: No objection; informative provided.

- 7.18 National Grid: No objection.
- 7.19 Health and Safety Executive: Do not advise against the granting of permission.
- 7.20 National Gas Transmission: Objected initially due to site traffic passing over pipeline. Objection removed 05.06.25 following submission of further information.
- 7.21 North Yorkshire Council Listed Building Officer: No objection.
- 7.22 Ramblers: Would like additional screening between site and adjacent PROW. During and following construction the footpath must remain unobstructed.
- 7.23 North Yorkshire Fire and Rescue Service: No response.
- 7.24 Civil Aviation Authority: No response.
- 7.25 Yorkshire Wildlife Trust: No response.
- 7.26 The Council for British Archaeology: No response.
- 7.27 Ancient Monuments Society: No response.

#### Local Representations

- 7.28 12 local representations have been received of which 1 are in support and 10 are objecting. Comments have also been received from a representative of Reform UK and have been registered as a single objection. A summary of the comments is provided below, however, please see website for full comments:
- 7.29 Support:
- Clean energy generation is essential to society.
- 7.30 Objections:
- Impact on ecology and wildlife.
  - High bird population impacted, including protected species.
  - Concerned over impact of development on larger animals (e.g. deer, hare, etc.).
  - Noise from equipment and construction will impact wildlife and function of PROWs.
  - Loss of agricultural land/food security.
  - Negative impact on the landscape/visual impact at odds with rural character.
  - Impact on residential amenity (glint and glare, with provided assessment insufficient).
  - Concern over increased runoff and impact of this on the flood zone, both locally and further downstream.
  - Chemical leaching from the panels may occur.
  - Site will be accessed via narrow roads and East Cowton proper – associated heavy traffic will increase risk to other road users.
  - Access route inappropriate for size, weight and volume of construction traffic.
  - Development would not benefit the local economy.
  - Close to PROWs.
  - A forty-year period is not temporary.
  - Lack of resident awareness of the scheme.
  - Scoping assessment submitted more than a year previously.
  - Statement of Community Engagement is incorrect.

- Flood risk not fully addressed.
- The setting of various nearby heritage assets will be harmed by scale and nature of the development.
- The proposal will have a negative impact on existing local businesses (e.g. Bed and Breakfasts).
- Long-term impacts of solar farm not known.
- Increased potential for criminal behaviour within the site.
- The proposal would be better directed to a brownfield sites, roofs, etc.
- The application cannot be considered in isolation – there are/have been numerous solar projects in the area, with a cumulative impact.
- There has been no consultation with the Fire Service.
- Solar panels are an inefficient use of land for energy production (as opposed to wind turbines for example).

## **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

- 8.1. The development falls within Schedule 2 Category 3(a) Industrial installations for the production of electricity, steam and hot water of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the area of the development site exceeds 0.5 hectares. North Yorkshire Council as the Local Planning Authority have screened the development and found that it is not EIA development and consequently no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website using application number ZB24/01732/SCR. Cumulative impact was considered as part of this screening process including issues such as increased traffic during construction. It is considered that as this site and the sites outlined at 3.19 are well separated in functional terms that the cumulative impacts would not warrant an EIA in this case. Despite the length of time between the Screening Decision and the Planning Committee meeting, little has changed in terms of the broader site context and the screening assessment is still effective for the Committee Decision.

## **9.0 MAIN ISSUES**

- 9.1 The key considerations in the assessment of this application are:
- Principle of Development and Legislative/Policy Context
  - The Use of Agricultural Land (including areas of BMV land), Food Security and Soil Impact
  - Landscape and Visual Impacts
  - Impact on Heritage Assets (including Archaeology)
  - Amenity
  - Flood Risk and Surface Water Drainage
  - Impacts on Highways Safety
  - Ecology Impacts and Biodiversity Net Gain
  - Impact on Infrastructure

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1 The 2008 Climate Change Act introduced legally binding carbon budgets, which restrict maximum greenhouse emissions for five-year periods ahead of the 2050 Net Zero Target. The sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels and a 78% reduction by 2035. In addition, the Government's

Net Zero Strategy (2021) sets out a commitment for all electricity to come from low carbon sources by 2035.

- 10.2 Following the change in government in July 2024, the encouragement of renewable energy forming the cornerstone of the new Government's energy policy. This has built on previous declarations, with Clean Power 2030 (2024) stating the need for "high levels" of renewables" to be secured, identifying new solar farms as part of fulfilling that requirement. The Government's clean power targets carry an expectation that solar power will form a substantial part of the country's renewable generation by 2030.
- 10.3 The above is in addition to existing strong national support for renewable energy schemes as set out in national guidance and policy documents such as the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3), the UK Government Solar Strategy (2014) and the Written Ministerial Statement on Solar Energy (Protecting the Local and Global Environment - 2015). Without exception they recognise the importance of renewable energy (including solar energy) in addressing the impacts of climate change.
- 10.4 The NPPF (December 2024) makes it clear that the wider environmental and economic benefits of renewable energy proposals of any scale should be given significant weight in determining whether planning permission should be granted. Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the NPPF deals with the promotion of renewable energy projects. Paragraph 161 of the NPPF states that the planning system should support the transition to Net Zero by 2050 and should help to support renewable and low carbon energy and associated infrastructure. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 163 states that the need to mitigate and adapt to climate change should be considered in the assessment of planning application, taking into account the full range of potential climate change impacts.
- 10.5 Paragraph 164 indicates that new development should be planned for in ways that:
  - a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - b. help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 10.6 Paragraph 166 states that, in determining planning applications, LPAs should expect new development to:
  - a. Comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - b. Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.7 Paragraph 168 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future
- b. recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions
- c. in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

10.8 The National Planning Practice Guidance (PPG) states why the provision of renewable and low carbon energy is important: "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." The PPG also emphasises that such schemes will help the Government meet its legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources, although it is also important to note that the PPG is clear that the need for renewable or low carbon energy does not automatically override environmental protections or other material factors.

10.9 The "Planning for Renewable and Low Carbon Energy" section of the PPG states that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

10.10 North Yorkshire Council has committed to reducing CO2 emissions within the North Yorkshire Climate Change Strategy (2023-2030).

10.11 In accordance with national planning policy and guidance, and building on the general support given to development that 'supports and adapts' to climate change as stated within part (g) of 'Strategic' Policy S1, Policy RM6 (Renewable and Low Carbon Energy) of the Hambleton Local Plan (hereby referred to as the 'Local Plan') also seeks to 'encourage' renewable energy installations:

*"Renewable and low-carbon energy installations, including associated infrastructure, will be encouraged. A proposal, including community-led initiatives for renewable and low carbon energy, will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts and those on aircraft, radar and telecommunications are, or can be made, acceptable."*

- 10.12 Policy RM6 goes on to state that 'when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment.' Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.
- 10.13 The principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance (in which "significant weight" was given to the benefits of renewable schemes), as well as locally by Policies S1 and RM6 of the Local Plan in particular, subject to compliance with other Local Plan policies. The development will generate electricity from a renewable source and thus contribute towards national and regional targets for the generation of renewable energy and the reduction of CO2 emissions.
- 10.14 Policy RM6 and the national guidance are both clear, however, that such general support for renewable energy proposals is dependent on the applicant demonstrating that all of the 'potential adverse planning impacts' of the proposed scheme are, or can be made, acceptable when weighed against the scheme's 'public benefits'. These matters will be considered under the relevant subheadings below with an overall 'weighing up' (balancing of the planning merits) within Section 11 of this report.

#### The Use of Agricultural Land (including areas of BMV land), Food Security and Soil Impact

- 10.15 The NPPF states at Paragraph 187(b) that local planning authorities should recognise the economic and other benefits of the best and most versatile (BMV) agricultural land. Footnote 65 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This is echoed within Policy S5 of the Local Plan which also states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land (i.e. grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.

- 10.16 Written Ministerial Statement “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land” made on the 15.05.2024 expresses concern over the number of large solar developments are being sited on BMV agricultural land. The Statement points to the 2024 version of the Overarching National Policy Statement for Energy (EN-1) and reiterates that where solar development is necessary on agricultural land it should be steered towards land with a lower value.
- 10.17 It is accepted that there are clear reasons why a development of this scale would need to be located in the open countryside as only in such locations are sizeable areas of land available to site the solar panels on. In addition, the location of solar farms is heavily dictated by the proximity to an available grid connection and associated equipment (e.g. pylons). Sites which are not within 3km of a grid connection quickly become unviable due to the cost of connecting to the grid (often by underground cabling). In that respect, this development is deemed to be appropriately sited. Nevertheless, there is still a requirement to assess how this would impact on higher quality agricultural land.
- 10.18 To address this point, an up-to-date Agricultural Land Classification (ALC) Survey has been provided in support of this application. This includes a desktop-based survey and a field survey where soil conditions and make-up were analysed. This analysis concluded that there are three main limitations evident with the soil across the site. These limitations were: soil wetness; a combination of climatic regime, soil water regime and texture of the top 25cm of the soil; flood risk on areas to the east of the site.
- 10.19 The conclusion of the analysis was that 39.9ha (out of a site area of 40.5ha) of land within the site was classified as Grade 3b, with the remainder classed as “non-agricultural”. This is broadly in line with the mapping published by the Government which shows the site to be primarily in an area of Grade 3 land. Interestingly, the Government mapping suggests that less of the site would fall into Grade 3 than the survey does, with the western perimeter of the site identified as falling within Grade 4. A limitation of this map is that it is not sufficiently accurate for individual field assessment, however, and whilst it does not subdivide Grade 3 it is a useful indicator to add confidence to the above survey results.
- 10.20 The representations made by the Parish Council and members of the public regarding BMV and food security, etc. are noted. However, the relatively low grading of the land suggests that the site does not represent either the “best or most versatile” land and any potential harm to this resource is therefore given limited weight.
- 10.21 It is the position of Officers that it has been demonstrated that this development would not lead to the loss of any best and most versatile agricultural land, and it therefore meets the requirements of Policy S5 and paragraph 187 of the NPPF.

#### Landscape and Visual Impacts

- 10.22 Policy S5 of the Local Plan states that development in the countryside will only be supported where it is in accordance with national planning policy and would not harm the character, appearance and environmental qualities of the area in which it is located. This is expanded upon within Policy E7 which seeks to protect the landscape character of the district and sets out the following requirements for development:
- a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
  - b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
  - c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;

- d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

10.23 Policy E4 states that the Council will seek to protect existing green infrastructure, secure improvements to its safety and accessibility, and secure net gains to green infrastructure provision by requiring development proposals to:

- a. incorporate and where possible enhance existing green infrastructure features as an integral part of the design, and provision of a landscaping scheme which deals positively with the transition between development and adjoining land
- b. capitalise on opportunities to enhance and/or create links between green infrastructure features within the site and, where possible, with nearby features beyond the site, for example with multi-user paths, including linking green spaces, and/or address fragmentation of green infrastructure through inclusion of street trees, green roofs and other features as appropriate
- c. where the site is located within, or in close proximity to a green infrastructure corridor, or a component of green infrastructure, enhance or create links within, to and between the site and the corridor and to enhance the functionality of the corridor
- d. increase woodland cover with appropriate tree species
- e. where possible, increase access to woodland in the district; and
- f. take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links. The Council will work with other parties to develop and improve cross-boundary green infrastructure links, particularly with the North York Moors National Park Authority.

10.24 The site lies within an area identified within the *Hambleton Landscape Character Assessment and Sensitivity Study (2016)* as Local Landscape Character Area 1: Cowton Hills, which forms part of the northern border of the former Hambleton area and is summarised thusly: “Varied topography, flatter and more open in the north-east, and undulating in the west and south giving some sense of enclosure; Intensive arable farmland covers much of the area, with evidence of modifications to watercourses for drainage, including to the River Wiske and The Stoll; Field boundaries marked by native hedgerows, generally in good condition, with occasional mature hedgerow trees; An even, scattered distribution of small woodlands or plantations; Low levels of settlement and infrastructure, mainly comprising minor roads, with the East Coast Main Line railway crossing the floodplain in the east; Glimpsed long-distance views to the North York Moors looking east, and to the Yorkshire Dales looking west; Overall countryside setting with associated sense of tranquillity.”

10.25 The site is approximately 12.3km distant of the North York Moors National Park to the east and 16.2km away from the Yorkshire Dales National Park to the west. This degree of separation means that the site does not play a role in the setting of these nationally protected landscapes and therefore and Policy E6: Nationally Protected Landscapes is not considered relevant.

10.26 The nearest SSSI (Swale Lakes) is approx. 7km to the west of the site and the nearest SINCR (Pepper Arden Bottoms) is 2.5km to the north-west.

10.27 A Landscape and Visual Appraisal (LVA) by Stephenson Halliday was undertaken in April 2025 and has been submitted as part of the application. The assessment of the impact of the development was made from five viewpoints within 3km of the site. It concludes that the

effects on landscape character would be “Moderate Adverse” during construction, and “Moderate/Minor Adverse” during the operational phase of the site, which is also broadly the anticipated pattern of impact on visual receptors. The impact from such vantage points is assessed as being moderate at worst – with those moderate impacts being at their most impactful during construction or when observed from the adjacent PROW. The undulating nature of the land and intervening features such as the woodland to the north are described as reducing the extent of the impact, and this could be seen by the officer when on site. Due to the low-lying nature of the site versus the surrounding hills, it is possible to see the site from various points within a medium-range (i.e. within ~1km of the site) area of the site, as shown within Appendix 4, Figure 3 (“*Zone of Theoretical Visibility with Screening Effect of Woodland and Settlement*”) of the LVA. It is important to stress the theoretical nature of that information, however, as the site visit undertaken by the officer indicates that visibility (e.g. to the north of the site) is more restricted than indicated within the above referenced map.

- 10.28 Whilst generally a private right to a view is not a material consideration, it can impact amenity and so should be considered in terms of amenity. To this end, the LVA also assesses the impact on views from several dwellings/agricultural units in the locality, though it is noted that the impacts are modelled on nearby views, rather than observation taken from the private dwellings. Again, it is acknowledged that there would be views from these structures and that this would carry a high sensitivity to development but owing to existing landforms and intervening objects in tandem with the long/medium-range nature of these views, the impact of these is assessed as being moderate at worst. Ultimately, the LVA concludes that the development would result in a long-term Moderate/Minor Adverse impact in an immediate context and Minor /Negligible with regard to long-range impact. It is considered that there will be no harmful amenity impact (i.e. overbearance) as identified within Policy E2 of the Hambleton Local Plan. The proposed landscaping is considered to have a Negligible Beneficial impact on the overall landscape.
- 10.29 One of the Council's Principal Landscape Architect has reviewed the LVA.
- 10.30 The Principal Landscape Architect (PLA) found that the methodology applied was clear and that the viewpoints selected seemed representative for the study, though noted that the assessment would benefit from further study from the western aspect of the site. A site visit was undertaken by the officer, which confirmed that a large proportion of the public viewpoints from the west are obscured by intervening landforms, though there is a vantage point from the PROW to the north-west which allows for views into the site. However, the stretch of PROW which allows for views in is limited to a approx.300m stretch to the north-west of Low Whinholme. It is agreed by the PLA that the adverse impacts described within 10.27 of this report are accurate and that the strongest negative impact will be felt when adjacent to the site (i.e. when using the PROW).
- 10.31 It is noted that the proposed mitigation is consistent with the existing landscape character and the PLA identifies that the measures included within the LEMP are positive, including the planting ~670m of new native hedgerow and 26 hedgerow trees to be planted. The PLA identified an opportunity within an area of the site which has been left undeveloped (in the south-east of the site) to incorporate the planting of wet-tolerant species of trees (such as alder, etc.). This was discussed with the applicant, who expressed a reluctance to do so, owing to the potential impact on the functionality of the solar panels to the north of this area. It is considered that this addition to the landscaping scheme is not integral to its function and so it would be unreasonable to insist on it on this occasion.
- 10.32 Officers agree with the assessments set out above. It is considered that the particular context of the wider area, means the site lends itself to the proposed development without having a significant degree of wider landscape impact. However, there would be an inescapable impact from the immediate vicinity of the site, especially when travelling along the adjacent PROW to the east of the site.

- 10.33 Several of the objections note that there are a number of proposals within the area for solar farms and correctly identify that this scheme should not be assessed in isolation, with the *Renewable and Low Carbon Energy* PPG at Paragraph 07 stating that cumulative impacts require “particular attention”. The schemes which are being applied for concurrently or which have gained permission within the area are:
- ZB25/01134/FUL – The installation of ground mounted solar photovoltaic array with associated infrastructure, security fence, CCTV, cable route, landscaping, and onsite biodiversity net gain. – 2.1km to the north of the site PENDING CONSIDERATION,
  - 
  - 15/01335/FUL – construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing – 3.3km to the north of the site and adjacent to ZB25/01134/FUL, APPROVED November 2015

It is considered that, though others are in the general proximity of the site (e.g. 19/01882/FUL), they are sufficiently distant to limit cumulative impacts. It is acknowledged that there is the possibility of some degree of cumulative impact, where both sites listed above may be visible at the same time as that being assessed. However, again due to the nature of the landscape, these would present as limited, site- and position-specific instances, rather than as sustained views.

- 10.34 As the applicant has agreed to provide further mitigation as part of the LEMP and the Councils Landscape Architect has identified that the scheme would, consequently, be appropriate, it is considered that the landscape impact of the proposal is acceptable. Despite the broadly positive response to the proposed landscaping by the PLA, it is agreed between all parties that there will be an element of harm introduced by the development and this will require mitigation.
- 10.35 Policy E7(f) asks that an independent landscape assessment is provided where there is a likelihood that the development will result in a detrimental impact on the landscape. Paragraph 6.71 of the Hambleton Local Plan identifies renewable energy development of being particularly impactful, stating that, in landscape terms, regard must be had to Policy RM6. RM6 itself states that regard must be had to the Hambleton Landscape Character Assessment and Sensitivity Study, which it is considered is the case here. It further states that, where potential adverse impacts are identified then they must be addressed first by the avoidance of and then the mitigation of the impact. It is considered that the landscaping scheme discussed above meets this requirement and that sufficient evidence has been produced to suggest that the proposed enhancement and compensatory measures will be sufficient to make the proposal acceptable. RM6, as in Paragraph 165(a) of the NPPF, supports this approach and so it is considered that the proposal is in step with the national and local policy position in this sense.

#### Impact on Heritage

- 10.36 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. The NPPF at Paragraph 212 asks that, when considering the impact of a proposed development on a designated heritage asset, great weight be given to the asset’s conservation. This is irrespective of the amount of harm to its significance, and the weight is made greater by the importance of the asset. Where harm is identified, Paragraphs 213-216 state that a “clear and convincing justification” be provided, with the public benefits associated with the development weighed against the identified harm. Paragraph 216 states that the effect of an application on the significance of a Non-Designated Heritage Asset

(NDHA) should also be taken into account in determining the application, with a balanced judgement being required regarding the scale of harm or loss of significance to the NDHA.

- 10.37 Policy S7 (Historic Environment) states that Heritage Assets should be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to the former Hambleton area's distinctive character and sense of place.
- 10.38 Policy E5 (Development Affecting Heritage Assets) states that a proposal will only be supported where it ensures that: (i) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j.) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals; (n.) those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation will be ensured through preservation of the remains in situ as a preferred solution. When 'in situ' preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Record.
- 10.39 Policy E5 also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.
- 10.40 Sites within Birkby (approx. 1km to the north-east of the site), Hutton Bonville (approx. 1km to the south-east of the site) and East Cowton (approx. 2km to the north-west of the site) have been assessed by the Council's Principal Conservation Officer. These sites are: the Grade II Listed Church of St. Lawrence, Gate Piers Approx. 100m south to Hall Farm, Birkby Manor, Birkby Manor Stables and Coachhouse and Wall, Garden Cottage, Church of St Peter. In addition, a Non-Designated Heritage Asset (NDHA) in the form of Stripe House Farm was also assessed. Several features, including the topography of the surrounding area, the lack of general intervisibility between the site and the assets listed above, ensure that the proposal does not cause identifiable harm to the nearby heritage assets. Further, it is understood that the impact on the setting of the Scheduled Monument (Birkby Medieval Settlement) would be nil for those same reasons. As such, it is considered that the proposal does not result in harm to the various nearby heritage assets.
- 10.41 In addition to listed buildings, NDHA and the Scheduled Monument, there is also a requirement to consider the archaeological potential of the site and the subsequent impact of the development on this. A geophysical survey of the site has been provided and reviewed by the Council's Principal Archaeologist. The archaeologist has confirmed the results of the survey indicate the potential for prehistoric or Iron Age/Roman remains within the area, which, in combination with the desk-based assessment, provide a high potentiality in terms of the presence of archaeological material. Whilst trial trenching has not been undertaken as part of the pre-submission works, this does not provide cause for concern and can be conditioned. The Principal Archaeologist has raised no objection to the scheme.

10.42 It is therefore considered that there would be no harm to identified heritage assets within the area and that the proposal accords with Policies S7 and E5.

#### Amenity

10.43 Policy E2 of the Local Plan requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. It goes on to set out more in-depth requirements which are as follows (as material):

- 10.44
- a. the development would not result in significant effects of overshadowing and the need for artificial light
  - b. the physical relationships arising from the design and separation of buildings/structures are not oppressive or overbearing
  - c. there are no significant adverse impacts in terms of noise
  - d. that adverse impacts from obtrusive light will be made acceptable

10.45 NPPF paragraph 135(f) requires planning decisions to ensure developments provide for a high standard of amenity for existing and future users.

10.46 The application site is rather distant from the nearest residential property (Home Farm, Hutton Bonville), which is approx. 0.55km to the east of the site. Due to the position of the site being set within a topographically low area, largely ringed by higher ground, the intervisibility of the site and nearby housing is lowered considerably. The supplied Glint and Glare assessment has identified two of the nearest residential sites (Low Whinholme Lodge and Low Whinholme Farm) as falling within the “low impact” category, whilst one (Home Farm, Hutton Bonville) falls into the “medium impact” category. However, the report discusses the potential impact on Home Farm in Paras. 6.9-6.10, stating that, due to the position of the sun at the point at which the risk of glint and glare impact is highest, the main source of solar reflection will be the sun itself. As a result, the proposed impact is considered to be downgraded from “medium” to “low”, in common with the other receptors. As such, the risks associated with Policy E2 are limited, insofar as residential uses are concerned.

10.47 It is accepted that there would be an impact on users of the adjacent fields (principally individuals making use of the PROW) in terms of noise generated by the development. However, this will be largely limited to works during the construction phase, with operational noise limited to maintenance of the equipment by the operator and to the function of the inverters and transformers. The level of noise output would not be such that it would be noticeable against the general background noise levels of the surrounding area, particularly as the distance between noise-generating equipment and the PROW ranges between 101-126m, with boundary treatments in between. It is not envisaged that noise generated by the proposal will impact the existing tranquillity of the area any more than the East Coast Mainline currently does, though a very low level of noise may be possible to perceive on particularly quiet days or if someone was outside during the night.

10.48 A public comment has raised the possibility of glint and glare from the solar panels causing potential accidents for individuals operating farm machinery within the area, contrary to E2(f). However, there is no evidence that this is a substantial issue with land near to or adjacent to solar farms, and so it is considered that this is not a point of concern. and that E2(f) is met by the development.

10.49 The above assessment is based largely on the operational phase of the development. It is accepted that the impact during construction and decommissioning may be greater,

including from construction vehicle movements. However, this would be for a short period of time and can be controlled via a Construction Management Plan which would ensure any potential impact is mitigated and managed to maintain amenity.

- 10.50 It is considered that the development will have an acceptable impact on amenity and that the visual impact of the development will not be injurious to residential amenity, allowing for compliance with Local Plan Policies E2 and RM6 in this regard. In doing so, it is also held that the proposal is compliant with Paragraph 166(a) of the NPPF, which requires development to meet local requirements for renewable developments, which in this case includes the requirement within Local Policy RM6 to address “all potential adverse impacts”.

#### Flood Risk and Surface Water Drainage

- 10.51 Policy RM2 of the Local Plan relates to flood risk and outlines that the Council will manage and mitigate flood risk by:
- a. Avoiding development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy.
  - b. Protecting areas of functional floodplain as shown on the Strategic Flood Risk Assessment, from development, except for water compatible uses and essential infrastructure.
  - c. Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.
  - d. Reducing the speed and volume of surface water run off as part of new build developments.
  - e. Making space for flood water in high-risk areas.
  - f. Reducing the residual risks within areas of rapid inundation.
  - g. Encouraging the removal of existing culverting where practicable and appropriate.
  - h. Supporting development and management of flood alleviation schemes.
- 10.52 In accordance with Paragraph 172 of the NPPF this will be achieved by supporting a development proposal only where it is demonstrated that:
- i. the sequential test has been applied and passed
  - j. if, following application of the sequential test, it is not possible, consistent with wider sustainability objectives and the vulnerability to flooding of the proposed use for development to be located in zones with a lower probability of flooding, taking account the impacts of climate change, the exception test has been applied and passed, such that
    - i. the development will provide wider sustainability benefits to the community that outweigh flood risk, informed by the Hambleton Strategic Flood Risk Assessment (March 2017) or successor documents; and
    - ii. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
  - k. development has been sequentially located within the site to avoid flood risk
  - l. all reasonable opportunities to reduce overall flood risk have been considered and where possible taken; and
  - m. the integrity of existing flood defences is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council.
- 10.53 A significant percentage of the site lies within Flood Zones (FZ) 2 and 3, with only the northern and central portions of the site being free of fluvial flood risk. There are also areas of surface water flooding within the site, though these are broadly limited to those areas in

which the fluvial flood risk is highest. Within the associated PPG and Annex 3 of the NPPF, Solar Farms fall within the category of “Essential Infrastructure” for the purposes of flood risk assessment.

- 10.54 Due to the above, a site-specific Flood Risk Assessment (FRA) has been submitted with the application as required by national and local policy. This assesses the likelihood of flooding from various sources; fluvial flooding from the watercourse that runs through the site, pluvial surface water flooding, ground water flooding due to a high water table, and finally infrastructure failure flooding from failure of man-made waterbodies such as sewers.
- 10.55 In addition, sequential test information has also been submitted in support of the selection of this site for development. Paragraph 174 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 10.56 The submitted sequential test outlines the general difficulties in identifying suitable sites for solar development, with the principal difficulties presented by the applicant when selecting a site being as follows: Current land use; Agricultural land quality; Flood risk; Proximity of site to the National Grid’s overhead line; Scale of development requiring large, single and contiguous parcel of land.
- 10.57 The rationale within the site selection parameters set out within the applicant’s planning statement appears to be sound – sites within proximity of the overhead line and which meet the criteria listed within Paragraph 10.50 of this report appear to be limited when subject to a map-based assessment of the site and broader surroundings (i.e. sites within proximity to the overhead line between the area between Streetlam and Little Smeaton). The nearest site which hits the categories set out above is an area to the north-west of Hutton Bonville, in which the agricultural land classification is Grade 4. However, this area of Grade 4 land is smaller than the proposed site, is intersected by the railway line and is entirely within FZs 2 and 3.
- 10.58 The further the development is located from the point of connection the more technical difficulties and costs are encountered such as increased length of underground cabling (including trenching) which results in thermal losses, materials costs, increased difficulties in coordinating the project over larger areas with potentially more landowners, longer construction periods and increased land requirements and costs. It is generally considered that sites more than 3km from the point of connection are not viable for development. In the addition to the above there is a lengthy list of site constraints that developers must also attempt to avoid in the site selection process including, amongst many others National Parks, AONBs, Green Belt, and Sites of Specific Scientific Interest (SSSIs). It is considered that the sequential test has been met – a view shared by the LLFA.
- 10.59 Within the site the substation and other equipment has been located on land within Flood Zone 1. As will be outlined below the proposal also passes the exception test and has not attracted any objections from the Environment Agency or the Lead Local Flood Authority. It is for the Local Planning Authority, however, to determine if the sequential test is first passed. Based on the above assessment, it is considered that the sequential test for this development has been passed. Para. 177 of the NPPF then requires the exception test to be undertaken, depending on the potential vulnerability of the site and the proposed development, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF.
- 10.60 There is the requirement, due to the presence of FZ3 within the site, to assess the scheme against the exception test, despite its status as “Essential Infrastructure” within Annex 3 of

the NPPF. It is considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking into account users of the site and that it will not increase flood risk elsewhere and so that the exception test has been met and therefore complies with Paras. 178 and 179 of the NPPF.

- 10.61 In terms of fluvial flooding, the FRA has found that the highest flood level would be 26.50m AOD. The likelihood of fluvial flooding impacting the site is categorised as “low” (in the central and western site area) and “high” to the east in the FRA. To mitigate the impact in the event of this occurring, the solar panels that are sited in FZ2 and 3 will be set at 300mm above the identified flood levels at their lowest point to ensure flood resilience. Furthermore, the site layout has purposely located any more vulnerable infrastructure, i.e. the substation and transformers, within FZ1. The risk from pluvial flooding is located almost entirely within the fluvial flood zones and so does not represent a barrier to the siting of operational equipment within the proposed site and appropriate measures to contain run-off have been incorporated into the scheme. The Environment Agency have reviewed the FRA and confirmed they have no objections to the proposed development and it is noted by the officer that the siting of the most vulnerable development within the areas of lowest flood risk is consistent with Paragraph 181(a) of the NPPF. On this basis, it is considered that the development would remain flood resilient for its lifetime and would not increase the likelihood of flooding elsewhere.
- 10.62 Along with ensuring development is safe from flooding, i.e. the exception test, there is also a requirement in national and local planning policy for a sequential approach to development within a site in areas of increased flood risk. This requires new development to be steered to areas with the lowest risk of flooding within a given scheme. This has been achieved here, with all flood sensitive electrical equipment sited outside of FZ2 and 3. An additional facet of this being that residual risk associated with the operation of the site is therefore limited and can be safely managed.
- 10.63 As the proposal does not include the laying of large amounts of hardstanding, there is no requirement for a sustainable drainage system as the bulk of the site will not involve the sealing of the existing surface. It would be unreasonable to insist on this without a clear indication that the proposal would lead to drainage and/or flood issues within the broader site, which is not what is found within the conclusions of the FRA.
- 10.64 Access and egress to/from the site during a flood event is via the proposed main route from Cross Rein Bank to the site, which falls within FZs2 and 3 at multiple points. However, the site will not be continuously inhabited and so the requirement for a safe access and escape route is nil.
- 10.65 It is therefore considered that the scheme is concordant with Local Plan Policies RM2 and RM3 and with the requirements of Paragraph 181(a)-(e) of the NPPF.

#### Impacts on Highways Safety

- 10.66 Policy IC2 of the Local Plan relates to transport and accessibility. Owing to the nature of this development, aside from construction and decommissioning, vehicular movements to and from the site are minimal. Consequently, the majority of the requirements set out in policy IC2 are not relevant on this occasion. However, there is still a requirement to ensure no aspect of the development will compromise highway safety.
- 10.67 This is in step with Paragraph 115 of the NPPF, which requires decision-makers to ensure that, amongst other things, safe and suitable access to the site can be achieved for all users and that significant highways impacts can be mitigated to an “acceptable degree”.

- 10.68 The access is proposed via an existing private track forming a simple priority junction with Cross Rein Bank – this will form the sole access in and out of the site. This will form the access for both the construction period and long-term management of the site and no alterations are proposed to the access itself. Collision data indicated that there have been no recorded collisions on Cross Rein Bank in the last five years.
- 10.69 The Local Highway Authority have assessed the access and have stated that the visibility splays do not meet the guidance set out within the Design Manual for Roads and Bridges (DMRB), and that construction access will be controlled using temporary traffic signals at Cross Rein Bank, with further details on traffic management to be submitted as part of a Construction Traffic Management Plan (CTMP). Highways have suggested that this could be controlled via a suitably worded condition.
- 10.70 A Transport Statement (TS) has been submitted with the application which has identified that the construction phase would temporarily intensify vehicle movements, though notes that, once operational, the site will generate approx. two vehicle trips per month.
- 10.71 The Local Highway Authority have reviewed the submitted Construction Phase Traffic Management Plan (CPTMP). This states that the construction of the site is expected to run for between a four-to-six-month period, in a single phase, with up to 50 personnel on site, requiring approx. twenty to twenty-five staff vehicles daily (approx. forty to fifty vehicle movements a day). This will be in addition to two or three deliveries associated with the construction per day, bringing the total trip rate to around thirty-three arrivals and departures a day. Highways note that the proposal does not “represent a significant of vehicular movement”, subject to the trip rates being confirmed within a full CTMP, which has been included within the list of suggested conditions.
- 10.72 Measures such as internal passing places are proposed in order to limit the need for queuing on the highway and to improve traffic flow during the construction phase. However, no details have been provided on the Internal Site Compound areas, though there are an indicated twenty parking spaces. This can be managed via condition and is included in the list of conditions.
- 10.73 A number of other conditions will be attached to an approval, including those governing the cleaning and clearing of the highway and vehicles leaving the site and a dilapidation survey to ensure that construction works do not cause lasting damage to the road. A requirement for the submission of a Stage 1 Safety Audit has been incorporated into the Construction Management Plan Condition.
- 10.74 The Local Highways Authority conclude with no objection, with a pre-commencement condition recommended requiring details to be submitted, approved and complied with. Specifically, a detailed Construction Management Plan to include details relating to a Stage 1/2 Safety Audit, Temporary Traffic Signing Strategy, wheel and chassis underside washing facilities and parking arrangements. This is considered necessary to make the development acceptable and is included in the recommended conditions at the end of this report.
- 10.75 The Parish Council have raised concerns with the adopted highways construction traffic routes, however, this matter will be submitted and dealt with via the conditions set out at paragraph 10.72 above.
- 10.76 The use of the PROW to the east of the site may be impacted to a limited extent, but the submitted Glint and Glare assessment identifies the potential impact as being primarily low across the site, with Table 3.4 of that assessment showing one out of nine sites as having a theoretically medium impact, the remainder being low impact. It is considered that the

impact will be further ameliorated through the proposed landscaping and that a condition to fix the height of existing hedging can be attached to a permission to provide a further physical barrier between the site and the PROW, limiting potential glint and glare impacts.

- 10.77 Further impacts to the function of the section of the PROW which intersects with the site access are anticipated to be largely limited to the construction phase of the proposed development. The anticipated monthly trips associated with the operation of the site would not provide a barrier to the use of the public footpath and would not cause the unnecessary diversion of or the permanent loss of a footpath in accordance with Policy E4(f).
- 10.78 North Yorkshire Fire Service have been consulted but have not responded. In any case, it is considered that the proposed access and track would be sufficient for the access and egress of emergency vehicles, in compliance with Paragraph 117(d) of the NPPF.
- 10.79 On the basis of the above, it is considered that the development will not compromise highway safety and complies with Local Plan Policies IC2 and E4 and Paragraph 115 of the NPPF. Furthermore, it is considered that there are no grounds to prevent or refuse the development pursuant to paragraph 116 of the NPPF as it has not been demonstrated that there would be an unacceptable impact on highway safety that cannot be mitigated via condition

#### Ecology Impacts and Biodiversity Net Gain

- 10.80 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.).
- 10.81 As set out in the introductory section of this report, there are few designated sites within proximity of the site, with the nearest being Pepper Arden Bottoms, a designated Site of Importance for Nature Conservation (SINC) located 2.7km to the north-west. In addition, there are also habitats within the site boundary that are assessed as being of importance including a number of hedgerows, adjacent watercourses and the fields themselves.
- 10.82 An Ecological Impact Assessment (EclA) has been submitted in support of this application. This assesses the potential impact on the designated sites, as well as protected species both within the site and the surrounding area. The report and conclusions are based on desk studies and a range of field studies. Data sets and records relating to other species that have been spotted within the region have also been reviewed by the applicant's ecologist.
- 10.83 In terms of the non-statutory designated site, namely Pepper Arden Bottoms SINC, report find that, due to the level of separation from the site there will be no detrimental impact on the SINC as a result of this development and no further assessment of this is required.
- 10.84 The report found that there will be potential impacts on the following Valued Ecological Receptors (VER) habitats within the site: Field drains, Hedgerows, Trees. There will also be potential impacts on the following VER species: Birds, Bats, Water Vole. It is considered that measures undertaken within the Landscape and Ecological Management Plan proposed by the applicant will ameliorate a large number of these impacts, including the retention/planting of further hedgerow, the cessation of fertiliser and pesticide use within the site, use of grassland mix to encourage the development of meadow species, etc. in addition to general management of the site. As a result of the above, the uplift in

Biodiversity Net Gain (BNG) units is approximately 42%, including a substantial increase in hedgerow (37.7%) and watercourse (86%) units.

- 10.85 Upon review of the EclA, NYC's Ecologists initially identified some areas of concern, and a number of details were considered to be missing or otherwise underexplored, including a lack of supplied information relating to breeding and wintering birds and the potential for deer to become trapped within the site. There was scepticism around the potential efficacy of the drainage ditch enhancement scheme, where it was noted that the presence of nettles suggests that the soil may be nitrogen-rich, limiting the potential for the success of the scheme. This was responded to by the applicant's ecologist, with additional details relating to the provision of deer fencing of a height (2m) to prevent entry of deer into the site, but with spaces within the fencing to allow for the movement of smaller animals, namely badgers and hares. NYC's Ecologist considered the additional information to adequately address their original concerns, with the caveat that the details should be secured via condition.
- 10.86 The above assessment relates only to the operational phase of the development. The EclA concedes that there is potential to negatively impact the habitats and species listed above during construction as a result of use of heavy machinery on site. In order to mitigate this impact, it is important to ensure that the working practices during construction are precautionary to ensure no harm occurs. Consequently, it is recommended that a Construction Environmental Management Plan (CEMP) be conditioned if permission is granted. This will outline how works will be undertaken and the protective measures that will be put in place during the construction and decommissioning phases of the development, some details of which are included within the EclA. On this basis, it is considered this potential harm can be adequately mitigated against.
- 10.87 All lighting (including that associated with the construction of the site) will be required by condition to be designed to follow the protocol outlined in the Institute for Lighting Professionals Guidance note 08/23 "Bats and Artificial Lighting in the UK" (2023). This should limit the potential for impact on the nocturnal activities of bats, which may be present in proximity to the site due to the existence of features such as dead trees, etc.
- 10.88 The other potential issues outlined are mainly resulting from accidental harm to habitat during construction. This can be mitigated through the timing of construction/ decommissioning works and/ or precautionary measures that would be outlined in the conditioned Construction Environmental Management Plan in the event that planning permission is granted.
- 10.89 Based on the above, it is considered that there has been a proportionate assessment of the potential impacts on habitats and protected species both within and around the site. This impact would be mitigated through measures such as maintaining adequate buffer zones around valuable habitats, off-setting the loss of other valuable habitats and providing newly planted species-rich grassland and species-rich hedgerow that would help to generally compensate for any loss of habitat. Further, there is no evidence to demonstrate that the proposal will have an impact on a nationally designated area of nature conservation (e.g. a SSSI, SAC, SPA or Ramsar Wetland) or a European Site, negating the requirement for an appropriate assessment to be undertaken under the HRA guidance. The above leads to a development that has an acceptable broader ecological impact and which meets the requirements of Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021 in terms of BNG uplift.
- 10.90 NYC's Ecologists have reviewed the proposed schemes relating to the provision of mitigatory works required in order to adequately reduce the impact of the works on

protected species, including skylarks. A strategy aimed at providing an alternate habitat for skylarks (and other ground-nesting birds) within an adjacent field (the *Farmland Bird Mitigation Strategy*) was assessed by NYC Ecology in September 2025 and was found to be appropriate. However, this strategy was amended in February 2026 to move the replacement habitat within the red line area of the site, a position which was further developed in the *Alternative Mitigation Approach* submitted by the applicant in March 2026. Ecology's review of the March submission was that it ran contrary to Policy E3(a), which states that development will only be supported where "significant harm to biodiversity resulting from the development has been avoided[...], adequately mitigated, or, as a last resort, compensated for[...]". Paragraph 193(a) of the NPPF directs the decision-maker towards refusal in these circumstances, declaring that where significant harm to biodiversity to result as a consequence of a proposal, that planning permission should be refused.

- 10.91 However, though the Council's Ecology team regard the latest habitat management scheme as being of a lesser quality than the initial submission, they acknowledge that there is "some merit" in it and do not necessarily suggest refusal, instead suggesting that the matter should be weighed in the balance, against the other matters forming the assessment. They have provided some comments relating to a relevant condition should permission be granted.
- 10.92 Whilst the proposal does not impact broader ecological designations and the BNG uplift is considerable, it is considered that, due to the lack of appropriate replacement habitat for protected species (namely skylarks) contained within the proposal, the development is contrary to Local Plan Policies E3 and E4 of the Hambleton Local Plan and Paragraphs 187(d) and 193 of the NPPF.

#### Impact on Infrastructure

- 10.93 The application site is located in close proximity to the East Coast Mainline. The supplied Glint and Glare assessment identifies the risk to the operation of the railway as being "none" (at three receptor sites) and "low" (at a single site). National Rail have responded to the Council's consultation and have not objected to the proposed scheme, providing instead a list of informatives.
- 10.94 The site interacts with the Hurworth Tees South to Thrintoft Pipeline, insofar as the access runs across it whilst the main solar farm site is sufficiently distant so as to fall outside of the associated consultation zone. The HSE have been consulted via their Web App and have offered no objections to the proposal. National Gas have similarly not objected to the scheme but have provided informatives associated with the developer's duty in respect to the safeguarding of the pipeline.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 National policy gives significant weight to the environmental and economic benefits of renewable and low-carbon energy and expects decision-makers to support the transition to Net Zero, without requiring applicants to demonstrate an overall need (NPPF Paras. 161, 163, 166, 168). At the local level, the Hambleton Local Plan Policies S1, RM6 encourage renewable and low-carbon energy where potential adverse impacts are avoided, minimised and (where necessary) compensated, and requires those impacts to be weighed against the public benefits. Determination is therefore to be gained through reference to the development plan read as a whole, with the NPPF as an important material consideration; those residual harms are weighed against the substantial public benefits of decarbonised

electricity generation and the ability of the scheme to sufficiently mitigate any identified harm.

- 11.2 A supplied land survey identifies 39.9ha (of 40.5ha) as Grade 3b, with the remainder recorded as non-agricultural. Mapping taken from the Government's systems is consistent with the findings of the survey, identifying the site as being comprised of predominantly Grade 3 land with some Grade 4 to the west. On that basis, it is considered that, in the balance of probabilities, the Grade 3 land within the government mapping is likely to be Grade 3b and not 3a. As a result, the proposal does not result in the loss of best and most versatile (BMV) land (Grades 1, 2, 3a). Any harm to the agricultural resource therefore attracts limited weight in the balance, and the scheme accords with Local Plan Policy S5 and the NPPF approach to safeguarding higher-quality soils and agricultural land.
- 11.3 An LVA concludes effects up to Moderate Adverse during construction, reducing to Moderate/Minor Adverse in operation (the largest impact being felt by users of the PROW running the length of the eastern site boundary), with Minor/Negligible effects at longer range. The Council's Principal Landscape Architect agrees the methodology and findings, notes the LEMP mitigation (including the provision of approx. 670m of new native hedgerow and 26 hedgerow trees), and considers the scheme appropriate in landscape terms. While there will be residual adverse effects, they are considered to have been appropriately mitigated against and this must be weighed accordingly in the balance. The approach taken by the applicant satisfies Local Plan Policies E7(f) and RM6 and mirrors the stance for renewable proposals outlined within Paragraph 165(a) of the NPPF. On this basis, limited weight is attributed to the mitigated landscape harm.
- 11.4 Having regard to the duty outlined within S66 of the Planning (Listed Building and Conservation Areas) Act 1990, NPPF policy for designated and non-designated assets, and Policies S7/E5 of the Hambleton Local Plan, the Council's Conservation Officer has identified no harm to nearby listed buildings, the Scheduled Monument (Birkby Medieval Settlement) or the assessed NDHA, due to limited intervisibility, local topography and separation distances. Archaeology can be secured by condition given the potential for remains within the site, and there is no objection from the Principal Archaeologist. The proposal therefore complies with Local Policies S7 and E5, the NPPF and does not compromise the Council's duty to safeguard heritage assets; no heritage harm weighs in the balance.
- 11.5 Residential amenity impacts (including glint and glare) are assessed as low following professional study and considering the topography of the surrounding area, proposed planting and separation distances. Construction impacts are time-limited and controllable through a CEMP. Highway impacts are largely limited to the build/decommission phases; access arrangements can be made acceptable via a CTMP and related conditions, with NYC Highways raising no in-principle objection. Effects on the adjacent PROW are mainly temporary and operational traffic is negligible (circa two trips per month). It is considered then that Local Plan Policies IC2 and E4 and Paras. 115 and 117 of the NPPF are satisfied, with no unacceptable impact on highway safety identified, meaning that there is no requirement to prevent or refuse the scheme on this basis, as per Para. 116 of the NPPF. These matters carry limited weight against the scheme, given the mitigation and controls to be secured by condition.

- 11.6 The site includes areas within Flood Zones 2 and 3, triggering the need for a FRA, sequential test and (given the presence of FZ3) exception testing. The sequential approach to site selection and the site layout has been evidenced. This has involved essential equipment being located in FZ1 and raising the arrays in floodable areas by 300mm above modelled levels. The EA and LLFA have raised no objection but have supplied conditions to fulfil. The exception test has been passed in this case, with the wider sustainability benefits outweighing the flood risk - the development will be safe for its lifetime and will not increase flood risk elsewhere. It is deemed that the proposal is consistent with Local Plan Policies RM2 and RM3 and paragraph 181 of the NPPF. As a result, the residual flood-related harm attracts limited weight given the mitigatory works within the site and the position of the consultees.
- 11.7 The EclA and subsequent clarifications secure proportionate mitigation through the LEMP, CEMP, and targeted measures for species and habitats within and adjacent to the site. The scheme delivers an estimated 42% BNG uplift overall (with approx. 37.7% hedgerow and 86% watercourse unit increases) and addresses farmland bird impacts via on-site skylark plots. NYC Ecology raises no formal objection (though with the suggestion that the matter should be weighed in the balance) with regard to BNG or the lack of requirement for an HRA, but states that the proposed habitat replacement and mitigation is less “robust” than would be liked, particularly with regard to skylarks. The cumulative impact of solar development has been marked out as being of concern by Ecology, with the proposal forming part of the approx. 1000ha of solar development within the wider Vale of Mowbray; there is a requirement within the Planning for Renewable and Low Carbon Energy PPG for cumulative impacts to be taken into account and so this is given some weight. Accordingly, the ecological effects carry minor negative weight, due largely to the lack of replacement habitat provided and the potential for greater negative impacts on the habitats of protected species through cumulative development. Consequently, the proposal is not considered to accord wholly with Local Plan Policies E3 and E4, the relevant legislation and NPPF paragraphs 187(d) and 193.
- 11.8 Reading the Hambleton Local Plan as a whole - particularly with regard to Policies RM6, S1, S5, E1, E2, E3, E4, E5, E7, IC2, RM2 and RM3 - and having given considerable weight to the support of renewable energy as directed by Para. 161 of the NPPF, it is considered that the substantial public benefits of low-carbon electricity generation (together with secured ecological enhancements) outweigh the moderate, mitigated landscape harm, the minor ecological harm and the limited adverse effects identified above. There is no heritage harm; flood risk is acceptably managed; potential negative amenity, highway and PROW effects are capable of control through the agreed conditions and the site does not consist of BMV land. On this basis, the works applied for, on this occasion, accord with the Hambleton Local Plan and the NPPF when taken as a whole, and the planning balance falls in favour of the development. Approval is therefore recommended, subject to agreed conditions

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the conditions listed below.
- 12.2 No S106 is required for this development. The BNG proposals are not considered significant and therefore can be controlled via condition. This has been discussed and agreed with NYC’s ecological officer.

**Recommended conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings: General Layout (Dwg. No 2.1, Rev. PLA09), Site Layout (Figure 2.2, Rev. PLA05), Landscape Mitigation Plan (Dwg. No. 1006-SHRK-XX-XX-DR-L-1000, Rev. 03), Access Road and Passing Bays (Dwg No. 2.3.1, Rev. PLA06), Temporary Compound Details (Dwg. No. 3.2, Rev. PLA06), Proposed Site Sections (Dwg. No. 3.5.1, Rev. PLA04), Component Details & Elevations Pack (Dwg. No. 3.0, Rev. PLA06), Impermeable Surface Plan (Dwg. No. 4.0, Rev. PLA01), Security Fence Layout (Dwg. No. 2.5, Rev. PLA05), Swales Layout (Dwg. No. 3.4, Rev. PLA03) received by the Local Planning Authority on 09.05.25, 30.10.25, and 11.03.26

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1, S5, E1 and E7.

3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (the First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason: To safeguard the character of the landscape, in accordance with policies S1, S5 and E7 of the Local Plan.

4. Within 6 months prior to of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the First Export Date (whichever is sooner), a scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and approved in writing by the local planning authority. The scheme shall be informed by and include ecological surveys and assessments undertaken prior to decommissioning and taking account of the ecological policy and legislative framework at the time of submission. The scheme shall make provision for the removal of the solar panels, ancillary equipment and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The solar farm and its ancillary equipment shall thereafter be dismantled and removed from the site and the land restored in accordance with the approved scheme and timescales.

Reason: To safeguard the character of the landscape and Biodiversity gains, in accordance with policies S1, S5, E1, E3 and E7 of the Local Plan.

5. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and

approved in writing by the local planning authority within 6 months of the end of the cessation period. The scheme shall be informed by and include ecological surveys and assessments undertaken prior to decommissioning and taking account of the ecological policy and legislative framework at the time of submission. The scheme shall make provision for the removal of the solar panels, ancillary equipment and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The solar farm and its ancillary equipment shall thereafter be dismantled and removed from the site and the land restored in accordance with the approved scheme and timescales.

Reason: To ensure in the event of the panels becoming obsolete, they are removed in a timely manner, in the interests of the character and appearance of the surrounding area in accordance with policies S1, S5, E1, E3 and E7 of the Local Plan.

6. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason: To mitigate the visual impact of the development within the landscape, in accordance with policies S5, E1 and E7 of the Local Plan.

7. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP): Biodiversity shall be submitted to the Local Planning Authority for approval in writing. The Management Plan must include but not be limited to:

- Habitat protection measures as set out within the EclA and the draft LEMP (April 2025; submitted to the LPA on 09.05.25).
- Pre-commencement surveys for mobile protected species to inform any changes to avoidance/mitigation measures.
- Species protection measures, including where necessary individual species precautionary working method statements, where protected species are involved, measures should ensure compliance with legislation and/or licence regime (updated as needed following pre commencement surveys).
- ECoW roles and responsibilities.
- Clear plans showing location of sensitive features, temporary exclusion zones etc.
- Clear, concise method of communicating requirements to all contractors working on site.
- Guidance on and methods of site clearance.
- Sensitive lighting strategy for wildlife.

The development shall thereafter be carried out in accordance with this Management Plan for the lifetime of the development.

Reason: To ensure the protection of the identified species and habitats within and directly adjacent to the site.

8. Prior to the export of electrical power from the site, the measures outlined within the Landscape and Ecological Management Plan submitted to the Local Planning Authority on the 09.05.25 shall be undertaken in full, including the submission of the following for the first written approval of the Local Planning Authority:

- A detailed plan showing the areas of habitat creation, retention and management.
- Detailed methods for habitat creation, including ground preparation, species mix, planting specification and initial aftercare.
- A timetable for the implementation of each habitat/species intervention.
- Detailed management prescriptions for each habitat type – it is recommended that these are set out by habitat type, using UKHab to conform to BNG requirements and with the target distinctiveness and condition in mind.
- Hedgerow Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Watercourse Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Contingency measures/risk register to take account of the results of monitoring and implement changes to management in order to stay on track.
- Operational requirements in relation to maintenance of fencing and features for species – e.g. deer fencing, bat and bird boxes.
- Monitoring methodology and schedule for habitats and species.
- Reporting format and schedule to local authority.

Once the details have been approved in writing by the Local Planning Authority the development shall be undertaken in strict compliance with the approved details, including during the operational phase.

Reason: To mitigate the visual impact of the development within the landscape, in accordance with policies E1 and E7 of the Local Plan.

9. The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 681442-R1(01)-FRA, dated March 2025) and the following mitigation measures it details: the proposal is to be carried out in accordance with Section 5 (“Mitigation Measures and Residual Risk”), Section 7 (“Surface Water Drainage Assessment”) and Table 8.1 of that report. These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No development for any phase of the development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in full accordance with the approved CTMP.

The Plan shall include, but not be limited, to arrangements for the following:

- a) A Stage 1 / 2 Road Safety Audit, in line with GG119, with the brief to be agreed between the applicant and the LHA. The LHA as 'overseeing organisation' requests the applicant discusses Road Safety Audit protocol and Scope of the Audits before appointing a Road Safety Auditor to undertake this work. NYC reserve the right of first refusal on any Road Safety Audit works
- b) Provision of a 'Temporary Traffic Signing Strategy' for the provision and maintenance of 'Traffic Signs Manual – Chapter 8' temporary signage at both site accesses for the duration of the Construction Phase
- c) Construction access to the site will be managed via temporary traffic signals positioned at the entrance on Cross Rein Bank
- d) Construction/Delivery routing schedule
- e) Dilapidation survey/Highway Condition survey on these routes, including verges.
- f) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
- g) swept path details based on the Construction Site Traffic Routing for both site accesses for a worst case 16.5m articulated vehicle
- h) Confirmation of construction and operative trip rates are in line with the figures forecast in the draft CTMP
- i) the parking arrangements for contractors' site operatives and visitor's vehicles
- j) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear
- k) areas for storage of plant and materials used in constructing the development clear of the highway
- l) the methodology for the installation of the solar panels
- m) measures to manage the delivery of plant and materials to the site including locations for loading and unloading and how the timing of deliveries is to be scheduled; with school pick up and drop off times to be avoided.
- n) protection of carriageway and footway users at all times during construction and decommissioning.
- o) protection of contractors working adjacent to the highway
- p) details of site working hours;
- q) erection and maintenance of hoardings including security fencing and scaffolding on/over/adjacent to the footway & carriageway
- r) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
- s) details of any muck shifting operations where earthworks material is to be moved off site together with a works programme covering such

- t) contractors method statement ensuring vehicles are sheeted and covered for bulk carrier vehicles entering and exiting the application site to prevent dust and loose material coming from vehicles
- u) measures to control and monitor construction noise
- v) an undertaking that there must be no burning of materials on site at any time during construction
- w) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
- x) details of the measures to be taken for the protection of trees
- y) details of external lighting equipment
- z) details of on-site access road/track construction
- aa) a detailed method statement and works programme for the construction works
- bb) contact details (24/7) for the responsible person (site manager/office) who can be contacted in the event of any issue, with details clearly displayed at the two site entrances
- cc) details for dealing with surface water run-off from the batteries
- dd) details of any construction works to be undertaken where the site accesses form part of the adopted public highway including changes to kerblines, road/pavement construction, installation of services;

Reason: In the interest of public safety and amenity.

Note: NYC reserve the right of first refusal on any Road Safety Audit works

12. Prior to the installation of any external lighting a scheme detailing the type, specification and location and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed in conjunction with a qualified ecologist and shall incorporate measures to limit ecological impact. Once installed the lighting shall be maintained as approved for the life of the development. No other lighting shall be erected/installed/operated.

Reason: In order to limit visual intrusion into the wider landscape, the impact on local ecology and to preserve the character and appearance of the area in accordance with Policies S5, E1, E3 and E7.

13. Once the solar panels have been installed and for the life of the development no chemical treatments for pests or weeds shall be applied to the land.

Reason: In order to ensure that land can be retained for agricultural use during the life of the development and in the interest of ecology in accordance with Local Plan Policies S5 and E3.

14. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire Council SuDS Design Guidance, with particular note to sections 4 to 8 (or any subsequent update or replacement for that provision, where appropriate). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible.

The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Thereafter the drainage system shall be retained and maintained to a functioning standard.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

15. Prior to the commencement of the development, a maintenance plan for the approved drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme shall include (but not be limited to) the following: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

If the drainage system is to be adopted by Yorkshire Water/ Northumbria Water a maintenance plan shall be included up to the date at which it is vested.

The development shall comply with the approved maintenance plan.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

16. Prior to the start of development, a Construction Environmental Management Plan (CEMP) outlining a scheme of mitigation (including during the site construction period) that will be implemented to protect the groundwater source shall be submitted in writing to the Local Planning Authority for approval. Once approved, the measures set out within the scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that the development can be properly drained, the water environment and public water supply is protected in accordance with Local Plan Policies RM3 and RM5.

17. No development shall take place until a scheme of archaeological evaluation by trial trenching has taken place in the area of geophysical anomalies. This shall be detailed in a Written Scheme of Investigation and shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording

- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that the development does not cause harm to the archaeology of the site, in accordance with Local Plan Policies S7 and E5.

18. Following the implementation of the Written Scheme of Investigation for Archaeological Evaluation set out in Condition 17, and prior to commencement of development, the developer shall provide an Archaeological Management Plan for approval in writing by the Local Planning Authority that:

- sets out the methodology for designing out impact on significant archaeological deposits, e.g. through exclusion from development, use of surface mounting options, under frame cabling, restriction of vehicle movements etc; and/or
- sets out a methodology for further archaeological recording where deposits do not require physical preservation. The methodology for this archaeological recording should be detailed in a Written Scheme of Investigation included in the Archaeological Management Plan and shall include research questions pertinent to the expected deposits and Community Involvement and outreach during and after the archaeological fieldwork; or
- Demonstrates that the archaeological resource is of limited interest and that impact is acceptable.

Once the details have been approved in writing by the Local Planning Authority the development shall be undertaken in strict compliance with the approved details.

Reason: To ensure that the development does not cause harm to the archaeology of the site, in accordance with Local Plan Policies S7 and E5.

19. No development shall commence until a Skylark Mitigation Strategy to compensate the loss of any Skylark territories has been submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- Up to date base line surveys of the development land and proposed mitigation area.
- Number of Skylark nest plots required for compensation or the maximum number of possible skylark nest plots possible; whichever is the higher

- A drawing specifying the location of existing Skylark territories and proposed Skylark mitigation plots.
- Details of the purpose and conservation objectives for the proposed Skylark nest plots.
- Detailed methods for habitat creation, including ground preparation, species mix, planting specification and initial aftercare.
- Hedgerow Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Watercourse Management Plan - to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- A timetable for the implementation of each habitat/species intervention
- Detailed management plan
- Details of persons and/or companies responsible for implementing the strategy.
- Funding details
- Details of monitoring and reporting methods to responsible persons and/or companies and to the Local Planning Authority

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details, and all features shall be retained for the lifetime of the approved development until deconstruction is completed.

Reason: In order to ensure that suitable habitats for a protected species are maintained during the life of the development and in the interest of ecology in accordance with Local Plan Policies S5 and E3.

20. The Biodiversity Gain Plan shall be prepared in accordance with the submitted with the BNG metric dated 31.03.25 and prepared by SK Environmental Solutions, the Ecological Impact Assessment dated March 2025 and prepared by Environmental Solution Ltd, the Landscape and Ecological Plan dated April 2025 and prepared by PS Renewables submitted to the Local Planning Authority on 09.05.25, 14.05.25 and 23.05.25.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Local Plan Policies E3 and E4 and the NPPF.

21. The development shall not commence until a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by Condition 20 of this permission has been submitted to, and approved in writing by, the local planning authority. The development shall not commence until a Habitat Management and Monitoring Plan

prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the Habitat Management and Monitoring Plan.
- (c) 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;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the export of electricity from the site; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

No export of electricity from the site shall take place until: (a) the habitat creation and enhancement works set out in the approved a Habitat Management and Monitoring Plan have been implemented in full; and (b) notice in writing, documenting the completed habitat enhancements for that phase (a "Notice of Completion"), has been submitted to, and approved in writing by, the Local Planning Authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved scheme.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Local Plan Policies E3 and E4 and the NPPF.

22. The habitat creation and enhancement works set out in the approved scheme shall be completed prior to the end of the first planting and seeding seasons following the approval of the landscaping scheme.

If the development (excluding any approved on-site habitat enhancements) is incomplete and construction works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site. The on-site enhancements shall still be implemented in full and shall be maintained and monitored in accordance with the timetable and provisions set out in the approved scheme.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Local Plan Policies E3 and E4 and the NPPF.

23. Any Phase Biodiversity Gain Plan shall be prepared in accordance with the Overall Biodiversity Gain Plan approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act or such revised version of the overall gain plan submitted to and approved in writing by the local planning authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Local Plan Policies E3 and E4 and the NPPF.

24. Prior to the export of electrical power from the site, a detailed Landscape and Ecological Management Plan based on the draft Landscape and Ecological Management Plan submitted to the Local Planning Authority on the 09.05.25 and Skylark - Alternative Mitigation Approach Technical Note submitted to the LPA on 03.03.26, shall be submitted to and approved in writing by the Local Planning Authority, with details including, but not limited to, the following:

- A detailed plan showing the areas of habitat creation, retention and management.
- Full management details to provide skylark mitigation based on Paragraphs 1.13-1.18 of the Skylark- Alternative Mitigation Approach Technical Note.
- Detailed methods for habitat creation, including ground preparation, species mix, planting specification and initial aftercare.
- A timetable for the implementation of each habitat/species intervention.
- Detailed management prescriptions for each habitat type – it is recommended that these are set out by habitat type, using UKHab to conform to BNG requirements and with the target distinctiveness and condition in mind.
- Hedgerow Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Watercourse Management Plan - to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Contingency measures/risk register to take account of the results of monitoring and implement changes to management in order to stay on track.
- Operational requirements in relation to maintenance of fencing and features for species – e.g. deer fencing, bat and bird boxes.
- Monitoring methodology and schedule for habitats and species.
- Reporting format and schedule to local authority.

Recommended informatives:

- 1) No buildings should encroach within the easement strip of the pipeline indicated within the National Gas consultation response.
- 2) No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Gas Transmission.

- 3) National Gas Transmission has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent /temporary buildings, or structures. If necessary National Gas Transmission will take action to legally enforce the terms of the easement.
- 4) We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advice for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- 5) You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services ", and National Grid's specification for Safe Working in the Vicinity of National Gas Transmission High Pressure gas pipelines and associated installations – requirements for third parties T/SP/SSW22. A link to download a copy of T/SP/SSW/22, should have been sent from our Plant protection Team, which is also available to download from our website.
- 6) A National Gas Transmission representative will be monitoring the works to comply with SSW22.
- 7) HSE Guidance HS(G)47 should be referred to.
- 8) National Gas Transmission will also need to ensure that our pipeline access is maintained during and after construction.
- 9) Our pipelines are normally buried to a depth cover of 1.1 metres; however, actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Gas Transmission representative. Ground cover above our pipelines should not be reduced or increased.
- 10) If any excavations are planned within 3 metres of National Gas Transmission High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Gas Transmission representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- 11) Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position have been confirmed on site under the supervision of a National Gas Transmission representative. Similarly, excavation with handheld power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.
- 12) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 4.0m of the railway boundary. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.
- 13) All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Asset Protection.

- 14) Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may be affecting underground workings next to the railway, consultation with the Asset Protection Engineer and the Network Rail Principal Mining Engineer should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.
- 15) Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Interface Manager.
- 16) Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Interface Manager before the development can commence.
- 17) Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works. Where the works have the potential to introduce ground movements, Network Rail may require the monitoring of track and other assets, the works shall only be carried out in accordance with the approved method statement and design.
- 18) Any scaffold which is to be constructed within 10 metres of the railway boundary fence and has the potential to collapse within 4 meters of the Network Rail boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Approval of the method statement and design must be obtained from Network Rail's Asset Protection Engineer.
- 19) Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Interface Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.
- 20) From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Interface Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.
- 21) Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of

railway look-out protection, supervision and other facilities necessary when working from or on railway land.

22) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

23) All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

**Target Determination Date:** 22.08.25

**Case Officer:** Connor Harrison, [connor.harrison@northyorks.gov.uk](mailto:connor.harrison@northyorks.gov.uk)