



Agenda

Notice of Public Meeting

Strategic Planning Committee

- To:** Councillors Andy Brown, John Cattanach, Richard Foster, Hannah Gostlow, David Hugill Tom Jones, Andrew Lee, John Mann, John McCartney, Bob Packham (Vice-Chair), Andy Paraskos (Chair), Yvonne Peacock, Neil Swannick, Roberta Swiers, and Andrew Timothy.
- Date:** Tuesday, 13th August, 2024
- Time:** 10.00 am
- Venue:** The Grand Meeting Room, County Hall, Northallerton, DL7 8AD.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact Stephen Loach of Democratic Services (contact details below) if you have any queries. Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for **public speaking at planning committee meetings**. Normally the following people can **speak at planning committee** in relation to any specific application on the agenda: a speaker representing the applicant, a speaker representing the objectors, a parish council representative and the local Division councillor. Each speaker has a **maximum of three minutes** to put their case. If you wish to **register to speak** through this scheme, then please notify Stephen Loach of Democratic Services (contact details below) by **midday on Thursday 8th August 2024** If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

The meeting will not be available to view live but will be recorded and available to view as soon as possible after the meeting through the following link - www.northyorks.gov.uk/livemeetings

Recordings of previous live broadcast meetings are also available there

Business

1. **Minutes of the meeting held on 11th June 2024** (Pages 3 - 12)
2. **Declarations of Interest**

Enquiries relating to this agenda please contact Stephen Loach, Democratic Services Tel:
or e-mail

Website: www.northyorks.gov.uk

3. **ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years - Land to the South of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF** (Pages 13 - 48)
4. **ZB23/02015/FUL - Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure (as amended) - OS Fields 7456 And 6163,Amplecarr, Husthwaite** (Pages 49 - 94)
- 4(a) **Agenda Items 3 and 4 - Updates** (Pages 95 - 104)
5. **ZF24/00491/RG3 - Erection of a three-storey building for marine based activities with associated car parking, vehicle and pedestrian access roads, footpaths and limited soft landscaping at Endeavour Wharf, Langborne Road, Whitby, North Yorkshire, YO21 1YN** (Pages 105 - 126)
6. **20/01706/EIAMAJ - Application for the erection of up to 224 dwellings, and a new school with associated roads, parking, landscaping, drainage and open space, (All matters - access, appearance, landscaping, layout and scale reserved) - Land Comprising Field At 428984 452916, Whinney Lane, Harrogate North Yorkshire.** (Pages 127 - 198)
7. **ZG2024/0241/REMM - Reserved matters application including access, appearance, landscaping, layout and scale for the construction of a convertor station, which was granted outline planning permission under application reference 2022/0711/EIA August 2023.** (Pages 199 - 226)
- 7(a) **Agenda Item 7 - Update** (Pages 227 - 228)
8. **Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

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

5th August 2024

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 11th June at 10am.

Present:-

Councillors Andy Paraskos (Chair), Philip Broadbank (as substitute for Andrew Timothy), Andy Brown, Richard Foster, Hannah Gostlow, David Hugill, George Jabbour (as substitute for Roberta Swiers), Tom Jones, John McCartney, John Mann, Bob Packham, Neil Swannick and Steve Watson (as substitute for Yvonne Peacock).

Apologies were received from Councillors Andrew Lee, Yvonne Peacock, Roberta Swiers and Andrew Timothy

Other Member – Councillor Alyson Baker

Officers present: Hannah Blackburn, Linda Drake, Aisling O’Driscoll, Martin Evans, Ann Rawlinson, Glenn Sharpe and Steve Loach.

There were 18 members of the public – including 4 registered speakers and 1 representative of the press.

Copies of all documents considered are in the Minute Book

52. Welcome and Introductions.

The Chairman welcomed everyone to the meeting of this Committee, and informed Members that the meeting was being recorded, therefore they would need to introduce themselves when speaking and would need to use the microphones.

He advised Members of the pre-election period, with the General Election being held on 4 July 2024. He stated that whilst the business of the Council continued, Members should be mindful of avoiding giving an individual, or a political group, a platform by which they could influence public opinion in the lead up to the election. He asked that Members were mindful of this during the Meetings proceedings.

53. Minutes of the meeting held on 14th May 2024

Resolved -

That the Minutes of the meeting of North Yorkshire County Council’s Strategic Planning Committee, held on 14th May 2024, be confirmed by Members and signed by the Chairman as a correct record.

54. Declarations of Interest

All Members declared that they had received correspondence from either supporters,

objectors or both, to the applications being considered today prior to this meeting but would form their opinion based on the evidence provided.

55. ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years - Land to the south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years - Land to the south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

The application was reported to Strategic Planning Committee as it was considered that the application raised significant planning issues.

Divisional Member, Councillor Alyson Baker, addressed the Committee highlighting the following:-

- She stated that whilst she was not opposed to solar panels generally she did consider that this proposal, together with others in the Division, would have a detrimental effect on the character of the area.
- She considered that the development was not in keeping with the character and appearance of the countryside.
- The proposal would use existing, much needed, agricultural land.
- People choose to live and work in the countryside because of the background and setting, and every effort should be made to enhance and protect this which the proposal did not.
- The Local Planning Authority need to take account of the cumulative impact of the proposals and the detrimental impact on the local community.
- A vast area of local land was earmarked for this proposed use which would have a negative impact on the area.

Mark Proctor, local resident and representing a local opposition group, addressed the Committee highlighting the following:-

- He lives 500 metres from the application site and was the spokesperson for a group opposing the application.
- He suggested that the application was too large to be determined by the Local Planning Authority and should be referred to the Secretary of State for determination.
- Two thirds of the land within the application site was considered to be best and most versatile agricultural land..
- He considered that this, and other related applications, would take up around

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10% of the whole area of Raskelf, which he felt was overdevelopment. The impacts of the cumulative proposals should be taken account of.

- He noted that the proposals were six times more than what was required in terms of carbon offset and impacted on the local setting. He considered that the merits of the application were outweighed by the concerns outlined, and the application should be refused..

Peter Grubb of Lighthouse Development Consulting and agent for the applicant addressed the Committee highlighting the following:-

- He stated that he was a qualified expert in relation to the issues within the application.
- The Government were clear that it was necessary to address the climate emergency. The proposal would deliver on action required to assist in delivering that.
- It is a significant challenge to deliver on the priorities for addressing the climate emergency.
- The application site was available, flat, low grade land, was easily connectable to the grid and was the best available local land for this facility.
- The energy generated by the facility would be sufficient for 15000 dwellings and would offset 1 million tonnes of carbon.
- There would be 188% net gain on habitat and biodiversity.
- The development would be taking place on the least productive, lowest grade of land.
- The priorities for addressing the climate emergency were all met through this application.

The Committee's Legal representative highlighted an issue that had arisen in a recent very similar application to Durham County Council, which had been granted at the Planning Committee stage but had subsequently seen that decision overturned on appeal to the High Court. The contention arose from the proposal generating more energy than had been indicated in the original application, taking it above what could be determined at Local Authority Planning level into being Nationally significant with determination undertaken by the Secretary of State. The cut off point for this was 50Mw and this application was for 49.9Mw. This application had also incorporated some overplanting of solar panels to take account of future degradation, which, initially, could push the energy generated over the 50Mw level. He noted that clarification details had been sought from the applicant and, despite these being provided, the information had been provided too late to incorporate within an update report. He was concerned, therefore, that Members could be determining an application without the full facts being available and could find themselves in a similar situation to Durham County Council.

Members outlined the following:-

- It was clearly an issue that important information had not yet been provided to Members.
- Clarification was provided of the degradation rate for the solar panels and how that could affect the energy output, going forward.
- Members were clear that they could approve, reject or defer the application to allow the additional information to be provided.
- Should it be agreed to defer the application a Member requested that details on the potential of spraying to prevent growth on the site be outlined in the report for Members to consider.

Resolved –

That the application be **DEFERRED**, for consideration at a subsequent meeting of the Committee to allow the additional information referred to by the Legal representative to be provided.

Voting on this resolution was unanimous

56. 2021/1531/EIA - Outline planning application for the demolition of existing colliery buildings and the construction of up to 1,460,000sq ft of employment floor-space comprising Use Classes B2, B8 and E(g) to include access (with all other matters reserved) - Land at Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane, Sherburn-in-Elmet, North Yorkshire, LS25 6LH

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine an outline planning application ref: 2021/1531/EIA - for the demolition of existing colliery buildings and the construction of up to 1,460,000sq ft of employment floor-space comprising Use Classes B2, B8 and E(g) to include access (with all other matters reserved) - Land at Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane, Sherburn-in-Elmet, North Yorkshire, LS25 6LH

The application was being reported to Committee due to the application being a significant planning application relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and was intended to recommend approval.

Joanne Neville, Regional Head of Planning at Haworth Group PLC representing the applicant addressed the Committee highlighting the following:-

- The applicant, Harworth Group PLC, owned a large number of sites throughout the North of England, together with this site.
- The application provided a good opportunity for regeneration at that site.
- The site was in the Local Plan.
- The application provided an opportunity to create around 2200 jobs.
- Close work with the Council had been undertaken to address technical issues resulting in a comprehensive application.
- There had been no objections to the proposal from the statutory consultees.
- An original application, considered by Selby District Council, had been scaled back to ensure that the development was on the brown-field site only. The existing trees and bund would be retained in this proposal.
- Planning Officers had delivered a comprehensive report.
- The regeneration would be of great benefit to that area.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

The following amendments to the report were highlighted:-

Para.10.68 – should read condition 38.

Para. 10.76 – maximum height buildings should be 30.1m AOD.

Para. 12.1 - Amend wording to read:

That the Strategic Planning Committee delegate to the Head of Development Management to **GRANT** planning permission for the proposed development subject to the conditions recommended in this report; and completion of a Section 106 Agreement securing Travel Plan monitoring, contribution towards A63/A162 junction improvements, sustainable travel enhancements and provision of a shuttle bus.

Additional Consultee response

The Contaminated Land Consultant has advised that the Geo-Environmental Site Assessment is acceptable and agrees with the report recommendation that additional investigation and assessment work should be undertaken. Conditions are recommended (see below).

Conditions

Condition 4

Amend the Landscape Strategy Plan from Revision B to Revision E.

Condition 32

Amend reason to:

Reason: To ensure that this viable asset is not lost to potential users, in the interests of the environment and to comply with Policy S05 of the North Yorkshire Minerals and Waste Joint Plan (2022).

Additional conditions

39. Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in accordance with Selby District Local Plan Policy ENV2 and Core Strategy Policy SP19.

40. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors in accordance with Selby District Local Plan Policy ENV2 and Core Strategy Policy SP19.

41. Prior to first occupation or use, remediation works should be carried out in accordance

with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination in accordance with Selby District Local Plan Police ENV2 and Core Strategy Policy SP19. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

42. In the event that unexpected land 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in accordance with Selby District Local Plan Police ENV2 and Core Strategy Policy SP19.

A further condition was recommended to control the provision of Class E(g) use, following confirmation from the applicant that this use would be ancillary to the B2 and B8 uses proposed.

Detailed plans, photographs and visual information were presented to complement the report.

(Councillor Bob Packham declared that he had been a Member of the Selby District Council Planning Committee that had previously considered this application. He stated that since the consideration of that application there had been significant developments of the proposals and given the new information provided he would approach the application from a new perspective and with an open mind.)

Members highlighted the following issues during their discussion of the report:

- It was asked whether Sherburn-in-Elmet Town Council had been consulted on the application. This was confirmed by officers.
- It was asked whether the Civil Aviation Authority were in agreement with the proposals as the report did not clearly show whether they supported or not. In response it was stated that the nearby airfield was not a part of the development site, however, the Airfields Advisory Team of the CAA had been consulted on the potential impact on the airfield and they had indicated their satisfaction with the proposals. It was noted that this body did not recommend agreement or refusal in terms of development proposals but offered guidance in terms of airfield impact.
- A Member referred to the development of a shuttle bus service through the S106 agreement and asked whether this would also serve the other industrial park in Sherburn. In response it was stated that this was expected to serve the nearby

railway station and the local communities at Sherburn and South Milford, providing access to the new development. It was stated that there was a possibility that this could be developed further allowing other nearby areas to benefit. The member stated that this matter should involve representatives of the Economic Development service and the existing industrial estate, as he was aware that there was a willingness for additional contributions to be made to extend this service.

- A member asked how much of the proposal was allocated to B8 development, as that attracted lower quality employment opportunities. In response it was stated that the proposals would be outlined at the reserved matters stage and details would be brought back to the Committee for Members to consider, as requested.
- It was noted that this was a huge site, despite the scaling back of the application, and it was asked whether the Local Plan and/or emerging Local Plan supported this level of development and which was given the greater weighting. In response it was stated that the existing Local Plan and Minerals and Waste Plan were the Development Plan with the policies within these to be adhered to and the emerging Local Plan for the Selby area showed the direction of travel and carried limited weight other than as a material consideration.. The original proposals included development on green field land but as that had now been removed the proposals were in line with the existing Local Plan. It was noted, however, that the site itself was not allocated in the current Local Plan, but as it was previously developed site, available for development, there was support in the Plan for the proposal.
- A Member asked what effect the jobs created through the development would have on the GDP of the county. Whilst not able to answer that question directly it was stated that the development would create 65 construction jobs per month for the local area, over a 10-year period and between 1400 and 4000 jobs when the site had been developed.
- A Member noted that Selby had a high wage economy with residents predominantly travelling out of the area to access well paid jobs. He considered that the new development, should it be mainly B8, would attract job seekers from outside of the area, creating further traffic problems. In response it was emphasised that the type of jobs to be created could not be anticipated at this outline stage as those would emerge at the reserved matters stage. It was also noted that the proximity to the railway station provided some reassurance that different types of businesses would be willing to locate at that location. The Member outlined his experience of the developments at Kellingley and Eggborough, where high quality jobs had been expected but, in the main, B8 development had taken place there.

Members highlighted the following issues during the debate of the report:

- The proposal would deliver a welcome jobs boost to the local economy even if some of those taking up the jobs were from outside of the county. The scaled back proposals also ensured that the development was more acceptable. The existing infrastructure was complementary to the development, creating an easily accessible location.
- The application provided an ideal opportunity to provide an employment site, with different levels of skills catered through a mix of employment opportunities on a brownfield site suitable for development. A concern arose, however, in relation to the level of self-sustaining energy the development was required to provide through Condition 38, as the 10% target was considered to be inadequate and could dissuade potential employers from locating there. It was proposed, therefore, that the alteration of Condition 38 should be amended, to take account of in the reserved

matters stage, requiring further expansion of the proposals for the use sustainable, renewable energy sources, thereby reducing carbon, through negotiation between Planning Officers and the applicant. It was considered that more ambition was required around this factor. Whilst agreeing with the spirit of what the Member was seeking, another Member felt it would be inappropriate to remove the minimum 10% target, as that could result in a lower outcome and suggested that the Condition should be altered to state “a minimum of 10% with an expectation of a greater percentage” as a safeguard. This was accepted as a way forward, although it was warned that these requirements could increase the cost of renting units and energy provision within the development which could also be a deterrent for potential employers to locate there.

- A Member considered that the road infrastructure surrounding the proposed development was not as appropriate as had been previously suggested, and was likely to have issues should the number of heavy vehicles increase substantially. He noted that this was a better application than the previous submission and was supportive on the main planning grounds. He still had concerns regarding large amounts of traffic using the surrounding infrastructure with the projected job creation over the next 10 years which was why the development and possible expansion of the shuttle bus service was so important.
- It was suggested that the development should make good use of the railway sidings adjacent to the site to ensure that they were being used effectively.
- A Member stated that he was not encouraged by the proposed development having seen how similar developments had emerged at Kellingley and Eggborough. He noted that both these developments were predominantly now warehouse and distribution centres resulting in low-level, low-quality jobs. He emphasised that the area did not require more of the same and noted that the rail system also ran closely to the other two sites but this had not encouraged other types of employment opportunity. He considered that the site would be better developed for mixed use, including residential and leisure, rather what was proposed.

Members initially voted on the changed wording for Condition 38 as follows:-

Resolved:-

That Condition 38, as detailed within the report be altered to state the following:-

“Prior to commencement of each phase of development, a scheme to demonstrate that a minimum of 10% (with the expectation of a higher percentage) of the total predicted energy requirements of the development have been secured from renewable, low carbon or decentralised energy sources; or an alternative to reduce energy consumption; has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details and a timetable of how this is to be achieved, including physical works on site. The development shall be carried out in accordance with the approved scheme and retained and maintained as such thereafter for the lifetime of the development.”

Voting on this resolution was:-

11 for
2 against

Members then voted on the main recommendation.

Resolved:-

That planning permission be **GRANTED** for the reasons stated within the report, in accordance with the amendments to the report detailed above, in accordance with the conditions listed in the report subject to the amended Condition 38, above, and the following additional Condition 43 to read:-

“The Class E(g) use hereby permitted shall at all times be ancillary to the Class B2 and B8 uses permitted as part of the development.

Reason:

In the interests of highway capacity and safety as a high percentage of Class E(g) on the site would require separate highways assessment and such a scenario has not been assessed as part of the approved planning application.”

and the completion of a S106 legal agreement

Voting on this resolution was:-

12 for

1 against

- 57. 2022/1160/S73 - Application for removal of condition 01 (Temporary Consent) of approval 2019/0030/COU change of use of land to 12 Gypsy/ Traveller Pitches and associated works including 12 no. mobile homes, 12 no. touring caravans and 12no. day-rooms (retrospective) granted on 12 June 2020 at Milford Caravan Park, Great North Road, South Milford, Leeds.**

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine an application ref:2022/1160/S73 for the removal of condition 01 (Temporary Consent) of approval 2019/0030/COU change of use of land to 12 Gypsy/ Traveller Pitches and associated works including 12 no. mobile homes, 12 no. touring caravans and 12no. day-rooms (retrospective) granted on 12 June 2020 at Milford Caravan Park, Great North Road, South Milford, Leeds.

The application was brought before Members because the constitution requires planning applications to be reported to Strategic Planning Committee which are defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

Dr Simon Ruston of Ruston Planning limited and agent for the applicant appeared remotely and addressed the Committee highlighting the following:-

- He spoke in support of the application
- The application presented an opportunity to provide a permanent Gypsy and Traveller Site on a previously developed site
- There had been no objections to the proposals with a number of letters of support
- The application site was within the green belt but had been the subject of previous development through temporary planning approvals and the proposal would not result in any significant harm to the character and appearance of the area.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion

and recommendations.

An amendment to the recommendation was outlined with reference to “The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction)” altered to read “The Town and Country Planning (Consultation) (England) Direction 2024 (the Direction)”.

Detailed plans, photographs and visual information were presented to complement the report.

Members highlighted the following issues during their discussion of the report:

- A Member asked whether it was usual for more than one temporary planning consent to be approved as was the case with this site. In response it was stated that, although uncommon, this did occur in exceptional circumstances.
- It was clarified that the need for the development at the site had been demonstrated.
- Members emphasised that this was a well organised site that much needed in the County.

Resolved:-

That planning permission be **GRANTED** for the reasons stated within the report in accordance with the conditions set out in the report.

Given the resolution to grant planning permission subject to the conditions listed in the report, prior to doing so the Local Planning Authority must consult the Secretary of State for Housing, Communities and Local Government (the Secretary of State) as set out in The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction) confirming the Planning Committee resolution. The Local Planning Authority shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Local Planning Authority in writing is the date the material is received as specified in paragraph 11 of the Direction. If, before the expiry of the 21 day period referred to in paragraph 12 of the Direction, the Secretary of State has notified the Local Planning Authority that the intention is not to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Local Planning Authority will proceed to determine the application in accordance with the resolution of Planning Committee.

Voting on this resolution was unanimous.

The meeting concluded at 11.30am

North Yorkshire Council

Community Development Services

Strategic Planning Committee

13 August 2024

ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years

At: Land to the South of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

On behalf of: Mr Anthony Brindle

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 49.99mw(ac), including mounting framework, inverters, underground cabling, stock proof fence, cctv, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years on land at south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF.
- 1.2 The Corporate Director of Community Development considers the application to raise significant planning issues

2.0 EXECUTIVE SUMMARY

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

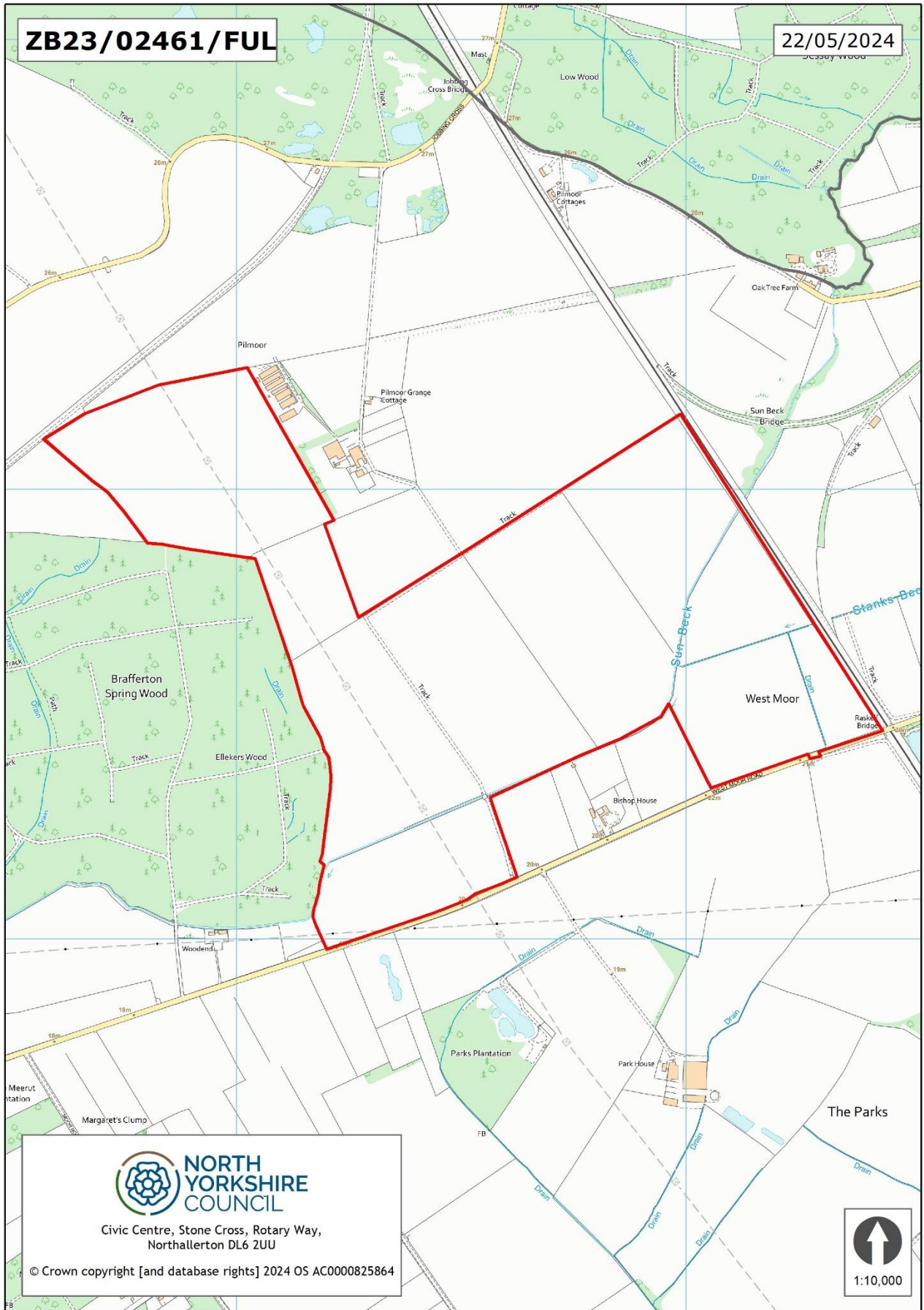
- 2.1 Planning permission is sought for a new solar farm and ancillary development. The red line boundary covers an area totalling approximately 94.43 hectares. This includes land that would not be covered by the solar panels as the existing field boundaries would be retained and several landscape buffers are proposed.
- 2.2 The site itself is an irregular shaped area of primarily arable land immediately to the north of West Moor Road, approximately equidistant (2.3km) between Raskelf to the east and Brafferton with Helperby to the west. The majority of the site is within flood zone 1, although the southern-most portion adjacent to the highway is within flood zones 2 and 3. Brafferton Spring Wood, a designated Site of Importance for Nature Conservation (SINC) is located immediately to the west, with the East Coast Mainline (ECML) bordering the site to the east.


Pilmoor Site of Special Scientific Importance (SSSI) is located approximately 0.5km north of the northern-most part of the site, although the majority of the site sits over a kilometre away from the SSSI. Two watercourses transect the site to the southern end, Sun Beck and Stanks Beck. At the southern end of the site is an independent dwelling known as Bishop House.

- 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) indicates that the planning system should support the transition to a low carbon future as well as renewable and low carbon energy 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, the impact of the development on residential amenity, the ecological impact, and the potential health and safety impact resulting from glint and glare owing to the proximity of the railway line, highway network, and both civilian and military airfields.
- 2.5 Reason for recommendation
- 2.6 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.

ZB23/02461/FUL

22/05/2024



 **NORTH YORKSHIRE COUNCIL**
Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU
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3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:

[Planning documents](#)

3.2 During the course of the application several amended technical assessments have been submitted, namely an updated Glint and Glare Study, an Ecological Impact Assessment, an amended Flood Risk Assessment and Flood Risk Sequential Test information.

3.3 Changes have also made to the design of the scheme by way of the following:

- Buffer area added to the design for the badger setts identified in survey efforts.
- Skylark compensation area and amendment to the site access location in order to avoid the track cutting across this ecology area.
- Additional tree and hedge planting to provide screening of the railway signal, and screening of views from Bishop House occupiers.
- Some minor changes to boundary fence lines around the perimeter so that significant areas of ecology planting is outside of the fencing.

3.4 There is one relevant planning application for this application which is detailed below.

ZB23/02405/SCR – An EIA Screening Opinion in accordance with Regulations 2 and 4 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 relating to a proposed solar farm – 15.12.2023 – Environmental Statement Not Required

Deferral Update

3.5 This application was deferred from planning committee on 11 June 2024 so that Officers could confirm the generating capacity of the proposal. The original report is provided below and an update provided at paragraphs 3.5 to 3.35

3.6 Permission requirements for solar farm developments are determined by the generating capacity being proposed. Farms that generate more than 50MW need development consent from the Secretary of State. Farms that generate 50MW or less require planning permission from the Local Planning Authority. During the life of this application comments were received from members of the public noting a judicial review case relating to a solar development in County Durham. The permission was quashed on the grounds that the Council had approved more panels over a larger area than were required to generate the stated capacity of 49.9MW. This put the proposal outside of the remit of the Local Planning Authority. Information to clarify the capacity of this proposal was requested from the agents, however, this could not be supplied in time for it to be given due consideration by Officers prior to the 11 June 2024 strategic planning committee meeting. Officers therefore recommended that the application be deferred.

3.7 National Policy Statement for Renewable Energy Infrastructure (EN-3) states that solar panels generate electricity in direct current (DC) form which is fed into inverters. The inverters convert the energy to alternating current (AC) and from there it is fed into the grid. Paragraph 2.10.53 of EN-3 states that from the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.

3.8 The agents have provided detailed drawings of the inverters proposed to be installed at the site. The drawings have been independently checked by an Engineer from Align Property Partners. The Engineer has confirmed that the drawings show that 16 inverters with an output of 3125kVA would limit the capacity of the site to 50MW. In reality there would be some thermal loss that would reduce this output. It is clear, however, that the sites output

based on 16 inverters would keep it within the remit of the Local Planning Authority. The number of panels is not a consideration in this method of calculating capacity as the inverters are only capable of transferring their maximum amount of energy. In this way, operators of the site can overplant the site with panels which would then offset the loss of efficiency due to degradation of panels over time. As the output of the site is limited by the inverters the number of panels on the site would not alter the permission requirements of the development (i.e. Secretary of State or Local Planning Authority). It should be noted that due to a drawing error the layout plan did show 17 inverters at the site. An updated layout plan has been provided to correct this to 16.

- 3.9 Since the publication of the report there are a number of other updates to note as detailed below.

Amendments to conditions

- 3.10 Condition 2 is amended to reflect updated plan references as amended plans have been received:

The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

Site Block Plan - Proposed Figure 2 Revision D (received 28.06.2024)

Landscape & Ecology Management Plan - Figure L7 Revision C (received 28.06.2024)

Proposed Substation Layout and Details - Figure 3 Revision A (received 06.12.2023)

General Details - Figure 4 Revision A (received 06.12.2023)

Single Line Diagram (SLD) (received 10.06.2024)

- 3.11 Conditions 4 and 5 are amended to align the requirements for decommissioning in different circumstances:

4. Within 6 months prior to of the cessation of the export of electrical power from the site, or within a period of 49 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.

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.

- 3.12 New Condition 16 is proposed to address concerns regarding the emergency lighting at the substation.

Prior to the installation of any external lighting a scheme detailing the type, specification and location shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be maintained as approved for the life of the development.

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 E1, E3 and E7.

- 3.13 New Condition 17 is proposed to control the spraying of chemicals beneath the panels once installed.

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.

Additional Consultation Responses

- 3.14 Defence Infrastructure Organisation (MOD) - Following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

Additional Public Comments

- 3.15 Representations submitted post publication of the Strategic Planning Committee agenda of the 11 June 2024 raising the following points are set out below (summarised) with Officers response to these set out underneath each point raised:

- 3.16 The proposal is not needed.

Information is given regarding a statement from national grid which indicates that connections in the pipeline would exceed the capacity needed to enable the 2035 decarbonisation target. This may be the case, however current policy and guidance provides support for renewable energy schemes without the requirement to demonstrate need. The NPPF states that when making decisions Local Planning Authorities should: not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

- 3.17 In the wrong place and wrong time.

The objector mentions suitable sites that have been identified in North Yorkshire's Local Area Energy Plan. As with housing development, the Council can identify suitable or

preferred sites for particular development, however, cannot prevent applications coming forward on other land. These then must be considered against national and local policy.

- 3.18 Queries a statement from the applicant that the development “would connect into the local distribution network providing renewable energy to local people”.

It appears that this may have been taken from the solar farm external website and not the submitted planning application documents.

- 3.19 Cumulative effect of solar development in the area referencing Boscar Grange (ref. no.:15/01268/FUL) Woolpots (ref. no.: ZB23/02015/FUL) and Peter Hill (ref. no.:15/00318/FUL).

The three solar developments mentioned are located to the east of the A19 and north of North Moor Road. The Woolpots application is currently pending consideration and is due to be considered at 13th August Strategic Planning Committee. This site is visually separate from the other solar developments raised by the objector being located more than 2.5km to the west. There are also visual barriers such as the A19 and the East Coast Main Line between the sites. The cumulative impact is therefore not considered to be harmful in this case.

- 3.20 Uneven distribution/concentration of sites.

Cumulative landscape impact is addressed above and this is similar to uneven distribution of sites. Officers understanding is that site selection is a complex process with a large number of variables. There are many constraints (ecology, heritage etc) which must be considered as well as securing a viable grid connection. This does sometimes result in clusters of development in areas where grid connections are made available. As above it is considered that the cumulative impact of the development is acceptable.

- 3.21 Recycling of panels.

The question of the overall sustainability of solar panels is not a consideration at this stage. National and Local Policy does not discriminate against solar development nor does it require recycling of equipment and therefore the ability to later recycle the panels is not a matter for Planning.

- 3.22 Concern over the accuracy of the application for 49.99MW and whether the council has validated the size of the scheme.

This concern stems from a recent Judicial Review case at Durham County Council which is addressed above at paragraphs 3.6-3.8.

- 3.23 Skylark compensation site is not appropriately located.

The comments indicate that the skylarks were observed in different locations to the proposed compensation site. This is true, as the proposal includes land set aside to compensate for the loss of breeding sites rather than conserving the existing site. The Ecologist has considered this and concluded that it is acceptable.

- 3.24 Agricultural Land Classification.

A desk based review of the Agricultural Land Classification report was commissioned by local residents and submitted as a representation on the application. The report indicates that the consultant engaged by residents broadly agrees with the methodology of the submitted application report. However, background data relating to the soil samples that was used in the classification of the land value had not been included. The review indicates that the interpretation of this data could impact the conclusion of the land value as 3b and that the land could therefore be classed as 3a. The objectors report indicates this is a desk

based review of a report written by a reputable consultant. There is agreement in all other aspects that the report has been conducted satisfactorily and there is no reason therefore to doubt the veracity of the conclusions. The applicant has in the meantime provided the lab data in the interests of transparency.

3.25 Request to delay application.

The Council cannot delay determination of an application in anticipation of potential policy changes.

3.26 Inconsistencies/issues with the LVA.

These have been addressed in the main report and further mitigation has now been agreed with the applicant.

3.27 Updated LEMP and landscaping mitigation insufficient.

Following amendments to the LEMP the Councils Landscaping Officer is now satisfied with the proposals.

3.28 Protected Species surveys missing.

The Councils Ecologist has indicated that some of these are not considered necessary and some can be secured by condition.

3.29 Impact on tourism and local business.

The main bulk of the impact would be during construction/decommissioning phases which is temporary.

3.30 Insufficient time to comment on updated plans.

It is considered that updated plans address previous objections.

Queries arising from the Strategic Planning Committee Site Visit and June 11 2024 Strategic Planning Committee Meeting

3.31 Confirmation of planting maintenance at Bishop House

Updated Landscape plan indicates that the hedgerow (native hedge mix) proposed immediately to the north of Bishop House boundary would be maintained at a height of 2.5m. A number of Alder trees are also proposed along the wider boundary with Bishop House. The residents of Bishop House are concerned that the proposals might not be sufficient to mitigate the impact on their property.

3.32 Confirmation of other land ownership in the vicinity

The application form details a number of different types of landowners. It is likely therefore that a visual representation of other land in their ownership would be complicated to produce.

3.33 How will the hedgerows be protected from livestock

It is not anticipated that livestock grazing within the site would damage the hedgerows.

3.34 Confirmation of type of lighting on the substation

There is currently no specifications for the lighting at the substation. Due to the nature of the lighting for emergency use it must be to a particular specification as required by the Distribution Network Operator. The applicants are content for details to be secured by condition.

3.35 Confirmation that land under the panels will not be chemically sprayed for weeds.

The applicant has confirmed that the intention is to graze sheep under the panels to keep weeds etc down. The use of chemical sprays would incur additional costs and therefore not a preferable approach to maintaining the site. The applicant is content to have this controlled by condition.

4.0 SITE AND SURROUNDINGS

4.1. The application site is an irregular shaped area of primarily arable land measuring approx. 943,710sqm (94.3ha). The site lies immediately to the north of West Moor Road, approximately equidistant (~2.3km) between Raskelf to the east and Brafferton with Helperby to the west. Brafferton Spring Wood, a designated Site of Importance for Nature Conservation (SINC) is located immediately to the west, with the East Coast Mainline (ECML) running past the site to the east. Pilmoor Site of Special Scientific Importance (SSSI) is located approximately 0.5km north of the northern-most part of the site, although the majority of the site sits over a kilometre away from the SSSI. Two watercourses transect the site to the southern end, Sun Beck and Stanks Beck. At the southern end of the site there is also an independent dwelling known as Bishop House. The majority of the site is within flood zone 1, although the southern-most portion adjacent to the highway is within flood zones 2 and 3. There are two existing points of access from West Moor Road which the development will utilise. No new access points from the public road are proposed.

4.2. The surrounding area is mostly made up of agricultural land. There is one dwelling, Bishop House, located off West Moor Road which is surrounded on three sides by the site, albeit with a buffer of two parcels of land either side of the dwelling measuring approximately 3ha each.

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. 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.

6.6. On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.

7.0 CONSULTATION RESPONSES

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

7.2. Brafferton and Helperby Parish Council: Following amendments to the scheme which address a number of concerns Brafferton and Helperby Parish Council maintain a neutral stance on the application for the reasons set out in their original response (summarised below):

- It is accepted there is now pressure to allow this type of development.

- The adjacent woodland and ecological constraints of the site need to be carefully assessed.
- A full Ecological Impact Assessment (EclA) should be undertaken and if permission is granted then monitoring should be undertaken.
- The design of the scheme adjacent to the woodland should be changed off the back of any recommendations of an EclA.
- The substation should be relocated to a more appropriate location near the railway line.
- Additional screening should be considered along the southern boundary in the interests of drivers using West Moor Lane.
- There is concern around the noise output from the substation.
- Consideration must be given to the residents of Bishop House.

- 7.3 Raskelf Parish Council: Raskelf Parish Council consider that this proposal, due to the scale and location will have an adverse impact on the surrounding environment and landscape contrary to the Hambleton Local Plan, in particular Policies E2 (Amenity), E6 (Nationally Protected Landscapes), E7 (Hambleton's Landscapes) and RM6 (Adverse impacts of Renewable and Low Carbon Energy Installations). The Parish Council has a duty to protect the interests of the community and the parish environment and take into account all representations made at our recent meeting and on reviewing and applying the policies of the Hambleton Local Plan the Parish Council does not feel able to support this application because of its size and nature and recommends that the application be refused.
- 7.4 Civil Aviation Authority: No Comment
- 7.5 Environment Agency: No objection subject to the Flood Risk Assessment being listed as an approved document that must be implemented.
- 7.6 Environmental Health Officer: The service has considered the potential impact on amenity and likelihood of the development to cause and/or be affected by a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections to the application.
- 7.7 Environmental Health Officer (Contaminated Land): From a contaminated land perspective, the risk of contamination affecting the development or end users is considered to be low. However, to address any unexpected visual or olfactory evidence of contamination that could be encountered during any approved site preparation works, a condition is recommended requiring work to stop in such an instance and the details to be submitted to the Council for review.
- 7.8 Kyle & Upper Ouse Internal Drainage Board: Provide standing advice relating to surface water management and discharge rate requirements if any surface water is to be discharged directly to a watercourse.
- 7.9 Lead Local Flood Authority: The natural drainage regime on site will be kept or mirrored, with existing site infiltration and flow paths kept. The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions relating to the implementation of the Flood Risk Assessment and the submission of a construction Environmental Management Plan (CEMP).
- 7.10 MOD Safeguarding: The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. Following review of the application documents, the proposed development would be considered to have no

detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

- 7.11 Natural England: Do not offer comments on the application specifics but direct towards Standing Advice for assessing protected landscapes, protected species, biodiversity, and designated conservation sites.
- 7.12 Network Rail - Having assessed the application, there are no objections in principle but raise the following matters:
- It is noted that the Glint and Glare study recommends the inclusion of mitigation measures along the site boundary with the railway to prevent glint and glare and we would require a suitably worded condition to ensure that prevention measures are delivered and also that Network Rail are consulted in relation to the design and implementation of such a scheme.
 - Require the inclusion of a monitoring condition to ensure that any glint and glare issues that may arise during the initial operation of the site are addressed and suitably mitigated by the developer.
 - A condition requiring a Construction Management Plan for works adjacent to the railway must be included.
 - Any boundary treatments adjacent to the railway must be trespass proof.
 - Any landscaping adjacent to the railway must be of a species that is agreed with Network Rail through condition and must be sited at a safe distance from the railway.
- 7.13 North Yorkshire Council Archaeologist: The application is accompanied by an archaeological desk-based assessment, heritage desk-based assessment and a geophysical survey, all compiled by Headland Archaeology. The desk-based assessments are supported by the results of a geophysical survey which covers the development area. The results of this are largely negative and the features revealed are agricultural or natural in nature. There is a particularly strong response from a system of herringbone drainage. The installation of this drainage will have had an impact on archaeological deposits should they have been present. The proposal is for a solar farm. Although the solar panels are mounted on piles the small amount of ground disturbance is unlikely to have a significant impact on archaeological remains. Given that the assessments suggest that the area has a low archaeological potential it is unlikely that there will be harm.
- 7.14 North Yorkshire Council Ecologist: There are opportunities to be more ambitious with regard to the enhancement and management of retained habitats which can be achieved through a detailed Landscape and Ecological Management Plan (LEMP). The Ecologist was satisfied that further survey work is not necessary but that a Precautionary Working Method Statement in relation to Great Crested Newts should be included in the Construction Environmental Management Plan. A bat activity survey should be conducted prior to commencement of development to provide a baseline for monitoring. Although a compensation area has been provided it is fair to conclude that the development would result in partial residual displacement of skylark from the site. There may be opportunity for the landowner to enhance other land outside of the development site to increase the carrying capacity for this species. A condition or S106 will be required to secure the monitoring of the Biodiversity Net Gain. Recommends conditions relating to the provision of a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan and Decommissioning Environmental Management Plan.
- 7.15 North Yorkshire Council Highways Department: It is proposed to use an existing access from West Moor Road which was constructed for National Grid works and is suitable for this proposal. The applicant has submitted a "Construction Traffic Management Plan" which includes details of the proposed construction traffic route and other information which is

satisfactory. Some further information for the management of the site is required and the Local Highway Authority recommends a condition requiring a Construction Management Plan be agreed prior to development commencing.

- 7.16 North Yorkshire Council Landscape Architect: At present the proposal does not demonstrate sufficient compliance with policy E4: Green Infrastructure or E7: Hambleton's landscapes as it does not protect enhance or restore the distinctive landscape character or secure improvements to green infrastructure that are integral to the existing landscape pattern or enhance recreational links. Further and altered mitigation could achieve a policy compliant proposal. Suggested mitigation includes incorporation of small blocks of native woodland, hedgerow trees along boundaries for soften views, gapping of existing hedges, reduced maintenance height for hedges to be consistent with the landscape character.
- 7.17 North York Moors National Park: No objections to the proposal.
- 7.18 North Yorkshire Police Designing Out Crime Officer: Provide the following observations:
- Consideration should be given to having a number of secure gates along the access track to prevent ease of vehicular access by potential offenders.
 - In order to improve the boundary protection consideration could be given to the use of ditches or bunds.
 - The use of CCTV systems for this type of proposal work best when they are monitored by an operator and have an integrated alarm system triggered by the motion detection that can alert them when the boundary has been breached. There needs to be a comprehensive policy in place detailing what action will be taken in the event of an intruder being detected.
- 7.19 Yorkshire Water: Our statutory mapping record shows that the site is absent of any wastewater or clean water assets. The application site is located close to a Source Protection Zone (SPZ), zone 1. However, this designation is outside of the indicative redline boundary.

Local Representations

- 7.20 123 local representations have been received of which 8 are in support and 115 are objecting. It should be noted, however, that a number of objectors have provided several comments. Comments have also been received from local interest groups Yorkshire Wildlife Trust and Woodland Trust whom provide comments but neither object to nor support the application. A summary of the comments is provided below, however, please see website for full comments.

Consultation carried out on 17.04.2024

- 7.21 Support:
- Good site as poor unproductive agricultural land
 - Renewable energy is needed
 - No landscape impact
 - No wildlife impact
 - Initial objections on grounds on environmental impacts have been addressed
- 7.22 Objections:
- Impact on ecology and wildlife
 - Noise from Inverters (impact on woodland users)
 - Loss of agricultural land/food security
 - Impact on the landscape/visual impact
 - Impact on residential amenity (glint and glare, screening insufficient)
 - Lack of screening around substation
 - Lack of noise assessment

- Solar Panels are an inefficient use of land for energy production (as opposed to off shore wind turbines for example)
- Solar farms have reduced energy generation in winter

Consultation carried out on 15.02.2024

7.23 Support:

- Provision of much needed clean energy
- Improvements for ecology and habitats
- Solar is cost effective
- Site has access to a transformer/national grid connection
- Land is grade 3b and therefore less productive
- Solar farms sown with permanent grassland require less intensive use of herbicides and fertilisers
- short of returning land to nature, land use change for solar parks arguably offers more potential than any other land use change to deliver much needed natural capital and ecosystem service benefits.
- Helps England to become self sufficient and not rely on foreign energy

7.24 Object:

- Ecology information is insufficient
- Proximity to SSSI no recorded in EIA screening
- Brafferton Spring Wood buffer should be 30-50m
- The substation should be located next to the railway line
- Wood owners should be considered as high sensitivity receptors in the LVA
- No Acoustic report
- Fencing should allow movement of species
- Impact on moths
- The scheme was designed before Ecological surveys
- Impact of glint and glare on the woodland
- Electricity provision is overstated
- Object to current design rather than in principle
- Public consultation by the applicant was insufficient
- Inaccuracies in the application
- Flood Risk
- Conditions for decommissioning should be included
- The commercial and recreational use of Brafferton Spring Wood should have influenced the Landscape and Visual Impact Assessment
- Impact of vehicle movements
- Use of herbicides to control weeds
- No information on the location of underground cabling
- Would prevent the linking of two woodlands
- Scale of development to too large, similar size scheme had permission quashed at Judicial Review
- Further archaeological surveys should be undertaken

Consultation carried out on 07.12.2023

7.25 Support:

- None

7.26 Object:

- There is a large solar farm 2.5km from the site
- Impact on tourism
- Impact on wildlife (no Ecology report or BNG)
- Visual Impact
- Flood risk
- Siting of the substation (visual and ecological impact)

- Tree report is inaccurate
- Impact of security lighting
- Impact of fencing
- Visual and acoustic impact on Brafferton Spring Wood
- Form not filled in correctly
- Impact from glare
- Soil contamination
- No meaningful community involvement
- Concern that the land is incorrectly graded
- Solar power is inefficient
- Blight on the countryside
- Unlikely that sheep will be grazed under the panels as there is no evidence of this at other sites.
- Uneven distribution of rainfall
- No community benefit
- Ethics of solar panel production
- No acoustic report
- Cumulative impact of solar farms

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 and the area of the development site exceeds 0.5 hectares. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and 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 ZB23/02405/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 the cumulative impacts would not warrant an EIA in this case. Nothing else has changed since the Screening Decision and it 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 and Legislative/ Policy Context

- 10.1 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.

- 10.2 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.
- 10.3 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), 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 2023) 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 revised NPPF deals with the promotion of renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. 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 159 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. can 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.
- 10.5 Paragraph 163 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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
 - b. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 10.6 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.

10.7 The "Planning for renewable and low carbon energy" section of the PPG indicates that particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- 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. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

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

10.9 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."

10.10 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.

- 10.11 The principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, 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.
- 10.12 Policy RM6 is 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 consideration) within section 11 of this report.

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

- 10.13 The NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile (BMV) agricultural land. Footnote 63 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.
- 10.14 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 the point that where solar development is necessary on agricultural land it should be steered towards land with a lower value.
- 10.15 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 vast 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. 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 necessary in this location. Nevertheless, there is still a requirement to assess how this would impact on higher quality agricultural land.

- 10.16 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 samples were collected and analysed in order to confirm textures, stone content and sand categories. This analysis concluded that there are three main limitations evident with the soil across the 94ha. There was evidence that there is a high level of soil variability over short distances within the site which creates issues long-term for crop yield. Furthermore, some soils on site were considered to be moisture deficient which would create issues for wheat and potatoes. Finally, it was also discovered that there were wetness limitations for some soils.
- 10.17 The conclusion of the analysis was that all 94ha of land within the site was classified as grade 3b. This is in line with the ALC mapping published by Natural England which shows the site to be in an area of Grade 3 land. Although this map is not sufficiently accurate for individual field assessment and does not subdivide grade 3 it is a useful indicator to add confidence to the above survey results.
- 10.18 The representations made by the Campaign For The Protection Of Rural England (CPRE) on this matter and the appeal decision relating to a similar scheme in Pembrokeshire is noted. However, the key difference is on that occasion, the site was classified solely as BMV - i.e. grades 1, 2 and 3a. This is not the case for the application in question in this instance as it is on land classified as grade 3b. Officers accept that there can be damage caused to soil but the submitted ALC Survey is clear that the soil on site is already of a lower quality, making food production difficult. Indeed much of the site is used to grow Miscanthus which is used as a biofuel in the production of energy and is not routinely used for food production. Consequently, any potential damage is given limited weight.
- 10.19 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. It is also important to note at this juncture that, whilst taken out of arable production, the solar panels are designed such that the land remains open to the grazing of some livestock and thus the land can still be used for the purposes of agriculture and food production.

Landscape and Visual Impacts

- 10.20 Policy E7 of the Local Plan 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.
- 10.21 Policy E4: Green Infrastructure 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.

- 10.22 The site lies within Local Landscape Character Area 25: Tholthorpe Moors which forms the northerly part of the Vale of York forming the north eastern corner of the county scale Vale Farmland with Plantation , Woodland and Heathland Landscape Character type which extends south to York. *It is flat to gently undulating and rising to the north to wooded hills of LCA 18 and 24. It is primarily under intensive arable cultivation with medium to large fields enclosed by gappy hedgerows – which are associated with this site although the landscape pattern is variable with smaller narrower strip fields for pasture associated with settlements such as Easingwold. The landscape is relatively open and rural in character away from settlements and infrastructure which includes the A19, main east coast rial line and overhead power lines in the centre of the character area which has a localised effect on character and are associated with this site. There are occasional blocks of woodland cover and although a flat skyline is typical there are occasional long views to the North York Moors and White Horse of Kilburn from slightly elevated vantage points. Cycle route 657 and Route 65 which run through the LCA (and close to the site) are mentioned as strategic routes which link Easingwold with the Swale/ Ure/ Ouse corridor. Opportunities include the potential for landscape enhancements which include restocking gappy hedgerows and diversification of coniferous woodland.*
- 10.23 The site is approximately 5.5km away from the Howardian Hills Area Of Outstanding Natural Beauty and 8km away from the North York Moors National Park. This level of separation means that the site does not play a role in the setting of these nationally protected landscapes and therefore this matter is not assessed any further and policy E6: Nationally Protected Landscapes is not considered relevant.
- 10.24 A Landscape and Visual Appraisal (LVA) by Crestwood Environmental Ltd has been submitted as part of the application. This assesses the impact of the development from 9 viewpoints within 2km of the site. It concludes that the greatest impact would be from West Moor Lane which is directly to the south of the site and Jobbing Cross Lane which is the road approximately 280m to the north of the northern-most part of the site. The impact from these vantage points is assessed as being moderate at worst. From other surrounding public vantage points it is shown that the relatively flat land levels and surrounding tree lines and woodland would ultimately mean the development would only ever be partially visible and not to a degree that creates harm. Whilst there is no private right to a view, the LVA also assesses the impact on views from several dwellings/agricultural units in the locality, including Pilmoor Grange immediately to the north, Bishop House immediately to the south, and Oak Tree Farm to the north east. Again, it is acknowledged that there would be views from these vantage points but owing to existing vegetation, the impact of these are

assessed as being moderate at worst. Ultimately, the LVA concludes that the development would be acceptable in landscape and visual terms and no significant harm would arise.

- 10.25 North Yorkshire Council Principal Landscape Architect has reviewed the LVA. As part of this the following local sensitive features have been identified; Ancient Woodland 0.4km to the north east which forms the southern section of the conjoined woodlands of Low Wood, High Wood and Sessay Wood, a SSSI to the north at 0.45km from site within the vicinity of East Moor Wood and Brafferton Spring Wood and Ellerkers Wood immediately adjacent to the western boundary which are both classified as Ancient Replanted Woodland. Both West Moor Road which forms the southern boundary of the site and Jobbing Cross 300m to the north are defined as Sustrans National Cycle Routes and National Cycle Route 657 follows the route of West Moor lane.
- 10.26 The Principal Landscape Architect found that there are a number inconsistencies in the way methodology was applied, some deviations from best practice and a number of omissions. The Officer expressed that a viewpoint from Raskelf Bridge at the southern corner of the site would have been recommended had they been consulted prior to the LVA being conducted. In this case due to the merging of Councils this internal consultation service only recently became available to Planning Officers in the Hambleton Area. The LVA viewpoints had previously been accepted by Planning Officers. The Landscape Architect points out, however, that had this viewpoint been considered the resulting impact of the development would likely have been found to be greater than reported.
- 10.27 A number of receptors have not been included in the LVA. namely recreational users along the National Cycle Network on West Moor Road which adjoins the site for some 1 km and along Jobbing Cross c300m to the north of the site. It is also anticipated, that as these lanes are suitable for cyclists, they are also relatively quiet with low volumes of traffic making them suitable for walkers. There is also some disagreement on the level of impact recorded from viewpoints 1 and 2 (from West Moor Road boundary) when compared to viewpoints 7-9. These have been recorded as the same level of impact (medium magnitude) although viewpoints 1 and 2 look directly over the site and viewpoints 7-9 (Public Right of Way (PROW) and Jobbing Cross) are separated from the development by 300m and partially hidden by topography.
- 10.28 One of the points raised by public comments was the omission of type 3 photomontages from the LVA. The Councils Landscape Officer, however, indicates that it would not be proportionate or worthwhile to expect these for all viewpoints but that it would be reasonable to expect ones from viewpoint 1 (or ideally the bridge) and viewpoint 7 from the PROW). The Landscape Officer has indicated that not including these is "not in the spirit of current guidance from the Landscape Institute TGN 6/19 on visualisations".
- 10.29 The Officer concludes that the effects of the development are likely to be greater than stated from West Moor Road and from the PROW at viewpoint 7. The Officer goes on to state, however, that despite the above, further mitigation would result in an acceptable development in landscape and visual terms.
- 10.30 In summary the response indicates that at present the proposal does not demonstrate sufficient compliance with policy E4: Green Infrastructure or E7: Hambleton's landscapes as it does not protect enhance or restore the distinctive landscape character or secure improvements to green infrastructure that are integral to the existing landscape pattern or enhance recreational links. Further and altered mitigation, however, could achieve a policy compliant proposal. Suggested mitigation includes incorporation of small blocks of native woodland, hedgerow trees along boundaries to soften views, gapping of existing hedges, reduced maintenance height for hedges to be consistent with the landscape character.

- 10.31 At the time of writing, it was agreed with the applicant that further mitigation as requested will be provided. The applicant has agreed to include the additional mitigation as part of the Landscape and Ecological Management Plan (LEMP), however, as minor alterations to the layout may be required it has not yet been agreed whether this can solely be secured through the LEMP which is subject of a recommended condition. A solution is anticipated prior to the Committee meeting and will be provided via the pre meeting updates/late papers.
- 10.32 Officers agree with the assessments set out above. It is considered that generally the sites context and the high degree of containment and screening provided by surrounding landscaping, not least Brafferton Spring Wood immediately to the west and the trainline to the east, means the site lends itself to the proposed development without having a high level of wider landscape impact. There would be an inescapable impact from the immediate vicinity of the site, especially when travelling along West Moor Lane over the East Coast Mainline and views would be possible of the solar arrays and the substation from this road. These are restricted to a relatively limited stretch of road.
- 10.33 It is noted that there would also be a degree of impact on the outlook from Bishop House, which is located off West Moor Road and will be located adjacent to the southern portion of the site, with the site wrapping around the wider grounds associated with the dwelling. Generally the test in terms of impact on outlook from the individual dwellings in the locality is undertaken in the context of residential amenity and one's enjoyment of their private dwelling and is not a matter pertaining to general landscape impact. Consequently, this will be assessed in detail in a subsequent section.
- 10.34 Several of the objections that have been received are from owners of Brafferton Spring Wood, abutting the site to the west. This is an area of woodland, ownership of which is split between a number of private individuals/families/groups, that it is understood utilise the woodland for a range of reasons but mainly manage it for recreational purposes. The objections received raise concerns that the owners of this woodland have not been considered in the LVA as visual receptors. It is accepted that the panels and substation would be visible from the eastern edge of the woodland. However, this would have a negligible impact overall in terms of the wider landscape impact owing to the fact visibility would be restricted to the edge of the woodland and the development would be inconsequential for the vast majority of users of this woodland. Consequently, Officers consider the impact on the owners and users of the woodland has been proportionately assessed and ultimately there would be a negligible impact for a small number of said users and therefore this is given very limited weight in the planning balance.
- 10.35 Given that the applicant has agreed to provide further mitigation as part of the LEMP and the Councils Landscape Architect has identified that the scheme would, as a consequence, be acceptable it is considered that the landscape impact of the proposal is acceptable.

Impact on Heritage

- 10.36 Section 16 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
- 10.37 Architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 10.38 Policy S7 (Historic Environment) states that Heritage Assets will 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 Hambleton's distinctive character and sense of place.
- 10.39 Policy E5 (Development Affecting Heritage Assets) states (inter alia) 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.
- 10.40 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.
- 10.41 There is one designated heritage asset within 1km of the site; the grade II listed Pilmoor Cottages which are approximately 300m from the north eastern edge of the site. Given the degree of separation between the site and these listed buildings, plus intervening physical features such as the East Coast Mainline, the site does not play a role in the setting of this heritage asset and therefore the development would be inconsequential in this respect.
- 10.42 In addition to designated heritage assets, there is also a requirement to consider the archaeological potential of the site and the subsequent impact of the development on this. It is understood there have been archaeological finds in the surrounding area but the exact location of these are not known other than it being recorded as "Pilmoor". A geophysical survey of the site has been provided and reviewed by the Councils Principal Archaeologist. The archaeologist has confirmed the results of the survey are generally negative and the features that have been revealed are agricultural or natural in nature and thus are of no archaeological value. Furthermore, as the installation of the solar panels results in only a small amount of ground disturbance, it is considered unlikely there would be any impact on archaeological remains in any case. Based on this, it is considered no harm would arise to the archaeological value of the area.
- 10.43 It is considered that there would be no implications from a heritage point of view as a result of the proposed development.
- Amenity
- 10.44 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):

- 10.45 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;
- 10.46 The most onerous issue from an amenity point of view is the impact on the living conditions of the occupants of Bishop House, which is immediately adjacent to the development site. In order to mitigate the impact in this respect, the development maintains a separation distance around this dwelling and its amenity space. The solar panels would therefore be approximately 110m away from the boundary of Bishop House at the nearest point, i.e. to the north, with an area of grassland/paddock and Sun Beck situated between the two. There is already a degree of intervening landscaping by way of a hedgerow and tree planting. The proposal includes additional landscaping to reinforce this to further screen views from Bishop House.
- 10.47 It is accepted that there would be an inescapable impact on the outlook from Bishop House and views of the solar panels and associated infrastructure would be inevitable. However, the matter at hand is whether the change in outlook would be at the level where it would appear overbearing and have a detrimental impact on the occupant's enjoyment of their dwelling and their overall living conditions. Notwithstanding the fact an individual's right to a view is not a material planning consideration, it is noted that a sudden and considerable change in outlook can have a detrimental impact on amenity in this respect.
- 10.48 The occupants of this dwelling have provided photographs from various vantage points within their property as part of their objection. These images are useful and actually illustrate that from ground level, the outlook will largely be unaffected. Whilst some of the solar panels would be glimpsed in the medium-range, this would be very much mitigated by the existing planting in the short term. This impact would be lessened even further in the medium to long term as the proposed landscaping begins to mature. This fact, coupled with the separation distance, is considered to adequately mitigate against the impact of the development and ensure no harm will arise to the amenity of the occupants of Bishop House in terms of an overbearing impact of the physical relationship between the site and this dwelling.
- 10.49 There is a second dwelling adjacent to the site to the north, Pilmoor Grange. Similar to the above, this is bound by a fair amount of landscaping to the west which will screen the views of the solar panels from this dwelling. The main outlook from this dwelling is southwards, which is where there will be a much greater degree of separation to the solar panels themselves of circa 250m. This is considered adequate to ensure there will be no oppressive impact from the panels.
- 10.50 The second issue at hand is the potential for obtrusive light reflecting off the panels and impacting the amenity of nearby residents. In order to assist in the assessment of this issue, a Glint and Glare Study has been submitted in support of this application. This identifies potential receptors by way of dwellings in the locality and considers the visibility of panels from these locations. When panels are visible, geometric calculations are used to determine whether a reflection can occur, and if so, the time and duration of the reflections. The level of obtrusive light can then be quantified. Where it is predicted that reflections would be visible for less than 3 months of the year and less than 60 minutes on any given day, the impact is deemed to be low and no mitigation is required. Where effects are predicted for more than 3 months and/or more than 60 minutes, factors such as whether reflections

would be visible from all storeys, the separation distance to the panel area, the position of the sun, and whether there are any windows facing the reflecting area are all used to determine the impact of significance.

- 10.51 The study submitted does this for the eleven dwellings within 1km of the site. It concludes that reflections from the panels are geometrically possible from eight of the eleven dwellings within 1km. However, owing to separation distance and intervening landscaping, all but one, Bishop House, would not be impacted. Owing to the closer proximity, partial views of the reflections are considered possible from the upper floor of Bishop House and therefore the impact is classified as greater but still within the 'low impact' category.
- 10.52 Officers acknowledge that there would be a level of reflection visible from Bishop House, however, this would be for a matter of minutes, within a very limited window in the year. It is also worth noting that this impact would be further mitigated by the additional landscaping that is proposed surrounding Bishop House. Consequently, the impact of these reflections would be negligible and not at a level where it would become intrusive or harm the amenity of the occupants of this dwelling.
- 10.53 A point of concern that has been raised by several of the objectors is the potential for noise to arise from the development as a result of the transformer and substation. Whilst these concerns are noted, the substation would be located over 300m away from the nearest dwelling, i.e. Woodend to the west. 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 with the close proximity of West Moor Road and the East Coast Mainline. A very low level of noise may be possible on particularly quiet days or if one was outside during the night, but this would not be at the level where it would harm the amenity of nearby residents.
- 10.54 Concerns have also been raised about the proximity of the woodland and it has been argued by owners of this woodland that they should be considered recreational receptors to noise from the substation. Discussions have been had with the Council's Environmental Health Team regarding this issue and they have clarified that the level of noise output from the substation would not be such that would equate to harm to the amenity of the users of this woodland. Even if it were to be considered that a minimal level of harm to the users of this woodland would occur, it must be noted that there are no residential properties within this area and the woodland is used by private individuals for recreational purposes. Consequently, the general impact of this harm would still be minimal and thus this would be given limited weight in the planning balance.
- 10.55 The above assessment is based solely 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 through a Construction Management Plan which would ensure any potential impact is mitigated and managed to maintain amenity.
- 10.56 It is considered that the development will have an acceptable impact on amenity and complies with policy E2 in this regard.

Flood Risk and Surface Water Drainage

- 10.57 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.

10.58 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.

10.59 There is a portion of the southern-most part of the site which lies within flood zones 2 and 3. There is also a very small area around Sun Beck on the north eastern part of the site that is within flood zones 2 and 3. The Environment Agency records provided by the applicant show that there is no record of flooding within the site. Nevertheless, 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, surface water flooding from natural and engineered drainage systems, ground water flooding due to a high water table, and finally infrastructure failure flooding from failure of manmade waterbodies such as sewers.

10.60 In addition to the above sequential test information has also been submitted in support of the selection of this site for development. 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.

10.61 The submitted sequential test outlines the general difficulties in identifying suitable sites for solar development as follows: *“For solar farms connected to the grid, the proximity of the Point of Connection (POC) to the array itself is critical to the viability of the scheme. For example, it is proposed that Pilmoor Solar Farm would have a generating capacity of 49.9MW and the power would be conveyed through the local electricity network. That can only be achieved with a ‘connection offer’ from the Distribution Network Operator (DNO). However, not all parts of the country have grid capacity available - where there is capacity, it is significantly oversubscribed, and connection dates being offered are commonly for 2036 and beyond. When this scarcity of opportunity to connect to the grid is considered alongside the urgent need to transition to renewable energy and bring projects online, it is clear why*

site availability and confirmed grid offers are deciding factors in site selection and suitability. At Pilmoor, we have confirmation of grid capacity and an offer to connect onto the grid within the site itself”.

- 10.62 The sequential test goes on to explain that 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, Best and Most Versatile agricultural land and Sites of Specific Scientific Interest (SSSIs). The applicant outlines the scarcity of sites that do not feature these constraints.
- 10.63 The site has relatively small areas in Flood Zones 2 and 3. In addition within the site the substation 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. In this case given the reduced number of potential development sites and the preference to avoid other more sensitive constraints such as scheduled monuments or AONBs Officers consider that the development of this site is sequentially acceptable.
- 10.64 In terms of fluvial flooding, the FRA uses cross-sections of the beck and LiDAR data to assess the likely flood levels. This includes an allowance to accommodate climate change. Ultimately, the outcome of this was that the highest flood level would be 22.44mAOD. The likelihood of fluvial flooding impacting the site is categorised as "medium" in the FRA. To mitigate the impact in the event of this occurring, the solar panels that are sited in flood zones 2 and 3 will be set at 600mm above the 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 flood zone 1. The risk of flooding from other sources is categorised as being 'low' for this site. The Environment Agency have reviewed the FRA and confirmed they have no objections to the proposed development. 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.
- 10.65 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 in areas of increased flood risk. This requires new development to be steered to areas with the lowest risk of flooding. Whilst a sequential test has not been submitted as part of the application Officers recognise that this type of development is subject to locational criteria which limits the availability of sites. For example, in order for solar projects to be viable they often need to be sited within 3km of an available grid connection. It is also important to avoid Best and Most Versatile agricultural land as well as historical and ecologically important sites. In this case it is considered that given the difficulties in identifying suitable sites for solar development, that there are no objections from the LLFA and the EA and that the layout has been designed so that the substation is on Flood Zone 1 the development can be justified sequentially.

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 The main access to the site for general purposes will be directly off West Moor Road at an existing access point that was constructed by National Grid. The Local Highway Authority have assessed this aspect and deem this access is suitable to serve the development. A Construction Traffic Management Plan (CTMP) has been submitted with the application which outlines that this access would also be used for the construction phase. There would be a HGV holding area adjacent to this access in the event there are several vehicles entering and leaving the site at one time. Construction traffic would make use of the accessibility of the site and be directed off the A19 and along the most direct route to the site which is through Raskelf and along West Moor Road. This would undoubtedly lead to an uplift in vehicle movements on the local highway network and it is set out that there would be a maximum of 245 separate deliveries over the course of a 6 week period at an average of 8 deliveries per day. This uplift would be incorporated at off-peak times and thus avoids conflict with school traffic and the like.
- 10.68 The Local Highway Authority have reviewed the CTMP and are content the details and measures provided are acceptable to ensure that highway safety would not be compromised during construction. They have requested a condition requiring a general Construction Management Plan relating to site management be included.
- 10.69 On the basis of the above, it is considered that the development will not compromise highway safety and complies with policy IC2.

Ecology Impacts and Biodiversity Net Gain

- 10.70 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, 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.)
- 10.71 As set out in the introductory section of this report, there are a number of designated sites within close proximity of the site. Brafferton Spring Wood, a replanted ancient woodland and Site of Importance for Nature Conservation (SINC), is located immediately to the west of the site. Pilmoor Site of Special Scientific Interest (SSSI) is located approximately 0.5km north of the northern-most part of the site. Finally, Sessay Wood, another area of woodland classified as a SINC, is located approximately 0.5km north east of the eastern-most part of the site. Furthermore, there are also habitats within the site boundary that are assessed as being of importance including a number of hedgerows, Sun Beck which runs through the site, and the field boundaries which have been managed by the land owner for wildlife under a Countryside Stewardship scheme.
- 10.72 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 - termed the Zone Of Influence. The report and conclusions are based on desk studies and a range of field surveys including a habitat survey, breeding bird survey, wintering bird survey, water vole survey, badger survey and barn owl survey. Data sets relating to other species that have been spotted in the locality by local residents and owners of the adjacent woodland have also been reviewed by the applicant's ecologist.
- 10.73 In terms of the statutory designated site, namely Pilmoor SSSI, it is considered that the level of separation from the site and the fact there is no hydrological connectivity or other impact

pathways, there will be no detrimental impact on this SSSI as a result of this development and no further assessment of this is required.

- 10.74 In terms of the adjacent Brafferton Spring Wood, paragraph 186(c) of the NPPF is relevant as it requires planning applications to be refused where the development would result in the deterioration of irreplaceable habitats (such as ancient woodland), unless there are wholly exceptional reasons. The Planning Practice Guidance (PPG) offers further information on how LPAs should ensure the protection of ancient woodland, with the use of buffer zones encouraged to mitigate any impact of development. The PPG goes on to recommend that such proposals should have a buffer zone of at least 15m from the ancient woodland to prevent root damage. Furthermore, where possible the buffer zone should contribute to wider ecological networks by consisting of woodland or a mix of scrub, grassland, heathland and wetland. The site layout on this occasion has been specifically designed to leave a buffer of a minimum of 20m between the fence line along the western boundary and the adjacent SINC. This is to be sown with special general purpose meadow mixture. Consequently, the proposed buffer zone goes beyond the recommendations of the PPG and would be used to enhance the wider biodiversity through suitable planting. It is considered this is a proportionate approach to the potential impact in the adjacent woodland and would ensure no harm arises to this Site of Importance for Nature Conservation.
- 10.75 It has to be noted that the above assessment relates only to the operational phase of the development. The EclA concedes that there is potential to negatively impact the adjacent SINC during construction as a result of use of heavy machinery on site and potentially close to the SINC. Whilst the buffer zone detailed above will in theory 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 which 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. On this basis, it is considered this potential harm will be mitigated.
- 10.76 Finally, in terms of the identified habitats within the site boundary, it is important to note that all hedgerows and existing planting within the field boundaries would be retained and protected by a minimum 8m buffer, in particular around Sun Beck. Consequently, this would ensure protection of these existing habitats within the site. Similar to the above, it is considered a CEMP would ensure that this protection is provided throughout all phases of the development.
- 10.77 Moving on to the direct impacts on protected species specifically, as set out above, a number of field surveys have been undertaken to ascertain the presence of any species on site and therefore the potential impact this development could have - during construction, operation, and decommissioning of the scheme. Ultimately, the main impact would be on birds. The landowner has created 'Skylark plots' within the arable fields and a field survey confirmed signs of skylarks being present in the vicinity of the site. Furthermore, breeding bird surveys have identified that the site is used by 24 different species for breeding, including 7 which are priority species in terms of their conservation status. Lastly, a wintering bird survey identified 19 notable species on the site, several of which were listed as priority species in terms of their conservation status and two of these are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (Redwing and Fieldfare). Consequently, the site has been classified as being of local importance in terms of value to breeding birds and wintering birds.
- 10.78 The main impact on birds would be the loss of breeding habitat for ground nesting birds - most notably Skylark. This cannot be mitigated as by its nature, the site will require clearance of the arable fields. Consequently, to compensate for this, 2ha of the site has been taken out of use for solar panels and set aside to allow for ground nesting bird

compensation. It is likely, however, that the development will result in partial residual displacement of this species from the site. There is potential for further mitigation through the LEMP. There will also be general mitigation through the creation of species rich grassland, mixed scrub, native-species rich hedgerow and tree planting. Through these measures, it is considered that, on balance, the impact on protected birds would be acceptable.

- 10.79 Other signs of protected species on site have been identified, including badger setts, and Sun Beck has been identified as potentially supporting commuting otters, although no specific signs of holts or resting places were identified. Furthermore, the site has features that may support foraging and commuting bats. In terms of badgers, a 30m buffer zone has been maintained around the setts which will not be developed. Furthermore, access holes would be maintained in any fencing to ensure badgers can still move through the site. Any detrimental impact on commuting otters and bats would be during construction and decommissioning due to artificial lighting. To avoid this, all Construction lighting would 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). In addition, a dark corridor would be retained along the boundary features (hedgerows and watercourse) and woodland edge to ensure commuting/foraging bats are not impacted by the works. This would be controlled through the CEMP.
- 10.80 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.
- 10.81 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 simple measures such as maintaining adequate buffer zones around valuable habitats, off-setting the loss of other valuable habitats and generally providing newly planted species-rich grassland, mixed scrub creation, species-rich hedgerow and tree planting that would help to generally compensate for any loss of habitat. This would lead to a development that has an acceptable ecological impact.
- 10.82 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by 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. This is a pre-commencement condition. In this case, however, the application was submitted before Biodiversity Net Gain became a legislative requirement. Policy E3 of the Hambleton Local Plan does, however, require that all development demonstrate a net gain for biodiversity. The supporting text indicates that the latest DEFRA guidance and tool be used.
- 10.83 In this case the applicant has provided a Metric and supporting report which indicates a 188.95% increase for habitats and 20.08% increase for hedgerows. The watercourse has not been included in the submitted metric. NYC Ecologists have indicated that due to the layout of the development the watercourse would not be impacted and therefore the metric does not need to be completed at this stage. It is recommended, however, that a condition requiring an updated metric and watercourse management plan be included if permission were to be granted.
- 10.84 The submitted Metric also does not satisfy the Trading Rules for area habitats due to the loss of arable field margins on site. The BNG report indicates that to satisfy trading rules, additional areas of winter bird foraging resource (arable field margins game bird mix) would be required which would reduce the areas available for species-rich grassland creation

(other neutral grassland), a medium distinctiveness habitat and considered of greater value to biodiversity in general. NYC Ecologists have reviewed this argument and agreed that as the application was submitted before the mandatory requirement for BNG this justification is acceptable.

- 10.85 NYC Ecologists have confirmed that subject to conditions the application is considered to comply with current national and local policy in relation to Ecology.

Impact on Infrastructure

- 10.86 The application site is located in close proximity to the East Coast Mainline. Network Rail were consulted and a number of conditions were requested. The response refers to the Glint and Glare study submitted with the application which included an assessment of the impact on the operational railway. Whilst it is noted that further work could be carried out on the impact on two signals, Y386 and Y388, the report instead recommends mitigation which would prevent glint and glare. Network Rail have accepted that in the absence of further additional work a condition requiring the mitigation and monitoring would suffice.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 There is strong national support for renewable energy schemes as set out in national guidance and policy documents. Similarly at a local level the Hambleton Local Plan also encourages renewable and low carbon energy installations. Policy indicates that any harm must be avoided and minimised where possible before being weighed against the public benefits.
- 11.2 The proposal does not meet some minor technical requirements i.e. full compliance with BNG and some omissions/discrepancies in the LVA. With regard to BNG it is considered that compliance with the trading rules would result in a reduction in overall biodiversity value which would be counterproductive. The absence of watercourse information can be resolved by condition. With regard to the LVA the Council's Principal Landscape Architect has agreed that further mitigation can reduce the impact of the development to acceptable levels in compliance with local policy.
- 11.3 On balance it is considered that the development would not result in significant harm that would outweigh the substantial public benefits of a renewable energy scheme.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below

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: Site Block Plan - Proposed Figure 2 Revision A (received 16.04.2024), Landscape & Ecology Management Plan - Figure L7 (received 22.04.2024), Proposed Substation Layout and Details - Figure 3 Revision A (received 29.04.2024), General Details - Communications Tower – Figure

3 (received 29.04.2024), General Details - Figure 4 Revision A (received 06.12.2023)

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 and E1.

3. The permission hereby granted shall be limited to a period of 50 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 49 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, 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.

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. This must take into account the requirement from Network Rail to provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. 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 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 EcIA and indicative LEMP
 - 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
 - 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 adjacent SINC and other protected species and habitats within and directly adjacent to the site.

8. Prior to the commencement of development hereby approved, an updated BNG metric and report shall be submitted for the approval in writing of the Local Planning Authority. The metric and report shall include watercourse habitats, maintenance plan and be based on the finalised habitat creation, retention and management plans as set out within the detailed LEMP. The development shall thereafter be carried out in accordance with the approved details

Reason: In the interest of Biodiversity in accordance with Local Plan Policy E3.

9. Prior to the commencement of development hereby approved, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Management Plan must include but not be limited to:
 - 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. bat and bird boxes
- Monitoring methodology and schedule for habitats and species
- Reporting format and schedule to local authority

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

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref 27695-HYD-XX-XX-RP-WENV-0001, dated 15 March 2024) and the following mitigation measures it details: - The proposal is to be carried out in accordance with section 4.2.2 Flood Resistance section. - Section 4.2.1 Site Layout, all proposed more 'flood risk vulnerable' infrastructure to be located in flood zone 1. 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.

11. 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.

12. Construction of the permitted development, including construction traffic routing, must be undertaken in accordance with the approved "Construction Traffic Management Plan" document reference 27640-HYD-XX-XX-RP-TP- 7001-P03 received on 06.12.2023.

Reason: In the interest of highway safety and amenity.

13. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- i. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- ii. areas for storage of plant and materials used in constructing the development clear of the highway;
- iii. highway condition survey on the roads (C86 West Moor Road and Raskelf Village Street) between the A19 junction and the site access ;
- iv. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

14. Within 24 months of the completion of the development hereby approved, in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for the written approval of the LPA:
 - i. a scheme of remedial measures to address the concerns raised within the complaint and
 - ii. a timescale for implementation of the remedial measures. The approved remedial measures shall thereafter be implemented in accordance within the approved timescale and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: To ensure safety of the users of the railway.

15. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safety of the users of the railway.

16. Prior to the installation of any external lighting a scheme detailing the type, specification and location shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be maintained as approved for the life of the development.

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 E1, E3 and E7.

17. 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.

Target Determination Date: 18.04.2024

Case Officer: Aisling O'Driscoll, aisling.odriscoll@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Strategic Planning Committee

13 August 2024

ZB23/02015/FUL - Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure (as amended)

At: OS Fields 7456 And 6163, Amplecarr, Husthwaite

On behalf of: Woolpots Solar Farm Ltd

Report of the Head of Development Management – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the installation of a solar (photovoltaic) farm with associated Battery Energy Storage System (BESS), infrastructure and landscaping on agricultural land at Amplecarr, near Husthwaite village.
- 1.2 The Corporate Director of Community Development considers the application to raise significant planning issues.

2.0 EXECUTIVE SUMMARY

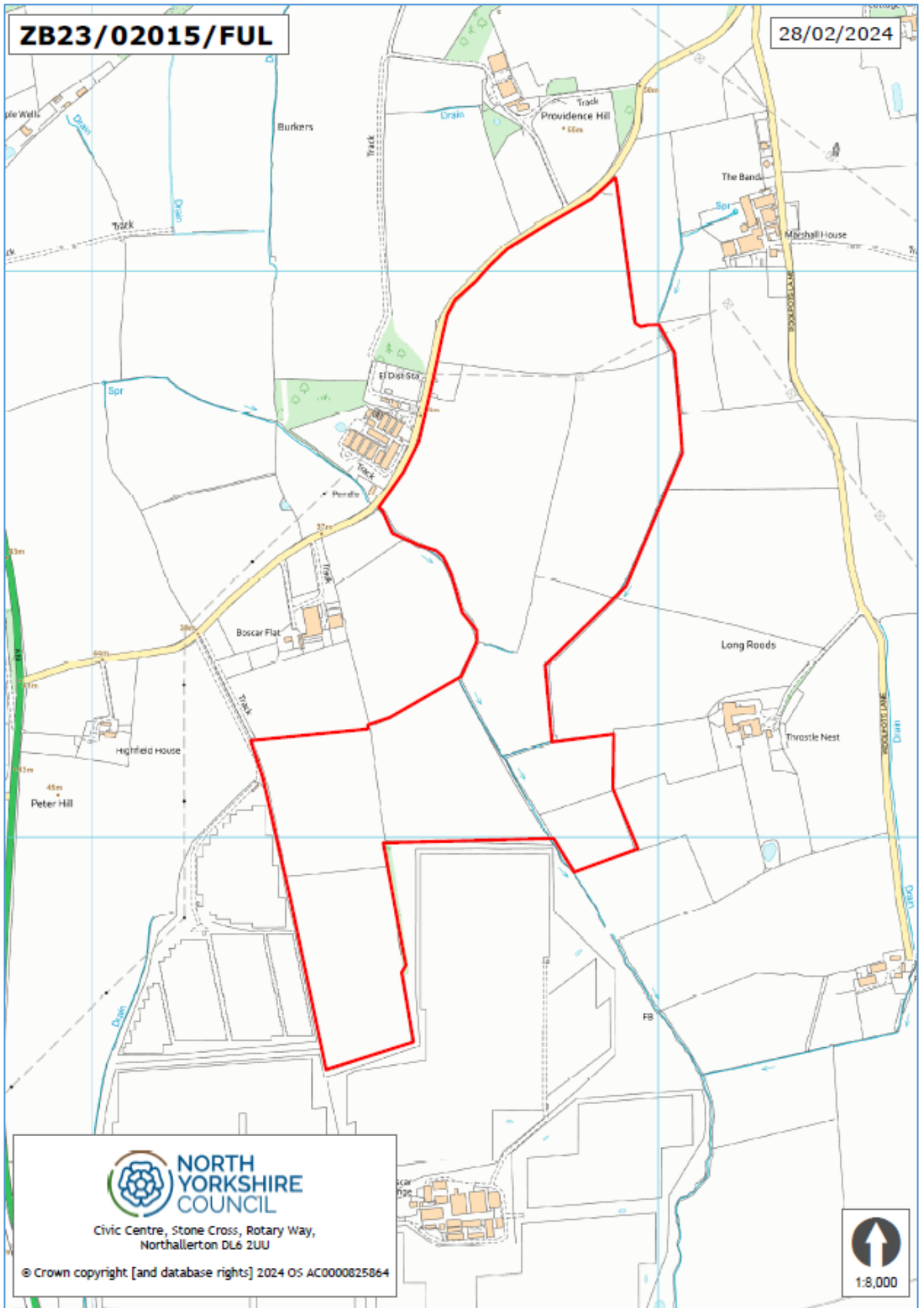
RECOMMENDATION: That planning permission be REFUSED for the reason as set out in Section 12 of this report:

- 2.1 The proposals consist of rows of solar arrays as well as associated infrastructure consisting of transformer/inverter ('MV') stations, storage containers, substation, security fencing and pole-mounted CCTV cameras and a Battery Energy Storage System (BESS). The BESS would be located within the northern element of the application site, close to the main site entrance.
- 2.2 The 51ha application site is located to the east of the unnamed Amplecarr road, leading from the A19 to the village of Husthwaite. The site is located opposite to the existing Amplecarr electricity distribution installation (to which the proposed installation would connect) while the south-western boundary adjoins the existing Boscar Grange and Highfield house/Peter Lee solar farm sites. The application site consists of a series of adjoining agricultural fields, primarily consisting of improved grassland (pasture) fields, although there are some arable fields within the land-edged-red. There are trees within the site, as well as drainage ditches and hedgerows.

- 2.3 In general accordance with current national planning policy, guidance and Written Ministerial Statements regarding renewable energy, Local Plan Policy RM6 states that renewable energy installations will be encouraged, although such installations will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts, are or can be made, acceptable taking into account any mitigation to avoid, reduce or compensate for any impacts and weighing any adverse impacts against the public benefits of the proposals.
- 2.4 The overall public benefits of the proposals, primarily because of the significant renewable energy that would be generated over the 40 year lifetime of the development, has been afforded substantial cumulative weight in the planning balance. However, the proposals are considered to result in three main adverse or harmful impacts: harm caused to the setting of the Howardian Hills National Landscape (afforded moderate weight); the harm caused to intrinsic qualities of the local landscape (moderate weight), and the impact on food production and security resulting from the temporary loss of the optimal use of 35ha of Best and Most Versatile (BMV) agricultural land for the 40 year lifetime of the development (minor weight).
- 2.5 Although none of the harmful impacts are considered to be unacceptable when considered individually against the substantial public benefits of the proposals, considered together and in terms of a holistic landscape impact, the proposals are considered to result in an overall cumulative adverse landscape impact that is considered to be substantial that would outweigh the public benefits of the development, while the temporary (40 year) loss of the optimal use of the BMV agricultural land would contribute further to the overall (cumulative) adverse impact of the proposed development within the context of the overall planning balance. The development will therefore be contrary to the relevant requirements of Policy RM6 of the Local Plan, as well as Local Plan Policies S5, E6 and E7.

ZB23/02015/FUL

28/02/2024



**NORTH
YORKSHIRE
COUNCIL**

Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU

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3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning documents](#)
- 3.2 The current application is described within the submitted application documents as a revision of a previous planning application (ref.21/03042/FUL) for a PV installation that was refused by Hambleton District Council in January, 2023. The description and site address for this earlier application was as follows: '*planning application for the installation of solar photovoltaic ('PV') array/solar farm with associated infrastructure - as amended (additional and revised plans, visualisations and other documents received by Hambleton District Council on 27.06.2022 and 22.11.2022) on land OS Field 2700 Carlton Husthwaite North Yorkshire.*'
- 3.3 The application site of this earlier application essentially consisted of two separate parcels of land (described within the Officer Report as 'Woolpots North' and Woolpots South') The vast majority of the application site of the current application relates to the 'Woolpots South' land of the previous application. The reasons for refusal of application 21/03042/FUL are summarised below:
1. Despite amendments to the application, the development was considered to constitute significant development in the countryside which would have used a relatively substantial amount of Grade 2 and 3.a. agricultural land (i.e. the Best and Most Versatile Agricultural Land). (BMV), failing to protect this finite resource and the food security of the nation without satisfactorily demonstrating that the development is necessary in this location. This loss, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals and would therefore be contrary to Policies S1 (criteria g.), S5 and RM6 of the Hambleton Local Plan.
 2. Despite the submission of an updated Glint and Glare Study, the Civil Aviation Authority maintained an objection to the proposed development due to the potential for glint and glare (i.e. both yellow and green glare) to pose an unacceptable safety risk to pilots of aircraft operating from the nearby Baxby Manor Aerodrome. In addition, as the 'agent of change', the proposals failed to demonstrate (including providing suitable mitigation) that the proposals would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it operated. This impact, when considered cumulatively with the other reasons for refusal, was considered to outweigh the public benefits of the proposals. contrary to paragraph 187 of the NPPF Policies E2 (Amenity) and RM6 (Renewable and Low Carbon Energy) of the Hambleton Local Plan.
 3. Although the proposals were amended to reduce the extent and visual impact of the development on the respective settings of the North York Moors National Park and Howardian Hills AONB, the visual effect was still considered by the Council to be dominant from viewpoints within the National Park and the AONB and detrimental/harmful to their settings. This harmful impact, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore considered to be contrary to Policies E6 (including criteria c.) and RM6 of the Hambleton Local Plan.
 4. Although the amended proposals reduced the extent and visual impact of the development, the Council still considered that the visual harm caused to the distinctive qualities of the local landscape from both the Woolpots North and South elements of the proposals would be substantial. This harm, when considered cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E7 and RM6 of the Hambleton Local Plan.

5. The proposed development (as amended) will have a less than substantial harmful impact on the respective settings of a number of designated Heritage Assets, including the Husthwaite and Carlton Husthwaite Conservation Areas and a number of listed buildings. This harm, which is given substantial weight, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals will therefore be contrary to Policies E5, S7 and RM6 of the Hambleton Local Plan.

NB - Although not a reason for refusal, an informative on the Decision Notice explained to any future Planning Inspector (should the Council's decision have been appealed) that notwithstanding the Outline Battery Management Plan submitted with the application, the Council considered that more detailed and site-specific procedures and measures would be required to ensure that the proposals adequately dealt with and mitigated the potential health and environmental risks posed by contamination associated with any lithium battery fire/explosion involving the BESS

3.4 The six month period within which the applicant could lodge an appeal against the Council's refusal of 21/03042/FUL lapsed without an appeal being made.

3.5 Included below is a table to help facilitate a comparison between the main details and characteristics of the current application (ZB23/02015/FUL) and earlier refused application (21/03042/FUL):

Detail	ZB23/02015/FUL		21/03042/FUL	
<i>Application Area (ha)</i>	51		99.74	
<i>Power Generation (MWh)</i>	32		45	
<i>Permanent Access Points</i>	2		1	
<i>BMV Used</i>	<i>Grade 2</i>	18% (9ha)	<i>Grade 2</i>	9.8% (9ha)*
	<i>Grade 3a</i>	52% (26ha)	<i>Grade 3a</i>	25% (23ha)*
	<i>Total</i>	70% (35ha)	<i>Total</i>	34.8% (32ha)*
			*as originally submitted before proposals were amended	
<i>Grid Connection?</i>	Yes - via connection to the Husthwaite Electricity Distribution Station		Yes - via connection to the Husthwaite Electricity Distribution Station	
<i>BESS Included?</i>	Yes		Yes	
<i>BNG Units (and %) Achieved</i>	<i>Biodiversity Units (BU)</i>	106.28%	<i>Biodiversity Units (BU)</i>	114.57%
	<i>Hedgerow Units (HU)</i>	35.47%	<i>Hedgerow Units (HU)</i>	47.08%
<i>EIA Development?</i>	No (Screening Opinion Undertaken by Officers)		No (Screening Opinion submitted and considered by Officers prior to application's submission)	

NB: This comparison information is provided for contextual purposes only. Members are reminded that the planning application needs to be considered on its own merits.

3.6 Several amended and/or additional documents and plans have been submitted during the course of the application, including a revised layout plan, additional visualisations and photomontage, drawing of the CCTV cameras and an updated Noise Impact Assessment.

4.0 SITE AND SURROUNDINGS

- 4.1 The 51ha application site is located to the east of the unnamed Amplecarr road, leading from the A19 to the village of Hushwaite. The site is located opposite to the existing Amplecarr electricity distribution installation (to which the proposed installation would connect) while the south-western boundary adjoins the existing Boscar Grange solar farm site. The application site consists of a series of adjoining agricultural fields, primarily consisting of improved grassland (pasture) fields, although there are some arable fields within the land-edged-red. There are trees within the site, as well as drainage ditches and hedgerows.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application (as amended) seeks planning permission for the installation of a PV solar farm with associated Battery Energy Storage System (BESS), infrastructure and landscaping. The proposals consist of rows of solar arrays as well as associated infrastructure consisting of transformer/inverter stations, storage containers, substation, security fencing and pole-mounted CCTV cameras. The BESS would be located within the northern element of the application site, close to the main site entrance, and would help provide a more uniform, 'less peaky', export of electricity to the grid network.
- 5.2 The proposed main site access to the proposed development would utilise the existing field access off the unnamed Amplecarr Road, located opposite the Amplecarr electricity distribution installation. A secondary access to be used by emergency services would be created south of the main access, also accessed via the unnamed road.

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, adopted 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.

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF) (December 2023)
- National Planning Practice Guidance (PPG)
- EN-1: National Policy Statement for Energy (January 2024)
- EN-3: National Policy Statement for Renewable Energy Infrastructure (January 2024)

On the same day (30 July 2024) as the Deputy Prime Minister's statement in Westminster regarding proposed changes to national planning policy (including the need to make it 'simpler and faster' to build clean energy sources to meet zero carbon generation by 2030), the new Government initiated an open consultation (closing on 24 September 2024)

seeking views on proposed revisions to the NPPF, including amendments to paragraph 163 in order to direct decision makers to give 'significant weight' to the benefits associated with renewable and low carbon energy generation and the contribution they can make towards a net zero future, including reaching zero carbon electricity generation by 2030. The Government have confirmed that the purpose of this proposed amendment is to increase the likelihood of local planning authorities granting permission to renewable energy schemes. While the open consultation provides an insight into the new Government's thinking, aims and likely 'direction of travel' with regards to renewable energy proposals (considered through the planning process), no material weight can be attributed to the proposed amendments given the early stages of the consultation process.

Supplementary Planning Document(s) (SPD)

- Sustainable Development SPD (adopted 7th April 2015)

Other Relevant Strategies and Material Considerations

- 6.4 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.
- 6.5 On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.
- 6.6 National Fire Chiefs Council's (NFCC) 'Grid Scale Battery Energy Storage System planning – Guidance for Fire Rescue Service (FRS), November 2022. This guidance relates The guidance provided is deliberately to matters that directly relate to facilitating a safe and effective response by the FRS to any potential fire or vapour cloud release involving a BESS installation, specifically a grid scale (typically 1 MW or larger) BESS in open air environments using lithium-ion batteries. This includes factors such as facilities for the FRS, and design factors that contribute to reducing the escalation in the severity of an incident.
- 6.7 The Howardian Hills AONB Management Plan (2019-24)
- 6.8 The Written Ministerial Statement '*Solar and protecting our Food Security and Best and Most Versatile (BMV) Land*', made on the 15.05.2024 recognises the important role played by solar energy in meeting the Government's climate change and net zero targets and objectives, but expresses concern over the number of large solar developments being sited on BMV agricultural land. The Statement points to the latest version of the Overarching National Policy Statement for Energy (EN-1) and reiterates the point that where solar development is necessary on agricultural land it should be steered towards land with a lower value.
- 6.9 The WMS (25 March 2015) made by the then Secretary of State with regards to '*Solar energy: protecting the local and global environment*' recognises concerns regarding the unjustified use of high quality agricultural land, and making it clear that any proposal for a solar farm involving the BMV agricultural land would need to be justified by the 'most compelling evidence', while accepting that every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below (all representations are available to view in full via Public Access, a link to which is included within section 3 of this report) Unless otherwise stated, the representations were made in respect to the original consultation:

- 7.2 **Hustwaite Parish Council:** Recommend that the application is refused, having made the following comments/observations, as summarised below:
- Although the Parish Council recognises the need to support farm diversification and green energy, they do not feel able to support the current proposals because of their size and nature.
 - The proposals will have an adverse impact on the surrounding environment and landscape contrary to Local Plan policy, eroding the natural beauty and special qualities of the Hustwaite Conservation Area and the wider rural landscape, including the entrance/setting of the Howardian Hills AONB and NYM National Park.
 - The cumulative impact of the development, alongside existing Solar Farm installations at Boscar Grange and the Peter Hill, will have a detrimental impact on the existing/rural character.
 - Have concerns regarding the proximity of the proposed electricity sub-compound and BESS adjacent to the entrance to Huthwaite village: this would constitute a 'visually intrusive industrialisation' of the rural landscape and raises 'serious fears' in relation to human health and the environment (particularly in relation to the BESS) due to the proximity of the village and the High Pressure Ethylene Pipeline, if a battery fire were to occur.
 - Approximately 70% of the proposed solar farm would be installed on Grade 2 and 3a agricultural land (i.e. BMV land). This would constitute a substantial loss of BMV land, a finite resource, which should be protected for the nation's food security. The development would therefore be contrary to Policies S1 and S5 of the Local Plan.
 - Given the above concerns, the Parish Council therefore request the following:
 - a. A full fire safety plan (agreed with the Fire and Rescue Service) to include procedures for maintaining safety and dealing with incidents of battery fire, with identification of a suitable water course that can be utilised in case of emergency and provision of a suitably-sized drainage interceptor trap to prevent an environmental disaster should excesses of water be needed to control a fire.
 - b. The provision of a detailed soil management plan, fully compliant with DEFRA's Construction Code of Practice for Sustainable Use of Soils on Construction Sites.
 - c. Consideration given to the effect on the proposed development on long-standing businesses (including those that depend on tourism), and the impacts on the local economy (including the impact of any disruption caused to the local road network)
 - d. Suggest that an Environment Statement be required (through the EIA Regulations) prior to the determination of the application.
 - e. Recommend that any road closures should be kept to a minimum.
 - Should planning permission be approved, the Parish Council recommend that conditions addressing the following matters are imposed:
 - i. The submission of full details of the site layout, design and finishes including details of buildings, security apparatus and infrastructure.
 - ii. The submission of full details of hard and soft landscaping works to include proposed finished levels and contours, legacy planting proposals, planting plans and implementation programme.
 - iii. The submission of a full maintenance plan with details of funding, frequency and extent of planned maintenance activity and the submission of annual maintenance logs.
 - iv. The submission and approval of a Construction Management Plan to include specific working hours, plant/material storage areas; construction vehicle parking during construction; delivery, loading and unloading details; wheel-washing facilities.)
 - v. If the site ceases to generate electricity for a period of more than three months, notice should be given to the LPA.

- vi. The site must cease to operate on or before the expiry of 40 years from the commencement of operations.
- vii. A decommissioning scheme, including full proposals for site restoration and environmental clean-up, must be submitted to the LPA within three months of the site ceasing to generate electricity and decommissioning must be carried out in accordance with the scheme.
- In addition, should planning permission be granted, the Parish Council would like assurances that, prior to commencement of the development, a planning obligation (by way of S106 agreement or unilateral undertaking) will be in place securing payment of the sum offered to the community within the application.

7.3 **Carlton Husthwaite Parish Council:** The Parish Council recommend that the application is refused, raising the following issues/concerns (as summarised):

- The scale of an 'industrial development' is completely out of proportion to the locality and its setting.
- The development would extend towards the village of Husthwaite and sited along the roadside on the Husthwaite approach.
- Further land could be used to expand the solar farm in the future or lead to other solar farm development elsewhere in the local area, should this planning application be approved.
- The proposed development would be in views of the Hambleton Hills Area of Outstanding Natural Beauty [now known as a 'National Landscape'] and in a location considered to be at the 'reception' of both the NYM National Park and the Hambleton Hills AONB.
- The proposed development would negatively impact the local tourist trade and associated small businesses in Husthwaite, affecting not just local residents but visitors and tourists to the area.
- The proposals have no consideration or respect for the environment or landscape, and the proposed £100,000 Community Fund contribution is no consolation for the impact of the proposed development.
- The proposed development, located in an undulating landscape, will negatively impact on the intrinsic character of this part of the countryside.
- Approving the application will add another 128 acres to the existing 198 acres of solar farm development running alongside the A19, which will cumulatively disfigure the character of the countryside.
- No local jobs will be generated by the proposed development, while taking out of use agricultural land will negatively impact on local jobs.
- The development would lead to several months of disruption for local residents as a result of construction/contractor vehicles impeding traffic on the main road into the village, particularly given the level of traffic that use the adjacent road.
- The country needs to be more self-reliant in terms of food production (i.e. food security) The proposed development would result in the loss of good arable land.
- Confirmed that they support Husthwaite Parish Council's concerns regarding the proposed new 'concentration' of the electricity substation and battery storage facility either side of the adjoining road and the risk of fire based on reports of fires occurring in other UK solar and battery storage facilities, particularly as the application site includes the Teesside to Hull Ethylene Pipeline.
- They note that the response from SABIC UK requires an easement/segregation corridor to the pipeline. This doesn't appear to have been addressed within the proposals as submitted.
- Concerns about the fire brigade's ability to respond should a fire take place, and the resulting risks to local residents.
- Have no issue with local farm diversification and are supportive of low carbon energy production, but they do have concerns about the scale of the proposed

application and the negative impact on the local landscape and the neighbouring village of Husthwaite

7.4 **Thormanby Parish Meeting:** No objections.

7.5 **Howardian Hills National Landscape (HHNL) [Previously AONB] Area Joint Advisory Committee:** Have confirmed that the application site is outside of the Howardian Hills AONB [National Landscape] boundary. They have raised the following observations/comments (as summarised):

- The application site is located within the northern edge of the Vale of York (outside but adjacent to the western edge of the HHNL boundary), an area which allows panoramic views from both the HHNL area and the North Yorks. Moors National Park to the north, west and south and has recognised importance and sensitivities in relation to the respective settings of these two Protected Landscapes.
- The application site is visible from various viewpoints within the HHNL, including from public rights of way and roads on high land to the east of Husthwaite village (e.g. from Beacon Banks) and to the west of Oulston village. There are also views from outside and approaching the Howardian Hills, from the A19 and from the road running from the A19 to Husthwaite village, an important gateway to the Howardian Hills and within its setting.
- From the A19, there will be some negative visual impact, although this has been reduced in relation to the earlier application (ref. 21/03042/FUL) through the removal of panels from the higher ground, while it is acknowledged that the Boscar solar farm site and it is likely they will remain as the dominant visual impact.
- The unnamed road adjacent to the site represents an important gateway to the HH, and the proposals would result in a negative visual impact as a result of the location of the PV panels, infrastructure, site entrance and BESS, which would create 'an industrial feel' within the rural landscape, particularly when the cumulative effect of the existing solar farm installations in the local area are also taken into consideration. Again, in comparison with the previous application (Ref.21/03042/FUL) the potential impact has been reduced by the omission of the 'Woolpots North' land from the current proposals.
- From the HHNL, there would be negative (visual) impacts from specific viewpoints within the Husthwaite and Oulston areas where views are possible across fields and the Boscar solar farm. The proposals would change the view from these viewpoints inasmuch as there would be a larger and more cohesive coverage of solar panels over more fields, giving the impression of a 'significant area of unnatural black or silver.' ...proposed screen planting will take up to 15 years to establish itself, a significant proportion of the 40 year lifetime of the development.
- There is a risk of noise and light pollution during construction and operation within this recognised tranquil area characterized by relatively low levels of light pollution.
- In summary, the Joint Advisory Committee (HHNL JAC) confirm that they maintain concerns about the negative impact of the proposals on the rural nature of the 'gateway' to the HHNL and about the negative impact on specific viewpoints from within the HH boundary, although these concerns are less than they had been in comparison with previous application ref.21/03042/FUL due to the changes that have been made. As such, the HHNL JAC do not object to the current proposals.
- If planning permission is approved, the HHNL JAC recommend conditions to address the following matters:
 - i. The implementation of the recommendations within the various landscape and ecologically-related Management Plans and Assessments.
 - ii. The use of appropriate colour finishes for the infrastructure elements of the proposals.
 - iii. The provision of a sensitive lighting schemes, both during and post construction.

- iv. A requirement to retain trees/hedges as much as possible and additional planting (including evergreen species to provide a greater level of screening)
- v. Broadleaf woodland planting should be increased in area/depth, adopting a natural copse shape with a shrubby edge transition (from woodland to grassland)
- vi. Requirement for an appropriate decommissioning scheme.
- vii. Requirement for a community fund, with an increased level of annual payments, to be spent on natural environment, historic environment and community projects.

7.6 **North York Moors National Park Authority (NYMNP):** Having assessed the application and its details, the NYMNP have advised that:

- The proposal is sited approx. 3km from the National Park boundary (at Coxwold), however the intervening hilly topography ensures it is not readily visible from this area.
- The site lies over 7km from the White Horse escarpment and although it will be visible from this higher elevation it will be seen as part of the more distant "vale landscape" and also in association with an existing large solar array.
- The proposals do not therefore impact directly on the immediate setting of the National Park and therefore the NYMNP raise no objections.

7.7 **Campaign for the Protection of Rural England (CPRE):** The CPRE have stated that while they recognise the need to transition away from fossil fuels towards a renewable and clean energy generation mix, including solar, to achieve net-zero emissions by 2050 or earlier, ground mounted solar arrays should be well screened and mitigated appropriately, and they do not consider that large-scale solar farms are appropriate in the open countryside on greenfield sites, especially on very good quality BMV land. The CPRE therefore object to the proposed development for the following reasons (as summarised):

- The 'significant loss' loss of BMV land and the impacts on soils.
- Cumulatively, the proposed development will detrimentally impact on the settings of two Protected Landscapes, the Howardian Hills AONB [now a National Landscape] and the NYM National Park.
- The proposals would be detrimental on Heritage Assets.
- The proposed development would be contrary to local and national planning policy.

7.8 **Lead Local Flood Authority (LLFA):** The LLFA have provided a 'Note to the Planning Officer' response which states that:

- The LLFA note that the submitted Drainage Strategy has determined that due to the limited impermeable area impact of the development proposals, no mitigation or drainage features are required. The LLFA deem that this is not the case as access roads are likely to become compacted over time and act as impermeable surfaces as well as any proposed buildings and substations, although it is acknowledged that a plan has been submitted restricting vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations.
- It is also stated that within a solar farm proposal a portion of the site will comprise of proposed solar (PV) panels and energy storage facilities, whilst the remainder of the site comprises of the existing grassed spacing between rows and field margins and the design of the PV panels means that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable.
- In most circumstances rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. However, the nature of

the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak compared to the pre-development situation.

- The surface water within solar farms usually flows from the surface of the solar arrays to the areas in between the rows with an increased velocity. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. To mitigate this the following should be considered:
 - i. Small scale SuDS improvements should be proposed to improve and/or maintain the natural drainage features of the site, including the use of simple shallow features such as linear swales/filer drains along the lowest parts of the site to capture surface water exceedance (no run-off should leave the site up to the 1% AEP+CC storm).
 - ii. Maintaining the vegetative areas between the solar arrays to assist in interrupting the flows and promote infiltration and interception. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water. Details of what type of vegetation will be planted across the site and how will it be managed/ maintained in perpetuity should be specified.
 - iii. Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. and should be avoided where possible. After construction the soil should be chisel ploughed, or similar, to mitigate soil compaction during construction.
 - iv. Post-construction, frequent inspections of the planting and soil should be undertaken to ensure it is growing properly and isn't bare or compacted. Any remedial work should occur as soon as possible.
 - v. A Construction Environmental Management Plan (CEMP) should also be provided.

7.9 Yorkshire Water Services (YWS): YWS have no objections to the proposals (subject to the imposition of the conditions summarised below) and have made the following comments/observations:

- YWS records indicate that a 5 inch cast iron diameter water main along the unnamed Amplecarr road may be affected by any proposed highway alterations to form a new vehicular access to the application site, although the exact position and depth of the main can only be determined by excavation. YWS note that the developer is proposing to discharge surface water to SUDS, however the eventual outfall has not been stated within the application documents.
- If disposal to the public sewer is proposed, then evidence should be provided to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical.... Surface water discharge to the existing public sewer network must only be as a last resort, but upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, surface water may discharge to public sewer at a restricted rate of discharge not to exceed 3.5 litres per second.
- YWS also note that the emergency fire system would overflow to a watercourse.
- If planning permission is granted, YWS recommend the imposition of the following conditions:
 - i. The prior submission approval of measures to protect the public water supply infrastructure laid within the application site boundary. The details shall include

the means of ensuring that access to the pipe for repair and maintenance purposes.

- ii. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

7.10 **Kyle and Upper Ouse Internal Drainage Board (IDB):** The IDB have made the following comments/recommendations based on their current guidelines:

- No objections to the disposal of surface water via soakaway, although advise that the ground conditions in this area may not be suitable for soakaway drainage. Percolation tests should be undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- If surface water is to be directed to a mains sewer system, the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.
- If the surface water from the development is proposed to be discharged to any ordinary watercourse within the Drainage District, consent from the IDB would be required in addition to planning permission. Any discharge rate would need to be restricted to 1.4 litres per second or the greenfield runoff rate (recommended to be required by condition).
- No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without the consent of the IDB.

7.11 **Historic England:** Having been originally consulted on this application, Historic England (HE) made the following comments/observations (as summarised):

- HE supports the government's objectives for carbon reduction and understand that climate change is one of the most challenging issues facing the North Yorkshire Council.
- They recognise the revisions that have been made (in relation to previous application 21/03042/FUL) 'as a step in the right direction' with the omission of 'Woolpots North' from the current proposals meaning that the scheme now better relates to the heritage sensitivities of the area.
- Nonetheless, HE still expressed concerns that the proposed thin band of woodland planting close to the new northern edge of the application site would not relate well to the character of the historic landscape, recognising that the agrarian landscape of undulating arable and pastoral fields makes a significant contribution to the setting of the Hushwaite Conservation Area. The isolated introduction of a linear planting scheme, albeit of native tree species, would form an incongruous addition in this setting.
- HE therefore recommended that the applicant reviewed their intended planting scheme and better considers the important contribution the agrarian landscape makes to the significance of the Conservation Area.
- Overall, the HE considers that the application meets the requirements of the NPPF.

Following clarification provided on behalf of the applicant that the aforementioned planting along the northern boundary would be more natural in its arrangement and appearance (the precise details to be agreed through condition if planning permission is granted), Natural England have confirmed that they no longer have any concerns regarding the proposed woodland planting.

- 7.12 **UK Civil Aviation Authority (Airfield Advisory Team) (CAA):** Within their representation to the initial consultation, the CAA have confirmed that the submitted Glint and Glare Study recognises that 'yellow glare' would still result from the proposed development, but that this type of glare would be limited by mitigation within the scheme provided by the use of a single tracking mounting system (with limitations to the backtracking angle) The CAA have also made the following comments/observations within their representation:
- In respect of Baxby Aerodrome, the submitted Glint and Glare Study has demonstrated that there would be no anticipated adverse impact as a result of the proposed development.
 - In relation to the Providence Hill Farm air strip, the CAA recognise that the proposed development would only be adding to the existing impacts of the solar arrays already in situ in the local environment rather than adding a new landscape feature. However, the addition may potentially influence the existing flying environment at Providence Hill, particularly as the proposals are located in closer proximity to the Providence Hill air strip than the existing solar arrays., and thus present a different glint and glare environment to aviation activities from the air strip, as well as influencing the current local environment in respect of any inflight emergency landings by reducing emergency land options, particularly those emergencies that take place immediately after take-off. The issue of off-site emergency landing sites (in respect of Providence Hill) should be considered in the determination of the application.
 - The above issue has been raised with the agent and a response has been provided by the authors of the Glint and Glare Study (PagerPower) This response has been forwarded to the CAA for further comment. An additional written response is still awaited from the CAA regarding this matter, but will be reported to Members before the Planning Committee Meeting (in the Update List) or at the Meeting itself.

- 7.13 **SABIC UK:** SABIC UK have confirmed that the proposed development falls within the inner, middle and outer consultation zones of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines. SABIC made the following additional comments/observations in relation to the original consultation:

- The proposed development site therefore requires a segregation corridor to allow permanent access to the 'Teesside to Saltend' high pressure ethylene pipeline easement to allow maintenance and survey work to be carried out. The developer would therefore need to consult with the pipeline operator to discuss above requirement and to also discuss the crossing of any associated buried services within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines) before any work is commenced.

Following the submission of a revised proposed site layout plan showing the provision of a segregation zone, SABIC UK have subsequently confirmed in writing that the segregation corridor is acceptable.

- 7.14 **Local Highway Authority (LHA):** The LHA have raised no objections to the proposed development, subject to the imposition of the following conditions (as summarised):
- the setting out and construction of the site access in accordance with the stated access and verge crossing specifications.
 - The provision of visibility splays in accordance with the approved drawings, and their retention once created.
 - The submission and approval of a Construction Management Plan to include specific matters, including wheel-washing facilities; contractor parking; plant/material storage area; the management of deliveries; a highway condition survey; dust minimisation and suppression measures; external lighting details; method statement and programme of works site manager/officer contact details.

- 7.15 **National Highways:** No objections offered.
- 7.16 **North Yorkshire Fire and Rescue Service (NYFRS):** The NYFRS have stated that The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning NFCC BESS (ukfrs.com) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.
- 7.17 **MOD Safeguarding:** The MOD have confirmed that the application site occupies the statutory safeguarding zones surrounding RAF Topcliffe and RAF Linton-on-Ouse. The respective aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodromes and are approximately 11.9km from RAF Topcliffe and approximately 11.8km from RAF Linton-on-Ouse. Having reviewed the proposals, the MOD have confirmed that they have no safeguarding objections.
- 7.18 **Environmental Health (Contaminated Land):** Environmental Health have assessed the application and have confirmed that from a contaminated land perspective the risk of contamination affecting the development or end users is considered to be low. However, in order to address any unexpected visual or olfactory evidence of contamination that could be encountered during any approved site preparation works, they have recommended that if planning permission is granted, a condition should be imposed regarding the procedures to be followed should unexpected contamination be encountered during construction.
- 7.19 **Environmental Health (EH):** Having considered the potential impact of the proposals on amenity and the likelihood of the proposed development to cause a nuisance, EH consider that overall, there would be limited negative impact during the operational phase of the development based on the information supplied. However, the construction phase of the proposed development would have some negative [temporary] impact. The EH have recommended conditions to address the following matters should planning permission be granted:
- The provision of details of all noise-generating plant as well as an updated Noise Impact Assessment that demonstrates a 'low impact' in accordance with British Standards BS4142 and BS8233.
 - The proposed lighting to be appropriately shielded and angled to prevent glare and its impact on highway safety and amenity.
 - The development to be carried out in accordance with the submitted Construction Traffic Management Plan, including adherence with the stated construction operation hours of:
 - i. 08.00-18.00 (Mon-Fri);
 - ii. 08.00-13.00 (Saturdays) and no operations on Sundays or Statutory holidays unless agreed with the LPA in advance.
 - The prior approval of a Construction Method Statement, including details relating to the control of noise (including monitoring arrangements) and vibration.
- 7.20 **Natural England:** Natural England have confirmed that they are not able to provide specific advice on this application and therefore have no comment to make on its details. They direct the LPA to Natural England's Standing Advice.
- 7.21 **NYC Principal Landscape Architect:** The Council's Principal Landscape Architect undertook a detailed appraisal of the potential landscape impacts of the proposals having reviewed the submitted LVA (subsequently refined and updated following a site visit and discussions with Officers from the HHNL Area Joint Advisory Committee) resulting in an objection to the proposals as a result of the likely 'moderate' adverse visual effects on footpath users within the local area of the site and a likely 'minor' harmful effect on the Howardian Hills National Landscape. The contents and conclusions of the Principal Architect's refined/updated appraisal is discussed in further detail within the 'landscape' section of this report.

7.22 No responses have been received from: the Environment Agency; the Yorkshire Wildlife Trust (YWT); NYC Public Footpaths and The Ramblers.

Local Representations:

7.23 A total of 74 local representations were received in total in relation to the original consultation: 70 objecting to the proposals, 3 in support and 1 neither objecting nor supporting. A summary of the main issues are provided below, however, please see Public Access for full comments:

Objections:

- None of the concerns raised in relation to the previous application (i.e. 21/03042/FUL) have been addressed/reduced by this current application.
- The impact on the local area will have a detrimental impact on tourism and visitors' experience of the area.
- The local population will not benefit from the proposed development.
- The proposed development will have a negative impact on rural roads.
- Unlike the Boscar PV installation, the proposed development would be partly on undulating/elevated land and thus highly visible.
- The proposal would utilise BMV agricultural land (with 70% of the application site classed as being BMV) This represents a significant percentage increase in the loss of BMV when compared to previous application (i.e. 21/03042/FUL)
- The loss of BMV should not be permitted as there is a need to increase the country's reliance on home-produced food (food security)
- The substation and Battery Storage infrastructure will be out-of-place in a countryside/rural setting.
- The battery storage poses a fire risk, particularly given the siting of the battery storage close to the roadside, substation and the proposed development's relatively close proximity to Huthwaite village, including the primary school.
- Any battery fire has the potential to impact on the local population's health and to lead to air, water and ground pollution in the local area, including the release of toxic fumes.
- The construction of the development will cause disruption and traffic-related safety and amenity issues on the local road network, including the main road into Huthwaite Village (form the A19)
- The local community has already 'shouldered the burden' for PV provision.
- PV installations should be considered on buildings and brownfield sites first., rather than on rural, greenfield sites such as the application site.
- Some of the information submitted is misleading; no Sequential Test Analysis has been submitted with this application (and therefore no alternative sites considered); there is a lack of information/detail submitted in relation to some aspects of the proposed development (e.g. battery storage; Noise Report; fire suppression provision)
- Cumulative impact - The proposed new scheme dovetails with the solar patterns of the two existing solar creating a cumulative 370 acre industrial development in open countryside.
- No Environmental Statement (through the Environmental Impact Assessment Regulations) has been produced.
- The industrial nature of the proposals will detract from the intrinsic beauty, character and distinctiveness of the countryside and the character/identity of nearby rural settlements, particularly the setting of Huthwaite village (including the setting of the Conservation Area and other heritage assets within the village)
- With a 40 year (or more) operational life, the development is not temporary as stated within the application.
- The proposed development will blight and detract from the 'entry experience' to Huthwaite village.

- The proposed development will adversely affect the settings and views to/from the NYMNP and Howardian Hills National Landscape (formerly AONB)
- Security fencing and security infrastructure is likely to be more intrusive in the future (than is proposed within the current application).
- If improving biodiversity is the aim, then the management of this area should be linked with changes to farming practice; habitat projects in the National Park/AONB and connected to tree planting and rewilding schemes around estate landscapes as recommended by the Local Plan.
- The proposed development will have an adverse impact on the local economy.
- The scale of the proposed development is disproportionate and inappropriate with regards to the local environment.
- There is no clarity on liability in the event of cessation of operations, or in terms of the future management of the site and decommissioning/land restoration on the cessation of the installation.
- Other renewable energy installations should be considered instead (e.g. off-shore wind turbines)
- Concerns that the PV panels are not recyclable (when they come to the end of their operational life)
- The prevailing wind will carry noise generated for the site's battery storage, inverters and transformers towards Husthwaite village.
- The landscaping is insufficient to screen the development and the proposed landscaping to the north would be incongruous with the surrounding landscape (as identified by Natural England)
- The proposed landscaping is too close to the High Pressure ethylene pipeline.
- Little biodiversity benefit.
- Insufficient provision has been made within the application to restore the application site back to agricultural land after the operational life of the proposals has elapsed.
- The proposed floodlighting (to the security fencing) would adversely impact on wildlife and lead to light pollution that will affect the rural dark skies of this part of North Yorkshire.
- The proposed development would harm the setting of the nearby, Grade 2 Listed, Highbarn.
- Doubts expressed regarding the need for the PV installation to be sited on land so close to the existing substation.
- Concerns about whether farming activities can continue to take place alongside the PV installation (e.g. sheep grazing.)
- There are airfields located close to the proposed solar panel and battery farm. The reflected light from solar panels may be a challenge to aircraft negotiating take-off and landing.
- Adverse impact on wildlife, including the movements of animals through the landscape.
- A sense that Husthwaite village is being encircled by PV development.
- The development will be visible from various public rights of way and other vantage points as within the local area.

Support and Observations:

- The 'climate crisis' requires a move away from fossil fuels and towards green (renewable) energy...the country requires more green energy.
- The provision of green energy installations will inevitably need to be in some people's 'backyard'.
- Would like to see the area given over to a wildflower meadows replaced with more tree planting (e.g. a community woodland)
- Consideration should also be given for other wildlife friendly additions to the scheme (e.g. bird and bat boxes; small pond.)
- It is essential to do our bit for the environment and the future generations.

- Why not use roof space and brownfield sites first? (before utilising greenfield land)
- The impact on soil health is unknown.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The Council completed an EIA Screening Matrix for the proposed development that was uploaded to Public Access on 2nd May 2024. The Council have concluded that the development is not 'Schedule 1' development, but would exceed the Column 2 threshold/criteria for relevant 'Schedule 2' development (i.e. 3. Energy industry) in respect to the site area of the development. Having assessed the development against the screening criteria of the matrix, the Council have concluded that no significant (environmental) effect is likely and that an Environmental Statement is not required.

NB – an updated version of the matrix was subsequently completed and uploaded to Public Access on 5th August, 2024 which revised some elements of the Council's assessment of the landscape impact of the scheme in light of the assessment of the landscape architect's subsequent observations on this application and considering potential cumulative impacts in relation to the proposed Pilmoor Grange PV scheme (ZB23/02461/FUL) also currently being considered by the Council. The aforementioned conclusions of the original matrix remain unaltered as a result of this additional assessment.

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) and Soil Impact
 - Landscape and Visual Impacts
 - Impact on Heritage Assets (including Archaeology)
 - Amenity/Health & Safety
 - Contamination and Pollution Risk
 - Flood Risk and Surface Water Drainage
 - Impact on Highway Safety
 - Ecology Impacts and Biodiversity Net Gain
 - Impact on Infrastructure

10.0 Principle of Development and the Relevant Legislative/Policy Context

- 10.1 The 2008 Climate Change Act also 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 There is strong national support for renewable energy schemes as set out within various national guidance and policy documents, including the UK Government's Solar Strategy (2014). The Written Ministerial Statements (WMS) of 2015 and 2024 (referred to in more detail in proceeding paragraphs) also emphasise the important contribution to be made by solar energy in meeting the Government's climate change targets and objectives, although they both stress the importance of balancing this contribution against other factors and considerations, including food security and the impacts of the development on the environment and local community.
- 10.3 There are two National Policy Statements (NPS) that are considered relevant to the proposed development: EN-1: National Policy Statement for Energy and EN-3: National

Policy Statement for Renewable Energy Infrastructure (both designated in January 2024) Members should note that the application is not 'Critical National Priority Infrastructure' (as defined in EN-1) or a 'Nationally Significant Infrastructure Project (NSIP)' to be determined under the Planning Act 2008. Nevertheless, EN-1 states that it has a role in the wider planning system and may be a material consideration in decision-making in relation to applications (such as this one) that fall under the Town and Country Planning Act 1990. Similar to EN-1, EN-3 sets out national policy in respect of renewable energy, stating that 'there is an urgent need for new electricity generating capacity to meet our energy objectives.' Both EN-1 and EN-3 are considered to be relevant material considerations in the determination of this application.

- 10.4 The NPPF (December 2023) 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 revised NPPF deals with the promotion of renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. 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 159 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. can 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.
- 10.5 Paragraph 163 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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 10.6 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.
- 10.7 The "Planning for renewable and low carbon energy" section of the PPG indicates that particular factors a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

- where a proposal involves greenfield land, whether: (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- 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. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

10.8 North Yorkshire Council has committed to reducing CO² emissions within the North Yorkshire Climate Change Strategy (2023-2030). On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.

10.9 In accordance with the aforementioned 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."

10.10 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.

- 10.11 The principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, as well as within the District by Policies S1 and RM6 of the Local Plan in particular, subject to compliance with other Local Plan policies, with the proposal generating electricity from a renewable source and thus contributing towards national and regional targets for the generation of renewable energy and the reduction of CO2 emissions.
- 10.12 That said, Policy RM6 is clear 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 consideration) within section 11 of this report.

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

Current Policy and Guidance Overview:

- 10.13 Paragraph 180(b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.14 Paragraph 181 sets out that plans should...allocate land with the least environmental or amenity value, where consistent with other policies in the Framework; with footnote 62 stating 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 as defined within the glossary of the NPPF (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. Footnote 62 of the NPPF also states that the availability of agricultural land used for food production should be considered (alongside the other policies in the NPPF), when deciding what sites are most appropriate for development, although the footnote gives no indication of how the decision-maker is to assess and weigh the availability of agricultural land. These requirements have been confirmed again within the recent Written Ministerial Statement referred to within paragraph 6.7 of this report.
- 10.15 The above requirements/expectations are also provided for within two extant Written Ministerial Statements (WMS) which form part of government policy and are material considerations in the determination of relevant development, although due to the age of the 2015 WMS, it is important to consider its contents within the context of more recent and greater Government emphasis on tackling climate change and meeting zero carbon targets.:
- i. The WMS (25 March 2015) made by the then Secretary of State. With regards to 'Solar energy: protecting the local and global environment' it states that; '*We are encouraged by*

the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.'

ii. The WMS (15 May 2024) 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' by the Secretary of State for Energy Security and Net Zero states that the Government recognises that food security is an essential part of national security, but also that solar power is a key part of the Government's strategy for energy security, net zero and clean growth, acknowledging that in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system has been designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future. Nevertheless, the WMS states that the Government is concerned that large solar farm developments could result in the use of BMV land of solar farm development instead of food production in balancing the need for energy security and food production. Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.

Agricultural Land Classification for the Site:

- 10.16 An Agricultural Land Classification (ALC) Report (dated September 2023) has been submitted with the application which includes the methodology and results of survey work undertaken on the 50ha application site. The results of the survey work are as follows:

Agricultural Land Classification Table		
Land Grading	Hectare (ha)	Percentage (%)
1	0ha	0%
2	9ha	18%
3a	26ha	52%
3b	15ha	30%
4	0ha	0%
5	0ha	0%
Non-Agricultural	0ha	0%
Total	50ha	100%

- 10.17 The results of the survey work show that 70 per cent (35 hectares) of the application site is classified as the Best and Most Versatile (BMV) Agricultural Land (i.e. Grades 1, 2 and 3a) Drawing no.1 (included within the ALC Report) shows the areas of different gradings within the application site boundaries. The northern third of the site (15ha) consists of 3b land (i.e. non BMV agricultural land), while the southern two-thirds consists of grade 2 (9ha) and grade 3a (26ha) land. (i.e. BMV agricultural land). Officers consider that there are no compelling reasons to dispute the survey work and its findings and have not felt it necessary or expedient for the Council to commission its own Agricultural Land Classification Study for this application.

Alternative Site(s) Consideration:

- 10.18 No Sequential Test Analysis (STA) document has been provided as part of this application. The purpose of an STA is to identify and assess potential alternative sites for solar farm installations involving less or no BMV agricultural land within an appropriate search area. While there is no requirement for such a STA to be provided for solar installation applications, it is nevertheless a document that is often produced and submitted with solar

installation applications to support any argument made on behalf of the applicant that there are no identifiable and viable alternative ('policy-preferrable') locations for the development proposed, i.e. non-countryside and Previously Developed Land (including rooftops of buildings) and/or sites greenfield sites in the countryside that would utilise lesser quality agricultural land.

- 10.19 Where a proposed development involves the use of BMV agricultural land, the lack of a robust assessment of alternative sites can potentially make it more difficult for the decision-maker to conclude with any reasonable degree of certainty that the use of agricultural land is either 'necessary' (i.e. requires a countryside/greenfield location) and then, if a countryside location is successfully demonstrated to be necessary, that the development has met the requirement of the NPPF that poorer quality agricultural land has been 'preferred' in favour of any higher quality land. Put another way, it can help to demonstrate that it was not possible to avoid the loss of the BMV agricultural land or, where the benefits of the development justify the loss, that lower grade agricultural land has been used (Policy S5 of the Local Plan).
- 10.20 Although no STA has been provided wfor this application, the agent has drawn the Case Officer's attention to a STA document (November 2021) submitted as part of the application submission for the previous 'Woolpots' solar PV application (21/03042/FUL) This STA is not an application document for the current application, and the agent has made it clear that they do not wish it to be. This STA considered potential 'sequentially-preferrable' sites within a 3km search area of the then application site (considered within the STA to be the maximum distance whereby any similarly-sized solar installation could viably connect to the Huthwaite 132kv substation via underground cabling from an alternative site, with a connection having been agreed with the distribution network operator (it is understood that this agreement remains in place)
- 10.21 This STA excluded land where specific constraints were considered unlikely to make a large scale solar farms viable, including: AONBs, Conservation Areas, areas of woodland cumulative impact of renewable energy development, and within Flood Zones 2/3 and land with specific proximity to Listed Buildings, residential properties, settlements, PROWs, roads and watercourses. Some of these constraints used to exclude potential sites and the five identified 'Potentially Developable Areas' (PDAs) appear arbitrary, particularly as the STA itself states that constraints such as flood risk would not necessarily result in a 'hard constraint' that would necessarily result in a policy-based objection to the application, while some constraints - if applied to the current application site – would also potentially exclude it also. It also important to mention that the STA was assessing alternative sites based on the larger, previous sized Woolpots scheme (approx. 99.74ha), so it is not clear (but likely) that other smaller sites - akin to the size of the current development- were excluded for consideration because they were not 'similarly-sized.
- 10.22 Therefore, the overall conclusions of this STA (i.e. that there are no suitable PDAs land that is of a lower agricultural quality than the site) cannot be relied upon in making an accurate assessment of alternative 'sequentially-preferrable' sites in the locale, although some of the specific conclusions about the lack of suitable previously developed land are likely to hold true for the current application also.
- 10.23 In terms of other evidence available to the Council, Natural England's Regional Land Classification Map (Yorkshire and the Humber) indicates that the vast majority of the agricultural land within the local area of the application site (i.e. between Easingwold to the south), the A170 to the north and Brafferton/Helperby to the west) is either grade 2 or 3. However, Natural England make it clear that the Map does not distinguish between Grade 3a and 3b and that Grade B reflects 'areas where 20-60% of the land is likely to be 'best and most versatile' agricultural land', therefore its clear that any robust assessment of potential 'sequentially-preferable alternative sites would require some element of soil

survey. Again, this hasn't been undertaken by the applicant which makes it unrealistic for the Council to rely on the NE's Regional Land Classification Map to determine possible alternative sites which is only provides a generalised pattern of land classification grades.

- 10.24 Overall, the applicant has failed to submit any compelling evidence to demonstrate that there are no alternative suitable sites involving lower quality agricultural land within the locale that could be utilised by the proposed development. For the reasons explained in detail above, Officers do not consider that the STA submitted with the previous Woolpots application or Natural England's Regional Land Classification Map can be relied on to be make an accurate and robust assessment in this regard in lieu of such evidence.

Impact of the Use BMV Versatile Land:

- 10.25 It is stated within the submitted Planning, Design & Access Statement (PDAS) that the proposals would constitute a temporary use of the agricultural land and thus not a permanent loss of productive agricultural land, further stating that the proposed development is 'entirely reversable' with no adverse effects on the application site's agricultural capabilities following decommissioning after its proposed 40 year operational period, with potential soil quality and productivity benefits as a result of removing the land from intensive cultivation and fertilisation for the PV farm's operation. It is also confirmed within the PDAS that once the PV farm is operational and a suitable sward has established itself, sheep grazing would be introduced on a rotational basis within the site, continuing 'productive agricultural activity' within the application site. The Landscape Mitigation Plan includes 'sheep-friendly' wildflower seed planting. Sheep-grazing is a common approach utilised within solar farm installations and would help to maintain some degree of agricultural use and output from the site during the 40 year lifetime of the solar installation.
- 10.26 The aforementioned argument that the PV farm represents a temporary (40 year) and potentially reversible use of agricultural land is considered to be technically correct, and the temporary nature of solar farm installations was a crucial factor in the Inspector's decision to allow the 'Scuton' appeal relating to a solar farm proposal within the plan area¹ issued after the determination of the previous 'Woolpots' application (ref. 21/03042/FUL) It is however acknowledged that more recent case law involving consideration of this matter has given more consideration and weight to the 'loss' of BMV land, with several appeal decisions referencing the 'generational loss' of the land.
- 10.27 Therefore, while it is concluded that there is no technical conflict with Policy S5 of the Local Plan (which seeks to avoid the loss of the BMV agricultural land) it is nevertheless acknowledged that the proposals would prevent the potential optimal agricultural use of 35 hectares of BMV agricultural land for the stated 40-year lifetime of the proposed development (recognising that potential sheep grazing would not achieve the optimal agricultural use of the BMV land during this period).
- 10.28 While the loss of the optimal use of BMV agricultural land would not be permanent, the 40 year lifetime of the proposed development would, as concluded within relatively recent appeal decisions², mean that a 'generational loss' of the optimal use of approximately 70% (35ha) of the application site land would occur with adverse consequences for food security.

¹ The installation of a solar photovoltaic array/solar farm with associated infrastructure; land south of Leeming Substation, west of the village of Scuton, bordering Fence Dike Lane, part of Low Street and Feltham Lane, DL7 0RG. Appeal Ref: APP/G2713/W/23/3315877; Appeal decision date (following a Hearing): 27.06.2024.

² the installation of ground mounted solar photovoltaic panels with associated infrastructure and works, including substations, converters, inverters, access tracks, security fencing, boundary treatment and CCTV on land to the north of Lullington, Swadlincote DE12 8EW. Appeal Ref: APP/F1040/W/22/3313316; Appeal decision date (following a Hearing): 21.07.2023.

- 10.29 It also cannot be ignored that the aforementioned extant WMSs (which are relevant material considerations in the determination of this planning application) refer to solar farms in respect to the ‘use’ of BMV land and ‘involving BMV land’, rather than the more definitive ‘loss’ of BMV land within Local Plan Policy (i.e. Local Plan Policy S5 states that the loss of BMV land should be avoided wherever possible) It has to be assumed that the Ministers, in making their Statements, were aware that applications for solar installations almost exclusively involve the temporary (albeit generally long-term) uses of land, yet the Ministers still felt the need to raise concerns and to caution against the use of BMV agricultural land for solar farm development without ‘compelling evidence’ and/or without the appropriate ‘due weight’ being given in the determination of the proposal, when balanced against other relevant material considerations.
- 10.30 Therefore, in light of the aforementioned relevant Written Ministerial Statements (2015 and 2024) signalling that the loss of BMV agricultural needs to be afforded due consideration , and notwithstanding the ‘Scruton’ appeal decision referenced in footnote 1 of this report (which afforded significant weight to the temporary nature of PV installation when assessing the impact of the development in respect to BMV land and soil quality issues), the temporary loss of the optimal use of 35ha of BMV agricultural land during the lifetime of the development, and the resulting negative impact on food security are considered to be an important material consideration in the determination of this application that needs to be taken account of (and given due weight) within the overall ‘planning balance’ within Section 11 of this report.

Landscape and Visual Impacts

National & Local Plan Policy Overview (Designated and Non-Designated Landscapes):

- 10.31 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (*inter alia*):
- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
 - b. recognising the intrinsic character and beauty of the countryside, and the wider benefits form natural capital and ecosystem, services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.32 Policy S5 (Development in the Countryside) states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 10.33 Policy E7 (Hambleton’s Landscapes) states that the Council will protect and enhance the distinctive character of landscapes and townscapes in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. The Council will also protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:
- takes into consideration the degree of openness and special characteristics of Hambleton’s landscapes;
 - conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
 - conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;
 - takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;

- protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

- 10.34 The application site lies in the open countryside and comprises a collection of agricultural fields. It is not a nationally designated landscape site, although the application site is located within the setting of the Howardian Hills National Landscape. Although attractive, the application site is not considered to be part of a 'valued landscape' in terms of paragraph 180 of the NPPF, i.e. part of a landscape containing sufficient demonstrable attributes to take it beyond a 'ordinary landscape'. Therefore, the requirement in para.180(b) of the NPPF to contribute and enhance the natural local environment by 'protecting and enhancing' such valued landscapes would not directly apply in this case, although it should be noted that para.180 still expects planning decisions to contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside' (b).
- 10.35 Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in designated areas including AONBs (now National Landscape) which have the highest status of protection, with development in the settings of these designated areas required to be sensitively located and designed to avoid or minimise adverse impacts. Local Plan Policy E6 (Nationally Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills AONB [now National Landscape] , together with its setting, will be 'conserved and enhanced' including by resisting proposals that would have a harmful impact on the AONB [National Landscape] and its setting (criterion c.).
- 10.36 Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty [now called 'National Landscapes'] will be conserved and enhanced, including the respective settings of the AONB [NL] and the North York Moors National Park. This will be achieved by: (c) resisting proposals that would have a harmful impact on AONBs [NLs] and their settings or the setting of the North York Moors National Park, or on the objectives of the respective management plans for these designations.
- 10.37 The supporting text of Policy E6 confirms that great weight should be given to conserving landscape and scenic beauty, including wildlife and cultural heritage, in national parks and Areas of Outstanding Natural Beauty [now National Landscapes], which are afforded the highest status of protection in relation to these interests. The policy seeks to ensure that development within or close to these nationally designations does not undermine the reasons for which they were designated. Development within the setting of the National Park could have an impact on the National Park purposes, and therefore the priorities of the National Park Management Plan. Proposals for renewable energy development must have regard to the potential impact on Hambleton's landscapes as identified in policy 'RM6: Renewable and Low Carbon Energy'.
- 10.38 It is important to note that both Local Plan Policy RM6 of the Local Plan and the PPG recognise that there will be inevitably be a degree of harm caused to the character of the landscape as a result of major renewable energy installations, particularly those within the countryside. Any such harm needs to be given appropriate consideration and weight within the overall planning balance when determining applications for major renewable installations.

10.39 In terms of the cumulative impact of solar farm installations, the Written Ministerial Statement (15 May 2024) 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' states that when considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.

Overview of Landscape Character/Features and Landscape and Visual Appraisal (LVA):

- 10.40 The Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) identifies 26 distinct landscape character areas across the district and for each for them sets out guidelines regarding landscape and visual sensitivity to development. The application site falls into the following Character Areas:
- The northern-most fields of the application site are located within Yearsley Ridge (LCA 23) which is described as having a tranquil, rural character and has a key relationship between the National Park and AONB [NL], and therefore has a high sensitivity to intrusive change.
 - The remainder of the application site to the south is located within Tholthorpe Moors (LCA 25), the majority of the area is described as being intensively farmed lowland with a generally flat and gently undulating topography and as having a relatively open landscape with little woodland cover, with the western part of the character area described as being 'rural and tranquil', with 'inter-visibility' with the hill to the north-east. The character area is considered to be generally sensitive to built development due to its rural character.
- 10.41 Similar to its surroundings and the landscape characteristics within the locale, the topography of the application site is relatively varied, with a sloping bank and subtle ridge (connecting with Thormanby Hill) characterising the northern part of the site, although the majority of the site consists of flatter and gently-undulating fields located within the central and southern parts of the site (i.e. close to and adjoining the existing Boscar Grange and Highfield Farm Solar Farm developments.) with a relatively open and rural character and sense of tranquillity that is typical of Landscape Character Area 25 (the LCA within which the vast majority of the application site is located)
- 10.42 Hedgerows and individual trees are characteristics of the site boundaries, although there is a dearth of trees within the interior of the application site itself., while the surrounding landscape contains no large woodland blocks, although there are occasional copses and individual trees. Overall, the site is considered to make a positive contribution to the local landscape (contains many of the characteristics, features and attributes associated with the wider LCA 25, while also being part of the generally low-lying land that forms part of the setting of the Howardian Hills National Landscape which rises and is at a relatively elevated position to the east.
- 10.43 A Landscape and Visual Appraisal (LVA) (September, 2023) has been submitted with the application. The LVA has undertaken an 'assessment of landscape effects' (i.e. the effects on the landscape as a resource 'in its own right') and an 'assessment of visual effects' (i.e. assessing effects on specific views and on the general visual amenity experienced by people'.), including cumulative effects. The LVA selected 12 'appraisal viewpoints', including:
- The footpath south of the application site;
 - The unnamed road to the west of the site;
 - The public bridleway to the east of the site;
 - The Woolpots Lane road junction;
 - Raper Lane;
 - The A19 (layby), and
 - Viewpoints from within the Howardian Hills National Landscape, including from The White Horse.

- 10.44 During the course of the application, further viewpoints and photomontages have been submitted from various perspectives along the unnamed road to Amplecarr. In addition to the 12 'viewpoint' photographs, photomontages have been prepared for most of the identified viewpoints.
- 10.45 Similar to the methodology used by most LVAs, the assessment has made a distinction between the 'predicted landscape effects' (i.e. the impact on the landscape as a resource) and the 'predicted visual effects' (i.e. the effect on people observing the development).
- 10.46 A summary of the main landscape effects (as identified within the LVA) are provided below:
- Some panoramic views of the proposed development (at distances of over 7.5 km) from the North York Moors National Park across the Vale of York where it would be seen within a panoramic view across the Vale of York and within the context of a patchwork of fields and existing solar development. The LVA concludes that the development would be difficult to see and would not cause important effects on the Special Qualities of the National Park. NB – the Council's Landscape Architect has agreed with this assessment and considers the likely visual effects on the North Yorks. Moors National Park to be negligible.
 - Some isolated views to southern parts of the proposed development from the Howardian Hills National Landscape (within 2.5 km to the east). The LVA concludes that the development would be seen from the HHNL as a 'middle distant element', and as a visual extension to the existing solar farms at Boscar Grange and Highfield Farm, located within the lower lying landscape of the Vale of York. Growth of trees and hedges would further soften views from the HHNL. Views to the proposed development within the setting of and approach to the HHNL would be limited to short sections of the unnamed road to Amplecarr and the A19. Overall, the LVA concludes the proposals would not cause important effects on its Special Qualities.
 - The proposed development would introduce built structures to most parts of the application site which, at present, contains few man-made features. This would affect the 'rural and agricultural' key characteristic shared by LCA 23 and LCA 25 which would be directly affected by physical changes on the site, although the existing field patterns would be retained.
 - Important perceptual changes would occur up to 700m to the east of the application site. The addition of a further solar farm to LCA 25 would result in a new key characteristic of 'solar farms' within the study area, given the extension of the existing solar farm development at Boscar Grange and Highfield Farm. The geographical extent over which other physical changes would be experienced would be relatively localised and limited to the application site and its immediate setting.
 - From beyond the application site, the solar panels would be visible as a series of low-lying man-made structures, increasingly perceived as a single, linear element with distance from the site, and often forming a continuation of the adjacent Boscar/Highfield solar farms.
 - The proposed substation and BESS would be located in close association with the existing Husthwaite Substation (located within LCA 25), minimising infrastructure required to connect to the grid network.
 - Overall, the landscape effect on LCA 25 (Tholthorpe Moors) has been assessed by the LVA as being 'Moderate/Major' within the site and immediate context (during construction and operational periods).
- 10.47 A summary of the main visual effects (identified within the LVA) is provided below:

- The viewpoint appraisal has found that there would be important effects on recreational bridleway users at Raper Lane at Year 1 and located within 1 km of the Site but that effects would be reduced by Year 15. There would be lesser effects at the remaining 11 viewpoints within the LVA.
- There would be some cumulative visibility with the existing solar developments at Boscar and Highfield given their location on the southern boundary. This would mainly occur in elevated locations to the east of the Site, including some parts of the Howardian Hills AONB and the south-facing slopes of the Hambleton Hills located within the North York Moors National Park affecting recreational users on PROW.
- The development would significantly extend the horizontal field of view affected by solar farms from some undesignated locations within 1 km to the east. When seen at greater distances of over 1.9 km (AONB) and 7 km (National Park), and within the context of a patchwork agricultural landscape, cumulative effects would not be important. There would also be some areas of cumulative visibility close to southern parts of the Site, within 550 m (A19), however screening by intervening hedges would limit the importance of these effects.
- There would be important effects on the following receptors: residential property of Pendel both during the construction and early operational periods until mitigation planting has matured; vehicle users of the unnamed road to Amplecarr and Woolpots Lane within short sections although none of the routes would be affected to an important level when considered sequentially as a whole (during the construction and early operational periods); and cumulative effects on recreational users at Raper Lane within 1 km to the east (during the construction and early operational periods). Effects would generally be reduced over time up to and including Year 15, when the landscape mitigation measures would have matured sufficiently, and no important effects identified beyond year 15 of operation.

Principal Landscape Architect's Appraisal:

- 10.48 While overall the Principal Architect has considered the LVA to be well laid out with an appropriate methodology (with appropriate viewport selected), she has stated that she feels there are some inconsistencies in the way the methodology has been applied, with some viewpoints, in her view, showing substantial effects but with the LV seeming to provide an inconsistent positive judgement with regard the magnitude of change.

Viewpoint 6:

- 10.49 The Principal Architect has identified Viewpoint 6 (view from the bridleway east of the site) VP6 provides clear views over the site and the arable landscape of the Vales of York and Mowbray. As showed in the photomontage of VP6, the proposed development is shown to extend the visual influence of the existing solar panels at Boscar Grange/Highfield Farm by almost three times and would bring solar development closer to the viewer from this viewpoint. The Principal, Architect is therefore not of the opinion that the magnitude of change can be described as 'small-to-medium' but rather 'medium or medium to large resulting in at least moderate (and potentially major) visual effects for recreational users (rather than minor to moderate effects) The effect on certain sections of this footpath are considered to be important taking into account the cumulative nature of the proposal and the elevated vantage point of the viewer. Although the view from the PROW is intermittent, it does provide clearings where extensive views over the vales are possible, and which are likely to contribute significantly to the enjoyment of the footpath user. The Principal Architect disagrees regarding the impact of mitigation planting which she considers would have 'little discernible effect' on the proposal as a result of the elevated position of the view looking down on the proposed development, while mitigation involving outgrown hedges is not considered to be 'good practice' as it leads to 'leggy' growth.

Viewpoint 8:

- 10.50 The Principal Architect disagrees that the identified moderate/major adverse effects at VP8 (Raper Lane bridleway) as identified in the LVA at year 1 will be just minor-moderate at year 15 as a result of proposed screening and softening as a result of mitigating landscape, although further visualisations do show that the mitigation planting would have some effect in reducing the visual impact from this viewpoint over time.

Viewpoints 10 and 11:

- 10.51 These VPs are within the HHNL and look towards the site, involving road user and recreational users. Overlapping spurs to the hills which frame views across the Vale of York/ Vale of Mowbray and which actually centre on the site giving it undue presence in the landscape and spoiling the view from the AONB as well as introducing intrusive elements within an otherwise rural and tranquil landscape. The magnitude of the proposed development should be judged cumulatively with the elements already there and should also be considered within the context of the focus of that view which is the gap between the hill spurs to the Vale and the Yorkshire Dales beyond and could not be considered to be negligible or small but medium within this context. A judgement of medium magnitude combined with the high sensitivity of recreational receptors would lead to overall visual effects of moderate/ major adverse. In the Principal Architect's opinion this level of effect on the visual amenity of the Howardian Hills is too great and it will erode the special landscape qualities of the AONB [NL].
- 10.52 Having visited the site, the Landscape Architect considers that the adverse visual effects are not likely to be as compelling on the ground as the photomontages might suggest and would place the visual effects as at worst minor to moderate adverse and at best minor adverse. As hedgerows obscure the view for much as these routes they may not be considered representative but the long view where it exists might be considered valuable to the footpath users enjoyment of the route as it adds contrast to an otherwise enclosed route. Coupled with this, these are effects although likely to be minor are harmful within the context of the AONB where conservation and enhancement of the landscape are of national importance.

Viewpoint 2:

- 10.53 Views from VP2 (a footpath 297m south of the site) allows a view of a distant escarpment of the North York Moors and the Kilburn White Horse. The solar panels in fields 1, 2 and 3 are described as being clearly visible and would contrast discordantly with the rural context and it is stated would affect a small percentage of the view contributing a small increment of built development to the view. There are no photomontages to demonstrate this but the baseline photograph shows that the magnitude of the development within this view is likely to be extensive and along with the mitigation measures would obscure distant views of the White Horse which is a distinctive feature within the landscape and contributes to the visual amenity of recreational users of the footpath.
- 10.54 Having visited this viewpoint, the Landscape Architect does feel that the magnitude of development would be extensive, although it is acknowledged that this is from one viewpoint and not representative of the whole route, however, it is a portion of the route where there are distant views of the white horse. I do not consider on reflection that the proposals and mitigation will block views of the white horse but are likely to introduce industrial elements into the foreground of that view.

Recommendation:

- 10.55 Overall, the Principal Architect is objecting to the proposals as a result of the likely adverse visual effect on footpath users within the local area of the site. Where these effects occur,

they are likely to have a moderate impact but they tend to be where enclosed footpaths open out to give contrasting extensive views over the Vale of Mowbray/ Vale of York which may be considered particularly valuable to footpath users within the area.

- 10.56 The adverse impact on the setting of, and views from the Howardian Hill National Landscape, are likely to be a 'minor' harmful effect on the Howardian Hills National Landscape.

Consideration of Cumulative Impact (between the proposed Woolpots & Pilmoor Grange PV Schemes):

- 10.57 The proposed Pilmoor Grange PV application (ZB23/02461/FUL), which is also currently under consideration by the Council. The Pilmoor Grange site is 94.43 hectares in area, and is located approximately 3.5km to the west/south-west of the current Woolpots site on the opposite (western) side of the A19. In terms of cumulative impact, due to the distance involved between the two sites (approx. 3.5km) and the plethora of boundary trees/hedgerows and tree copses that characterise the intervening patchwork of fields/farms and local roads between the sites, there is not considered to be any local intervisibility between the two proposed developments that would require consideration of a local cumulative impact. While more elevated and longer-range views (i.e. from specific panoramic viewpoints from the east within the Howardian Hills National Landscape and North Yorks. Moors National Park) would potentially facilitate the two respective PV schemes being seen together, this would be within the context of the wider, broader landscape, where any cumulative impact would be moderated by the distance involved and as a result of a wider visual appreciation of the rural landscape (and its features and characteristics) within which both proposed PV schemes are set. Overall, there is not considered to be a significant or unacceptable adverse cumulative impact on the intrinsic qualities of the landscape as a result of the two proposed PV schemes at Pilmoor Grange and Woolpots.

Landscape Section Summary:

- 10.58 Bringing all of the above together, it is clear that a large scale solar farm located in the countryside, and located predominantly in a Landscape Character Area described as being 'rural and tranquil' and generally sensitive to any built development, would have an adverse impact on the character of the landscape and have a harmful visual impact, especially from particular viewpoints. This is accepted in both within the LVA, the Council's Landscape Architect's appraisal and the agent's rebuttal response (to the Landscape Architect's Appraisal). The magnitude of change and the level of visual impact from specific views (including the effect of potential landscape mitigation) are however disputed.
- 10.59 Although the application site is not considered to be part of a 'valued landscape' (para.180 of the NPPF) the site is nevertheless part of the attractive, low-lying and undulating rural landscape that is characteristic of the countryside within the Vales of York and Mowbray and is part of the setting of Howardian Hills National Landscape and the North Yorks. Moors National Park to the east. The landscape contains numerous public rights of way, some of which have important views across the site towards the Howardian Hills, North Yorks. Moors and landscape features such as the Kilburn White Horse, although such views (as pointed out in the agent's landscape rebuttal) tend to be limited to specific and limited parts of the PROW network and represent the 'worst case' impact. Elevated views of the site and its wider landscape context are possible from the east, including from within the HHNL and the North Yorks Moors National Park. The proposed development would be seen from some of these viewpoints in relation to the existing solar farm developments at Boscar Grange and Highfield Farm where the development would increase the visual spread, immediacy and magnitude of change in relation to solar development in the landscape (such as from views from Raper Lane) There would also be various other views

and glimpses of the installation from the highway network, notably the unnamed road to Amplecarr, Woolpots Lane and the A19.

- 10.60 While it is accepted that the proposed development would represent a temporary and reversible use of the land and that there would be a degree of mitigation provided by the landscaping scheme, particularly by year 15, from some of the affected views, I generally concur with the Principal Architect's concern regarding the likely adverse visual effect of the proposed development on footpath users within the local area of the site, and that where these effects occur, they are likely to have a moderate impact, particularly where it includes existing solar farm development in the same view or where it involves enclosed footpaths that open out to give contrasting extensive views over the Vale of Mowbray/ Vale of York, valuable views to footpath users within the area. The adverse impact on the setting of, and views from the Howardian Hill National Landscape, are likely to be a 'minor' harmful effect. These harmful effects are considered to be important material considerations in the determination of this application that needs to be taken account of (and given due weight) within the overall 'planning balance' within Section 11 of this report.

Impact on Heritage Assets

- 10.61 Section 16 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. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.62 Policy S7 (Historic Environment) states that Heritage Assets will 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 Hambleton's distinctive character and sense of place.
- 10.63 Policy E5 (Development Affecting Heritage Assets) states (*inter alia*) 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.
- 10.64 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.

- 10.65 A Heritage Impact Assessment (HIA) (dated September 2023) has been submitted with the application. The stated aim of the HIA has been to identify the heritage resources within the site and the surrounding area (using a 1 km and 5 km Study Areas), and to consider the potential effects of the proposed development on the significance of any identified heritage assets (both designated and non-designated), including their respective settings.
- 10.66 The HIA confirms that there are no designated heritage assets within the application site, or any Scheduled Monuments, Conservation Areas, Registered Parks and Gardens or Registered Battlefields within the HIA's 1km Study Area, although there are two listed buildings and a single non designated heritage asset identified within 1km:
- The Grade 2 listed Highthorne, Hushwaite located approximately 540m to the north-east of the site and,
 - A Grade 2 listed milepost on the A19 approximately 557m west of the site.
 - The non designated heritage asset of Boscar Grange approximately 300m to the south of the site.
- 10.67 Within the 5km Study Area, the HIA has identified 132 listed buildings, predominantly located within the Conservation Areas of the villages of Carlton Hushwaite, Hushwaite, Coxwold, Oulston and Easingwold, as well as a single Registered Park and Garden of Newburgh Priory, but no Scheduled Monuments or Registered Battlefields. All listed buildings within the 5km Study Area were scoped out for further assessment.
- 10.68 Although the application site is considered to form the 'wider agricultural backdrop' of many of the aforementioned Conservation Areas, for various reasons the HIA has concluded that the proposed development would not affect or harm the identified 'special interests' and respective immediate settings of any of the aforementioned Conservation Areas and was scoped out for further assessment. In particular, the two Conservation Areas (Hushwaite and Carlton Hushwaite) whose respective settings are most likely to be potentially affected by the proposals have been considered within the Landscape Visual Assessment. The Bare Earth ZTV of the LVA shows no visibility from the Hushwaite Conservation Area located approximately 1.1km north of the application site. While the Screened ZTV indicates that there is the potential for a small area of visibility from the Carlton Hushwaite Conservation Area, intervening buildings and vegetation would likely afford a substantial level of screening of views of the proposals from the Carlton Hushwaite Conservation Area which is located approximately 2.4km north-west of the application site.
- 10.69 Due to their proximity of the development to both Highthorne and Boscar Grange, the HIA considered that further assessment of the potential impacts on the significance of these heritage assets was considered to be necessary. Further assessment of the Grade II Registered Park and Garden of Newburgh Priory was also considered to be necessary due to the availability of open views across the wider landscape from the southern/south-western boundary of the Priory site with the potential for the application site to lie within key views from this asset.
- Highthorne*
- 10.70 Despite alterations and reconstruction, the HIA has concluded that Highthorne is a good example of an evolved 16th Century Manor House, with surviving medieval and Tudor elements of particular architectural interest/significance. However, given the distance between the application site and Highthorne as well as the intervening woodland which both help to prevent direct intervisibility, the HIA considers the proposals to be outside of the setting of Highthorne and instead the application site forms part of the wider agricultural landscape to the west of the Listed Building, although the site does not make any meaningful contribution to the asset's significance as it is best appreciated from close inspection from within what survives of the farm complex. As such, the HIA does not

consider that the proposed development would not lead to harm to the significance of the Listed Building.

Boscar Grange

- 10.71 The Boscar Grange is a post medieval grange with formal garden and potential associated moat feature. The significance of the asset is considered to lie in the architectural significance of the building, historic interest of the building and moat and architectural interest of the moat. It is acknowledged that existing solar farm development surrounds the site, effectively cutting it off from the surrounding agricultural fields, and separating it from the surrounding agricultural fields that form its setting. As such, the HIA concludes that the proposed development would effectively be seen as extension to the solar farm and would not result in such a change in the wider setting of these assets that it would lead to harm to their archaeological, architectural or historic interests/significance.

Newburgh Priory

- 10.72 The Grade II Registered Park and Garden of Newburgh Priory encompasses the site of a post-medieval house and designed garden and parkland landscape that sits on the location of the former Newburgh Priory. Newburgh priory contains several individually listed buildings, although their settings are defined by their relationship with the parkland and each other. The Priory site is located approximately 4 km north-east of the application site. The significance of the asset is defined by its archaeological, architectural and historic interests, with medieval remains of particular interest with post-medieval changes of interest in their own right. In addition, the parkland is largely insular and inward focussed, and the HIA does not consider that it the application site forms part of the setting of this heritage asset, and thus the proposed development would not lead to any harm to the significance of the Registered Park and Garden or to its associated Listed Buildings.

- 10.73 Overall the H.I.A. concludes (at para. 8.1.4) that none of the heritage assets identified within the 1km and 5km Study Areas (including those subject to further settings assessments) would experience harm to their significance due to the proposed development. Officers consider that the H.I.A. represents a reasonably accurate assessment of the potential impact of the proposed development on both designated and non designated heritage assets and would concur with its conclusions.

- 10.74 Having initially raised concerns about the potential incongruous nature of the proposed woodland planting within the landscape (that provides the backdrop to the settings of the Conservation Areas within the surroundings), Historic England have subsequently confirmed that they are satisfied in this regard with the assurances from the applicant's landscape architect that the proposed woodland planting would be more natural in its arrangement and appearance with the precise details to be agreed through condition if planning permission is granted.

- 10.75 In conclusion, and having taken into account the conclusions of the H.I.A. and the comments and recommendations of Historic England, the proposed development is not considered to affect or harm the significance or settings of any designated or non designated heritage assets. The proposed development would comply with the NPPF as well as Policies S7 and E5 of the Local Plan in this regard.

Amenity/Health and Safety

- 10.76 Local Plan Policy E2 states that all proposals will be expected 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.

General Amenity Issues (including Noise Impacts)

- 10.77 In terms of general amenity there would be potential for noise/disturbance during construction related to the movement of vehicles to and from the site and the actual installation of the panels themselves, although deliveries to the site could be phased. It is recommended that a construction phase management plan is submitted (via planning condition) should planning permission be granted.
- 10.78 In relation to noise during the normal operation of the site (post construction) there is unlikely to be any significant noise associated with solar PV arrays during operation as the panels themselves do not make any noise. The development would nevertheless also include the installation of battery storage containers and associated inverters and transformers, although sound-emitting plant would not be located in close proximity to residential properties.
- 10.79 An updated Noise Impact Assessment Report (NIA) (Version 7.0; June 2024) has been submitted during the course of the application. The NIA has assessed the operational noise generated by the proposals against relevant guidance and incorporating mitigation measures (as necessary). The updated NIA confirms that it has utilised baseline data within the NIA submitted in relation to the earlier (refused) Woolpots PV application (ref.21/03042/FUL). Unlike the earlier NIA submitted with this application, the equipment modelled as part of the assessment has been based on similar BESS and solar farm developments (described in the NIA as ‘typical equipment’), but the updated NIA states that the specific plant to be installed has yet to be finalised and will be selected to comply with any necessary noise limits/restrictions (i.e. any limit imposed by condition) Equipment datasets containing noise emission levels for the ‘typical equipment’ are included within Appendix 2 of the updated NIA.
- 10.80 The updated NIA also identifies several potential noise sources from the proposed operational development, including a primary transformer, battery storage containers, inverter units and MV stations. The NIA has identified the existing dominant source in the area as the A19 (approx.700m to the east), with other noise sources including local road traffic, the Amplecarr Road substation and two existing operational solar farms. Background noise levels were considered unlikely to have changed since the earlier Woolpots NIA and thus the updated NIA has utilised the previous NIA’s representative background noise levels and its methodology and assessment criteria.

Table 1 – Daytime Assessment of Noise Impact			
<u>Receptor Name (Location No.)</u>	<u>Predicted Internal Noise Level at Receptor Site (dBA)</u>	<u>Daytime Background Noise Level, dB LA90</u>	<u>Difference, dB</u>
<i>Pendal (Location 1)</i>	37	40	-3
<i>Providence Hill (Location 2)</i>	31	36	-5
<i>Woolpots Farm (Location 2)</i>	26	36	-10
<i>Throstle Nest Farm (Location 2)</i>	22	36	-14
<i>Boscar Grange (Location 2)</i>	23	36	-13
<i>Highfield House (Location 2)</i>	25	36	-11

<i>Boscar Flats (Location 2)</i>	25	36	-11
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Table 2 – Night Assessment of Noise Impact			
<i>Receptor Name (Location No.)</i>	<i>Predicted Noise Level / Rating Level at Receptor Site (dB(A))</i>	<i>BS 8233 Internal Criteria (Night), dBA</i>	<i>Difference, dB</i>
<i>Pendal (Location 1)</i>	22	30	-8
<i>Providence Hill (Location 2)</i>	16	30	-14
<i>Woolpots Farm (Location 2)</i>	11	30	-19
<i>Throstle Nest Farm (Location 2)</i>	7	30	-23
<i>Boscar Grange (Location 2)</i>	8	30	-22
<i>Highfield House (Location 2)</i>	10	30	-20
<i>Boscar Flats (Location 2)</i>	10	30	-20

- 10.81 Having assessed the potential noise impact of the development in relation to several residential receptors during day and night periods (see results above), the updated NIA has concluded that there would be no significant impact on the amenities of residents. Environmental Health have been consulted on the application (including the originally submitted NIA) and have not raised any objections to the proposals
- 10.82 A Noise Statement by 24 Acoustics has been commissioned and submitted on behalf local residents. This has sought to refute some of the contents and the conclusions of the originally submitted NIA. The 24 Acoustics response has been subsequently considered by Environmental Health who have confirmed that notwithstanding this rebuttal of the NIA, they still recommend that the proposed development will not have a significant impact on the amenities of local residents.
- 10.83 Neighbour amenity could also be affected through noise, disruption, vehicle and external lighting, particularly during construction, although a Construction Traffic Management Plan will address any significant issues during the construction phase, while external lighting can also be controlled by condition. Vehicle movements (post construction) are unlikely to be high enough to raise any amenity concerns.
- 10.84 Overall, and subject to conditions (including a condition that would restrict the specification of the plant to be used to models that would meet or be lower than the day periods noise levels within the updated NIA), the proposed development is capable of maintaining a relatively high level of amenity both during and post-construction, in accordance with Policy E2 of the Local Plan.

Potential Amenity and Health & Safety Issues Related to the BESS

- 10.85 A relatively substantial proportion of local residents responding to the proposals have raised concerns about the safety of the Battery Energy Storage System (BESS) and the risk posed to health and safety and the environment (from contamination) as a result of lithium batteries catching fire and/or causing an explosion. An Outline Battery Management Plan has been submitted with the application which outlines the measures and procedures for

maintaining safety and for addressing any incidents involving fires caused by the overheating of the lithium batteries within the development. Although some elements of the OBMP have been questioned by local residents objecting to the proposals, it is nevertheless considered to be in general accordance with the recommendations within the National Fire Chiefs Council's (NFCC) 'Grid Scale Battery Energy Storage System planning – Guidance for Fire Rescue Service (FRS)'. However, if planning permission is granted, it is recommended that a detailed Battery Management Plan (BMP) is submitted and agreed (in consultation with the North Yorkshire FRS) prior to the commencement of the development.

- 10.86 Numerous representations have been received from local residents raising concerns about the safety of the BESS, with incidences of battery fires and explosions cited on solar farms around the world. This includes a commissioned statement from a Prof. Melville, an expert in the field, who has also cited specific examples and argue more generally about the dangerous posed by BESS. Fortunately, such incidences of large scale battery fires and explosions remain relatively rare due to various on and off-site monitoring and control procedures, while none of the representations that have been received from SABIC, the Fire Service or Environmental Health would indicate that the use of lithium batteries in this location would pose an unacceptable health and safety or pollution risk. Subject to the submission of a detailed Battery Management Plan (BMP) prior to the commencement of the proposed development, the health and safety risk posed by the BESS are considered to be able to be suitably controlled.
- 10.87 A Solar Photovoltaic Glint and Glare Study (September 2023) produced by Pager Power has been submitted with the application. The Study has assessed the potential effects of glint and glare from the proposed development upon road safety, residential amenity and aviation activity by using a specific glint and glare assessment methodology (as detailed at section 4.3 of the Study) that, amongst other factors, identifies potential receptors, considers the visibility of the panels from the receptor's location; considers direct solar reflections towards the identified receptors (based on geometric calculations); considers whether a reflection can occur and at what time(s), considers the location of direct sunlight at the receptor's position and ultimately determine whether a significant detrimental impact is expected. The Study identified several road, dwelling and aviation receptors, including:
- 28 receptor points along the A19 and an adjoining unnamed road to the west of the application site (due to low traffic densities and low impact local roads have not been included as road receptor sites)
 - 22 dwelling receptor site locations have been identified that are within the 1km assessment area and have the potential to view the panels.
 - Baxby Manor Aerodrome (a three-runway unlicensed aerodrome located approx. 850-900m north of the proposed development)
 - Providence Hill (a farm strip located approx. 250m to the west/north-west of the site).
- 10.88 The Study has confirmed that unlike the previous application (ref. 21/03042/FUL), the proposed panel specification has been altered to a single axis tracking mounting system, with limitations to the 'backtracking' angle (i.e. to 6 degrees) and thus changing the geometry of any reflections, significantly reducing the duration and intensity of solar reflections. The Study concluded that all instances of 'yellow' glare would be avoided, regardless of the position with respect to a pilot's field of view, in accordance with CAA requirements. Within their representation, the CAA have not objected to the application and have confirmed that they have no concerns about the impact of glint and glare on aircraft that would merit their objection to the proposed development. While they have mentioned within their representation that the location to the proposed PV installation in relatively close proximity to the Providence Hill airstrip would potentially limit the opportunities for a safe emergency landing should any aircraft using the air strip get into any difficulties after take off or on landing, PagerPower have provided a convincing rebuttal to this concern noting that there are plenty of other fields and undeveloped areas to facilitate a safe emergency

landing within the vicinity of the air strip and application site for the loss of the application site for this purpose not to pose an unacceptable risk for aviation.

- 10.89 Overall, the Study stated that significant impacts upon road safety, residential amenity or aviation activity (associated with Baxby Manor Aerodrome, RAF Topcliffe, Bagby Airfield, Felixkirk Airstrip, and Providence Hill Farm Strip) are predicted and no mitigation is required. The proposed development would comply with Policy E2 of the Local Plan in this regard.

Highway Impacts

- 10.90 Local Plan Policy IC2: Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:
- It is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport (criterion a.);
 - Where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development (criterion b.);
 - It seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.);
 - Any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England [now National Highways] (criterion d.);
 - Highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks (criterion e.); and
 - Adequate provision for servicing and emergency access is incorporated (criterion f.).
- 10.91 A Transport Statement (TS) (dated September 2023) has been submitted with the application, which includes appendices A-H. The TS states that its contents and scope has been prepared in accordance with the PPG and current best practice guidelines, further stating that it demonstrates that the proposals accordance with relevant policies relating to transport; that safe and suitable access to the application site can be achieved by all modes and that the level of traffic associated with the proposals will not lead to severe impacts to the existing operation and free flow of traffic on the highway network.

Forecast Average HGV Traffic Movements during Construction Phase (taken from Table 3.1 of the TS)		
Activity	Vehicle Size	Two-way vehicle movements
Site Set Up and Ongoing Management	8-10m rigids (70%); 16.5m articulated vehicles (30%)	284
Solar Panels	16.5m articulated vehicle	208
Mounting Frames	16.5m articulated vehicle	138
Aggregate (Access Track)	32 tonne tipper lorry	1266
Aggregate (BESS base)	32 tonne tipper lorry	183
Battery Nodules, Inverters and Substation	16.5m articulated vehicle	80
TOTAL		2,159

- 10.92 A Construction Traffic Management Plan (CTMP) (dated September 2023) has been submitted with the application, including Appendix E – Indicative Construction Compound Plan (2304046-03) which shows the location of on-site proposed wheel washing facilities and HGV Turning and Parking Areas.
- 10.93 Both National Highways and the Local Highway Authority have been consulted on the application, neither objecting to the proposals. If planning permission is granted, the LHA have recommended several conditions to be imposed (as summarised in section 7 of this report)
- 10.94 Overall, having considered the results of the TS and taken into account the response of both National Highways and the Local Highway Authority, the proposed development (both during and post construction) is not considered to result in severe impacts on either the Strategic or Local Road Networks and would meet the requirements of Policy IC2 of the Local Plan.

Contamination and Pollution Risk

- 10.95 One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, in order to maintain a high standard of amenity, criterion d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination.
- 10.96 Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and suitable remediation measures (criterion c.) Where remediation is necessary, a plan for its implementation and, where appropriate, maintenance will need to be agreed with the Council prior to the determination of the planning application. Upon completion of the agreed remediation strategy/scheme a verification report will need to be submitted to demonstrate compliance with the scheme. If suitable remediation cannot be provided, the development will not be supported.
- 10.97 The PV Panels and associated infrastructure are relatively inert structures, therefore any risk of contamination over the 40 year operational period from surface water run-off or other forms of pollution released into the air, soil and surface water environs is considered to be low from these structures.
- 10.98 As referred to within the 'amenity' section above, there has been a substantial amount of concern expressed through the representations submitted by local residents regarding the impacts associated with potential explosions and outbreak of fire in relation to the BESS. While most of the concern in this regard is in respect to the potential impact on the health and safety of local people (including residents and primary school children), there are also concerns expressed about the impact on the environment from the release of toxins and pollutants as a result of any such event, including through the release into the environment of any water used by the Fire Service to 'dampen down' to prevent the spread of fire and reduce the risk of a thermal runaway occurring. Any potential risk of contamination during the construction phase of the proposed development can be successfully managed and mitigated through the submission and approval of a detailed Construction Environmental Management Plan (CEMP) (via condition) Overall, and subject to the aforementioned condition, the proposed development is not considered to pose an unacceptable

contamination risk and the proposed development would be in accordance with policies S1, E2 and RM5 in this regard.

Flood Risk and Surface Water Drainage

- 10.99 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.100 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
 - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
 - if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
 - if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
 - SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.
- 10.101 A Flood Risk Assessment (FRA) (dated September, 2023) has been submitted with the application. The FRA confirms that the site is located approximately 760m south of Ings Beck and approximately 1.3km north of the River Kyle watercourse. There is an unnamed heavily modified tributary of the Kyle in the central section of the application site, it drains a combined area of 2.4 km², which would generate a peak flow of 0.72 m³/s for the 1 % AEP event. Even in the event of ditches overtopping, out of channels flows are likely to be over a wide area and at a shallow depth and thus ensure that the solar arrays (installed at 0.8m above ground level) from being damaged. The risk of flooding from fluvial sources is therefore considered to be negligible.
- 10.102 As confirmed by the FRA, the application site is located within Flood Zone 1 in respect of the Environment Agency's (EA) Flood Map for Planning., while the EA's pluvial (surface water) flood maps show relatively small areas of the site as being at risk of pluvial flooding during 3.33% and 1% Annual Exceedance Probability (AEP) events, mainly located on the site boundaries within the southern half of the site. The FRA confirms that electrically sensitive infrastructure (MV Substations) would be located outside the extents of the modelled 1 % AEP plus climate change, while the PV Arrays are located above ground level, meaning there will be no displacement of flood waters and the proposed development could continue to operate under relatively extreme rainfall events. Overall, the risks of fluvial, pluvial and groundwater flooding is considered to be negligible.

- 10.103 An Outline Surface Water Drainage Strategy (SWDS) (dated September, 2023) has also been submitted with the application. This sets out the surface water drainage strategy for the proposed development which would involve ground infiltration, including the use of a swale feature within the northern-most field of the application site. If planning permission is granted, it is recommended that a condition is imposed requiring a detailed surface water drainage scheme to be submitted and approved by the LPA based on the submitted SWDS.
- 10.104 The Lead Local Flood Authority (LLFA) were consulted and based on the latest amended scheme (as well as the updated and additional flood risk information) have confirmed that they have no objections to the proposals. Overall, the proposed development would not to be subject to significant or unacceptable flood risk or increase the risk of flooding elsewhere. Subject to a detailed surface water drainage scheme being submitted and agreed (by condition), the proposed development would implement a sustainable surface drainage scheme and would comply with the relevant requirements and expectations of Policies RM2 and RM3 of the Local Plan.

Ecology Impacts and Biodiversity Net Gain

- 10.105 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, 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.)
- 10.106 An Ecological Impact Assessment (EclA) (dated September, 2023) has been submitted with the application. The EclA confirms that there are no statutory or non-statutory designated sites within 2 km of the Site and no European or Internationally designated sites within 5 km of the Site (with the North Yorks. Moors SPA located approximately 12km to the north of the application site). Due to the nature of the development proposals and the large distance to the nearest designated sites, direct and indirect effects on designated sites can be ruled out.
- 10.107 In respect to on-site habitats, the EclA confirmed that the application site comprises of four fields (24.56ha) of Modified Grassland as well as Modified Grassland field margins. The fields of Modified Grassland within the site are in a poor condition and considered to be of low (ecological) value due to a low diversity of common species as well as four fields (26.45ha) of Cereal Crops which is also considered to be of low (ecological) value. A 'Line of Trees' (identified as Scots Pine and located within the hedgerow on the eastern field boundary of the site) and five mature Rural Trees (including Oak and Ash), which are also considered to be of local (ecological) value. The Native Hedgerows which form the site boundaries for much of the application site were found to be varied in their structure and composition with most considered to be defunct and/or species-poor. These hedgerows are considered to have local (ecological) value. The two ditches on site both were found to contain running water, but their condition was considered to be affected by livestock poaching or eutrophication, but were nevertheless considered to be of local (ecological) value.
- 10.108 The EclA has concluded that no significant adverse ecological impacts are predicted as a result of the proposed development. However, in order to reduce its ecological effects (and the likelihood of legal offences) species-specific and general mitigation measures are recommended within Section 5 of the EclA, including:
- Avoidance of site clearance works during the nesting bird season (unless the site is checked by a suitability qualified Ecologist;

- The programming of construction work activities for daytime hours to avoid impacts on nocturnal species;
- The retention and enhancement of native hedgerows identified on site;
- the implementation of a sensitive lighting scheme (both during and post construction) to reduce impact on bats, nocturnal/roosting birds and other light sensitive/nocturnal species;
- The provision of hedgehog/small mammal corridors within the on-site boundaries.

10.109 If planning permission is granted, it is recommended that a condition is imposed requiring the development to be undertaken in accordance with the aforementioned measures contained within section 5 of the EclA.

10.110 In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.

10.111 A Biodiversity Net Gain Assessment (BNGA) (September, 2023) has been submitted with the application. The BNGA confirms that the latest DEFRA Biodiversity Metric (Version 4.0) was used to quantify the pre-development (baseline) and post-development Biodiversity (Habitat) Units (BU), Hedgerow Units (HU) and River Units (RU) for the purposes of determining the impact of the proposed development in relation to biodiversity, and whether the proposal would result in a quantified net gain in biodiversity (BNG) The BNGA clarifies that the 'post-development' calculations have been based on inputs resulting from the proposed landscaping and ecological enhancements as per the submitted Landscape Mitigation Plan (LMP)

Unit Type	Pre-Development (Baseline)	Post-Development	Pre-Post Development Unit Change	Percentage Gain
Biodiversity (Habitat) Units (BU)	111.55	230.11	+118.56	+106.28%
Hedgerow Units (HU)	38.02	51.50	+13.49	+35.47%
River Units (RU)	7.27	9.20	+1.92	+26.46%

10.112 As the BNGA shows, the proposals have the capability of providing meaningful net gains in excess of 10% in relation to Habitat, River and Hedgerow units, the proposals are considered to meet the expectations of Policy E3 of the Local Plan in terms of BNG.

10.113 If planning permission is granted it is recommended that a condition is imposed requiring BNG implementation plan and a BNG management and maintenance plan to be submitted to and agreed by the LPA prior to the commencement of the development.

Impact on Infrastructure

10.114 The application site is located in close proximity to the SABIC UK high pressure pipeline. SABIC UK has originally commented on the application to state that a 'segregation corridor' should be provided to enable their pipeline to be appropriately maintained and repaired during the lifetime of the proposed development. This resulted in an amendment to the site layout plan to provide the said corridor. SABIC UK have subsequently confirmed that they are satisfied with the amended layout.

Other Issues

Energy-Generating Potential and the Determination of the Application

- 10.115 In terms of application determination, a distinction is made in current legislation regarding energy-generating solar development based on the generating capacity (MW) being proposed. Proposed solar installations that generate more than 50MW are defined as 'Nationally Significant Infrastructure Projects' and need development consent from the Secretary of State, while installations that generate 50MW or less require planning permission from the Local Planning Authority.
- 10.116 During the Council's consideration of this application, there has been a judicial review case relating to a solar development in County Durham that was quashed on the grounds that the Council had approved more panels over a larger area than were required to generate the stated capacity of 49.9MW. This put the proposal outside of the remit of the Local Planning Authority.
- 10.117 National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) states that solar panels generate electricity in direct current (DC) form which is fed into inverters. The inverters convert the energy to alternating current (AC) and from there it is fed into the grid. Paragraph 2.10.53 of EN-3 states that from the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in AC) should be used for the purposes of determining solar site capacity.
- 10.118 This issue has subsequently been raised with the agent during the course of the application, and the following response/explanation has been provided:
- "The Woolpots Solar Farm Site Layout Drawing (Reference: LRP006-PL-01_rev11) shows 8 no. "MV Stations". These are combined Inverter/Transformer stations. Whilst a specific model was not provided in the submission for these MV Stations, the recent updated Noise Assessment provides data for the "Ingeteam PowerStation SHE22". This MV Station model is available at up to 4 MWp capacity. Therefore, the design shown on the latest Site Layout Plan for the application, which would be referred to in any consent, and the information relating to the model of MV Station used in the planning application, leads to a total solar PV capacity of 4 MWp x 8 locations = 32 MWp (DC). As DC capacity always exceeds AC output, the design submitted to planning would not be capable of exceeding the relevant 50 MW AC generating capacity..."*
- 10.119 The proposed development is stated to generate 32 MW (DC), significantly below the >50MW threshold of the National Infrastructure Project regime. Therefore the 'room for error' is much greater than with the Durham proposals, particularly when accounting for the fact that 'DC capacity exceeds AC output'. Nevertheless, if the Committee resolves to approve the application, it is recommended that a condition is imposed requiring details of the specific model(s) and their specifications of the 8 MV Stations to be submitted to the LPA in order to demonstrate to the LPA that their total output will not exceed 32 MW (DC). The details shall be approved in writing by the LPA prior to the installation of any of the 8 MW Stations.

11.0 PLANNING BALANCE AND CONCLUSION

Summary of Main Policy Considerations and Issues

- 11.1 Policy RM6 (Renewable and Low Carbon Energy) is the specific policy within the Local Plan that addresses renewable and low-carbon energy installations sets out how the decision-maker should consider proposals for renewable energy installations, including solar farms. As such, Policy RM6 is central to the overall planning balance and the

weighing up exercise required of both the beneficial and negative impacts of these types of the renewable energy proposals.

- 11.2 Local Plan Policy RM6 starts by stating that renewable and low-carbon energy installations will be encouraged. This presumption to 'encourage' renewable and low-carbon energy installations is in line with current national policy and guidance which has also adopted a positive approach to such development as an important means of achieving national and international carbon reduction targets.
- 11.3 However, this requirement to 'encourage' renewable installations is straight away caveated within RM6 that such development will be supported where it is demonstrated that all identified potential adverse impacts, including cumulative impacts, are, or can be made, 'acceptable'. Policy RM6 is therefore clear that renewable energy schemes will only meet the requirements of the policy if all individual and cumulative potential adverse impacts are, or can be made, 'acceptable'.
- 11.4 It is therefore the issue of 'acceptability' of the potential adverse impacts of the proposed development that underpins any decision on whether the proposals are considered to be in accordance with the Local Plan. Policy RM6 does state that any consideration of the 'acceptability' of the individual/cumulative adverse impacts should involve a weighing-up of their significance and level of harm against the public benefits of the proposal, with the proposal having first sought to address any adverse impacts by seeking to avoid or minimise them. Any proposed enhancements or compensatory measures should be assessed and can be taken into account in terms of making the scheme 'acceptable'.

Assessment of the Benefits of the Proposed Development and their Weighting

- 11.5 There is a clear and positive steer within national planning policy/guidance and within Local Plan Policy RM6 to encourage and support development involving renewable energy generation as an important means of meeting the national carbon reduction targets. This has to be recognised within the weighting as a **significant public benefit** for major PV installations such as the one under consideration.
- 11.6 There are also additional public benefits associated with the proposal in terms of gains in biodiversity (**moderate public benefit**) and potential economic and community benefits as a result of the proposed development (**minor public benefits**).
- 11.7 Overall, the public benefits of the proposals, primarily because of the substantial and consistent renewable energy that would be generated over the 40 year lifetime of the development, are **afforded significant (cumulative) weight** within the planning balance.

Assessment of the Significance of the Adverse Impact and its Weighting:

- 11.8 In terms of potential adverse planning impacts, three main impacts are identified: the impact on the local landscape and the effect on local views; the impact on the setting of the Howardian Hills National Landscape (formerly AONB) and views from within it; and the use of the Best and Most Versatile (BMV) agricultural land and the impact on food security (without demonstrating that its use/'loss' is necessary).
- 11.9 As discussed in the landscape section, major solar farm installations located on greenfield sites in the open countryside, even with favourable topography and existing natural screening, will inevitably result in some degree of adverse impact on landscape and the character of the countryside in which they are located. It is therefore the assessed level of harm caused to the landscape and its significance with reference to relevant planning policy, when weighed against the public benefits of the proposed scheme, that is crucial in determining the overall 'acceptability' of the potential landscape impact.

- 11.10 The Council's Principal Landscape Architect has undertaken a detailed appraisal (as updated) of the potential landscape impacts of the proposals. Based on this appraisal and consideration of the site and its surroundings it has been concluded that the proposed development would have a moderate visual impact by affecting specific valuable views within the local area and how they are appreciated by users of the PROW network. The resulting adverse visual and landscape impacts (including the magnitude of change when considered from viewpoints also including existing solar development) is considered to be moderate-high (moderate overall), although it is accepted that such affected views only represent a small number of viewpoints on the PROW network while landscape mitigation would reduce the visual impact from some viewpoints over time. The adverse impact on the local (non-designated) landscape is considered to be contrary to Local Plan Policies S5 and E7 and would have a **moderate adverse impact** overall.
- 11.11 There would be many other glimpses, partial or obscure views of the development - often from less sensitive viewpoints - that have not been afforded any notable significance within the LVA or even within the Principal Landscape Architect's submission. However, considered holistically, they help to contribute to a cumulative adverse local landscape impact. This includes partial views of PV panels, infrastructure and fencing from the unnamed road to Amplecarr and glimpses of the PV panels from the A19. The impact on the landscape in this regard is considered to be contrary to Local Plan Policies S5 and E7 and would have a **minor adverse impact**.
- 11.12 The proposed development is located within the setting of the Howardian Hills National Landscape. The Council's Principal Landscape Architect has raised concerns that the proposed development will adversely affect views of the National Landscape from valuable views within the local area, i.e. predominantly viewpoints from the PROW network. The proposed development would also affect specific views from elevated viewpoints within the National landscape looking westwards, although it is accepted that such views are limited in number and would view the proposed development in the context of a wider, more panoramic view.
- 11.13 The adverse visual impacts on the setting of the Howardian Hills National Landscape and on views from within it are considered to be minor. However, given the status of this Protected Landscape and the requirement within the NPPF and Policies S5 and E6 of the Local Plan to conserve and enhance such landscapes (including their settings) it is considered that there would be a **moderate adverse impact** overall.
- 11.14 In relation to the use of BMV land, the submitted Agricultural Land Classification (ALC) Report has concluded that 35ha (70%) of the application site is BMV land (i.e. Grades 2, 3a, although no Grade 1) As discussed within the 'Use of Agricultural Land' section of this report, it is acknowledged that the agent has argued throughout the application process that the proposed development constitutes a temporary use of the site which would not result in any permanent loss of the BMV agricultural land involved (the implication being that there would be no direct or explicit conflict with planning policy and guidance), while the proposed development would involve some ancillary degree of agriculture during its operation (i.e. sheep grazing), after which it is likely to revert back to full agricultural use. However, this fails to acknowledge, or seek to adequately address, any potential material harm resulting from the sub-optimal use of BMV agricultural land during the 40 year lifetime of the proposed development, and any resulting impact on food security. Although there is no requirement for one to be submitted, the failure of the applicant to submit a Sequential Test Analysis that is relevant to the application and is based on up-to-date information has not allowed a comprehensive consideration as to whether the loss (temporary or otherwise) of the optimal agricultural use of the BMV agricultural land within the site is necessary or is avoidable. The 'generational loss' of approximately 70% of the application site's BMV agricultural land (35ha in total) (without demonstrating that its loss is unavoidable) would significantly curtail the contribution that a substantially large proportion of the site would

make towards food security for a relatively significant period of time. This generational loss of the optimal use of the 70% of BMV agricultural land within the site and the resulting adverse impact on food security has been afforded a **significant adverse impact** and would be contrary to the expectations of extant Written Ministerial Statements seeking to avoid the unnecessary use of BMV agricultural land for renewable energy generation schemes, material considerations in the determination of this planning application.

12.0 RECOMMENDATION

12.1 That planning permission be **REFUSED** for the reason:

Local Plan Policy RM6 states that renewable and low-carbon energy installations will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts, are or can be made, acceptable taking into account any mitigation to avoid, reduce or compensate for any impacts and weighing any adverse impacts against the public benefits of the proposals. Of the three main adverse impacts identified: impact on the setting of, and views from the Howardian Hills National Landscape; impact on the local landscape; and the temporary loss of the optimal use of 35ha of BMV agricultural land, only the loss of the BMV agricultural land is considered to have a significant adverse impact due to the generational loss of the optimal use of 35ha of BMV land within the site and the potential substantial impact this would have on food security, although the proposals are considered to have moderate and minor adverse impacts in terms of local landscape impact and the impact on the Howardian Hills National Landscape, contrary to Local Plan Policies S5, E6 and E7.

The applicant has not submitted details or any mitigation or compensatory measures with the application that would seek to reduce the adverse impacts or to demonstrate that the use of the BMV agriculture is necessary and unavoidable. While significant cumulative weight is afforded in the balancing balance to the public benefits of the proposals, particularly as a result of the substantial contribution the proposals will make towards renewable energy generation and meeting zero carbon targets, this is not considered to make the proposals 'acceptable' in respect to the requirements of Local Plan Policy RM6 when considered and balanced against the significant cumulative adverse impact of the development.

The proposed development is therefore contrary to Local Plan Policies RM6 (Renewable and Low Carbon Energy) , S5 (Development in the Countryside). E6 (Nationally Protected Landscapes) and E7 (Hambleton's Landscapes).

Target Determination Date: 29 December 2023

Case Officer: Ian Nesbit, ian.nesbit@northyorks.gov.uk

Officer Update Note
Strategic Planning Committee – 11 June 2024

Item 3

PROPOSAL:	ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years
LOCATION:	Land To The South Of Pilmoor Grange, Pilmoor, York, YO61 2QF
RECOMMENDATION:	That Planning Permission be GRANTED subject to conditions

Conditions

Condition 2: The communications tower drawing has been missed off condition 2. An updated LEMP drawing was also provided removing the reference to chemical weed control Condition 2 should read as follows:

The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

Site Block Plan - Proposed Figure 2 Revision D (received 28.06.2024)

Landscape & Ecology Management Plan - Figure L7 Revision C (received 09.08.2024)

Proposed Substation Layout and Details - Figure 3 Revision A (received 06.12.2023)

General Details - Figure 4 Revision A (received 06.12.2023)

General Details - Communications Tower – Figure 3 (received 29.04.2024)

Single Line Diagram (SLD) (received 10.06.2024)

Condition 9: the applicant requested that the Landscape & Ecology Management Plan (LEMP) be removed from condition 2. The Councils Landscape Officer and Ecologist have indicated, however, that the drawing must be conditioned as it sets out the parameters for the final LEMP. Instead they have made minor wording changes to condition 9 (which requires the submission of the final LEMP) as follows:

Prior to the commencement of development hereby approved, **detailed planting and habitat creation proposals which are in accordance with the approved** Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority for approval in writing. The **planting details** must include but not be limited to:

- A detailed **planting** plan showing the areas of habitat creation, retention and management,
- Detailed methods for habitat creation, including ground preparation **works** and **planting plans and schedules showing species mix, densities and type and size of nursery stock** 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. bat and bird boxes
- Monitoring methodology and schedule for habitats and species
- Reporting format and schedule to local authority
- Invasive Non-Native Species Control Strategy covering all phases of construction, operation and decommissioning.

Additional Public Comments

Two representations were submitted post publication of the Strategic Planning Committee agenda raising the following points set out below (summarised) with Officers response to these where necessary set out underneath:

- The application should be refused for the reasons given in previous comments
- The planting between Brafferton Spring Wood and the substation will not screen the substation from view. Trees should be included, or the substation relocated.
 - The level of sensitivity that has been attributed to Brafferton Spring Wood as a visual receptor has been addressed at 10.34 of the report.
- Non native species have been included in the planting scheme
 - The final detail of the landscaping is reserved by condition 9 including species mix
- Screening to Bishop House should be increased
- There is development in the badger sett buffer zone
 - The location of badger setts is generally kept confidential for protection purposes. Based on the information provided by the applicants consultants the Councils Ecologist has not raised any concern with regard to badgers.
- Proposed Hedgerow management does not comply with Hedgerow Management Rules
 - As above the final detail for landscape management is controlled by condition 9.
- There is no condition regarding the control of Himalayan Balsam
 - This has been added to condition 9 (Invasive Non-Native Species Control Strategy).
- Sheep grazing and grass management is detrimental to ground nesting birds and therefore should only be undertaken outside of bird nesting season.
 - The LEMP that has been submitted has been reviewed by the Councils Landscape and Ecology Officer who have also liaised with each other on the proposals. The proposals are considered acceptable.
- The commenter has also submitted their own version of the LEMP drawing which can be viewed on public access.
- A foul drainage plan is required for the WC in the substation.

- The applicant has confirmed that a toilet is installed it will be a self-contained unit that will not require a discharge point.
- An easement for the water supply pipe for Bishop House should be provided.
 - Yorkshire Water were consulted during the life of the application and have confirmed there are no assets within the site. If a water supply pipe exists it may be privately owned and therefore access and easement would be a civil issue.
- The application lacks detail about the design practicalities for sheep grazing
- How will farmers round up livestock
- Who will be responsible for damage caused by livestock
- Health and safety of Livestock and handlers
- Would like a condition to ensure grazing continues
 - The above comments regarding the detail for use of the land for agriculture will be a matter for the operator of the site, landowners and other users of the land to agree between them. The Council can only require that the land be available for grazing and cannot enforce the use in the manner suggested.

Additional Comments from the applicant/agent

- With reference to the connections point raised at paragraph 3.16 of the officers report the agent would like to add that because of oversubscription OFGEM gave the National Grid powers to manage the queue of connection arrangements. This allows projects which do not have a good prospect of being delivered to be removed from the queue. As a result new connections can be opened up. The point they would like to make here is that over subscription does not demonstrate that new consents are not required.
- In response to paragraph 3.20 of the Officers report the agent would like to add that there is currently no guidance or policy governing even distribution of sites and that the NPPF does not require the complete avoidance of adverse effects but instead requires that the impacts are, or can be made, acceptable.

Handout provide by Agent:

Ed Miliband's Clean Energy Superpower Mission
Statement to the House of Commons - Thursday
18 July 2024



Event Name	House of Commons
House	Commons
Event Location	Commons Chamber
Event Type	Main chamber
Date	Thu 18 Jul 2024
Start Time	11:38:52
End Time	11:45:00
Clip Size	133878204
Job ID	51078c6c-3800-4aae-85bb-6c3aae8a22cd

The following extract from the Secretary of State for Energy Security and Net Zero, Ed Miliband's statement to the House of Commons on the 18th of July declares that:

"The biggest threat to nature and food security and to our rural communities is not solar panels or onshore wind; it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers."

The statement goes on to confirm that

"The Government will proceed not on the basis of myth and false information, but on evidence. Every time, the previous Government ducked, delayed and denied the difficult decisions needed for clean energy, that made us less secure, raised bills and undermined climate action. No more."

www.lighthouse-dc.co.uk



Item 4

PROPOSAL:	ZB23/02015/FUL - Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure (as amended) -
LOCATION:	OS Fields 7456 And 6163, Amplecarr, Husthwaite
RECOMMENDATION:	That Planning Permission be REFUSED

1. Officer Report: Omissions

Section 7 ('Consultation Responses') of the Officer Report has provided a summary of the technical and non-technical consultation responses (including 74 local representations) received during the original consultation period. However, Section 7 of the report fails to adequately summarise all of the representations received during and immediately after the expiry of this original consultation period and the subsequent reconsultation periods undertaken on 15.04.2024 and 14.05.2024. While Officers consider that the Officer Report has considered the main issues and themes raised in these additional responses within the assessment of the proposals, for clarity and completeness, a summary is provided below of the relevant planning issues raised in these additional representations not referenced in Section 7 of the Officer Report. However, where on review, Officers have considered that the Report has not fully or specifically addressed an issue raised within the additional representations summarised below, a brief 'Officer Commentary' has been provided.

Members should be aware that the figures provided regarding number of representations received represent a gross total and include any additional submissions where individuals have submitted more than one representation during the same consultation or reconsultation period.

Summary of Additional Local Resident Representations (in Relation to Original Consultation):

For the avoidance of any doubt, an additional 13 representations (all objecting) were submitted in relation to the original consultation and submission documents and original consultation up to (the date of the first reconsultation (15.04.2024)

- This is an Area of Outstanding Natural Beauty [now National Landscape]...to consider a solar farm in this area would be wrong.
- The size of this application is not appropriate for the area...will industrialise the landscape.
- The scale and nature of the development will be intrusive in the landscape.
- The development will 'pollute our surroundings.'
- Adverse cumulative impact/massing and change/adversely affect the landscape character and rural setting of Husthwaite (in an area that is the 'gateway to the AONB and attracts visitors)
- Adverse impact on heritage assets
- Concern about the impact on local wildlife
- Concerns about the loss of the use of BMV agricultural land (representing 70% of the application site); planning; the use of building rooftops should be considered first)
- No commitment in the application documents for the ongoing maintenance of the BNG.
- The disused RAF airfields in local area, with hard standing in open areas are considered to be more suitable locations.
- With 74 CCTV cameras and 4m high posts with floodlights on significant light pollution will be created in an area where there is very little if any at present.

- A Section 106 agreement needs to be clear as to the responsibility for the standards of construction, landscaping, maintenance, and importantly the decommissioning and restoration of the site and the insurance provisions.
- Concerns regarding noise impact (including concerns expressed regarding the NIA being 'fit for purpose')
*including the submission of a Noise Statement (by 24 Acoustics), commissioned and submitted on behalf local residents as referred to/considered in para. 10.82 of the Officer Report.
- Concerns about BESS safety (i.e. fire/explosion risk; release of toxic chemicals *et.a/*)
*including the submission of an 'Expert Opinion' on BESS Safety (by Prof. Sir David Melville) as referred to/considered in para. 10.86 of the Officer Report.

Summary of Reconsultation Responses Received (Local Residents)::

Members are asked to consider the following summary of the reconsultation responses received from local residents since the original consultation (12 in total, all objecting) submitted following the undertaking of the reconsultation exercises by the LPA on 15.04.2024 & 15.05.2024. Nine of these representations were submitted after the first reconsultation and 3 after the second reconsultation. The reconsultation representations include a letter from 'Loxley Legal '(dated 13 May 2024), as instructed by 'Protect Rural Husthwaite' residents' group as well as a copy of a 'follow up submission' (dated 06.05.2024) from Prof. Melville regarding battery safety.

Most reconsultation representations received reiterate previously raised concerns as summarised in the 'original consultation' sections of the Officer Report and within this update, stating that the amendments have not adequately addressed these issues (which most objectors consider are still relevant. However, for clarity, a summary of all the relevant issues raised are nevertheless provided below :

- The proposals are considered to be in the 'wrong place'....renewable installations should only be supported in the appropriate place(s) (i.e that don't prejudice/threaten local communities, and farming/food production)
- Concerns of noise (and the impacts on residential amenity in particular)...insufficient information and data has been provided with regards to an accurate assessment of the noise impacts.
- Concerns of fire risk
- Harm/ adverse impact on the AONB, NYM National Park and Conservation Area and on the visual approach to Husthwaite (additional planting will take many years to establish itself)
- Concerns about the effectiveness of the proposed 'water tank' and mitigation to prevent pollution and the release of air-borne toxic gases.
- An Environmental Statement should have been provided.
- Concerns regarding 'the selective choice of panoramic viewpoints to understate the visual impact' and lack of 'architectural renderings' alongside the entrance road in relation to the proposed plant, which, cumulatively will have an adverse effect on the local landscape.
- Loss of BMV agricultural land (70% of the site) without compelling evidence/justification for its loss, and the resulting detrimental impact on food production
- Poor site selection and inadequate alternative site analysis.
- Cumulative impacts with existing solar farm developments.
- An outstanding lack of information and detail regarding battery safety (conditioning safety measures can be difficult to enforce).
- Contrary to the relevant landscape-related policies of the Local Plan

- Other concerns regarding solar efficiency. Site security, biodiversity, heritage and the local economy.
- In the 'follow up' response (dated 06.05.2024) by Prof. Melville, he has stated that the does not believe the applicant has responded adequately to the key points raised in his earlier submission) , particularly with regards to the spacing of the BESS units; the insufficient supply of water; and the risks of fire/explosion and the resulting emission of toxic gases), as well as the inadequacy of the Battery Safety Management Plan.

Officer Commentary: *the spacing of the BESS units are considered capable of meeting current advice from the National Fire Chiefs Council in this regard, and appropriate spacing can be required through condition (i.e. a requirement within any detailed Battery Management and Safety Plan) should planning permission be granted. The provision of an adequate water supply can also be secured by condition. The issues regarding the safety record of BESS and its location in relation to Husthwaite village has already been considered by Officers within para. 10.86 of the Officer Report*

Summary of Reconsultation Responses Received (Other Consultees)::

Husthwaite Parish Council (response dated 17.05.2024): *“Husthwaite Parish Council has reviewed the amendments / additional information and remains of the view that the application be refused for the reasons previously given. In particular, it feels that the concerns relating to amenity (noise and safety), use of BMV soil, landscape and cumulative impact have not been adequately addressed. It welcomes the addition of an alternative water source but remains concerned about the lack of a detailed fire response plan agreed with NYFRS. The Parish Council also repeats its request for all the conditions set out in its original response.”*

[The Parish Council's original consultation response is summarised at para.7.2 of the Officer Report]

Environmental Health (EH) (responded on 22.04.2024): *“Thank you for the output data relating to the specific noise generating components as requested. The manufacturers source output data associated to this application is of course an essential component and the basic starting point to understanding any potential noise impact from the development. Without such assurances of certainty, which was previously absent - everything within the Noise Impact Assessment is based upon guess work and presumptions. Henceforth the prerequisite supply of this information from the very offset is commonly understood to be normal practise when submitting any Noise Impact Assessment. In view of the information that has since been supplied by the applicants this service has now considered the potential impact on amenity and likelihood of the development to cause and/or be affected by a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service would hold no further objections to the application.”*

[EH's original consultation response is summarised at para.7.19 of the Officer Report]

Environmental Health – Contaminated Land (responded on 08.05.2024): *“No additional comments to make over and above those already made by my colleague Peter Crass on 12th October 2023, which remain valid.”*

[EH's (CL) original consultation response is summarised at para.7.18 of the Officer Report]

Yorkshire Water Services (yws): (response dated 25.04.2024): Made/raised the following comments/questions:

“1.) In relation to the Yorkshire Water apparatus listed below, the developer should provide a more detailed plans of the cable route. a.) Will this be a new open cut / mole installation, or will it be using existing ducting? b.) will there be junction boxes installed along the cable

route? 2.) Yorkshire Water's mapping records indicate that a 5 inch cast iron diameter water main along Amplecarr and 9 inch Cast iron main along Ings Lane. a.) The position of apparatus shown on our plans is indicative only. The exact position and depth of the apparatus can only be determined by excavation."

Historic England (responded on 19.04.2024): "do not wish to offer any further comments.."

[Historic England's earlier consultation response dated 21.03.2024 is summarised at para.7.11 of the Officer Report along with their original consultation comments/observations]

Howardian Hills National Landscape (formerly AONB): "Many thanks for informing me about the updated information on this application. I particularly note the additional information on intentions to achieve a more naturalistic planting scheme on the northern boundary of the site. I would appreciate you considering my earlier response and confirm that I have no further comments to add."

[Their original consultation response is summarised at para.7.5 of the Officer Report]

NYC Principal Landscape Architect: The Council's Principal Landscape Architect undertook a detailed appraisal of the potential landscape impacts of the proposals having reviewed the submitted LVA (subsequently refined and updated following a site visit and discussions with Officers from the HHNL Area Joint Advisory Committee).

[Although received after the original consultation period, their comments/observations are summarised at para 7.21 of the Officer Report.]

SABIC UK: Although received after the original consultation period, SABIC (UK) comments/observations are summarised at para 7.13 of the Officer Report alongside their original consultation comments]

NYC Ecology (Principal Ecologist) (received 26.06.2024): "The EclA confirms that the proposed development will have no impacts upon statutory and non-statutory designated sites. The EclA and BNG assessment sets out the dominant habitats on site including modified grassland and cereal crops with grassland margins which are common and widespread in the local area. Habitats of greater value include hedgerows and trees. There will be no loss of priority habitat resulting from the development. In terms of species, I am satisfied with the level of survey and assessment work undertaken. It is considered that provided the avoidance and mitigation measures set out within the EclA, OIA and CEcMP adhered to there will be no significant negative impacts. With regards to farmland birds, given the emerging understanding in relation to the impact of solar farms upon ground nesting farmland birds such as skylark, it is important that monitoring of breeding birds is undertaken during the life of the development. In relation to BNG and the HMMP, I am pleased to see that the design of the site has incorporated a range of habitats including woodland, other neutral grassland, trees and wild bird cover crops. The BNG assessment confirms that through the creation and enhancement of habitats on site, the development is capable of achieving net gain in excess of current policy requirements. In order to secure ecological avoidance, mitigation and enhancement it is recommended that if approved, planning conditions are used to secure adherence with the following: Construction Ecological Management Plan; Biodiversity Net Gain Assessment; Habitat Monitoring and Management Plan and Ornithological Impact Assessment. I would also expect to see details submitted for the decommissioning phase of the project, which is likely to need an EclA and a Decommissioning Ecological Management Plan to be submitted and approved by the

authority. Given the need for monitoring and management of BNG and certain species groups over the lifetime of the development. The authority may prefer to make use of a section 106 agreement for these aspects. This would be supported as an alternative to the use of planning conditions.”

Officer Commentary (in regards to the reconsultation replies summarised above): The reconsultation responses raise no additional material issues have haven't already been considered/assessed and/or concluded within the Officer Report. The Principal Ecologist's review of the proposals supports the assessment in the Officer Report with regards to BNG and other ecology matters. If planning permission is granted, it is recommend tha the conditions recommended by the Principal Ecologist are imposed. While the YWS response raises additional questions, their original response (as summarised within the Officer report) recommends that matters regarding their infrastructure can be adequately addressed by conditions, if planning permission is approved. It is the Case Officer's view that this would be the appropriate means of addressing their questions/concerns within their later response..

NB – all consultation and reconsultation responses referred to in this update are available for Members to view in full via Public Access by following the link at paragraph 3.1 of the Officer Report.

2. Comments Submitted by the Agent (dated 13.08.2024)

The agent (Envams) has submitted a detailed response letter (dated 13.08.2024) which will be shared with Members of the Strategic Planning Committee under separate cover. The letter seeks to response to the Officer Report and the reasons for refusal in particular and builds on comments/observations made by the agent in an email to the LPA (uploaded ot Public Access) dated 05.08.2024. In summary, the main observations/comments of the aforementioned letter and email are as follows:

- Believe that there are areas of the committee report that 'mis-characterise or overstate information concerning agricultural land and landscape, and seek to provide 'further context and commentary'.
- Draw attention to the Written Ministerial Statement (July 2024) and the significant weight to be attributed to renewable energy schemes and a net zero future.
- Matters regarding the land use (BMV land) (quoting EN-3: that "land type should not be predominating factor in determining the suitability of the site location") and a lack of a Sequential Test, particularly a concern that the Case Officer did not request any further information in this regard....state that the way agricultural land is used is not a matter subject to planning control...quoting the WMS (2024) that the total area of agricultural land used for solar is very small, i.e. less than 1% of the UK's agricultural land...appeal decision referenced where solar farm applications have been allowed on BMV land, including the 'Scruton' application.
- The committee report presents an overly negative mischaracterisation of the Landscape Officer's response which has led to greater weight being attributed to landscape impacts in the overall planning balance, stating that neither the Howardian Hills AONB Officer of the NYM National Park Officer have objected.
- The Landscape Architect's (initial) comments were made prior to a site visit having taken place.
- Consider the elements of the landscape impact have been 'conflated and mischaracterised as moderate', they should be 'minor'.
- Disagree with the Case officer's assessment regarding the impact on the local landscape as set out in the officer Report.

- “When considering the Planning Officer’s misjudgement concerning planning legislation as it relates to land use, the identified minor landscape impacts are very clearly outweighed by the weight that should be attributed to renewable energy generation, especially when taking into account the Written Ministerial Statement of July 2024 and the proposed changes to the NPPF 2024.”
- Conclusion:... “respectfully request that you consider the clear issues in the reasoning of the National Landscape and BMV / Food security impacts in the committee report that over-play the weight that is ascribed to them. If the weight attributable to those issues is properly assessed in the planning balance, the only reasonable outcome is a recommendation for approval. Should the application be refused at the August Strategic Committee meeting, the applicants have advised with certainty that they will be appealing the decision.”

Officer Commentary: The WMS Statement (2024) and its contents have been acknowledged within the report and considered as part of the Case officer’s ‘weighted balance’ when assessing the public benefits of the scheme (and giving significant weight to the renewable energy generation benefits of the scheme)

The use of site (involving 70% BMV agricultural land) is considered to be an important material consideration within the planning balance of this application as set out in detail within the Officer Report. While the agricultural use of agricultural land cannot be controlled by the planning system, it is the loss of the potential optimal agricultural of this land that the Case officer has emphasised in weighing up the significance of its ‘generational loss’ for a period of 40 years and the negative it would have in relation to food security.

The Case Officer would not recommend that Members attribute importance (as the agent has sought to do) to the relatively low level of agricultural used for solar. The overall national agricultural land use for this type of development is directly related to each individual application approved. Applying this argument to every large scale solar farm development utilising BMV agricultural land (particularly those schemes utilising a relatively large amount) will, cumulatively, undermine the material importance of protecting the nation’s optimal use of its BMV agricultural land.

Based on a detailed and holistic assessment of the landscape impact in light of the assessment made by the Council’s Landscape Architect and numerous site visits, the Case officer considers the landscape assessment and the weight attributed to the identified negative impacts to be proportionate and would disagree that the impacts have been conflated and mischaracterised.

**North Yorkshire Council
Community Development Services
Strategic Planning Committee
13 AUGUST 2024**

**ZF24/00491/RG3 - Erection of a three-storey building for marine based activities with associated car parking, vehicle and pedestrian access roads, footpaths and limited soft landscaping at Endeavour Wharf, Langborne Road, Whitby, North Yorkshire, YO21 1YN, on behalf of North Yorkshire Council
Report of the Head of Development Management – Community Development Services**

1.0 Purpose of the report

1.1 To determine an application for full planning permission (ref: ZF24/00491/RG3) for development on Endeavour Wharf, Whitby.

1.2 In accordance with the North Yorkshire Council Constitution, the application has been brought to the meeting of the Committee as the Council is the applicant.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission is GRANTED subject to the conditions set out at the end of this report

2.1 This application seeks planning permission for the erection of a three-storey building on Whitby Harbour's Endeavour Wharf for water compatible marine-based business and education uses.

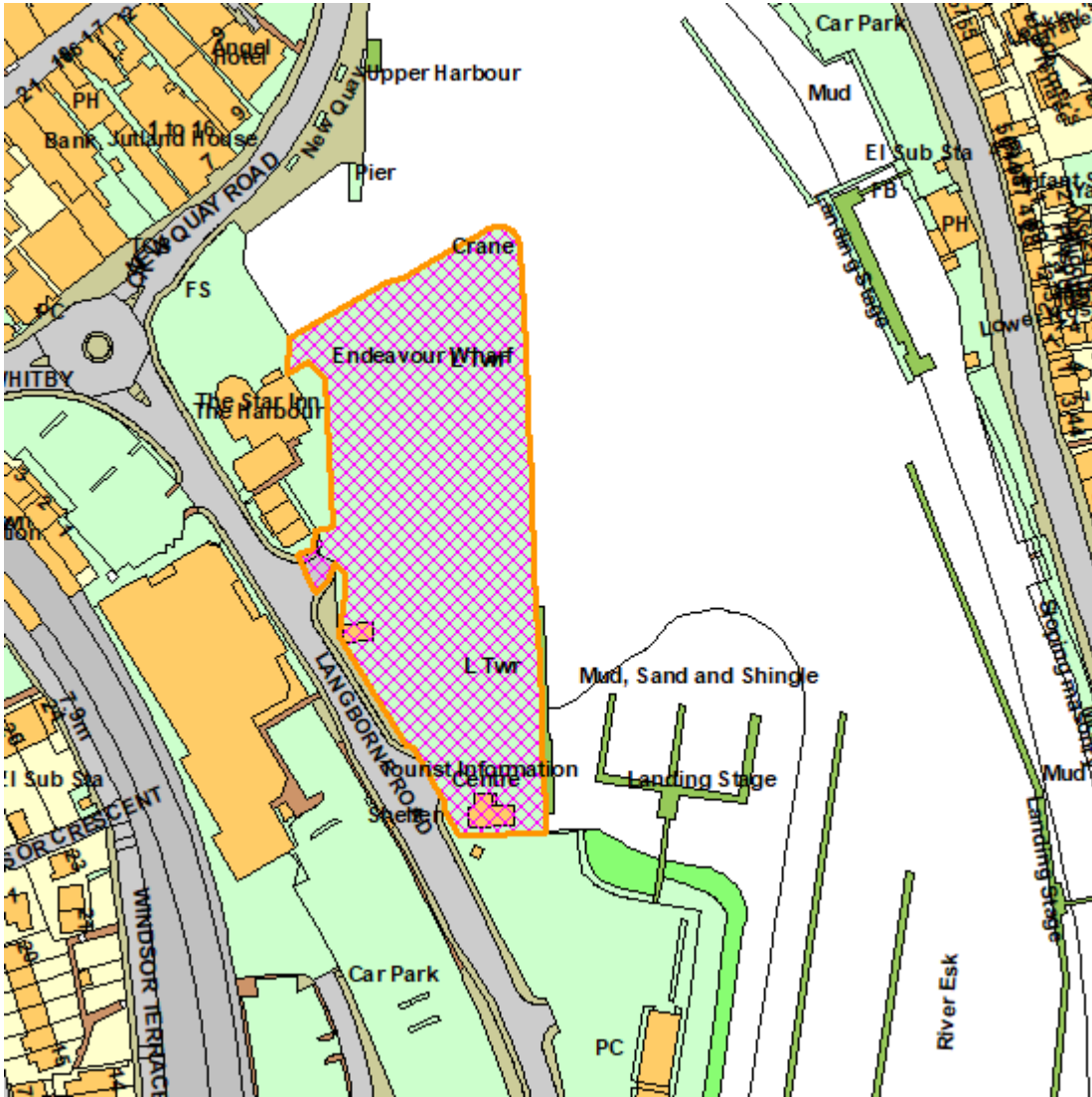
2.2 The Local Plan policies set a presumption in favour of the principle of the development. Balanced against this are some negative impacts, notably the impacts on the Conservation Area and car parking provision in the town.

2.3 Officers consider that the negative impacts are offset in the balance by the by the policy presumption in favour of the development and the significant social and economic public benefits the development is likely to yield over time.



N

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3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here:

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SB0FMWNS0F600>

3.2 Section 10 of this report deals with the impact of development on 'heritage assets'. When approaching this aspect of the report and when navigating the formal comments of your Conservation Officer, it is important that Members have an appreciation of the language the Government uses in its planning policy related to the historic built environment.

3.3 It is first necessary to explain what is meant by the term 'heritage asset'. National planning policy defines a 'heritage asset' broadly as something that has historical or cultural value. 'Designated heritage assets' are formally recognised 'heritage assets', benefiting from legal protection. They include Listed Buildings, Conservation Areas and Scheduled Monuments.

3.4 Section 16 of the National Planning Policy Framework (NPPF) sets out the Government's planning policies for dealing with applications which impact heritage assets. At paragraph 205 it states that great weight should be given to the conservation of 'designated heritage assets', i.e. there is a general presumption that 'designated heritage assets' will be preserved.

3.5 Where proposals lead to 'harm to the significance' of a 'designated heritage asset' the Framework outlines two approaches:

1) Where there would be 'substantial' harm to significance permission should generally be refused. The 'substantial' harm label is typically reserved for radical interventions, including the wholesale demolition of a Listed Building.

2) Where there would be 'less-than-substantial' harm to significance, this harm should be weighed in the planning balance against the public benefits of the proposal.

3.6 It is generally accepted that 'less-than-substantial' harm exists on a sliding scale from 'low' to 'high'; the higher the 'less-than-substantial' harm the greater the public benefit needed to offset it in the planning balance. This means that the (apparently self-contradictory) label of 'high less-than-substantial harm' is used by conservation experts to define the impact of development which doesn't fall into the 'substantial' category but is on the higher side of 'less-than-substantial'.

4.0 Site and Surroundings

4.1 The site comprises land at Endeavour Wharf, a hard surfaced wharf on the west side of Whitby's River Esk. Mooring vessels and loading/ unloading passengers, equipment, and cargo occur on the north and east sides of the wharf. The River Esk flows south to north past the site, into the North Sea about 600 metres north.

- 4.2 The irregularly shaped site measures roughly 0.9 hectares. The wharf edges next to the river define the north and east boundaries. Langborne Road and adjacent hard-surfaced areas for car parking and public space form the south and west boundaries. A large supermarket building and Whitby Station, a Grade 2 listed building, are located across Langborne Road.
- 4.3 Two small permanent buildings on the site house the Harbour Master and staff. The Harbour Master's Office, a two-story brick and rendered building with a clay pantile roof, sits at the wharf's southern end. It also houses the Tourist Information Centre on the ground floor. A brick storehouse with a metal sheet roof stands about 60 meters northwest of the Harbour Master's Office, near the site's western boundary. Several storage containers, a parking area and an open storage space used by the Harbour Master's team are next to this building.
- 4.4 A range of modern single-story buildings occupied by food and beverage businesses border the application site to the west. The unit formerly occupied by the Star Inn is currently vacant. These buildings are north of the site, with access to Dock End gained from the site's northwest corner.
- 4.5 The Site falls within Whitby's defined Development Limits but outside the 'Town Centre Boundary' and 'Primary Shopping Area' as defined on the Local Plan Policies Map, although part of the site's western edge borders the defined Town Centre. The site lies within Whitby's designated Conservation Area and, due to its harbour location, falls within Flood Zone 3b (Functional Floodplain and land at the highest risk of flooding).

5.0 Description of Proposal

- 5.1 Planning permission is sought for a three storey 'Whitby Maritime Hub' building. The building is to be positioned towards the northern end of Endeavour Wharf, replacing an area currently in use for car parking.
- 5.2 Regarding the building's scale and appearance, it would be three stories in height (approximately 15.7 metres to the maximum ridge height and 11.6 metres to eaves height), with a footprint of approximately 627 square metres. Its architecture would be distinctive with the building comprising visually and physically connected yet distinct elements with varying roof pitches. External faces are proposed to be covered with a range of materials, with red brick and natural stone being the predominant walling materials. Roofing and fenestration materials both in grey hues - with a standing-seam metal roof and powder-coated aluminium fenestration - would contrast with the walling materials. Solar panels are proposed to be sited on south-facing roof slopes (covering over 50% of the main roof) and walls.
- 5.3 Designed to be a flexible space, the building is proposed to be put to uses falling within the definition of 'water compatible' development as described in Annex 3 of the NPPF.

- 5.4 Although the precise use of the second floor of the building is yet to be defined, the ground and first floor of the building are proposed to be put to the uses set out below.

Ground floor:

- 2 x units of wharf workshop space;
- Lobster hatchery and sea water tanks;
- Wharf-side shower and WC facility;
- Harbour Master flood equipment store and workshop; and
- Fishing industry training space and workshop with drying facility.

First floor:

- Fishing industry training rooms;
- Fishing industry laboratory;
- Harbour Master's office and emergency planning room.

- 5.5 It is important to note the applicant seeks the flexibility substitute these uses for other 'water compatible' uses in the future if necessary (note the provisions of recommended 'condition 2').
- 5.6 Access to the building for service vehicles is proposed to be taken from Langbourne Road via a modified existing access adjacent to the Fish Box premises, with the principal vehicular access being via the main car-park entrance adjacent to the Tourist Information building.
- 5.7 Metal bollards and barrier planters would surround the building, allowing for a 5 to 7 metre safe vehicle-free 'pedestrian circulation and access buffer' in the round, with the principal pedestrian access to the building's interior for its users being via a main west entrance. Cycles storage (for 24 bicycles) is proposed to the south of the building.
- 5.8 Operational wharf access for users of the building is proposed between the ground floor of the east side of the building and the harbour, to be managed by the Harbour Master in line with existing arrangements whereby areas of parking on the wharf are temporarily suspended to allow access on an ad-hoc basis as it is required, accounting for practicality and operational requirements. Droppable bollards are proposed on the building's east side to facilitate this access.
- 5.9 The ground floor of the building would have flood resilience measures built into it, with water resistant materials used in the construction. Electrical services and equipment will be set above the design flood level. The building's design will allow water to exit the building as any flooding event subsides. Further information on the building's flood resilient design can be found on Public Access within the applicant's submitted Flood Risk Assessment.

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 planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Plan for this site is:
- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan

- 6.3 The new North Yorkshire Local Plan is at an early stage and no weight can be given to it.

Material Considerations

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide

7.0 Consultation Responses

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

- 7.2 Whitby Town Council: supports the planning application, reflecting the support of the Whitby Civic Society, Historic England and North Yorkshire Council Conservation Officer, with a suggested condition that, due to the loss of 55 car parking spaces, park and ride provision should be extended and/or alternative parking should be developed elsewhere within the town to mitigate the loss.

- 7.3 Environment Agency:

- Given that the site is within Flood Zone 3b, the development will only meet the requirements of the NPPF if a condition is applied restricting the use of the building to those specified in the application and other 'water compatible uses' (as defined by the NPPF).
- The Local Planning Authority should consider the sequential test for flood risk.
- There must be a Construction Environmental Management Plan in place to protect the River Esk from construction related pollution.
- External lighting may affect the site's suitability for bats and must be avoided.
- Swift bricks must be incorporated into the design.

- 7.4 Lead Local Flood Authority:

- The applicant suggests that surface water will be discharged via the existing pipe network (into the harbour).

- Further information in respect to the design of the surface water drainage system are required, including exceedance designs and calculations which show a 40% allowance for climate change and 10% for urban creep.
- Information on the maintenance of the surface water drainage system is required.
- The LLFAs objection may be overturned with the submission of further information.

7.5 Yorkshire Water:

- A condition should be applied requiring the development to be implemented in accordance with the submitted Flood Risk Assessment.

7.6 Historic England:

- Whitby is an extremely characterful historic coastal settlement. Its urban form tells the story of its long history.
- The proposal site lies within character area 11 'Harbour and associated land' of the Whitby Conservation Area and within the wider setting of Whitby Abbey and other heritage assets.
- The proposed new three storey building in the harbour has the potential to cause minor harm to the character and appearance of Whitby Conservation Area, by virtue of its height and massing.
- Following our involvement in pre-application discussions we consider that the harm has been minimised and mitigated within the scope of the brief by paying special regard and attention to the heritage assets affected, as required by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The decision maker should consider whether the public benefits of the scheme outweigh the harm to the significance of the Conservation Area.

7.7 NYC Conservation Officer:

- In this case, a medium level of harm (less-than-substantial) would result by virtue of the introduction of development which would reduce the quality of views from Character Areas 4 and 11 of the Conservation Area. These views add to the character and appearance of the Conservation Area. The scale, massing and design proposed would have an impact on the views from the iconic swing bridge. Any harm to the significance of a designated heritage asset/s, including from development within its setting, requires clear and convincing justification (NPPF 200).
- The proposal is contrary to the Scarborough Local Plan policy DEC5 and the NPPF unless the public benefits, when factored into the overall planning balance, are sufficient to outweigh the level of harm identified.

7.8 Local Highway Authority (LHA):

- The applicant contends the development will result in a net loss of 52 parking spaces in the Endeavour Wharf car park, reducing the public car park capacity from 234 to 182 spaces (a 35% reduction).

- However, of the 234 car parking spaces currently available in the Endeavour Wharf car park it appears 6 are reserved for the harbour office and 20 for permit holders, leaving 208 reserved for public use.
- Accounting for parking demand associated with the new building, parking for the harbour office specifically and a realistic level of long-term permits, car parking spaces available to the public are likely to be reduced from 208 to 134 (a 35% capacity reduction).
- In periods of peak demand, notably at the height of the summer tourist season, car parking demand in Whitby can already exceed supply.
- The applicant's parking survey work took place during the off-season.
- At times of high demand, particularly in the summer season, the level of public car parking reduction associated with the development could impact the highway network if not properly managed.
- As a means of appropriately managing the situation the LHA asks for a developer contribution of £35,000 to be secured (via a Section 106 agreement) to pay for the provision of an 'electronic directional display sign' to direct drivers looking for a car parking space to other car parks where capacity remains.
- 14 spaces in the revised car park should be set over to disabled parking.
- Conditions should be applied requiring detailed access plans, detailed parking plans and a Construction Management Plan.

7.9 NYC Environmental Heath:

- There should be a noise and dust management plan in place for the construction phase;
- Construction should not take place outside of the hours of 07:30 - 18:00 Monday to Friday and 08:30 to 17:00 on a Saturday.

7.10 NYC Ecologist:

- There is no objection from an ecology perspective providing the recommendations for mitigation and enhancement measures provided in the ecological assessments are followed.

7.11 NYC Engineers: Awaited.

7.12 NYC Harbour Master: Awaited.

7.13 At the time of writing 59 public comments have been received, 55 in objection and 4 in support. A summary of comments made is provided below. However, comments can be viewed in full at the above weblink.

7.14 Objection:

- The building is too big and its design is inappropriate for its setting.
- The building will harm the Conservation Area and settings of important Listed Buildings.
- Parking in the town centre will be reduced, which will undermine tourism and the viability of the town centre.
- The loss of parking will cause congestion and will harm road safety.
- There is no proven need for this development and it is a waste of money.

- Funds set over to this development would be better spent elsewhere in the town.
- The harbour is already congested there is no space for the additional mooring demand this development might bring.
- Existing moorings are in need of repair or replacement and the harbour cannot accommodate increased demand without improvement.
- Wildlife will be harmed.
- The applicant does not have the right to carry out this development, accounting for its obligations as Port Authority.
- This land should be set aside for operational harbour use.
- The site is at significant flood risk and the development is likely to be flooded.
- The development will increase flood risk elsewhere.
- There is other land in the town, at lower flood risk and less visually sensitive, which is better suited to this form of development.
- The applicant's submitted sequential test in respect of flood risk fails to take into account other sites, including the car park on the east side of the harbour accessed from Church Street.

7.15 Support:

- I believe the building will support the local economy and businesses.
- The building is not overbearing and in fact improves the vista as it sits in front of the three least attractive buildings in Whitby.
- The need for varied employment, emerging industries and training opportunities is clear.
- The building is designed to deal with flooding.
- It would not be possible to locate this building anywhere other than adjacent to water.

7.16 A Local Division Member, Councillor Neil Swannick, has submitted a letter in support of the application, which is summarised by the following points:

- The Maritime Hub will play an important role in the economic and environmental strategies for Whitby, reducing dependence on tourism.
- Young people will be able to gain skills for their own futures and to guarantee Whitby a workforce able to compete with other small ports.
- Whitby remains proud of its fishing and boatbuilding industries which need to be supported and supplemented with emerging industries such as offshore wind and mariculture, this building will play an important part.
- I see the design as striking.
- The height is necessary.
- The building has the flexibility to deal with climate change driven sea level rise and extreme weather events.

7.17 The Whitby Civic Society has submitted a letter in support of the application, which is summarised by the following points:

- The views of Historic England and the NYC Conservation Officer are noted, including the conclusion that 'less than substantial harm' to designated heritage assets will result.
- Whitby Civic Society welcomes the commitment to utilise low and/or carbon neutral technologies including roof and facade-mounted photovoltaics, air source

heat pumps and hybrid ventilation units. However, given that the conservation area is subject to an article 4(1) direction (solar) which restricts permitted development rights over Solar PV and Solar thermal installation on prominent roofs within key views of Whitby Abbey and other vantage points, we request that a condition is attached to any consent which requires the applicant to use solar facade cladding panels and integrated roofing PV, to blend in with the brick face and roof covering.

- Electric vehicle charging points should be provided.

8.0 Environmental Impact Assessment

8.1 An Environmental Impact Assessment Screening Opinion has been issued confirming that an Environmental Statement is not required.

9.0 Main Issues

9.1 The main issues are:

- A) Principle of the development
- B) Impact on the character and appearance of the area, the Conservation Area and the settings of nearby Listed Buildings
- C) Flood risk
- D) Highways and parking
- E) Ecology

10.0 Assessment

A) Principle of the development

- 10.1 The proposal is for the development of a new educational and business facility specifically for (in the language of the NPPF) 'water compatible' maritime uses within the town's Development Limits. It is stated by the applicant, and it is clear from submitted details, that the purpose of the development is to provide opportunities for people to develop job related skills and acquire training to directly support the town's (and broader locality's) maritime industry, and also to provide wharf-accessible space in which maritime business is able to develop.
- 10.2 Policies HC10 (Health Care and Education Facilities) and EG1 (Supporting Industry and Business) of the Local Plan offer policy support for proposals for the development of education, industry and business facilities, as well as proposals which encourages the development of jobs, skills and employment.
- 10.3 With the provisions of these policies in mind, subject to the favourable consideration of the other planning matters discussed in the sections below, Officers consider the proposal to be supported by the Local Plan in principle.
- 10.4 Noting the discussion in paragraphs 10.14 to 10.21 (flood risk) and accounting for the Environment Agency's (EA) absolute requirement that the building be put to no other use than water compatible marine-based business and education uses, and

holding in mind that the planning system essentially affords the EA an opportunity to 'veto' any future change of use application, Members can be confident that the building will remain available as a space for marine uses to develop in Whitby into the future.

10.5 This notwithstanding, it is important to recognise that the development would lead to the loss of a number of public car parking spaces in the town centre, which is discussed from a highway safety perspective at paragraphs 10.22 to 10.32. It is recognised that this may have an impact on some existing businesses and could have a negative impact on access to the town's tourism offer to some extent. It is for Members to decide what weight they attach to the loss of car parking spaces in the balance, but it is the view of Officers that any harm in this respect would be limited and would therefore be offset in the balance by the presumption in favour of the scheme provided by the above mentioned policies. It is important to hold in mind that policy EG1 provides explicit backing for development which supports and enhances the operational role of Whitby harbour, and this site had historically been set over to operational harbour use.

B) Impact on the character and appearance of the area, the Conservation Area and the settings of nearby Listed Buildings

- 10.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving Listed Buildings or their settings.
- 10.7 Local Plan policy DEC5 of the Local Plan echoes these requirements, and in short it requires that new development preserves the character and appearance of Conservation Areas and the settings of Listed Buildings. Where there is harm the policy requires this to be outweighed by public benefit. Policy DEC1 of the Local Plan requires that the design of new development is of a high standard.
- 10.8 Described more fully in section 5, the proposed building would be three storied with pitched roofs to reflect the town's roofscape and accommodate solar panels. It would be constructed from a range of external materials including split-faced stone for the ground floor, brickwork for upper floors, and a metal balcony.
- 10.9 Officers consider the design of the building to be of interest. Its form and massing result in building with a well-proportioned, balanced and functional aesthetic reflective of its proposed operational maritime use.
- 10.10 With respect to the impact of the development on its context, in the formal consultation response the Conservation Officer presents a very detailed appraisal of the impact the development would have on the character of the area and on heritage assets, including Listed Buildings, the Conservation Area and important views.

- 10.11 The Conservation Officer notes that the building will sit at the core of the Whitby Conservation Area surrounded by other important heritage assets, and by reason of the town's topography (it is a natural 'amphitheatre' with Endeavour Wharf sat centrally at its base) the development will be seen prominently in the round, including from above.
- 10.12 Owing to the sensitivity of this setting, combined with the scale of the building, it is the view of the Conservation Officer that there will be a degree of harm to the Whitby Conservation Area and settings of nearby Listed Buildings, most notably to the following aspects:
- 1) Short distance views from Whitby Station and the west side of the swing bridge. These views will be significantly affected due to the building's prominence.
 - 2) Medium distance views from Church Street and the Abbey area. From these medium range vantage points the development will be prominently visible and alter the existing townscape views.
- 10.13 The harm identified is judged by the Conservation Officer to result in 'less-than-substantial harm' to the significance of the Whitby Conservation Area and nearby Listed Buildings by way of their settings. This harm is considered by your Conservation Officer to be at the mid-point of the 'less-than-substantial' scale. In accordance with the NPPF (paragraph 205) great weight should be given to the assets' conservation. Following paragraph 208, and accounting for the provisions of policy DEC5 of the Local Plan, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This is returned to below at section 11.

C) Flood risk

- 10.14 In general terms, local and national planning policy with respect to flood risk requires that new development is not unacceptably exposed to risk from flooding, that development does not increase the risk of flooding elsewhere and that where there is to be a degree of flood risk the development is safe for its operational lifetime.
- 10.15 This site falls within Flood Zone 3b, which is land identified by the Council's Strategic Flood Risk assessment to have the highest risk of flooding; it is estimated that the site has a one in ten-year flood risk.
- 10.16 Government planning policy and guidance is clear in that only developments which are defined as 'water compatible' (as per Annex 3 of the NPPF along with Table 2, paragraph 079 of the NPPG) should be considered for approval in Flood Zone 3b. Even then, a 'sequential test' should first be applied to determine whether there are other potential sites at a lower risk of flooding which could accommodate the development.
- 10.17 On the point of the sequential test, holding in mind that wharf access is an intrinsic component of the proposal, the applicant has assessed available alternatives and has concluded that there are no other sites at a lower risk of flooding which could

accommodate the development. Sites at a lower flood risk are judged to be unsuitable for the development, principally due to restricted size and/ or lack of wharf access, and those sites which might be practically suitable are not at lower flood risk.

- 10.18 Having considered the applicant's submission and reviewing the available alternatives for themselves, Officers consider the proposal to have 'passed' the sequential test.
- 10.19 The next step is therefore to consider the nature of what's proposed in terms of its NPPF 'flood risk vulnerability classification' and the suitability of the site (given its Flood Zone 3b status) considering paragraph 079 of the NPPG.
- 10.20 In its formal consultation response, the Environment Agency has confirmed that the proposed uses (as set out in Section 7 above) are 'water compatible'. This means that, in accordance with paragraph 079 of the NPPG which allows for 'water compatible' development in Flood Zone 3b, and accounting for the fact the sequential test is judged to have been passed, from a flood risk perspective Officers consider the proposal to be acceptable in principle.
- 10.21 The Environment Agency has requested that restrictions are placed on any permission the Committee may grant to limit the use of the building to 'water compatible' uses in perpetuity and to secure the implementation of flood resilience measures to ensure the building is safe for its lifetime (conditions 2 and 3). Officers consider these to be reasonable requests and are recommending that a suitable condition is applied to any grant of planning permission.

D) Highways and parking

- 10.22 The Local Highway Authority (LHA) is the statutory consultee in the planning process with respect to highways issues and the Local Planning Authority is reliant on its expert advice in this respect.
- 10.23 Fundamentally, the LHA has not objected to the proposals and has not identified the scheme as a risk to highway safety.
- 10.24 However, the LHA has raised some concerns principally in respect of the development's impact on parking provision for the town, and the residual impact this may have on the public highway.
- 10.25 These concerns are summarised by the following points:
- The applicant contends the development will result in a net loss of 52 parking spaces in the Endeavour Wharf car park, reducing the public car park capacity from 234 to 182 spaces (a 35% reduction);
 - However, of the 234 car parking spaces currently available in the Endeavour Wharf car park it appears 6 are reserved for the harbour office and 20 for permit holders, leaving 208 reserved for public use;
 - Accounting for parking demand associated with the new building, parking for the harbour office specifically and a realistic level of long-term permits, car parking

spaces available to the public are likely to be reduced from 208 to 134 (a 35% capacity reduction);

- In periods of peak demand, notably at the height of the summer tourist season, car parking demand in Whitby can already exceed supply.

- 10.26 The LHA goes on to contend that in times of high demand, particularly in the summer season, the level of public car parking reduction associated with the development could impact the highway network if not properly managed.
- 10.27 It should be held in mind that in the submitted Transport Assessment the applicant takes a different position and contends that sufficient car parking capacity exists in the town.
- 10.28 However, as set out this stance is disputed by the Highway Authority and Officers would suggest that people with experience of Whitby on the busiest days would likely agree with the notion that parking demand can outstrip supply, especially in the town centre.
- 10.29 Whether the benefits of the scheme outweigh the loss in town centre parking capacity is ultimately a matter for Members in weighing up the planning balance and this is discussed at section 11 of this report, but from the perspective of protecting the safety and convenience of users of the public highway and as a means of appropriately managing the situation the LHA has asked for a developer contribution of £35,000 to be secured (via a Section 106 agreement) to pay for the provision of an 'electronic directional display sign'.
- 10.30 This electronic sign would be erected by the LHA and positioned adjacent to the car park exit and would display messages to direct drivers (who have found the Endeavour Wharf car park to be full) to other car parks in the vicinity with capacity via a route least likely to cause congestion and other problems. The signage messages would be updated by Officers in the LHA control room who would use up-to-date information sourced from parking wardens and others to construct suitable messages in a similar way to existing electronic signs operated in the County.
- 10.31 Officers would advise that this is a reasonable request for necessary equipment as a means of efficiently and safely managing the impact of the development on parking in the town. However, in this instance, as the Council is applicant, LHA and Local Planning Authority, legal officers have advised that the requested funds cannot be secured by Section 106 agreement as the Council cannot enter into a contract with itself. The sign can be secured by planning condition and the applicant has confirmed it is willing to provide the sign, as such the funds would not need to be secured. It is proposed to secure the sign by condition.
- 10.32 To summarise on the issue of highway safety, subject to conditions in respect of access arrangements and other points, the LHA has not objected to the proposal, but it has raised concerns about the impact of reduced parking capacity in the town centre. It has requested an electronic directional signage to manage this issue. With the requested conditions (with a specific condition securing the electronic sign), your Officers would advise that development would not have such a detrimental impact on the highway to justify the refusal of planning permission.

E) Ecology

- 10.33 The application site is mainly set to tarmac so has very limited biodiversity value, as confirmed by the submitted ecology report. A latterly submitted bat survey concludes that the building on the land to be demolished (currently used by the Harbour Master) is not habitat for bats. As such, the development is unlikely to have any material impact on biodiversity, species protected by law or protected habitat.
- 10.34 It should be noted that this application was made before mandatory Biodiversity Net Gain (BNG) came into force, and as such is not required to provide mandatory BNG.

F) Additional considerations

- 10.35 Members will note that the Lead Local Flood Authority (LLFA) currently objects to the application and has requested in its consultation response that further information be supplied in relation to the surface water flood risk before a decision is made on the application.
- 10.36 When considering this point, it is important to note that it is generally held that the LLFA (a statutory consultee) is responsible for matters associated with surface water flood risk, the Environment Agency (EA) - also a statutory consultee - for matters related to sea level and river flooding and Yorkshire Water (not a statutory planning consultee, but a 'statutory undertaker') for matters associated with foul and surface water via public sewers.
- 10.37 Risks from sea level and/ or river flooding are the greatest environmental risks to the proposed development. Importantly the EA has not objected to the scheme, nor has Yorkshire Water. With that in mind, and taking into account the commentary in paragraphs 10.14 to 10.21 above, Officers would advise that sea level and river flooding risks are settled matters.
- 10.38 On the point of surface water risk and the LLFA's response, surface water from the development will be drained into the harbour, as it is currently. The amount of surface water run-off from the site will not increase and thus the surface water flood risk elsewhere will clearly not increase as a result of the development. In short, there is an outfall (the harbour) with the capacity to deal with surface water from the scheme, which is ultimately all the Local Planning Authority needs to establish at the point of determination (i.e. that the site can be drained of its surface water). Precise details of the surface water drainage scheme can be required by condition.
- 10.39 Public comments question the right of the applicant (the Council) to develop the scheme given its obligations as Port Authority. Officers would advise that such issues will need to be resolved between the applicant and the interested parties outside of the consideration of the planning application, and that the application should be determined on its planning merits.
- 10.40 In its consultation response the Town Council suggests that the Whitby Park and Ride scheme be expanded to offset the loss of parking in the town centre.

- 10.41 The principal means of securing funds for offsite works of this type is via Section 106 agreements. Obligations of this nature are subject to strict tests and the relevant legislation requires that any requests for contributions are:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 10.42 The Local Highway Authority (the statutory consultee on highway matters) considers that the parking issue can be adequately managed with 'smart signage'. Further, noting that this is a scheme for a relatively modest building with an internal floor area of circa 2000 square metres, and accounting for the likely significant costs associated with the expansion of the park and ride, Officers would advise that such a requirement would likely fail the 'fairly and reasonably related in scale and kind' test.
- 10.43 In the concluding section of its formal consultation response, the EA makes some supplementary remarks in respect of the potential impact of lighting on the suitability of the new building as bat habitat.
- 10.44 Evidence has been supplied to demonstrate that the site is not currently habitat for bats, so the proposal is very unlikely to have a negative impact in this respect. In terms of the new building, this is to be an operational harbour building for year-round use and external lighting will clearly be necessary, particularly harbour side. Whilst it is suggested that a lighting scheme be required by condition, principally to ensure the Conservation Area is not unduly impacted, in Officers' opinion restrictions on lighting in line with the EA's requirements would not be reasonable.
- 10.45 The Highway Authority has requested conditions requiring car and cycle parking details as well as pedestrian access plans. These have been provided as part of the application.
- 10.46 Both Historic England and your Conservation Officer have requested modification to the proposal including:
- More decorative hardstanding around the building.
 - The use of powder coated materials for the balcony detail as opposed to galvanised steel.
 - The use of boundary treatments other than bollards.
 - Replacement of the standing seam metal roof with natural slate tiles.
- 10.47 It is important to hold in mind that this is proposed to be an operational harbour building, and there are workshops with wharf access on the ground floor. Decorative surface finishes are unlikely to withstand the rigours of such use.
- 10.48 On the issue of the balcony material, in a marine environment galvanised steel is generally considered to be the better option over powder coated steel. It has superior corrosion resistance, it has 'self-healing' properties (scratches form a new oxide layer) and is very durable.

- 10.49 In Officers' view replacing the bollards and planters which surround the building with more formal boundary treatments would not be desirable. The proposal is for metal bollards and barrier planters to surround the building, allowing for a 5 to 7 metre safe vehicle-free 'pedestrian circulation and access buffer' in the round for people to freely enjoy. More formal enclosure arrangements would compromise this positive feature.
- 10.50 With respect to the roofing material, whilst the precise choice of material will be critical, Officers consider a metal standing seam roof to be consistent with the modern functional character and operational nature of the building and its inclusion in the design is considered to be appropriate. Roofs of this nature have been used with success elsewhere, including part of the lifeboat station roof in Scarborough. In any case, in excess of 50% of the main roof would be covered with photovoltaic panels.
- 10.51 Officers note the observations of the Civic Society in respect of the use of photovoltaic panels. On the point of the 'Article 4 Direction' in place for parts of Whitby, it is important to hold in mind that this does not preclude the use of photovoltaics on roof slopes but requires that planning permission is first obtained before they are installed (as opposed to them being Permitted Development for which no prior consent is required, as is the norm). In this case, the building has been designed to accommodate photovoltaic panels as they are shown on the drawings, and whilst those on the roof will sit slightly proud of the slope they will be beneath the water tabling (parapet), and therefore will not appear an incongruous feature in close or long range views in Officers' opinion. The wall-mounted units on the southern elevation of building will add to the visual interest of this aspect in Officers' view, noting that without their inclusion as a design feature the fire escape and its enclosure would dominate the south elevation.
- 10.52 Third party comments reference a lack of proposed electric vehicle charging points in the re-ordered public car park. In this case, as there is not a net gain of car parking spaces your Officers would advise that there is no Local Plan requirement for electric vehicle chargers to be provided. Officers recognise that this may be disappointing to Members and the Committee may wish to add an informative to any planning permission it may grant advising that the provision of electric vehicle charging points would be beneficial.

11.0 Planning Balance and Conclusion

- 11.1 The proposal is for the development of a new educational and business facility specifically for (in the language of the NPPF) 'water compatible' maritime uses within the town's Development Limits.
- 11.2 Policies HC10 and EG1 of the Local Plan offer policy support for proposals for the development of education, industry and business facilities, as well as proposals which encourages the development of jobs, skills and employment. Policy EG1 sets out specific support for development of this type which supports and enhances the role of Whitby harbour.

- 11.3 In Officers' view, it would be reasonable for Members to assign significant weight to these 'issues of principle' and public economic benefits in favour of the proposal in weighing-up the planning balance.
- 11.4 Weighing against the proposal in the balance is the impact on public car parking. From a highway safety perspective the Local Highway Authority advises that the loss of spaces can be appropriately mitigated with the installation of a digital sign displaying up-to-date information directing people to car parks in the town where there is capacity.
- 11.5 Notwithstanding the highway safety issue, Officers recognise that the loss of car parking spaces will have a negative impact on businesses and could have a negative impact on the town's tourism offer to some extent. It is for Members to decide what weight they attach to this material consideration in the balance, but in the view of your Officers that any harm in this respect would be limited and as such the weight applied to it should also be limited.
- 11.6 The Conservation Officer also advises that by reason of its visual impact the development would lead to 'medium less-than-substantial harm' to the Whitby Conservation Area, in particular to some important close and mid-range views within the heart of the town. In line with the relevant NPPF policies and the legal test, it would be appropriate for Members to assign significant weight to this consideration against the proposal in the balance.
- 11.7 To conclude, Officers consider that the identified harms are offset in the balance by the presumption in favour of the development set out by the above-mentioned policies and by the significant social and economic public benefits a development which is compliant with these policies is likely to deliver over time.

12.0 RECOMMENDATION

That planning permission be granted, subject to the conditions set out below:

- 1 The development shall be implemented in accordance with the following plans and details:
 - WHIT-ENJ-Z0-ZZ-DR-A-99302 P02, site plan, 05 April 2024
 - WHIT-ENJ-Z0-ZZ-DR-A-99304 P04, proposed site, plan, 05 April 2024
 - WHIT-ENJ-Z1-ZZ-DR-A-99304 P04, general arrangement plans, 17 May 2024;
 - WHIT Z1 ZZ DR 99305 P04, elevations, 27 March 2024

Reason: To avoid doubt.

- 2 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: D/I/D/152982/04 Rev 6 dated 19/03/2024), including the specified flood resilience measures, and the building shall only be used for the following:

- Those uses set out in table 3.4.2 of the referenced Flood Risk Assessment; and,
- Other uses which are defined as 'water compatible' by the National Planning Policy Framework December 2023 (or any future revision) and which shall be agreed in writing by the Local Planning Authority at least 90 days prior to that use commencing.

Reason: To ensure the building and uses within it are not unduly sensitive to the risk of flooding in accordance with policy ENV3 of the Local Plan.

- 3 Prior to the continuing of the development beyond foundation level, the applicant shall submit a scheme for the gull proofing of the new development designed to prevent seagulls from roosting/nesting and harbouring on all new external features which could support the roosting/nesting and harbouring of seagulls. The scheme shall include a maintenance and management plan for the gull proofing. The development shall be implemented in accordance with the approved scheme and the gull proofing measures shall be thereafter permanently retained and maintained in accordance with the approved maintenance and management plan.

Reason: To ensure gull proofing measures are properly considered and designed for at the outset to ensure good design and the preservation of the character of the Conservation Area in accordance with policies DEC1 and DEC5 of the Local Plan. To protect amenity in accordance with policy DEC4 of the Local Plan.

- 4 Notwithstanding the submitted details, no floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered.

Reason: To ensure external lighting is properly considered and designed for at the outset to ensure good design and the preservation of the character of the Conservation Area in accordance with policies DEC1 and DEC5 of the Local Plan.

- 5 The development shall not commence above slab level until a schedule of all of the proposed new external materials of construction, including details of the proposed hard surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The submitted schedule shall specify each material and its surface finish, including colour. The development shall be implemented in accordance with the approved schedule.

Reason: To ensure the development is a visually attractive place and to ensure the historic environment is preserved in accordance with policies DEC1 and DEC5 of the Local Plan.

- 6 Prior to their installation, typical details of the following design features including a material specification, details of the mounting method to adjoining fabric and an assembly drawing (for elements with multiple components) at not less than 1:20 scale except where specified shall be submitted to and approved in writing by the Local Planning Authority:

- a) The first floor balcony detail;
- b) The external stair/ fire escape together assembly with its enclosure and attached solar panels at not less than 1:50 scale;
- c) All external doors, including the workshop shutter doors;
- d) The roof-top water tabling detail;
- e) All external windows, including dummy windows;
- f) The standing seam roof detail;
- g) The entrance canopy;
- h) The rainwater goods, including hopper heads;
- i) A cross section of the relationship of the rooftop mounted solar panels with the roof plane;
- j) The bollards, including the detachable bollards, to be used as the means of enclosure of the site;
- k) The proposed bike hoops.

Typical assemblies of the items a), c), d), e), f), h) and i) will be sufficient.

The development shall be implemented in accordance with the approved details.

Reason: To ensure the development is a visually attractive place and to ensure the historic environment is preserved in accordance with policies DEC1 and DEC5 of the Local Plan.

- 7 Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Construction of the development must be undertaken in accordance with the approved CMP.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of and removal of materials and plant to and from the site, including timing of deliveries, the timing of removals and the timing and location of loading and unloading activities;
6. details of the routes to be used by HGV construction traffic;
7. protection of carriageway and footway users at all times during demolition and construction;
8. details of site working hours;
9. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
10. 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;

11. measures to control and monitor construction noise;
12. details of external lighting equipment;
13. a detailed method statement and programme for the building works;
14. contact details for the responsible person (site manager/office) who can be contacted by the Local Planning Authority on the matter of compliance with this CMP.
15. Measures to prevent the displacement of construction debris and polluting discharges in the harbour.

Reason: The development site is at the heart of Whitby's tourist offer and is close of residences. Without reasonable restriction, there is the potential for construction activities to harm the town's tourism offer and to unduly harm residential amenity. To prevent the polluting of the harbour. Policies DEC1, DEC4 and ENV3 of the Scarborough Borough Local Plan.

- 8 The car and cycle parking arrangements together with the pedestrian access arrangements shown on the approved plans, including the pedestrian/ traffic segregation measures (the bollards) shall be implemented in full and available for use prior to the first use of the building and shall thereafter retained.

Reason In the interests of highway safety in accordance with policy DEC1 of the Local Plan.

- 9 Prior to the installation of the surface water drainage system, a design for the system and a plan for its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The system shall be designed for a 1 in 100 rainfall event, allowing 40% additional capacity for climate change and 10% for urban creep. The drainage system shall be constructed in accordance with the approved details and shall be operational prior to the first use of the development. The drainage system shall be maintained in accordance with the approved maintenance plan.

Reason: To ensure surface water management is properly designed for in accordance with policies ENV3 and DEC1 of the Local Plan.

- 10 The development shall be implemented in accordance with the section 6 of the submitted Ecological Impact Assessment (ref 23083 EclA V1) and prior to first use of the building, at least 4 proprietary swift bricks shall be incorporated into the masonry at eaves level.

Reason At the request of the Council's Ecologist and the Environment Agency. In accordance with policy ENV5 of the Local Plan, to enhance biodiversity.

- 11 Prior to the first use of the building, a scheme for the provision of an electronic directional display sign to be sited adjacent to the access/ egress to the retained public car park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the building and the sign shall be used solely for the displaying of information relating to the availability of alternative car parking provision in Whitby.

Reason In the interests of highway safety in accordance with policy DEC1 of the Local Plan.

Target Determination Date: 5 June 2024

Case Officer: Mr Daniel Metcalfe
daniel.metcalfe@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Strategic Planning Committee

13 AUGUST 2024

20/01706/EIAMAJ - OUTLINE APPLICATION, WITH ACCESS OFF WHINNEY LANE, FOR THE ERECTION OF UP TO 224 RESIDENTIAL DWELLINGS AND A NEW SCHOOL WITH ASSOCIATED ROADS, PARKING, LANDSCAPING, DRAINAGE AND OPEN SPACE (ALL MATTERS RESERVED)

**ON BEHALF OF
BANKS PROPERTY LTD**

REPORT OF THE ASSISTANT DIRECTOR PLANNING – COMMUNITY DEVELOPMENT SERVICE

1.0 Purpose of the Report

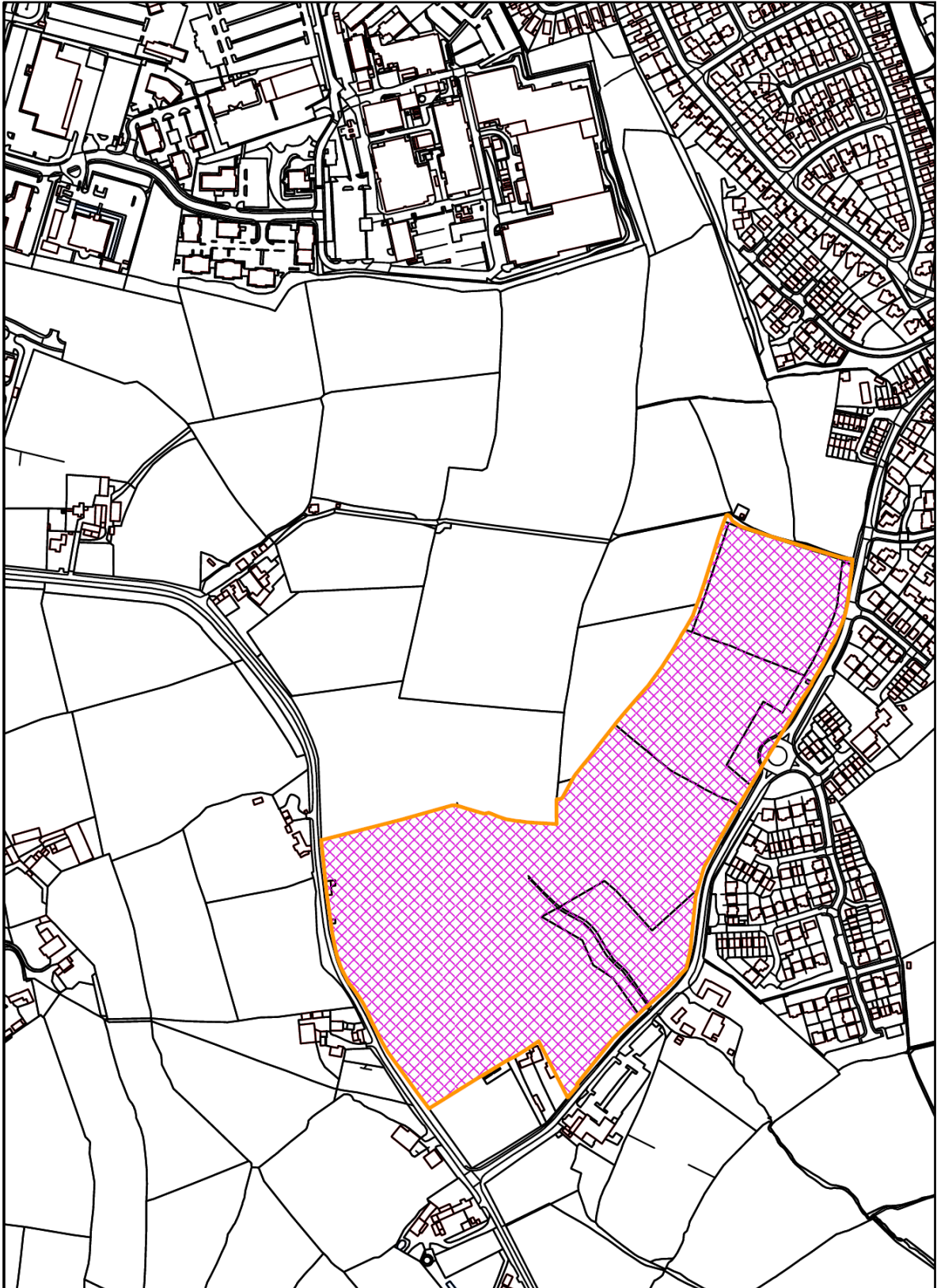
- 1.1 To determine an outline planning application for erection of up to 224 dwellings, and a new school with associated roads, parking, landscaping, drainage and open space, (All matters - access, appearance, landscaping, layout and scale reserved) on land Comprising Field At 428984 452916, Whinney Lane, Harrogate North Yorkshire.
- 1.2 The application is brought before planning committee because it is an application required to be accompanied by an Environmental Impact Statement and because the site is part of a wider 'urban extension' to the West of Harrogate. It forms part of local plan housing allocation H51, which is included within the West of Harrogate Parameters Plan (WHPP). The purpose of the WHPP is to create an aligned, holistic site approach, addressing matters such as access and movement, provision of community facilities and schools, green and blue infrastructure, public transport, cycling and pedestrian links with sites H45 Blue Coat Park, H46: Land at Otley Road, H36 Former Police Training Centre Yew Tree Lane, H70 Land east of Whinney Lane, H49 Windmill Farm, Otley Road and H51 Land Off Lady Lane and Whinney Lane.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. This is an outline planning application with all matters reserved for the erection of up to 224 dwellings and a new school with associated roads, parking, landscaping, drainage and open space on part of H51, a site allocated for mixed housing and industrial/business development and associated uses in the adopted Harrogate Local Plan. The principle of mixed housing and industrial/business development is therefore acceptable on this site. Up to 90 affordable dwellings would be provided on-site.

- 2.2. The application is accompanied by an Environmental Statement that has not identified any significant environmental effects resulting from the development that would justify a reason for refusal.
- 2.3. The site is located to the Southwest of Harrogate and extends to approximately 12.64 hectares of agricultural land. Access to the site will be taken off the recently constructed roundabout on Whinney Lane.
- 2.4. The norther part of the H51 allocation is subject to a separate planning application for 'up to 480 residential dwellings and up to 1.92ha of employment land' under planning application reference 18/05202/EIAMAJ. This application will be brought before the Strategic Planning Committee in due course.
- 2.5. Officers have assessed the proposed development against the policies in the local plan and national planning policy and have found the submitted details to be acceptable. The proposed development will make a valuable contribution to meeting housing need, including the delivery of affordable housing. The impacts of the proposed development on the operation of the highway network, landscape character, heritage, and in in all other respects that are material to the consideration of this proposal are considered to acceptable, subject to the proposed conditions set out below and completion of a S106 agreement, with terms as detailed in Table 1 below. The detail of the proposed development will be controlled at reserved matters stage when full details of proposed landscaping, design, scale and appearance will be submitted to the local planning authority for approval.
- 2.6. Having regard to the overall planning balance the proposed development is considered to be sustainable and the recommendation is therefore that planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.



Location Plan

Scale 1:5,000



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02/08/2024

3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. The application was submitted to the planning authority In June 2020, prior to the adoption of the Harrogate District Local Plan in December 2020. The number of dwellings originally proposed was 270. This has been reduced to 224 following further consideration of the indicative site layout, particularly in relation to the area of land required for the school.
- 3.3. In September 2023, an updated Environmental Statement was submitted to the planning authority and a further round of statutory and public consultation was carried out in September/October 2023.
- 3.4. In April 2024 a Cumulative Transport Strategy (CTS) that considers the traffic impacts of the proposed development along with a number of other committed and allocated sites, was submitted in support of the application. The submission of the CTS followed lengthy discussions with the Local Highway Authority around the scope and methodology of the document. A further round of statutory and public consultation was carried out in May/June 2024.
- 3.5. In May 2024 a Cumulative Air Quality Assessment (CAQA). This considers the impacts on air quality cumulatively with the other sites in the west of Harrogate area. The report concluded that the cumulative and individual impacts on air quality would be negligible and not significant. A further round of statutory and public consultation was carried out in June/July 2024.
- 3.6. Since the application was submitted the West of Harrogate Parameters Plan (WHPP) was approved by the former Harrogate Borough Council Cabinet Member for Planning (approved February 2022). The WHPP presents a concept masterplan for the sites in West Harrogate, which provides guidance to aid the interpretation of policies in the Harrogate District Local Plan 2014-2035. The purpose of the plan is to create an aligned, holistic site approach, addressing matters such as land use, access and movement, provision of community facilities and schools, green and blue infrastructure, public transport, cycling and pedestrian links, and phasing.
- 3.7. The West of Harrogate Infrastructure Delivery Strategy (WHIDS) was approved by the NYC Executive Member for Open to Business on 24 June 2024. The WHIDS has been prepared to accompany the WHPP in order to establish the timing and delivery of the infrastructure required to support the sites in West Harrogate.
- 3.8. There are two planning applications on local plan housing allocation H51 that are relevant for this application, which are detailed below.
 - 18/02960/FULMAJ - Erection of 40 no. dwellings with associated landscaping and access – Granted 31/7/19.
 - 18/05202/EIAMAJ - Outline planning application for the demolition of a redundant agricultural structure and mixed-use development for up to 480 residential dwellings, land for employment purposes, a local retail centre and

associated infrastructure, public open space, landscaping and a sustainable urban drainage system (SuDS). Vehicular access will be taken from Lady Lane & Whinney Lane. All matters reserved except for means of access – Pending.

- In addition to the two applications above, a list of other West of Harrogate housing allocations, and any relevant planning applications, is set out in the table below:

Local Plan Reference and Indicative Yield	Planning Application Number	Location	Number of dwellings proposed	Status
H36 (Indicative Yield – 163 dwellings)	23/00259/REMMAJ	Yew Tree Lane (former PTC)	200	Granted – Not commenced
H45	22/01558/EIAMAJ	Land at Otley Road/ Beckwith Head Road.	up to 480	Application pending
H46 (Indicative Yield – 125 dwellings)	15/01999/EIAMAJ	Land at Otley Road Harrogate	125	Granted – Completed.
H49 (Indicative Yield – 776 dwellings)	22/00089/EIAMAJ	Windmill Farm, Otley Road Harrogate	810	Application Pending
H70 (Indicative Yield – 230 dwellings)	19/02342/REMMAJ (Northern half of H70)	Whinney Lane	130	Granted - Substantially completed
H74	16/04107/REMMAJ	Crag Lane	119	Granted and completed

The cumulative impact of these sites on infrastructure has been considered in the WHPP and WHIDS. Each of the outstanding applications will pay financial contributions towards the cost of improving infrastructure provision to meet the needs of the development across west of Harrogate as a whole. The amount payable for is based on the number of dwellings proposed. On-site provision will be made for primary schools and local centres on H51 and H49 and for a sports hub on H45. This will ensure that the west of Harrogate urban extension is brought forward in a comprehensive manner with infrastructure such as schools, sports facilities and highway improvement works delivered at the appropriate time to meet the needs of the growing population. There are currently four planning applications in the system

and each of these will be assessed on its own merits, whilst also taking account of cumulative impacts.

4.0 Site and Surroundings

- 4.1. The site is located to the Southwest of Harrogate and extends to approximately 12.68 hectares of agricultural land. It fronts Whinney Lane to the southeast, Lady Lane to the West and the remainder of the housing allocation H51 to the north. Access to the site will be taken off the recently constructed roundabout on Whinney Lane. The site is within the Crimple Valley Special Landscape Area.
- 4.2. The site is within the Harrogate development limit and forms the southern part of H51, a site allocated for mixed housing and industrial/business development and associated uses in the adopted Harrogate Local Plan.
- 4.3. The northern part of the site is subject to a separate planning application for 'up to 480 residential dwellings and up to 1.92ha of employment land' under planning application reference 18/05202/EIAMAJ.

5.0 Description of Proposal

- 5.1. This application seeks outline planning permission with all matters reserved for the erection of up to 224 dwellings and a new school with associated roads, parking, landscaping, drainage and open space. Up to 90 affordable dwellings would be provided on-site. The application is accompanied by an Environmental Statement that has not identified any significant environmental effects resulting from the development that would justify a reason for refusal.

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:

- Harrogate District Local Plan 2014-2035 adopted December 2020.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is the North Yorkshire Local Plan 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

- National Design Guide 2021
- West of Harrogate Parameters Plan - approved February 2020
- West of Harrogate Infrastructure Delivery Strategy - approved June 2024
- Affordable Housing SPD - June 2021
- Providing Net Gain for Biodiversity SPD - June 2021
- Provision of Open Space and Village Halls SPD - June 2021
- Heritage Management Guidance SPD - November 2014
- Landscape Character Assessment - February 2004

7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below. Four rounds of consultation have taken place during the course of the application, with the latest round carried out May/June 2024. The responses below cover the comments received in response to these consultations. Any further comments received will be reported at the Planning Committee meeting.

7.2. **Parish Councils:**

Haverah Park with Beckwithshaw Parish Council object to the application. The issues raised are summarised below (comments received on 16th October 2023):

Comments received 24.06.24 - following receipt of Cumulative Transport Strategy on 19.4.24.

Fundamental Concerns

- None of the documentation is mandatory.
- The reports and proposals have been prepared by developers in their own self-interest without any due diligence from NYC.
- No indication or guarantees that the content and inclusion of any of the reports will be conditional on the granting of any future Planning Approvals.

Biodiversity Report prepared by BSG Ecology

The parish council cannot accept this report unless the comments of the NYC Ecologist are incorporated;

- Until the parish council can be assured of the mechanism for monitoring the proposals we consider this document to be no more than a 'Wish List'.

Air Quality Assessment Miller Goodall

- The parish council find it impossible to accept the conclusion of Clause 6.1.5 that pollution from the developments by Banks, Gladman and at Windmill Farm and Bluecoat Park collectively will have 'negligible impact' on air quality. Again, no independent assessment has been undertaken;

Banks Property Castle Hill West

- This document is no more than a sales pitch without any factual content or evidence that any of the proposals will be implemented i.e., how the area adjacent to Linton House and The Old Poor House will be treated sensitively;

- Socio Economic Section - the parish council disagree with the proposition that 'there is sufficient health care capacity in the local area. The document does not identify the location or refer to any evidence from local health care professionals that this is the case. More evidence of pure window dressing rather than data-based fact.

Comments received 16.10.23 - following receipt of updated Environmental Impact Statement on 6.9.23.

- Lack of integrated plan for West of Harrogate;
- No planned road or pavement improvements for Whinney Lane, Lady Lane and Hill Top Lane;
- The traffic assessments are not based on current usage and the Parish Council disagrees with the assessment of the impacts. The Parish Council believe that the impact will be severe;
- Whinney Lane, Lady Lane and Hill Top Lane have little capacity to accommodate increased traffic flows;
- Traffic impacts on existing congestion problems;
- No consideration of traffic impacts on villages of Beckwithshaw, Pannal, Burn Bridge and North Rigton;
- There are no firm and committed proposals to fund additional bus services which will satisfy the sustainable transport aims expressed in Local Plan Policy T11;
- Negative impact on the supply/pressure of the local water supply;
- Concerns about the impact of surface water drainage;
- Lack of sustainable housing and concerns about impact on global warming;
- No provision for a secondary school, this would add to traffic problems;
- There is no certainty offered that the capacity of the proposed new schools will be available to meet demand in anticipation of the occupation of these properties;
- Lack of services and facilities in the area;
- Concerns about the impacts on wildlife and ecology;
- Existing footpath routes should be protected and preserved;

Pannal and Burn Bridge Parish Council object to the application. The issues raised are summarised below (comments received on 13th October 2023, 31 May 2024 and 28 June 2024):

Comments received 28.6.24 following receipt of consultation response from NYC Highways Department dated 12th June 2024 (Summarised – please see website for full comments).

- All of this considerable work with developers on these developer-led strategies is in stark contrast to how little time the Local Planning Authority (LPA) and Local Highway Authority (LHA) have found to work with, consult or co-develop with parishes or their parishioners other than one developer-led open session where there is no evidence the input of parishes has been listened to at all;
- LPA and LHA should constructively engage with Parishes and parishioners in surrounding areas where there are significant off-site impacts from this and proposed further developments to the West of Harrogate;
- LPA and LHA should address the concerns and constructive suggestions both of Parish Councils in writing and in dialogue;
- All major developments of this type should only be progressed with proposals tested against and consistent with a North Yorkshire Council Infrastructure Delivery Strategy, which is reviewed and agreed with all affected parishes and fully agreed with the Planning Committee of North Yorkshire Council. Determination of this application should be deferred until the West of Harrogate Infrastructure Delivery Strategy is available;
- The LHA has presented no critical analysis of these proposals and has not demonstrated that they have taken into account parishioners' views or the views of their representatives in reaching this conclusion.
- The measures independently reviewed and costed by a Transport Consultant working on behalf of the LHA formally request that these independent assessments are published for public scrutiny;
- Traffic speeds should be reduced, and traffic calming measures should be introduced along significant stretches of key routes to improve road safety;
- Footways should be improved on routes experiencing greatest traffic growth;
- Safe cycling routes with protection from traffic should be created for journeys from Pannal to Harrogate and from the new developments to Pannal Railway station and in the surrounding area generally;
- Pedestrian pathways and crossings in Pannal village should be improved;

- Yew Tree Lane should be widened;
- The proposals for widening the bridge at Burn Bridge Lane/Burn Bridge Road to two cars should not go ahead as it would be detrimental to road safety;
- Bus service and infrastructure should be improved;
- Park and Ride facilities should be introduced;
- There should be a Pannal village parking strategy to keep the area around school safe and prevent dangerous parking on surrounding residential roads;
- There should be weight limit signs and enforcement through Pannal village centre on Church Lane, Main Street.

Comments received 31.5.24 – following receipt of Cumulative Transport Strategy on 19.4.24.

- Significant concern that the objectives of the Transport Assessment and Transport Strategy presented in recent updates are biased towards priority for motor vehicles to increase flow of traffic and reduced journey times through routes through Pannal and Burn Bridge, and are not focused on achieving priority and safety for pedestrians and cyclists and residents along affected routes;
- major concerns about the Transport Strategy in that it fails to meet the Local Plan policies for the achievement of a sustainable transport system by seeking to minimise the need to travel, achieve reductions in traffic congestion, and promote public transport;
- There are insufficient proposed changes to facilitate increased active travel to connect this and other housing developments to central Harrogate and for onward public transport. Active travel routes need to be a safe, viable alternatives to motor vehicle journeys;
- All major developments of this type should only be progressed with proposals tested against and consistent with the West of Harrogate Infrastructure Delivery Strategy (WHIDS) which is reviewed and agreed with all affected parishes and fully agreed with the Planning Committee of North Yorkshire Council. Determination of this application should be deferred until the WHIDS is available and requirements of WHIDS made conditions of any approval;
- There is no indication of plans for construction traffic;
- Risks to cyclists and pedestrians;
- Concerns about access to primary healthcare and dental provision;

- There should be increased street trees and areas of planted green space between groups of houses.
- Solar panels should be added to every home to achieve benefit of reducing total Co2 emissions;
- Here should be more work on improving biodiversity;
- Landscaping proposal do not protect essential rural views from the surrounding network of public rights of way and roads.

Comments received 13.10.23 - following receipt of updated Environmental Impact Statement on 6.9.23.

- A cumulative transport assessment is required, which considers the impact of all allocated sites forming the West of Harrogate Urban extension. the Parish Council feel it is imperative that this assessment be made known before any further consideration is given to this application;
- Transport assessment is out of date.

7.3. Ward Member(s):

Comments received from Councillor John Mann, Oatlands & Pannal Division, North Yorkshire Council. Received on 8th October 2023, 26th May 2024 and 1st August 2024.

Comments received on 26th May 2024.

- The West of Harrogate Infrastructure Delivery Strategy (WHIDS) document needs to be completed and consulted on and then signed off by the council before planning permission is granted. Many of the residents are concerned about the cumulative effect of the several large housing allocations on the ability of the west of Harrogate transport network to cope with the increase in vehicle usage which will be a consequence of the 4000 houses that will ultimately be built in the West of Harrogate. Roads such as Lady Lane, Hill Top Lane, Hill Foot Lane, and Burn Bridge Road are simply not wide enough or meant to cope with such large future volumes of traffic, even if the junctions are mitigated and improved and traffic flow is eased.
- Concerned about the safety implications of much larger volumes of traffic using these roads going backwards and forwards from the A61 to Cardale Park and the new housing developments in the “western arc” of Harrogate. The transport strategy documents submitted by the developers make no mention of road safety and the need to reduce speeds along these roads. The council and the developers working on the transport strategy document should consider traffic calming measures on roads in the western arc to reduce speeds and prevent future accidents. Such measures should include those which have already been taken on Burn Bridge Road in the past such as chicanes and road humps and raised tables such as can be found on Thirkill Drive in Pannal village.

- Whinney Lane is already dangerous with numerous parked cars making visibility poor - and the Local Planning Authority and Local Highway Authority need to be mindful that schoolchildren walk to all the nearby schools along the lane. Whinney Lane is already almost gridlocked in the mornings and cannot take further traffic, which will be generated by all this new development.
- The cumulative transport plan should be made mandatory and be made a condition of the planning approval if approval is granted otherwise there is no guarantee the proposals will be implemented. Also, there is no timetable for carrying out the mitigation works at the junctions and the road improvements should be carried out before housebuilding starts.
- The planning conditions of the approval if granted should include a plan of the construction traffic routes so that heavy goods vehicles can travel to and from the development sites in safety.
- The Banks and the Gladman developments need to be coordinated and the link road joining the two developments needs to be constructed and opened before major house building commences.

Comments received on 8th October 2023

- Whinney Lane and the nearby roads are narrow country lanes that were formerly used to connect local farms (i.e., they were basically cart tracks) and they are not suitable for current levels – never mind future levels – of traffic. A further additional 230 houses together with housing from other housing allocations in the Local Plan, which will be built in the near future, will cause a large increase in traffic in the west of Harrogate area. The local road infrastructure will have difficulty coping with this. NYC plan to improve junctions, traffic lights and widen a few lanes where the verges allow, but these measures will not be adequate to mitigate the overall increase in traffic congestion and the deterioration in road safety that will occur as the number of cars using these narrow lanes rises rapidly.
- The Local Plan for Housing in the Harrogate area envisages that almost 4,000 houses will be built in the Western Arc (from Penny Pot Lane to Burn Bridge) and only 700 houses have been built so far. Once the remaining 3,700 are built, local roads will be well over capacity and the building of a school that is accessed off Whinney Lane will exacerbate the situation, especially at pupil drop off and pick up times.
- Whinney Lane is already congested following the building of two new housing estates recently.
- Whinney Lane road surface is already very uneven and rutted in parts as a result of builders' merchant's lorries frequently using the road to drop off supplies for the building of the two new housing estates on the Lane.

- Existing high levels of traffic on local roads such as Green Lane and Pannal Ash Road and the top end of Whinney Lane are in bad condition and are long overdue for resurfacing.
- Traffic calming should be introduced to reduce speed.

Comments received on 1st August 2024

- Comments relating to the Cumulative Transport Strategy document and the sister documents for the West of Harrogate, the Infrastructure Delivery Strategy and the Infrastructure Delivery Schedule.
- What is being proposed in the West of Harrogate is nearly 4000 houses and this will create huge demands on the overall infrastructure in the locality. Ten years into the former Harrogate Council Local Plan for 2014-35 we have only built 700 houses with another 3300 yet to come. On top of that we will now have the new Government's Housing Targets for our town which will in due course be incorporated into a new updated North Yorkshire Council Local Plan for housing in Harrogate for the next 20 years.
- Yet, the previously mentioned documents essentially state that there will not be a "severe impact" on the road network arising from the large housing developments. However, it could just as easily be argued that at a number of the locations assessed in the Cumulative Transport Strategy, the cumulative impact can be seen as 'severe', particularly where traffic saturation levels are very high and on existing narrow sections of road where traffic levels are forecast to increase significantly.
- With regard to the narrow roads in the West of Harrogate, including Lady Lane, Hill Top Lane, Hill Foot Lane and Burn Bridge Road, the increased traffic will lead to increased risks for highway safety especially for pedestrians along roads with substandard or no footway provision.
- In relation to the various junction mitigations and road improvement/widening proposals in the documents, the strategy seems to consist of a number of mitigations being implemented along Otley Road and the narrow country lanes that take traffic to Burn Bridge or through Pannal and onto the A61. Both of these routes are already very busy and it is difficult to see that these mitigations will do anything other than just move the traffic along to existing congestion points in the network such as the Prince of Wales roundabout and the centre of Pannal village. Nothing will really improve since the traffic will only be held up at different points of the road network. Indeed, the proposals will increase levels of rat-running through Burn Bridge and Pannal as rush-hour traffic seeks the quickest way to get to the A61 and Buttersyke Bar roundabout as part of the commute from, or commute back to, homes in Leeds, York and Bradford.
- As previously stated, one cannot get away from the main point, which is that the West of Harrogate urban expansion equates to the equivalent to a small town but the infrastructure for adequate roads and other facilities does not

really exist. This should be contrasted with the approach to infrastructure that is being taken at the proposed Malt Kiln settlement in Cattal /Green Hammerton.

7.4. NYC Lead Local Flood Authority:

No objection – Conditions proposed to control the detail of foul and surface water drainage.

7.5. NYC Highways:

The Highways Officer has assessed the submitted Cumulative Transport Strategy and the Transport Assessment. The Transport Assessment is site specific, whilst the Cumulative Transport Strategy is aimed at assessing the wider transport impact across all planned and emerging Local Plan allocated sites.

The financial contributions for off-site highway works necessary to mitigate the cumulative impacts of the west of Harrogate developments is circa £36.7million pounds. This will be apportioned to each site based on the number of dwellings proposed. Listed at appendix C are the junctions that will require mitigation to address the cumulative impacts of development. These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the Local Highway Authority. The off-site highway works will be designed, procured and delivered by the LHA over the lifetime of the development.

The apportionment for this site is £2,889,696. This figure equates to £12,900 per dwelling.

Having considered Nationally Planning Policy Framework guidance, the Local Highway Authority considers there is no defensible reason to refuse the application on highway and transportation grounds subject to conditions and s106 to secure proposed mitigation.

7.6. NYC PROW Officer:

The existing amenity value of the Public Right of Way adjacent to the northern site boundary should be protected.

7.7. NYC Ecology:

No objection on ecological grounds, subject to planning conditions to require the submission of an Overall Biodiversity Gain Plan (OBGP) and submission of a Construction Ecological Management Plan (CEcMP) for each phase. Biodiversity Net Gain (a minimum of no net loss) to be secured through a Section 106 agreement.

7.8. NYC Education:

No objection subject to provision of serviced land and financial contributions as set out at Table 1 (s106 Legal Agreement).

7.9. NYC Arboriculture Officer

An Arboricultural Impact Assessment (AIA) is required in order to assess what impacts, if any, there are to any site trees as a result of the proposed development.

Comment: As this is an outline application with all matters reserved, protection of trees can be adequately controlled by conditions and the details fully assessed when reserved matters applications come forward.

NYC Landscape:

The landscape officer is satisfied that the submitted LVIA and other supporting documents demonstrate that the development can be accommodated at this location without significant harm to landscape character. The officer has some concerns about the detail shown on the indicative landscape masterplan, particularly in relation to street trees. The masterplan is not for formal consideration at this stage and the applicant has been advised that they will be required to demonstrate that street trees will be accommodated in the scheme when the planning authority considers the detail of the scheme at reserved matters stage. The LPA has sufficient control at reserved matters stage to address the landscape officers' concerns.

7.10. **NYC Heritage:**

No objection. Proposed condition requiring a scheme of archaeological recording is undertaken in response to the ground disturbing works associated with this development proposal.

7.11. **NYC Environmental Health Officer:**

No objection – Conditions proposed re land contamination, Construction Management Plan (including dust and air quality mitigation), hours of work, lighting scheme, refuse storage

7.12. **NYC Housing:**

40% Affordable Housing required. These should be well integrated within the development and appear indistinguishable from the market homes in order to promote balanced and mixed communities. Details of the affordable housing will be controlled at reserved matters stage. Affordable dwellings will be required to comply with the requirements of local plan policy HS2.

7.13. **Environment Agency:**

The proposed development falls within Flood Zone 1, which is land defined in the planning practice guidance as being at low risk of flooding. No objection subject to a condition requiring Finished Floor Levels to be built in accordance with the details set out in the submitted Flood Risk Assessment.

7.14. **Police:**

Proposed condition requiring full details of how designing out crime and secure cycle storage will be incorporated at the reserved matters stage.

7.15. **Historic England:**

No Comments on the proposed development.

7.16. **Yorkshire Water**

No objection subject to conditions to control the details of foul and surface water drainage. Yorkshire Water is committed to re-enforcing the water infrastructure to the west of Harrogate but timescales for this work remain to be precisely determined.

7.17. Natural England

No Objections.

7.18. Sport England

No objection to the proposed development subject to conditions to control the construction and maintenance of the school playing fields and a condition requiring them to be subject to a community use scheme to allow community access to the sports facility.

Comment: The construction and management of the playing fields will be under the control of NYC Education and therefore these conditions are not necessary.

7.19. Police Designing Out Crime Officer

No Comments in relation to designing out crime (Comments dated 11/6/2024)

7.20. NHS – Integrated Care Board

No Objection, subject to a financial contribution towards the provision of healthcare facilities to meet the need generated by the development, as set out at Table 1 (s106 Legal Agreement).

Local Representations

7.21. 221 representations have been received of which 6 are in support and 215 are objecting. Comments have also been received from local interest groups Harrogate and Pannal Ash Residents Association (HAPARA) and Harrogate Civic Society who object to the application. 18 representations were received in response to the submission of amended details received April/May 2024 (Cumulative Transport Strategy and Cumulative Air Quality Assessment). 87 representations were received in response to the submission of amended details on 6th September 2023 (Updated Environmental Statement). 112 representations were received in response to the application as originally submitted. A summary of the comments is provided below, however, please see website for full comments.

7.22. Support:

- Support for the provision of more affordable dwelling houses in Harrogate.

7.23. Objections:**Highways and Transport**

- The surrounding road network is narrow country lanes and is already dangerous. The additional traffic generated by the proposed houses and school cannot be accommodated on the local road network and would exacerbate existing road safety and congestion problems;
- The proposed school is not necessary and will have a harmful impact on the operation of the local road network, particularly during drop-off and pick-up;

- On-Street parking on Whinney Lane already causes congestion problems and poor visibility;
- The Cumulative Transport Assessment isn't locational specific and is out of date;
- Highly unlikely that the improvements to the cycle network would mitigate against the increased traffic levels from development in the west of Harrogate;
- No assessment of impact on traffic if school not ready in time;
- Lack of sustainable transport options - Inadequate provision for cycling, walking and public transport - Lack of cycle linkages;
- A Construction Traffic Management Plan should be approved by the council;
- The proposed Otley Road Cycle path (Phase 3) is not wide enough and will result in the loss of trees;
- Any mitigation so far appears to address the movement of traffic and not its reduction;
- Public transport should be improved;
- Buses may not be able to pass each other due to the narrow width on Whinney Lane;
- Impact on access by emergency services;
- Traffic calming should be introduced to reduce speeds;
- The link between the Banks and Gladman sites should be opened before major house building commences;
- Inadequate parking for the school;
- No substantive measures are proposed at the Whinney Lane/Pannal Ash/Yew Tree Lane roundabout junction (junction SJ6) other than pedestrian crossing facilities;
- The impact of traffic on Whinney Lane between the H51 site and the roundabout (junction SJ6) has been seriously underplayed;
- Whinney Lane should be one of the sites subject to traffic monitoring and need to know what action may be taken if the flows exceed acceptable levels;
- waiting restrictions should not come into force on Whinney Lane until the parking facility is provided;

- Construction management plan should prevent traffic using the northern and southern sections of Whinney Lane to avoid further significant and long-term disturbance to residents and the public house;
- The 20-mph zone should be extended to include Whinney Lane;
- The consultation response from the Highway Authority report appears to confirm, that the situation on the Highways network will get worse as a result of the West of Harrogate developments;
- the transport connectivity to support this level of development is simply not being provided;
- The assessment of the impact of construction traffic is woefully inadequate;
- There is little contained within the West of Harrogate Infrastructure Delivery Strategy (WHIDS) that actually quantifies the overall effect of the various mitigations proposed, against the expected increase in traffic arising from the large West Harrogate sites.
- Both the WHIDS and the Cumulative Transport Strategy (CTS) should have executive summary to allow the average resident to assess the impacts of the proposal;
- Inadequate engagement with stakeholders;
- In relation to the improvement of highway junctions, the WHIDS and CTS do not clearly state what the problem actually is, what options have been considered, why a particular solution is to be applied, and what benefits will be achieved;
- The money allocated for the Otley Road phase 3 cycle route should be reallocated towards improving the bus service;
- Park and ride facilities should be incorporated;

Landscape and Ecology

- Harmful impact on the ecology, wildlife and biodiversity of the area;
- Harmful impact on landscape character and the character of the countryside. The site is in a Special Landscape Area;
- Out of scale and character in this area, detrimental to the rural setting of Harrogate;
- Harmful impact on views, particularly Almscliffe Crag;

- Overdevelopment;
- Loss of trees;

Sustainability and Environment

- Harmful impact on climate change and greenhouse gas emissions;
- Not sustainable socially, environmentally or economically;
- Lack of sustainable development commitment - No solar Panels, Heat Pumps etc. - Green/Low Carbon issues not adequately addressed;
- Harmful impact on air quality;
- It will lead to more climate change, which is a breach of residents' human rights;

Infrastructure and Services

- Lack of services (e.g., schools, doctors, shops) and infrastructure (e.g., water, sewage, gas electric, public transport);
- Mitigation works should be carried out before building work starts;
- No capacity in secondary schools;
- Need clarity as to the timing of delivery of the new school;
- the Infrastructure Delivery Strategy has not been released and therefore important matters covered by this document are still to be commented on;
- the timing of the various infrastructure improvements must be linked to the progress of housing and other development, and the strategy for achieving this is currently very vague;
- Need greater detail on bus routes, stops and frequencies as part of the conditions;

Cumulative Impact

- Lack of a holistic plan for the area;
- Insufficient regard to cumulative impacts with other developments;
- No comprehensive approach when it comes to mitigation;

Flood Risk

- Harmful impact on flood risk and surface water drainage;

Heritage and Design

- Harm to heritage assets;

- Not in keeping with the historical properties of Lund House Green;
- Impact of the school building on Castle Hill Farm, which is a non-designated heritage asset;
- The location of the housing shown on the indicative layout would harm the setting of Non-Designated Heritage Assets, particularly The Old Poor House and Lund Green House, which would have houses right behind and adjacent to them;

Amenity

- Harmful impacts with respect to noise, light and air pollution;
- Noise and disturbance during the construction phase;
- Harmful impact on the privacy of Linton Cottage;
- Harmful impact on the Public Right of Way;
- Harmful to the quality of life and health and wellbeing of existing residents;
- Reduced access to the countryside for existing residents. Harmful to the recreational use of the area (walking, cycling, running, horse riding);
- The impact on the properties fronting Whinney Lane will be very considerable;

Other Matters

- Loss of Agricultural land;
- No children's play area;
- The houses will not be affordable;
- The additional houses are not necessary to meet the needs of the area;
- No firm commitment on delivery timescales;
- Application should not be determined until the WHIDS document has been signed off by the council;
- Uncertainty about the delivery of infrastructure;
- Harmful impact on tourism;

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and

exceeds threshold because the development includes more than 150 dwellings and because the site is over 5ha.

- 8.2. The applicant has submitted an Environmental Statement (ES) in support of the application, which was updated on 6th September 2023. The aim of the ES is to identify and assess the direct and indirect significant effects of the proposed development on population and human health, biodiversity, land, soil, water, air and climate, cultural heritage and landscapes and the interaction between these factors.
- 8.3. The LPA consider that the development is EIA development because the site is one of several sites on the western side of Harrogate allocated for the delivery of new housing and employment provision. These site allocations are strategically important in supporting the vision for planned growth set out in the Local Plan and will form a new urban extension on the western edge of the town. The combined impacts of developing these sites need to be considered holistically and this is best achieved through the process of Environmental Impact Assessment.
- 8.4. The Topic areas assessed within the ES are:
- Air Quality
 - Archaeology and Historic Buildings
 - Drainage and Flood risk
 - Ecology
 - Ground Conditions
 - Landscape and Visual Impact Assessment
 - Social and economic
 - Sustainability & Climate Change
 - Transport
- 8.5. These topic areas are considered appropriate for the development proposed.
- 8.6. The ES was originally submitted in May 2020 and was updated in September 2023 to reflect changes to the scheme that have taken place through the application process. These include a reduction in the number of dwellings proposed from 270 to 224, revisions to the indicative site layout, revised detail of new school arrangement and revisions to the indicative internal road layout.
- 8.7. The Environmental Impact Assessment concludes that the development can be delivered without any substantial environmental impacts which would outweigh the benefits of the development.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of Development
 - Highways and Access
 - Landscape and Green and Blue Infrastructure
 - Heritage and Design
 - Ecology

- Flood Risk and Drainage
- Affordable Housing
- Housing Mix
- Residential Amenity
- Infrastructure Provision
- Other Matters
- S106
- Planning Balance

10.0 **ASSESSMENT**

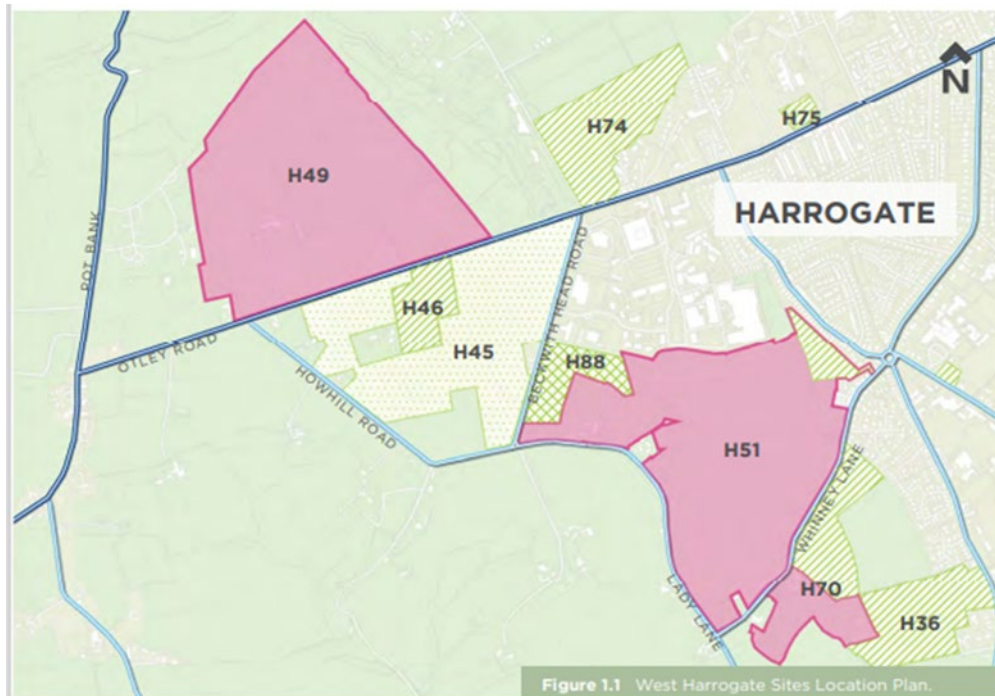
Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Harrogate Local Plan is the starting point for the determination of any planning application.
- 10.2. Policy GS1 (Providing New Homes and Jobs) of the Local Plan states provision will be made in the former Harrogate district over the plan period (2014-2035) for a minimum of 13,377 new homes, including affordable housing.
- 10.3. Policy GS2 (Growth Strategy to 2035) sets out a settlement hierarchy and advises that growth will be focussed in the settlements listed. Harrogate is identified as one of the main settlements where major allocations of land will be provided to deliver new homes. It is one of the settlements that offers the greatest range of jobs, shops and services and is well connected in terms of public transport. Harrogate is therefore a highly sustainable location.
- 10.4. Policy GS3 (Development Limits) advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The application site is located within the development limit for Harrogate.
- 10.5. The site is within the Harrogate development limit and forms the southern part of H51, a site allocated for mixed housing and industrial/business development and associated uses in the adopted Harrogate Local Plan. The principle of housing development is therefore acceptable on this site.
- 10.6. The indicative housing yield for the whole of H51, set out in under local plan policy DM3 (Mixed Use Allocations) is 690 dwellings. A scheme for 40 No. dwellings is nearing completion on the northeastern part of the H51 allocation (granted on 31/7/19 under planning application 18/02960/FULMAJ). The application on the northern part of H51 (18/05202/EIAMAJ), which has yet to be determined is for up to 480 dwellings. This application is for up to 224 dwellings, so, if both applications were approved, there would be up to 744 dwellings across the whole of the H51 allocation. On the basis of the indicative layout received, officers are comfortable that the up to 224 dwellings can be accommodated on this site. The detail will be considered at reserved matters stage where the actual number of houses will be determined.

- 10.7. The site will help deliver the amount of new homes needed over the plan period, as identified under policy GS1 (Providing New Homes and Jobs).
- 10.8. The former Harrogate area currently has a 7.7-year housing land supply. Although there is now no formal requirement set out in the NPPF for a local planning authority with an up-to-date local plan to demonstrate a minimum 5-year supply of deliverable land it is important that housing delivery is maintained, particularly in respect of sites that have been allocated for such purposes.

West of Harrogate Parameters Plan

- 10.9. The adopted Harrogate District Local Plan 2014 - 2035 allocates several sites on the western side of Harrogate for the delivery of new housing and employment provision, key services and facilities with associated transport, communications and green and blue infrastructure. These site allocations are strategically important in supporting the vision for planned growth set out in the Local Plan and will form a new urban extension on the western edge of the town.
- 10.10. The West Harrogate Parameters Plan (WHPP) is a guidance document. It provides additional information to aid the interpretation of policies within the Harrogate District Local Plan 2020 (HDLP). It was prepared collaboratively by the developers/site promoters of the three largest sites in West Harrogate (H45, H49 and H51) along with the local planning, highway and education authorities.
- 10.11. The spatial extent of the West of Harrogate Parameters Plan covers the following sites:
- H36: Former Police Training Centre, Yew Tree Lane
 - H45: Bluecoat Park
 - H46: Land at Otley Road
 - H49: Windmill Farm, Otley Road
 - H51: Land east of Lady Lane
 - H70: Lane east of Whinney Lane
 - H74: Crag Lane



- 10.12. Applications for housing development on H36, H46, H70 and H74 have already been approved and are subject to individual s106 agreements to deal with any required financial contributions towards infrastructure provision.
- 10.13. There are four outstanding applications, two on H51 and one each on H45 and H49. H45 will provide a sports hub on site, H49 will provide a land for a primary school and a local centre and H51 will also provide land for a primary school and local centre. As well as these on-site provisions, each of these four developments will be required to pay financial contributions towards the cost of improving off-site infrastructure provision, such as, education, highway improvement works, healthcare, sports provision and open space. The amount payable for each site is based on the number of dwellings proposed – further detail is set out in west of Harrogate Infrastructure Delivery Strategy [Here](#). In the case of the highway works, NYC highways has costed up the highway works necessary to make the development acceptable. The overall costs of these works will be circa £36.7million pounds. This will be apportioned to each site based on the number of dwellings proposed. These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the Local Highway Authority.
- 10.14. The off-site highway works will be designed, procured and delivered by the LHA over the lifetime of the developments. The above approach aims to ensure that the west of Harrogate urban extension is brought forward in a comprehensive manner with infrastructure such as schools, sports facilities and highway improvement works delivered at the appropriate time to meet the needs of the growing population.
- 10.15. Site Specific Masterplan
- 10.16. The WHPP requires the submission of a Site-Specific Masterplan for the whole of H51. The submitted Masterplan provides additional detail to that provided in the WHPP including differentiating character areas, setting out the green and blue infrastructure and indication heights and densities.

- 10.17. Along the Lady Lane frontage the development will be softened and filtered by existing and new trees and hedgerows. This approach will ensure the existing character of Lady Lane is respected as a quiet country lane. Existing trees, hedgerows and sections of stone wall will be retained. The built form will be characterised by lower densities, and varied set back distances and building orientations to help create a considered and appropriate transition between the built edge, Lady Lane and the countryside beyond. The design of the new homes should draw upon the traditional rural local vernacular (not the nearby suburban forms) with regards to architectural styles and the choice of materials, such as the traditional buildings that are present along Lady Lane.
- 10.18. Whinney Lane will be fronted by the new school and the central area of open space. New hedgerows will be planted to strengthen the existing vegetation along Whinney Lane. The primary school site will provide a new landscaped edge with Whinney Lane. A new cycle/pedestrian route will be constructed running adjacent to Whinney lane and the heading north through the central area of open space to provide links to the remainder of H51. The design of the new homes should draw upon the traditional local vernacular (not the nearby suburban forms), with regards to architectural styles and the choice of materials, including that demonstrated by the traditional buildings that are present along Whinney Lane.
- 10.19. A linear area of open space will be provided between the existing property on fronting Whinney Lane and the proposed dwellings. A footpath will be provided through this area to link with the existing public right of way on Lady Lane.
- 10.20. A range of housing densities will be used through the site depending on location. for example, lower densities overlooking Lady Lane and within the southern parts of the Site in order to respect the rural characteristics of the lane and create a sensitive and considered transition with the countryside beyond.
- 10.21. The majority of new homes will be 2 storey with some 2.5 storey houses within the site along the primary streets.
- 10.22. A link to the full Site Specific Masterplan submitted in support of the application can be found [Here](#).

H51 Site Requirements set out in the Local Plan

- 10.23. Local Plan Policy DM3 requires development of this site to meet specific site requirements These are listed below, together with a comment on how the application responds to each of the requirements:
1. Any planning application for this site will need to demonstrate how it accords with a full site masterplan, which itself is to be prepared in accordance with a West Harrogate Parameters Plan and agreed by the local planning authority in writing. The parameters plan will ensure the effective co-ordination of matters such as access, provision of community facilities, school provision, green infrastructure, public transport provision, cycling and pedestrian links with sites H45 Blue Coat Park and H46: Land at Otley Road, H36 Former Police Training Centre Yew Tree

Lane, H70 Land east of Whinney Lane and H49 Windmill Farm, Otley Road. The Infrastructure Delivery Plan has identified a requirement for new education provision in West Harrogate on sites H49/H51. In order to ensure the timely delivery of education facilities in this location and to ensure that the combined education impacts of development in this location are mitigated, a financial contribution will be made towards the construction of a new school and/or provision of additional school places and land will be made available for a new primary school on sites H49/H51 in discussion with North Yorkshire County Council. Planning permission will not be granted on either H51 or H49, unless and until there is agreement between the applicant and the County and Borough Council which ensures that the necessary provision will be made. In order to ensure that the necessary educational facilities are available in time to serve the new residential development, any permission granted on either site will be conditioned to tie the rate of delivery of residential development to the provision and delivery of educational facilities.

Comment:

The proposed development accords with a site Wide Masterplan submitted in support of the application and this has been prepared in accordance with the approved West Harrogate Parameters Plan. The scheme includes land for the provision of a primary school and contributions towards the cost of providing this and other infrastructure necessary to support the development, the detail of which is set out in Heads of Terms in Table 1 below.

2. Jackland House Farm is a non-designated heritage asset within the site; development of the site should minimise harm and where possible enhance the significance of this asset. This should include retaining and sensitively converting the farm buildings and protecting their setting.

Comment:

Jackland House Farm is in the norther part of H51 and will not be impacted by the development proposed under this application.

3. Building heights and location need to be such that they protect outlook/privacy of dwellings backing onto the site.

Comment:

The proposed dwellings will be mostly two storey in scale. The only residential properties abutting the site are Linton Cottage and The Old Poor House, adjacent to the southwest corner of the site. The indicative site layout shows a separation of approximately 25 metres from the rear of these properties to the nearest proposed dwelling, with a landscaped buffer and road between. There are two residential properties on the opposite side of Lady Land, both in excess of 25 metres from the proposed dwellings. The separation distances to properties on the opposite side of Whinney Lane are all well in excess of 25 metres. The above relationships are considered to be acceptable.

The detail of the relationship with surrounding properties will be controlled at the reserved matters stage when the layout and scale of the development are formally considered.

4. Lund House Farm and barn are both nearby Grade 2 listed buildings; development of the site should minimise harm and seek opportunities to enhance the significance of these designated heritage assets; this should include keeping a significant buffer of land around these buildings free from built development.

Comment:

Lund House Farm and barn are both in the norther part of H51. Given the separation distance between the proposed dwellings and these buildings, it is considered that the proposed development will have no impact on their significance.

5. The cottages off Whinney Lane, Ash View terraces and the farms of Castle Hill, Syke House and Blue Coats, Ash View, Harlow View, Crag View & 24-34 Whinney Lane are nearby non-designated heritage assets; the development of the site should respect these assets.

Comment:

These properties are in the norther part of H51 and, given the separation distance between the proposed dwellings and these buildings, it is considered that any impact on their significance would be extremely limited.

6. Create green buffers along on-site watercourses in order to enhance these Green Infrastructure corridors; this should include the planting of new native tree, shrub and wildflower species.

Comment:

The indicative site layout plan shows a green buffer on either side of the watercourse that runs through the centre of the site. The details of the landscaping in this area will be controlled at the reserved matters stage.

7. Create a green corridor link between the north-east and the south-west of the site; this should include the restoration of species-rich grassland and the planting of new native tree, shrub and wildflower species.

Comment:

The proposed green buffer either side of the watercourse, shown on the indicative site layout plan would facilitate such a link.

8. Retain the trees, hedgerows and ditches on-site, including protected trees and hedgerows.

Comment:

Boundary trees and hedges are shown to be retained on the submitted landscape masterplan. Two hedges within the site (running northwest to southeast) will be removed but the landscape masterplan shows significant additional planting to

compensate for this. All the trees subject to a Tree Preservation Order are shown to be retained as is the existing open watercourse.

9. Enhance and reinforce existing field boundaries with new planting of native hedgerow and tree species.

Comment:

The submitted landscape masterplan shown additional planting to retained field boundaries.

10. Provide vehicle, cycle and pedestrian access from Lady Lane. Significant pedestrian improvements may be required on Lady Lane and Whinney Lane.

Comment:

Pedestrian and cycle access to Lady Lane, to link up with an existing PROW, is shown on the indicative masterplan. No vehicular access to Lady land is proposed under this application. Vehicular access will be provided by the development on the northern part of H51 (18/05202/EIAMAJ)

11. Provide pedestrian and cycle links within the site and from the site to connect with the nearby areas in order to provide convenient routes to residential and employment areas, including those planned on sites H36 Former Police Training Centre, Yew Tree Lane and H70: Land east of Whinney Lane.

Comment:

A proposed pedestrian and cycle link to H70 is shown on the Indicative Masterplan. This will provide links through to H36 once the southern half of H70 is developed. Links are also show to the northern part of H51 which would then link with the employment areas to the north.

12. The design and layout of the site should protect the recreational and amenity value of the public rights of way (PROW) that cross the site.

Comment:

A PROW runs adjacent to the northeastern site boundary from Whinney Lane, and continues in a westerly direction, through the northern part of H51, until it meets Lady Lane. The section of PROW adjacent to the site runs along the school playing fields. Existing hedges and tress will be retained along this boundary. The recreational and amenity value of the PROW will not be impacted by the proposed development in these circumstances.

13. In addition to the requirements of the local validation criteria, the following technical reports are required when a planning application is submitted:

- Transport assessment
- Travel plan
- Site-specific flood risk assessment
- Full ecological assessment
- Heritage statement

- . Landscape and visual impact assessment
- . Agricultural land classification survey in accordance with Policy NE8

Comment:

The above reports have been submitted in support of the application. The reports have been reviewed by consultees and no objections subject to suitable conditions/s106 on this outline application.

- 10.24. In conclusion, the site forms the southern part of H51, a site allocated for mixed housing and industrial/business development and associated uses in the adopted Harrogate Local Plan. Additionally, the proposed development is in accordance with the guidance set out in the West of Harrogate Parameters Plan and complies with the site-specific requirements set out under policy DM3 of the local plan. The principle of the proposed development is therefore acceptable on this site.

Highways and Access

- 10.25. Local Plan Policy TI1 requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Policy TI4 (Delivery of New Infrastructure) advises that in order to deliver sustainable development, the council will work with infrastructure and service providers and developers to deliver infrastructure and services to support existing and future development across the district.
- 10.26. Through work on the West of Harrogate Parameters Plan (WHPP) and the West of Harrogate Infrastructure Delivery Strategy (WHIDS) officers have sought to consider the impacts of the development in the west of Harrogate on a holistic basis. The most significant mitigation requirements are for the improvement of key highway junctions and highway links within the vicinity of the site. A Cumulative Transport Strategy has been undertaken by the applicants with the Local Highway Authority cross checking all the information to ensure that it aligns with their wider transport infrastructure planning. The WHIDS document has been prepared in order establish the timing and delivery of the infrastructure required to support the sites in West Harrogate. The document is intended to be a dynamic piece of work and will be revisited and adjusted depending on the rates of delivery across the west of Harrogate sites, which will influence which areas are prioritised.
- 10.27. In assessing the submitted proposals and reaching its recommendation, the Local Highway Authority (LHA) has taken into account the documents submitted in support of the application since May 2020, with particular reference to amended details submitted on 6th March and 19th April 2024 pertaining to Highway details, Transport Strategy Report (*also referred to as the 'Cumulative Transport Strategy'*) and Road Safety Audits. During the intervening period, the Applicant, together with other Promoters has worked closely with the LHA and Local Planning Authority as part of wider Master Planning including the development of an Infrastructure Development Strategy and the aforementioned Transport Strategy Report aimed at assessing the transport impact across all planned and emerging Local Plan allocated sites that are considered to impact the highway network in the West of Harrogate area.

Vehicular Access

- 10.28. Access to the site allocation is located on the north-western side of Whinney Lane via a new 4th arm off the existing 3-arm roundabout.
- 10.29. This planning application seeks permission for a 6.5m width of carriageway suitable for a bus service located off this new 4th arm for a distance of 40m from the centre of the roundabout as per drawing HJB/4091/29b. A refuge splitter island with tactile paving is to be provided within the junction bellmouth created by the new 4th arm to facilitate pedestrian movement across the junction. In addition, access to a segregated cycle facility on both sides of the site access road is proposed, transitioning into a shared footway/cycle facility along the northern arm of Whinney Lane and transitioning in a footway along the southern arm of Whinney Lane.
- 10.30. As part of this Outline application, there is a proposal to deliver a Bus Stop with a shelter and minor footway alterations on the Whinney Lane southern approach to the roundabout. These improvements form part of wider bus service improvements that will see the Service 6 diverted via Whinney Lane to serve the H51 application site as well as being able to serve existing residents of the Whinney Lane area and the recently built-out H70 'Castle Hill Farm' housing development.

Traffic Modelling:

- 10.31. The applicant has submitted both a Transport Assessment and a Cumulative Transport Strategy. The Transport Assessment is site specific, whilst the Cumulative Transport Strategy is aimed at assessing the wider transport impact across all planned and emerging Local Plan allocated sites.

Transport Assessment:

- 10.32. The Transport Assessment (TA) considers an application for up to 224 dwellings and the provision of land for a future Primary School. The Highway Authority has assessed the TA and has concluded that, in isolation, the impact of the proposed development on the junctions tested in the Transport Assessment is minimal and not considered to be 'severe' in the context of NPPF.

Cumulative Transport Strategy

- 10.33. The LHA has given significant weight to the Cumulative Transport Strategy, which has been produced and presented by the Applicant to accompany the applicants site specific Transport Assessment. It includes a cumulative assessment of the impact on the local highway network, as a result of traffic associated with all the West of Harrogate developments. The Cumulative Transport Strategy includes mitigation measures required to accommodate the combined impacts of the West of Harrogate sites on both junctions and the wider highway network together with proposals to improve sustainable and active travel.

Travel Plan

- 10.34. An Interim Travel Plan has been submitted in support of the application, in accordance both Department for Transport and NYC guidance. This presents the parameters on which a Full Travel Plan is to be based.

Site Construction Traffic

- 10.35. The provision of a Construction Management Plan has been conditioned which will prevent construction traffic using Hill Top Lane and Lady Lane to access the applicant's site, as was the case with the now predominantly built out H70(N) Castle Hill Farm development site.
- 10.36. As part of the wider development of site allocation H51, a Spine Road is proposed through H51 to link Lady Lane with Whinney Lane. The development at H51 / West Harrogate Sites will lead to an increase in two-way pedestrian, cycle and vehicle movements on Whinney Lane, particularly on the approach to the Pannal Ash Roundabout from the proposed Gladman Site access (Spine Road).
- 10.37. The LHA recognise that on-street parking on the northern end of Whinney Lane by existing residents may need to be controlled as flows increase. If this is necessary, one option would be to provide a small car park on H51, positioned in close proximity to Ash View, to give existing residents an alternative, thus providing an opportunity to improve the Whinney Lane environment for pedestrians and cyclists. The Cumulative Transport Assessment identifies a traffic calming scheme on Whinney Lane helping to maintain low vehicle speeds. This detail would be controlled at reserved matters stage.

Infrastructure Delivery / S106 Obligations

- 10.38. The Cumulative Transport Strategy Report identifies highway mitigation measures totalling circa £36.7m. This will come forward as separate S106 payments apportioned to each site based on the number of dwellings proposed. The off-site highway works forming the S106 Agreements will be designed, procured and delivered by the LHA over the lifetime of the development, based upon emerging, and what will inevitably be changing trajectories and cashflow depending upon the pace of developments being built out. A flexible approach is required in this case because we are dealing with four separate sites and the schedule on highway improvement works will need to change depending on the build out rate on each site.

Off-site Highway Contributions for this Application

- 10.39. This applicant's apportionment associated with 'Off-site Highway Contributions' is £2,889,696. This figure equates to £12,900 per dwelling. An inflation clause will be included in the S106 Agreement linked to the future payment trigger dates. The amount apportioned to this site is a percentage of the overall cost of £36.7 million based on the number of dwellings proposed on this site as a percentage of the overall number of dwellings proposed on H51, H45 and H49.
- 10.40. Listed at appendix C are the junctions that will require mitigation in the form of schemes that make up the 'Off-site Highway Contributions' required to address the cumulative impacts of development. These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the Local Highway Authority.

Bus Service

- 10.41. As set out in the Transport Assessment and Transport Strategy Report, the applicant has been in discussion with the Bus Operator and has identified that Service 6 can be diverted onto Whinney Lane to service the application site in the short to medium term, with a view towards penetrating further into the wider H51 allocated site as

build-out of the adjoining development dictates. Extending the bus services into the application sites will give residents access to Harrogate Town Centre which effectively acts as a transport 'hub', therefore facilitating opportunities to not only access town centre services but also onward travel by bus or train. In the early stages a new bus shelter will be provided on the eastern side of Whinney Lane which will serve the early occupiers of the proposed development as well as existing residents on Whinney Lane. This will be secured through the s106 legal agreement.

Car Club

- 10.42. The applicant will be required to enter into a Car Club Agreement with a Car Club Operator securing the operation of a car club vehicle within the H51 Allocated Housing Site. This will be controlled via the s106 legal agreement.

Cycle and Pedestrian Links

- 10.43. The proposed development provides improved cycle and pedestrian links along Whinney Lane in the form of a 3-metre shared pedestrian and cycle route, which then becomes a separate 3 metre cycle path and 2metre pedestrian path as it enters the site. This continues on both sides of the spine road and up to the boundary with the Gladman site. It also continues across the front of the site to the south of the roundabout and will facilitate cycle and pedestrian connections into H70 and eventually link up with the cycle and pedestrian paths to be provided as part of the Police Training Centre site (H36).
- 10.44. Ultimately, the aim is that the improved cycle and pedestrian links across the West of Harrogate sites will provide links from Yew Tree Lane to Whinney Lane/Lady Lane and then up to Otley Road.

Conclusion on Highways matters

- 10.45. In consideration of Nationally Planning Policy Framework (NPPF) guidance, it is known that new developments inevitably increase multi-modal trips onto the highway network, and this will inevitably result in some worsening of highway link and junction performance as demonstrated in the transport analysis, with mitigation therefore being offered to help alleviate the cumulative impacts. Ultimately therefore, a balance has to be established between the need for new development and the overall impact that new development can have on existing communities, the environment and the highway network. In summary, when assessed against NPPF, the Local Highway Authority considers there to be no defensible reason to refuse the application on highway and transportation grounds.
- 10.46. The issues of impacts on the road network, road safety, congestion, cycle provision and pedestrian safety have been raised in many of the objections received including Parish Councils and the Ward Member. The Highway Authority has assessed all of the likely impacts in these regards and have found that they are acceptable, subject to the proposed highway conditions and the financial contributions towards off-site Highway works.
- 10.47. Officers consider the proposed highway mitigation works are appropriate and will prevent any unacceptable impacts on the highway network either from this application as a standalone development or when taken cumulatively with the

impacts of the other West of Harrogate developments. A number of highway conditions are proposed to control the detail of road and footway layout.

Landscape and Green and Blue Infrastructure

- 10.48. Local Plan policy NE4 seeks to protect landscape character in particular within Special Landscape Areas, which are valued locally for their high-quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon.
- 10.49. The site is within the Crimple Valley Special Landscape Area (SLA). In the Harrogate district, SLAs have played an important role in helping to protect locally important landscapes for many years. Crimple valley SLA has been identified as being important for the landscape settings of Harrogate. The site is in Character Area 60 (Upper Crimple Valley) as set out in the Harrogate District Landscape Character Assessment. This area is important both to the rural setting of Harrogate and in preventing the coalescence of Pannal with Harrogate.
- 10.50. While the use of local landscape designations, such as SLAs, is supported by the NPPF, national policy is clear that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status. Policy NE4 therefore contains criteria by which development proposals will be judged to avoid significant adverse impact on the quality of the SLAs and settings of Harrogate, Knaresborough and Ripon.
- 10.51. Development proposals within these areas are required to meet the following criteria:
- Avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon.
 - Ensure that development proposals are linked to existing settlements and are designed to integrate the urban edge with the countryside and to enhance the appearance of the urban fringe.
- 10.52. Crimple Valley SLA covers a large section of the southern fringes of Harrogate and consists of a shallow valley. This area is seen extensively from the west and is a rural pastoral landscape reaching right up to the edge of the settlement. The broad open valley, because it is mostly flat, provides excellent views with a high degree of intervisibility between the urban fringe of Harrogate and the surrounding countryside. The distinctiveness of the area is a result of its broad valley landform and gently undulating valley sides.
- 10.53. As set out above, the H51 is allocated within the local plan for mixed use housing and employment. It has therefore been accepted that this type of development is acceptable in the SLA. The key issue, in these circumstances, is to minimise the harmful impacts of the proposal on the key characteristics of the SLA.
- 10.54. In terms of the key characteristics of the SLA, it is the broad open valley, with extensive views that stands out. The proposed development, along with the remainder of H51, will be seen as a natural extension to the southwestern edge of

the town. Given the large area covered by the SLA, it is not considered the proposal will impact the above key characteristics to any significant degree.

- 10.55. The separation between the edge of Harrogate and the village of Pannel and Burn Bridge is not significantly impacted by the proposed development, given the existing and approved development to the south of the site, which are closer to these settlements. It will not, therefore, have any significant impact on coalescence between Harrogate and these villages.
- 10.56. The applicant has submitted an indicative landscape masterplan and a site wide Masterplan, both of which accord with the principals set out in the West of Harrogate Parameters Plan. A site for a new school will be provided at the northeastern end of the site with the housing either side of a c6.5 hectare landscaped open space area centred around the beck. Green buffers will be retained along the site boundaries and existing boundary trees and hedges are retained except where required to be removed for access.
- 10.57. There are a number of trees that are subject to a tree preservation order on the site boundaries, particularly along the northwest boundary of the school site. These will be retained as part of the proposed development. Additional planting is proposed throughout the site, including proposed woodland area, proposed community orchard and tree-lined streets. The proposed layout and landscaping masterplan show the proposal will integrate the urban edge with the countryside in an acceptable manner.
- 10.58. Indicative site sections show two storey dwellings following the existing landform, which slopes down from the school site to the beck before rising again to the southwestern site boundary.
- 10.59. The NYC landscape officer is satisfied that the submitted Landscape and Visual Impact Assessment (LVIA) and other supporting documents demonstrate that the development can be accommodated at this location without significant harm to landscape character and that views, in particular the views of Almscliffe Cragg, can be adequately preserved. The officer has some concerns about the detail shown on the indicative landscape masterplan, particularly in relation to street trees. The Masterplan is not for formal consideration at this stage and the applicant has been advised that they will be required to demonstrate how street trees will be accommodated in the scheme when the planning authority considers the detail of the scheme at reserved matters stage. The LPA has sufficient control at reserved matters stage to address the landscape officers' concerns.
- 10.60. In the above circumstances, it is considered the proposed development will have an acceptable impact on landscape character and views and it therefore complies with the general criteria set out in local plan policy NE4 and with the additional criteria for development in Special Landscape Areas.
- 10.61. Local Plan Policy NE5 seeks to protect and enhance the social, environmental and economic benefits of existing green infrastructure features and/or incorporate new green infrastructure features within the design of new development. The proposal will provide a wide area of open space around the beck that will link to the northern part

of H51. The area will be extensively landscaped and will contain water features as well as a 'wet woodland'. The proposal protects the existing beck whilst also providing a substantial area of new, publicly accessible Green Blue Infrastructure. It therefore complies with the aims of local plan policy NE5.

- 10.62. The details of landscaping will be assessed at reserved matters stage when it must be demonstrated how the proposal meets the requirements of Policies NE4 and NE5 as well as the site-specific requirements for the site allocation. The applicant will also be required to demonstrate how the guidance within the West of Harrogate Parameters Plan has been incorporated into the detailed scheme.

Heritage and Design

Heritage

- 10.63. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.64. Local Plan Policy HP2 (Heritage Assets) advises that planning applications affecting heritage assets will be determined in accordance with national planning policy.
- 10.65. Section 16 of the NPPF (Conserving and Enhancing the Historic Environment) sets out national policy in relation to heritage assets.
- 10.66. Para 195 of the NPPF highlights that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.67. Paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.68. Paragraph 208 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.69. Paragraph 209 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.70. The policies in the NPPF seek to protect the significance of heritage assets but also advocate a balanced approach, weighing any harm against the benefits of the proposal.

10.71. There are two grade II listed buildings to the north of the site but within the overall H51 site allocation – Lund House and Lund Barn. These are approximately 240 metres from the northern boundary of the site. Given the separation distance between the proposed dwellings and these buildings, it is considered that the proposed development will have no impact on their significance.

10.72. There are a number of Non-Designated Heritage Assets close to proposed development. These include:

1. Bark Mill Cottage, Lady Lane;
2. Castle Hill Farm, Whinney Lane;
3. Blue Coat Farm, Lady Lane;
4. Skye House Farm, Whinney Lane;
5. The Old Poor House and Linton Cottage, Whinney Lane;
6. Squinting Cat Public House, Whinney Lane.

10.73. The closest of these to the proposed dwellings are The Old Poor House and Linton Cottage adjacent to the southwest corner of the site. The indicative site layout plan shows houses immediately to the north of these properties with a separation distance of approximately 25 metres. The land to the northeast is part of the open space and remains open and the land to the southwest is an agricultural field outside the site. The proposed development will have an impact on the setting of these properties but, given that the land remains open to the northeast and southwest, it is considered that the impact will not be severe. Furthermore, the level of harm can be mitigated at reserved matters stage when the details of landscaping, layout scale, appearance and are considered. The proposed development will also have an impact on the rural setting of the other non-designated heritage assets listed above but the impacts would be less significant than the impact on The Old Poor House and Linton Cottage due to greater separation distances and the fact they are separated from the development by Whinney Land and Lady Lane.

10.74. It has been found that the proposal will cause some harm to the setting of Non-Designated Heritage Assets and this must be taken into consideration in assessing the application, in accordance with NPPF paragraph 209. This has been considered in the 'Planning Balance' section of the report below.

Archaeology

10.75. NYC Principal Archaeologist has assessed the submitted archaeological information and has no objection subject to a condition requiring a scheme of archaeological recording to be undertaken in response to the ground disturbing works associated with this development proposal.

Design

10.76. Local Plan policy HP3 seeks to protect local distinctiveness by requiring development to, amongst other things, respect the spatial qualities of the local area and respond positively to building density.

- 10.77. The NPPF places great importance on the creation of healthy and safe communities and the creation of high-quality buildings and places. The National Design Guide also provides guidance on how well-designed places can be achieved in practice.
- 10.78. The density and layout of development shown on the indicative site layout plan is not dissimilar to existing development in the area and the H51 allocation, overall will be seen as a natural extension to the urban area. Cycle, pedestrian and vehicular links will be provided to the wider H51 allocation. Indicative site sections show two storey dwellings following the existing landform, which slopes down from the school site to the beck before rising again to the southwestern site boundary.
- 10.79. The proposed school is well related to the housing, with sufficient space to accommodate the required playing fields, parking and turning spaces. A pedestrian link will provide access from the school site to the local centre, which will be provided on the northern part of H51.
- 10.80. An important part of any future detailed design assessment in relation to scale will be the residential quality of new dwellings. In this respect, the dwellings will be expected to, as a minimum, meet the Nationally Described Space Standards (NDSS) in accordance with Local Plan Policy HPS5. A condition is proposed to require this.
- 10.81. The indicative details provided are not for formal consideration at this stage, but they do show how the site is could be laid out.
- 10.82. The details of appearance, scale and layout will be assessed at reserved matters stage when it must be demonstrated how the proposal meets the requirements of Policies HP2 and HP3 as well as the site-specific requirements for the site allocation. The applicant will also be required to demonstrate how the guidance within the West of Harrogate Parameters Plan has been incorporated into the detailed scheme.

Ecology

- 10.83. The Council has a duty to consider the conservation of biodiversity when determining planning applications.
- 10.84. Most of the more ecologically interesting existing habitats are proposed to be retained on site and incorporated into the overall layout of the blue-green infrastructure. The Blue Green Infrastructure (BGI) network is centred around the beck that runs through the southern part of the site, respecting the topography and hydrology of the site, through the development of a broad BGI corridor along the route of the beck, which also links northwards into the wider green infrastructure corridor which has been identified for allocation H51. The overall layout allows for the potential integration of Suds basins into this central BGI corridor, which could benefit wildlife, through for example development of connected marshy vegetation communities along the stream corridor in association with drainage basins and semi-natural greenspace to be enjoyed by the future residents.

- 10.85. The application is subject to the requirements of Local Plan Policy NE3 which requires major applications to demonstrate 'no net loss of biodiversity' and for on and offsite BNG to be secured (implemented, maintained and monitored) for a minimum period of 30 years through a Section 106 agreement.
- 10.86. The BNG calculations submitted indicate significant biodiversity losses of area-based and hedgerow habitat, but the applicant will be required to provide an Overall Biodiversity Gain Plan (OBGP), to demonstrate a clear framework for how a minimum of 'no net loss' of biodiversity will be achieved.
- 10.87. Each reserved matters application will require an up-to-date ecological walkover survey to inform the Phase Biodiversity Gain Plan and to support a Construction Ecological Management Plan (CEcMP) to ensure that harm is avoided to protected species and retained habitats during construction and to provide mitigation for species (such as bird and bat boxes and hedgehog highways).
- 10.88. NYC Principal Ecologist has confirmed no objection on ecological grounds, subject to planning conditions to require the submission of an Overall Biodiversity Gain Plan (OBGP) and submission of a Construction Ecological Management Plan (CEcMP) for each phase. A minimum of no net loss of biodiversity is to be secured through a Section 106 agreement.
- 10.89. Subject to the conditions proposed and the matters be secured through a Section 106 agreement it is considered the impacts of the proposed development on ecology will be acceptable and meet the requirements of local plan policy NE3.

Flood Risk and Drainage

- 10.90. Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems wherever possible. The policy advises that developments will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 10.91. Policy NE2 requires developers to undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering appropriate avoidance measures before incorporating appropriate mitigation measures where necessary. The council will expect developers to demonstrate that all proposed development will be served by an adequate wholesome supply of water, appropriate sewerage infrastructure and that there is sufficient sewage treatment capacity to ensure that there is no deterioration of water quality. Development will not be permitted where it would prejudice the quality, or quantity of surface or ground water.
- 10.92. The applicant has submitted a Flood Risk Assessment and Surface Water Drainage Strategy in support of the application. In summary, the report states that:
- a) foul water will discharge to the public foul sewer network via pump;

- b) sub-soil conditions do not support the use of soakaways; and
- c) as there are watercourses that exist near to, and through, the site, surface water will discharge to them. The rate of discharge will be controlled by attenuation on the site using SuDs areas.

- 10.93. This submitted information has been assessed by NYC's Lead Local Flood Authority (LLFA). They have confirmed that the proposals and submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA have recommended conditions requiring details of foul and surface water drainage to be submitted for approval.
- 10.94. The Environment Agency has advised that the proposed development falls within Flood Zone 1, which is land defined in the planning practice guidance as being at low risk of flooding.
- 10.95. Yorkshire Water has no objection to the proposal subject to conditions requiring separate systems of drainage for foul and surface water on and off site and details of the outfall of the piped discharge for surface water.
- 10.96. Subject to the conditions proposed by the LLFA and Yorkshire Water, it is considered that the proposal complies with the requirements of policies CC1 and NE2 and will not have an unacceptable impact on flood risk or surface water drainage.

Affordable Housing

- 10.97. Local Plan Policy HS2 requires 40% affordable housing on qualifying greenfield developments. This would equate to up to 90 affordable homes on-site.
- 10.98. The Council's housing team will comment on detailed layouts and housing design at the reserved matters stage. No issues are raised at the outline stage.
- 10.99. Any reserved matters application would be expected to accord with the full requirements of Policy HS2 including that the affordable homes are indistinguishable from the market housing, being distributed across the site and integrated with the scheme design and layout. This will be secured a condition attached to this permission and S106 legal agreement to secure the detail at reserved matters stage.

Housing Mix

- 10.100. Local Plan Policy HS1 requires housing developments to deliver a range of house types and sizes that reflect and respond to identified housing needs.
- 10.101. The Housing and Economic Development Needs Assessment (HEDNA) which is a key piece of evidence supporting the local plan sets out a recommended housing mix which will be the starting point for determining the planning applications on these sites.

10.102. The applicant has provided the indicative housing mix below. This is broadly in line with the HEDNA which indicates that a greater proportion on 2 and 3 bed house is required to meet the needs of the district.

1 bed	12 units
2 bed	44 units
3 bed	89 units
4 bed	56 units
5 bed	23 units

10.103. As this is an outline application with all matters reserved, conditions are proposed to ensure the proposed development meets the requirements of policy HS1.

Residential Amenity

10.104. Local Plan Policy HP4 (Protecting Amenity) requires no significant adverse impacts on amenity to arise. The NPPF seeks a high standard of amenity for all existing and future users (para 130).

10.105. There are two properties abutting the site adjacent to the southwest corner of the site - The Old Poor House and Linton Cottage. The indicative site layout shows houses to the north of these properties with a separation distance of approximately 25 metres from the nearest proposed dwelling, with a landscaped buffer and road between. There are two residential properties on the opposite side of Lady Land, both in excess of 25 metres from the proposed dwellings. The separation distances to properties on the opposite side of Whinney Lane are all well in excess of 25 metres.

10.106. The separation distances and relationship with nearby properties, shown on the indicative site layout plan, would not cause any unacceptable issues in terms of overlooking, overbearing and overshadowing. The detail of the layout and scale of the development will be fully considered at reserved matters stage.

10.107. Impacts during the construction phase can be adequately controlled by the requirements of the Construction Management Plan condition (No. 17).

Infrastructure Provision:

10.108. Local Plan Policy TI4 (Delivery of New Infrastructure) advises that in order to deliver sustainable development, the council will work with infrastructure and service providers and developers to deliver infrastructure and services to support existing and future development across the district.

10.109. Through work on the West of Harrogate Parameters Plan (WHPP) and the West of Harrogate Infrastructure Delivery Strategy (WHIDS) officers have sought to consider the impacts of the development in the west of Harrogate on a holistic basis. The WHPP document sets out on which sites the principal items of infrastructure are to be located (two primary schools and local centres on H51 and H49 and sports and recreation facilities on H45). Other elements of infrastructure

will be provided for via financial contributions and will be set based on the number of dwellings proposed on each site. Applications on the northern part of H51, on H45 and on H49 will be brought before planning committee in due course and they will be expected to make appropriate and proportionate contributions toward infrastructure provision. The requirements for this site are set out in Table 1 – S106 Legal Agreement.

Off-site Highway Improvement Works

- 10.110. £36.7m of financial contributions for highway mitigation works, necessary to accommodate the west of Harrogate developments, will come forward through S106 legal agreements. This will be apportioned to each site based on the number of dwellings proposed. The off-site highway works will be designed, procured and delivered by the Local Highway Authority over the lifetime of the development. A flexible approach is required in the west of Harrogate because we are dealing with four separate sites and the schedule on highway improvement works will need to adapt depending on the build out rate on each site. This applicant's apportionment associated with 'Off-site Highway Contributions' is £2,889,696. This figure equates to £12,900 per dwelling - see Table 1 - s106 Legal Agreement.
- 10.111. The proposed off-site highway mitigation works are Listed at appendix C of this report. These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the Local Highway Authority.

Education Provision

- 10.112. 1.85 hectares of serviced land to be provided on site for a new primary school prior to the occupation of the 26th dwelling house. The applicant to provide servicing requirements for the school to include but not limited to mains water supply, electrical supply, gas supply, foul sewer, surface water connection, fire hydrant within 90m of school entrance and telephone line, and all of these are to be provided to NYCs required technical specification.
- 10.113. Financial contributions are required for construction of the primary school (£1,246,784) and improvements to existing secondary schools (£746,869.76). £100,000 of the primary school contribution shall be paid prior to the commencement of the development, to cover the costs of survey work. Thereafter the remaining sum for primary and secondary to be paid in instalments, on a per dwelling basis, to be paid every 6 months based on the number of dwellings completed in the previous six months. The amount of financial contribution is based on the number of dwellings proposed
- 10.114. Both the serviced school land and the financial contributions will be secured through a s106 legal agreement. NYC Education is satisfied that the demand for additional educational facilities generated by the proposed development can be addressed via the above arrangements and, on that basis, has no objection to the proposed development.

Healthcare Provision:

- 10.115. Financial contribution to be made towards the provision of new healthcare facilities. The NHS Integrated Care Board (ICB) has no objection to the proposal on that

basis. The ICB has commences the work to identify a site for a new healthcare facility to serve the west of Harrogate developments and to meet the existing needs of patients in the west of Harrogate. Developers will be required to pay financial contributions based on the population of the development and the additional demand this creates for GP facilities. The amount paid will be controlled via s106 agreement. For this development a contribution of £183,885 is required - see Table 1 - s106 Legal Agreement.

Sports Provision

- 10.116. LP Policy HP7 requires new housing and mixed-use developments to provide new sports, open space and recreational facilities to cater for the needs arising from the development in line with the provision standards set out in the Provision for Open Space in Connection with new Housing Development Supplementary Planning Document.
- 10.117. The National Planning Policy Framework (NPPF) requires that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreational facilities and opportunities for new provision. The information gained from the assessments should be used to determine what open space, sport and recreational provision should be required to meet the needs of new residential.
- 10.118. The Council therefore commissioned Strategic Leisure, specialist sport and leisure consultants to produce a Playing Pitch Strategy (PPS). The PPS sets out the Council's strategy for identifying and meeting the playing pitch and associated facility needs of the district from now until 2035 and considers how well the existing playing pitch provision and associated facilities meets the needs of communities in terms of supply and demand throughout this time period. The PPS provides up to date evidence to enable the determination of this application.
- 10.119. As set out in the parameters plan, a new sports hub will be provided on H45. This provides for a cricket pitch with new pavilion and parking and football pitches with changing rooms and parking. In addition to this, off-site financial contributions will be required from the west of Harrogate development to allow the expansion and improvement of existing cricket, football, hockey and rugby facilities to meet the additional demand generated by the development. Off-site contributions will also be required for Allotments and Cemeteries - These payments will be secured through s016 legal agreements associated with each individual site.
- 10.120. For the individual payment requires to meet the needs of this development see Table 1 - s106 Legal Agreement below.
- 10.121. The provision of on-site open space will be controlled via the s106 agreement and the details finalised at reserved matters stage. The development will be required to provide on-site open space in accordance with the provision standards set out in the Provision for Open Space in Connection with new Housing Development Supplementary Planning Document.

Other Matters

Loss of Agricultural Land:

- 10.122. Local Plan Policy NE8 (Protection of Agricultural Land) advises that the best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.
- 10.123. The site is allocated for housing development and so the loss of agricultural land has already been taken into account as part of the Local Plan adoption process.
- 10.124. An Agricultural Land Classification Report was submitted in support of the application, and this concluded that the land is grade 3b at best. The development of the site does not conflict with the requirements of local plan policy NE8 in these circumstances.

Air Quality:

- 10.125. Policy NE1 (Air Quality). Advises that applicants must submit an Air Quality Assessment and/or a dust assessment report and identify mitigation measures to ensure no significant adverse effects where development may impact on the Air Quality Management Areas or create emissions of dust during demolition, earth moving and construction.
- 10.126. The applicant has submitted a Cumulative Air Quality Assessment, which assesses the cumulative impact of proposed development with other west of Harrogate developments. This has been assessed by NYC Environmental Health Officer. The officer is satisfied that the proposal will not have an unacceptable impact on air quality. The officer has proposed conditions to control the impacts of the development on air quality. These requirements have been incorporated into the Construction Management Plan condition (Condition no. 17).
- 10.127. Matters of Archaeology, Land Contamination, Space Standards, Housing Mix, Tree Protection and Energy Efficiency can be adequately controlled by conditions, which are set out below.

Matters raised in representations.

Below are matters that were raised in representations but have not been specifically covered in the other sections of the report above.

Concern about the negative impact on tourism:

- 10.128. There is no evidence to indicate the proposed development would have any negative impact on tourism.

Concerns about the lack of a play area:

- 10.129. The applicant will be required through the s106 agreement to provide open space typologies in accordance with the requirements of the Provision of Open Space and

Village Halls Supplementary Planning Document (SPD). This includes provision for children. The details of any play area will be assessed at reserved matters stage.

Concerns about 'Overdevelopment':

- 10.130. The individual impacts of this development and the cumulative impacts with other west of Harrogate developments have been considered by the Local Planning Authority and, subject to the proposed conditions and the matters to be dealt with in the s106 agreement, have been found to be acceptable. The proposed development would not therefore represent overdevelopment.

Concerns about loss of trees:

- 10.131. The existing trees on the boundary of the site will be retained. Two hedgerows will be removed from the centre of the site, but it is considered adequate compensation can be provided through new landscaping.

Concerns that the development is not sustainable:

- 10.132. Having regard to the overall planning balance, it is officer opinion that the benefits of the proposal outweigh any identified harm. The proposed development is therefore considered to be sustainable.

Harmful to climate change, which would breach residents' human rights:

- 10.133. Conditions 36 requires the applicant to submit an energy statement to demonstrate how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in accordance with Local Plan Policy CC4. Condition 34 requires electric vehicle charging points to be installed at all dwelling houses. It is considered that these conditions and the others set out below give the Local Planning Authority sufficient control over the development to adequately mitigate the impacts on climate change. In these circumstances, the impact of the proposed development on climate change would not breach residents' human rights.

Lack of Services (e.g., schools, doctors, shops):

- 10.134. A new primary school will be provided on this site and financial contributions will be made to meet the additional demand on secondary schools and healthcare. Additionally, a local centre will be provided on the northern part of H51. In these circumstances, the impacts on local services will be adequately mitigated.

Insufficient consideration of cumulative impacts:

- 10.135. The purpose of the West of Harrogate Parameters Plan and West of Harrogate Infrastructure Delivery Strategy is to look at the developments in the west of Harrogate holistically and take account of cumulative impacts. As a result of this work various infrastructure such as schools, sports hub and local centres will be provided on the west of Harrogate sites. The cumulative impacts on the Highway network have been considered by the Highway Authority and an extensive package of highway mitigation works has been agreed. The cost of these works will be paid by the developers. Financial contributions will also be paid to meet the additional demand on services such as healthcare. Adequate consideration has therefore been given to the cumulative impacts of development in the west of Harrogate.

Noise and disturbance during the construction phase/Impact on quality of life and wellbeing:

- 10.136. Impacts during the construction phase can be adequately managed by condition 17, which requires the submission of a Construction Phase Management Plan. In terms of the operational phase of the development the Local Planning Authority has sufficient control through proposed conditions and details to be considered at reserved matters stage to achieve a scheme that will no impact negatively on the quality of life, health and wellbeing of existing and proposed residents.

Inadequate parking for the school:

- 10.137. The level of parking provision and access arrangements have been considered by the Local Highway Authority and found to be acceptable.

Harmful impact on the Public Right of Way (PROW):

- 10.138. The PROW runs adjacent to the school grounds along the northern site boundary. The Local Planning Authority will have sufficient control at reserved matters stage to prevent any unacceptable impact on the recreational and amenity value of the PROW.

The housing will not be affordable:

- 10.139. The applicant will be required to provide 40% affordable housing on site via the s106 legal agreement. This housing will meet the definition of affordable housing set out in Annex 2 of the NPPF.

The development should not be approved until the West of Harrogate Infrastructure Delivery Strategy (WHIDS) is approved:

- 10.140. The WHIDS was approved by the NYC Executive Member for Open to Business (Cllr Mark Crane) on 24 June 2024.

Negative impact on the supply/pressure of the local water supply:

- 10.141. Yorkshire Water has assessed the proposal and has not raised any issues about the local water supply.

The objectives of the Transport Strategy are not focused on achieving priority and safety for pedestrians and cyclists and residents along affected routes:

- 10.142. The Highway Authority has considered cycle, bus and pedestrian movements and the package of Highway works agreed to mitigate the impacts of the proposal (see appendix C) includes improvements to cycle, bus and pedestrian facilities.

Concerns about management of traffic in nearby villages:

- 10.143. The Highway Authority has considered the impacts of the proposed developments in the west of Harrogate on the wider area and, subject to the mitigation measures listed at appendix C, is satisfied that the impacts are acceptable.

S106 Legal Agreement

- 10.144. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Trigger
Offsite Highways Works and Delivery of West of Harrogate Public Transport Strategy.	£2,889,696 (this figure equates to £12,900 per dwelling) towards Highway improvement works - See schedule of required works at appendix C of this report. The delivery of off-site highways mitigation will be carried out by NYCC as highway authority, secured via s106 financial contributions. Inflation Clause to be included in s106.	Sum to be paid in instalments, on a per dwelling basis, every 6 months based on the number of dwellings completed in the previous six months.
Travel Plan Monitoring Fee	£5000 for the residential development. £2500 for the School Travel Plan monitoring fee	Prior to first occupation. Prior to occupation of the school.
Bus Contributions and Infrastructure	The cost of re-routing the number 6 service down Whinney Lane and Provision of a bus shelter on Whinney Lane	Prior to occupation of the 81 st dwelling house – final details to be agreed with the bus service provider.
Car Club	The applicant shall enter into a Car Club Agreement with a Car Club Operator securing the operation of a car club vehicle within the H51 Allocated Housing Site.	Prior to the occupation of the 20 th dwelling. The Location of the car club parking and associated infrastructure, plus any TRO's necessary to designate a Car Club Bay shall be determined at Reserve Matters.
Traffic Regulation Orders	The funding of all the LHA's statutory processes and the delivery, including all necessary signing etc., associated with TRO's forming S38 / S278 Agreement works, shall be undertaken at the applicant's expense.	Prior to the commencement of the LHA statutory processes
Provision of serviced Land	The transfer of land, fully serviced for a two-form entry primary school (use	Fully serviced site to be transferred to the ownership of NYC prior to

for Education Purposes	classification (D1). – school site area 1.85ha	<p>the occupation of the 26th dwelling house.</p> <p>Fully Serviced means: land to be drained, fenced and fully serviced to include but not limited to mains water supply, electrical supply, gas supply (if required by the Local Education Authority), foul sewer, surface water connection, fire hydrant within 90m of school entrance and telephone line, and all of these are to be provided to NYCs required technical specification prior to transfer of ownership to NYC for £1</p> <p>NYC education to be given early access to the school site for survey work</p>
Primary School Contribution	£1,246,784 to be paid towards the construction of a new primary school on the site	£100,000 to be paid prior to the commencement of the development to cover the costs of survey work. Thereafter the remaining sum to be paid in instalments, on a per dwelling basis, to be paid every 6 months based on the number of dwellings completed in the previous six months.
Secondary School Contribution	£746,869.76 to be paid towards the expansion of existing secondary schools.	Sum to be paid, in instalments, on a per dwelling basis, every 6 months based on the number of dwellings completed in the previous six months.
Healthcare Contribution	£183,885 to provide the additional healthcare facilities generated by the needs of the development	Sum to be paid, in instalments, on a per dwelling basis, every 6 months based on the number of dwellings completed in the previous six months.
Off-Site Contributions to Football, Rugby Union, Cricket, Hockey and 3G artificial pitches	<p>Adult Grass Football - £76,239</p> <p>Youth Grass Football - £102,471</p> <p>Mini Grass Football - £11,392</p> <p>Rugby Union - £54,978</p> <p>Cricket - £189,636</p> <p>Hockey – £20,245</p>	Sum to be paid, in instalments, on a per dwelling basis, every 6 months, based on the number of dwellings completed in the previous six months.

	3G artificial - £43,619 Total - £498,580	
Off Site open space	Allotments - £18,532.50 Cemeteries - £73,424.00 Total - £91,956.50	Sum to be paid, in instalments, on a per dwelling basis, every 6 months, based on the number of dwellings completed in the previous six months.
On-Site Open Space Provision and Management	<p>Details of on-site open space typologies to be provided in accordance with the requirements of the Provision of Open Space and Village Halls Supplementary Planning Document (SPD) in relation to:</p> <ol style="list-style-type: none"> 1. Amenity Greenspace 2. Natural and Semi-Natural 3. Urban Green Space (including Urban woodland) 4. Provision for Children and Young People <p>Open Space Management Plan to be submitted for the written approval of the LPA, including setting up of a Management Company</p>	<p>Concurrent with each reserved matters application.</p> <p>Concurrent with each reserved matters application.</p>
Biodiversity Enhancements and long-term	<p>Overall Biodiversity Gain Plan for whole site area showing no net loss of biodiversity.</p> <p>Updated Statutory Biodiversity Metric.</p> <p>Phasing Plan showing indicative % target for each phase, off-site/infrastructure phases.</p> <p>Phase Biodiversity Gain Plans and statutory metric for each phase/reserved matters application showing on-site and off-site provision.</p>	<p>Prior to commencement.</p> <p>Prior to Commencement.</p> <p>Prior to Commencement.</p> <p>To be submitted with each reserved matters application.</p>
Monitoring and Management	Habitat and Monitoring Plan for each phase/reserved matters application showing a minimum of 30 years monitoring.	To be submitted with each reserved matters application.

	BNG Monitoring Fee: £3,464 for the residential phase £3,040 for the school phase	Upon approval of each reserved matters application. Concurrent with each reserved matters application.
Self/Custom Build Dwellings	5% provision. Provision of Self and Custom Build Delivery and Marketing Plan. Fully serviced highway infrastructure giving access to the self-build-plots to be installed and the individual self-build plots then marketed.	Prior to submission of first Reserved Matters Application
S106 Monitoring	£505 per obligation	Each reserved matters application will require a monitoring fee.

10.145. It is considered that the above S106 Heads of Terms are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of the proposed development is established through the inclusion of the site as a Housing Allocation within the adopted Harrogate Local Plan.
- 11.2. The proposed development will have some impact on the character of the landscape but with an appropriate landscaping, layout, scale and appearance, which the Local Planning Authority will have control over at reserved matters stage, it is considered that the impact will not be significant.
- 11.3. The proposed development will also have some impact on the setting of non-designated heritage assets, but it is considered that the impact will not be severe and can be mitigated at reserved matters stage when details of landscaping, layout, scale and appearance, are considered.
- 11.4. The impacts on the highway network can be made acceptable by the proposed conditions and by financial contributions towards off-site highway works.
- 11.5. Impacts on other infrastructure such as schools, healthcare spots provision can all be made acceptable by either on-site provision or financial contributions or a combination of both.
- 11.6. Impacts on biodiversity, drainage and flood risk can all be made acceptable by conditions and requirements in a s106 legal agreement.

- 11.7. The proposed development will make a valuable contribution to meeting housing need in the district, including the delivery of affordable housing and this should carry significant weight. There will also be a positive impact on the economy of the district during the construction phase.
- 11.8. The detail of the proposed development will be controlled at reserved matters stage when full details of proposed landscaping, design, scale and appearance will be submitted to the local planning authority for approval.
- 11.9. Having regard to the overall planning balance, it is considered that the benefits of the proposal outweigh any identified harm. The proposed development is considered to be sustainable, and the recommendation is therefore that planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

Condition 1 Time Limit

Application for the approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 Reserved Matters

No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:

- a) Access within the site;
- b) Appearance;
- c) Landscaping;
- d) Layout; and
- e) Scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved plans.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

Condition 3 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the following drawings:

Drawing PA02a Planning Application Boundary – HJB/4091/1a
 Drawing PA10b Detailed Access Proposals – HJB/4091/29b

Reason: To ensure compliance with the approved drawings.

Condition 4 Housing Mix

Any application for the reserved matters layout, scale or appearance shall include details of the proposed housing mix, which shall provide for a range of house types and sizes that reflect and respond to the identified housing needs and demands of the district's households. The mix proposed shall have reference to the latest Housing and Economic Development Needs Assessment (HEDNA) and be informed by: A. Local assessments of housing need; B. Detailed local market assessments; and C. Locality and ability of the site to accommodate a mix of housing. The final mix of dwelling types and sizes will be subject to negotiation with the Local Planning authority.

Reason: In the interests of general amenity and in accordance with Policy HS1 of the Local Plan.

Condition 5 Tree Protection

Before any plant or materials are brought onto the site or any development is commenced, a tree protection plan and specification for root protection area (RPA) fencing, around the trees or shrubs or planting to be retained, in line with the requirements of British Standard BS 5837:2012 'Trees in Relation to Construction – Recommendations' or any subsequent amendments to the document, shall be submitted to and approved in writing by the LPA. as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012.

Reason: To ensure protection of retained trees in accordance with Policy NE7 of the Local Plan.

Condition 6 Tree Protection

No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) and ground protection works required by the approved tree protection scheme (Condition 5) are in place. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To ensure protection of retained trees in accordance with Policy NE7 of the Local Plan.

Condition 7 Overall Biodiversity Gain Plan

An Overall Biodiversity Gain Plan (OBGP) shall be submitted to and approved in writing by the LPA prior to the commencement of any phase of the development. The OBGP shall include an indicative breakdown of the BNG metric into the individual phases and in principal proposals for how any biodiversity deficit will be met for each phase. A detailed Phase Biodiversity Gain Plan, including the results of an updated ecological walkover survey, up to date BNG calculations, an onsite Habitat Management and Monitoring Plan and full details of any required offsetting arrangements for that phase shall be submitted to and approved in writing by the LPA, in association with each reserved matters application. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to demonstrate that a minimum of 'no net loss' of biodiversity will be achieved in accordance with Policy NE3 of the Local Plan and the 'Providing Net Gain for Biodiversity' SPD.

Condition 8 Construction Ecological Management Plan

A Construction Ecological Management Plan (CEcMP) must be submitted in association with the reserved matters application for each phase of the development. The CEcMP must be informed by an updated ecological walkover survey and provide for the protection of retained habitats and protected and priority species throughout the course of construction. The CEcMP must include measures, including but not limited to prevention of harm to retained trees and hedgerows, nesting birds, bats, terrestrial mammals. This must include an updated check of the existing barn for barn owl nesting prior to its demolition. It must also include specifications for the provision of faunal boxes such as integrated swift and bat bricks into the new development. Works must subsequently be undertaken strictly in accordance with the CEcMP. A copy of the CEcMP must be retained on site for the duration of the construction activities for that phase and made available to site managers and operatives.

Reason: To prevent harm to protected species and retained habitats during the course of the development and to provide opportunities for species to be able to continue to utilise the site following its redevelopment and in accordance with Policy NE3 of the Local Plan.

Condition 9 Detailed Plans of Road and Footway Layout

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place until full detailed engineering drawings of all aspects of roads and sewers including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users

Informative

Detailed Plans of Road and Footway Layouts: It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Condition 10 Construction of Adoptable Roads and Footways

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Condition 11 Visibility Splays at 4th arm onto Willow Drive Roundabout

There must be no access or egress by any vehicles between the highway and the application site at Whinney Lane/Willow Drive Roundabout until visibility splays in compliance with DMRB – CD116 are provided. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Informative

Visibility Splays: An explanation of the terms used above is available from the Local Highway Authority.

Condition 12 Pedestrian Visibility Splays

There must be no access or egress by any vehicles between the highway and the application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Informative

Pedestrian Visibility Splays: An explanation of the terms used above is available from the Local Highway Authority.

Condition 13 Delivery of off-site highway Works

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Site Access Road comprising Construction of 4th arm onto Whinney Lane/Willow Drive Roundabout prior to occupation and in broad accordance with drawing - HJB/4091/29b.
- Bus Stop and associated Bus Stop Infrastructure including Shelter and “real-time” connectivity on the south-bound approach to Whinney Lane Roundabout prior to occupation in broad accordance with drawing – HJB/4091/29b.
- The construction of a shared pedestrian and cycle facility on the western side of Whinney Lane in broad accordance with drawing – HJB/4091/29b.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations and commissioned in accordance with NYCC protocol must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Informative

Delivery of off-site highway works: Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Condition 14 Details of Access, Turning and Parking at the Primary School

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road within the Primary School site or building(s) at the Primary School Site until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Staff and visitor; vehicular, cycle, and pedestrian accesses;
- Delivery and maintenance vehicular access;
- Pupil cycle and pedestrian accesses;
- Pupil cycle/scooter parking facilities;
- Vehicular and cycle parking for staff, visitors and maintenance vehicles;
- Pedestrian and cycle links to the wider highway network including vehicle free routes to school;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.
- Permissions associated with any temporary access requirements.

No part of the Primary School development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at the Primary School have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informative

Details of Access, Turning and Parking: The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

Condition 15 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Condition 16 Residential Travel Plans

Prior to the first occupation of the residential development phase, a Travel Plan building upon the 'Interim' Framework Travel Plan for that phase must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

-

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development or phase of development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Informative

Travel Plans: Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_iss ues_including_parking_standards.pdf

Condition 17 School Travel Plans

Prior to the first occupation school development phase, a Travel Plan building upon the 'Interim' Framework Travel Plan for that phase must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development or phase of development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 18 Construction Management Plan

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

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of Whinney Lane entering via Hill Top Lane and Lady Lane for construction purposes;
3. measures to ensure that mud and debris from construction vehicles is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;

10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. a written dust management plan, detailing how dust emissions arising from construction activities on the site will be minimised, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The plan should be provided by a suitably competent person;
13. an air quality mitigation plan for the use of Non-Road Mobile Machinery during the construction phase of the development, as outlined in the Planning and Environmental Statement;
14. measures to control and monitor construction noise;
15. an undertaking that there must be no burning of materials on site at any time during construction;
16. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
17. details of the measures to be taken for the protection of trees;
18. details of external lighting equipment;
19. details of ditches to be piped during the construction phases;
20. a detailed method statement and programme for the building works; and
21. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 19 Hours of Work

The hours of work on site shall be controlled and restricted to

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of Residential Amenity.

Condition 20 Lighting Scheme

Before any artificial lighting works are commenced, a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be installed and operated in accordance with the approved scheme.

Reason: In the Interests of Residential Amenity.

Condition 21 Refuse Storage

Suitable and sufficient provision shall be made for:

- the storage and containment of refuse prior to collection.
- access for collection of refuse

Reason: In the Interests of Residential Amenity.

Condition 22 Archaeology

A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: The site is of Archaeological significance and in accordance with Policy HP2 of the Local Plan.

Condition 23 Archaeology

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured and agreed in writing with the LPA.

Reason: The site is of Archaeological significance and in accordance with Policy HP2 of the Local Plan.

Condition 24 Land Contamination

Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report and Gas Assessment have been submitted to and approved in writing by 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.

Condition 25 Land Contamination - Remediation Strategy

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local

planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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.

Condition 26 Land Contamination - Remediation

Land contamination remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (25). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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.

Condition 27 Land Contamination – Verification Report

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by 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.

Condition 28 Land Contamination - contamination not previously identified.

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all

groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by 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.

Condition 29 Noise

Both external and internal noise levels shall be in compliance with BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and the WHO guidelines for Community Noise.

Reason: In the interests of residential amenity.

Condition 30 Noise – School Plant

A BS4142:2014 noise assessment shall be submitted to and approved in writing by the LPA for any plant required at the school site prior to their installation.

Reason: In the interests of residential amenity.

Condition 31 Noise – Residential Plant

If there is to be plant installed in association with the dwelling houses, such as Air Source Heat Pumps (ASHPs), such plant should be selected so that they do not affect residents on site or the residents of adjacent sites and should be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time ("rating level" and "background sound level" are as defined in BS4142:2014+A1 2019). Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: In the interests of residential amenity.

Condition 32 Designing Out Crime

Full details of how the issues raised by the Police Designing Out Crime Officer in his consultation response dated 22 July 2020 shall be submitted to and approved in

writing by the local planning authority prior to the submission of any Reserved Matters Application. Thereafter the approved details shall be incorporated into the scheme. The details shall provide rationale and mitigation in relation to any suggestions made in this report that are not to be incorporated.

Reason: To reduce crime and the fear of crime.

Condition 33 Affordable Housing

The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no registered provider is involved);
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To comply with Policy HS2 of the Local Plan and the Affordable Housing SPD.

Condition 34 Accessible Homes

Prior to the commencement of foundations, details shall be submitted to the Local Planning Authority to confirm that 25% of market dwellings and all affordable dwellings will meet accessible homes standards (M4(2)) with 10% of affordable dwellings also meeting M4(3) wheelchair accessible homes. No works to the foundations shall take place until the Local Planning Authority has agreed the details in writing and the development shall be implemented in accordance with the approved details.

Reason: In accordance with Policies HS1 and HS2 of the Local Plan.

Condition 35 Electric Vehicle Charging Points

Prior to the commencement of the development, an electric vehicle infrastructure strategy and implementation plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational.

Reason: In order to mitigate climate change in accordance with Policies TI1, TI3 and CC4 of the Local Plan.

Condition 36 Broadband Infrastructure

All dwellings hereby approved shall have either access for Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds or, where it can be demonstrated that the provision of FTTP is not viable, proposals should provide a download connection of at least 30Mbps and provision for Fibre to the Premises broadband at a future date.

Reason: To ensure appropriate broadband access is provided in accordance with the requirements of local plan policy TI5.

Condition 37 Energy Statement

Prior to the commencement of the development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in accordance with Local Plan Policy CC4 and in support of the Harrogate Borough Council: Carbon Reduction Strategy (2018) (or any relevant strategies) and the Climate Change Act 2008. The development shall be completed in accordance with the approved Energy Statement.

Reason: To safeguard the environment and mitigate climate change in accordance with Policy CC4 of the Local Plan.

Condition 38 Space Standards

All new market and affordable homes shall, as a minimum, meet the relevant Nationally Described Space Standard (NDSS).

Reason: To ensure that they provide a reasonable level of internal space to undertake typical day-to-day activities at a given level of occupancy and in the interests of delivering sustainable communities.

Condition 39 Separate Foul and Surface Water Drains

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

Condition 40 Drainage Design

Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. 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.

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

Condition 41 Drainage - Surface Water Runoff Rate, Storage Requirements and Maintenance (discharge required)

Concurrent with any reserved matter application for approval of layout a scheme restricting the rate of development flow runoff from the site shall be submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 4.5l/s/ha litres per second for all events up to the 1 in 100-year event Plus climate change event.

A 45% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100-year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

Condition 42 Drainage - Treatment of Surface Water/Pollution Prevention (discharge required)

The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of roadside gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water should not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

Condition 43 Drainage - Outfall Destination/Impact on network

Development shall not commence until a condition survey has been undertaken on receiving culvert running under Whinney Lane (on/off site) and the survey together with a report detailing any necessary maintenance and/or reinstatement works has been submitted to and approved in writing with the Local Planning Authority. No part of the development shall be brought into use until those

maintenance and/or reinstatement works have been completed in strict accordance with the approved details.

Reason: To accommodate flows in storm events and allow for future maintenance

Condition 44 Drainage - Exceedance Flow Routes

Concurrent with any reserved matters application for approval of layout, an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Where exceedance runoff flows off site, The details should include levels of all properties adjoining the application site.

The development shall be carried out in accordance with the approved Exceedance Flow Plan.

Reason: To prevent flooding to properties/services/utilities during extreme flood events and to mitigate against the risk of flooding on and off the site.

Condition 45 Drainage - Floor Levels

Concurrent with any reserved matters application for approval of layout, details of finished floor levels of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Finished Floor Levels shall be set above the 1 in 100-year plus climate change flood level with an additional 600mm freeboard above the flood level. Where ground raising is proposed, level for level compensatory storage is to be provided for the 1 in 100 year plus climate change event.

The development shall be carried out in accordance with the approved finished floor levels details.

Reason: In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation.

Condition 46 Drainage – Construction

No phase of the development shall take place until detailed drawings have been submitted to, and approved by the Local Planning Authority showing how surface water will be managed during the construction phase. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure surface water is appropriately managed during the construction phase to prevent flooding.

Condition 47 - Self and Custom Build Housing

Prior to the submission of the first residential reserved matters application, a Phasing and Delivery Strategy to deliver self-build/custom build homes must be submitted to and agreed by the Local Planning Authority to ensure delivery of at least 5% across the whole site, subject to demand identified by the Local Planning Authority, by reference to Harrogate Borough Councils Self and Custom House Building Register.

The Phasing and Delivery Strategy must include a marketing strategy, which sets out the marketing of the self and/or custom build plots to self or custom house builders (as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)). The marketing strategy must set out the guide price and schedule of advertising and must be submitted and approved prior to the commencement of each phase or sub phase of development.

The plots shall be provided with services (access to a public highway and connections for electricity, water and wastewater) to the extent that it can be defined as a serviced plot of land, as defined in The Self-build and Custom Housebuilding Regulations 2016.

The development shall be carried out in accordance with the approved Phasing and Delivery Strategy.

If the Register confirms there is not sufficient demand, the plots will be returned to the open market in accordance with details to be approved by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and in the interests of local housing need.

Condition 48

No more than 224 dwelling houses shall be constructed on the site.

Reason: For the avoidance of doubt and in the interests of proper planning and development.

Case Officer: Gerard Walsh, gerard.walsh@northyorks.gov.uk

Appendix A – Indicative Site Layout Plan



Appendix B – West of Harrogate Parameters Plan, Background Information.

The spatial extent of the West of Harrogate Parameters Plan covers the following sites:

- H36: Former Police Training Centre, Yew Tree Lane
- H45: Bluecoat Park
- H46: Land at Otley Road
- H49: Windmill Farm, Otley Road
- H51: Land east of Lady Lane
- H70: Lane east of Whinney Lane
- H74: Crag Lane

Some of the sites listed above already benefit from planning permission and the parameters plan reflects the approved permissions. The three largest sites (H45/H49/H51) will provide key pieces of new infrastructure such as schools and playing pitches, in order to ensure the successful delivery of this significant urban extension.

Strategic Infrastructure	Where it is located	Delivery note
2 primary schools	H51 H49	Applicant to provide service land, NYC education to deliver schools. Commuted sum payment on a per dwelling basis from all application sites for provision of the new schools.

2 local centres	H51 H49	Applicant to provide serviced land
Football pitches (various sizes) plus carpark and changing rooms. Cricket pitch and pavilion	H45	Applicant to provide pitches and facilities in full. Then transfer to NYC to adopt and manage in perpetuity
Employment Land	H51	Applicant to provide serviced land/plots and internal road

Approximately 2,700 new homes will be delivered across the West Harrogate sites (figure based on applications currently under consideration, existing permissions and completed schemes). These sites are strategically important in supporting the Vision for planned growth set out in the local plan and will collectively form a new urban extension on the western edge of the town. The WHPP provides further guidance to aid the interpretation of policies within the HDLP. A link to the full document can be found [Here](#).

Developers will be required to deliver infrastructure and services in line with policy TI4 of the local plan. The West of Harrogate Infrastructure Delivery Strategy has been prepared to accompany the WHPP and support the delivery of development of these sites.

The West Harrogate Parameters Plan Document supports the sustainable and co-ordinated development of the West Harrogate sites for:

- Approximately 2,700 homes
- Two new primary schools
- Local centres
- Employment land
- Sports pitches
- Extensive areas of green and blue infrastructure, landscaped to incorporate public open space and enhance existing landscape features, retained and enhanced wildlife habitat, playing fields and SuDS features
- Associated infrastructure requirement.

The cumulative impact of the west of Harrogate sites will require mitigation works to be carried out on the highway network to help reduce congestion, improve road safety and facilitate active travel. Some of these works will require the removal of trees, hedges and grass verges. Where possible compensatory planting and mitigation works will be carried out. These works are necessary to bring the west of Harrogate developments forward, and thereby make a significant contribution to meeting the housing needs of the district. In these circumstances, it is considered the proposed works are justified. The detail of the proposed works can be found in submitted Arboricultural report [Here](#).

Extracts from WHPP showing West of Harrogate Sites within the wider Strategic Context

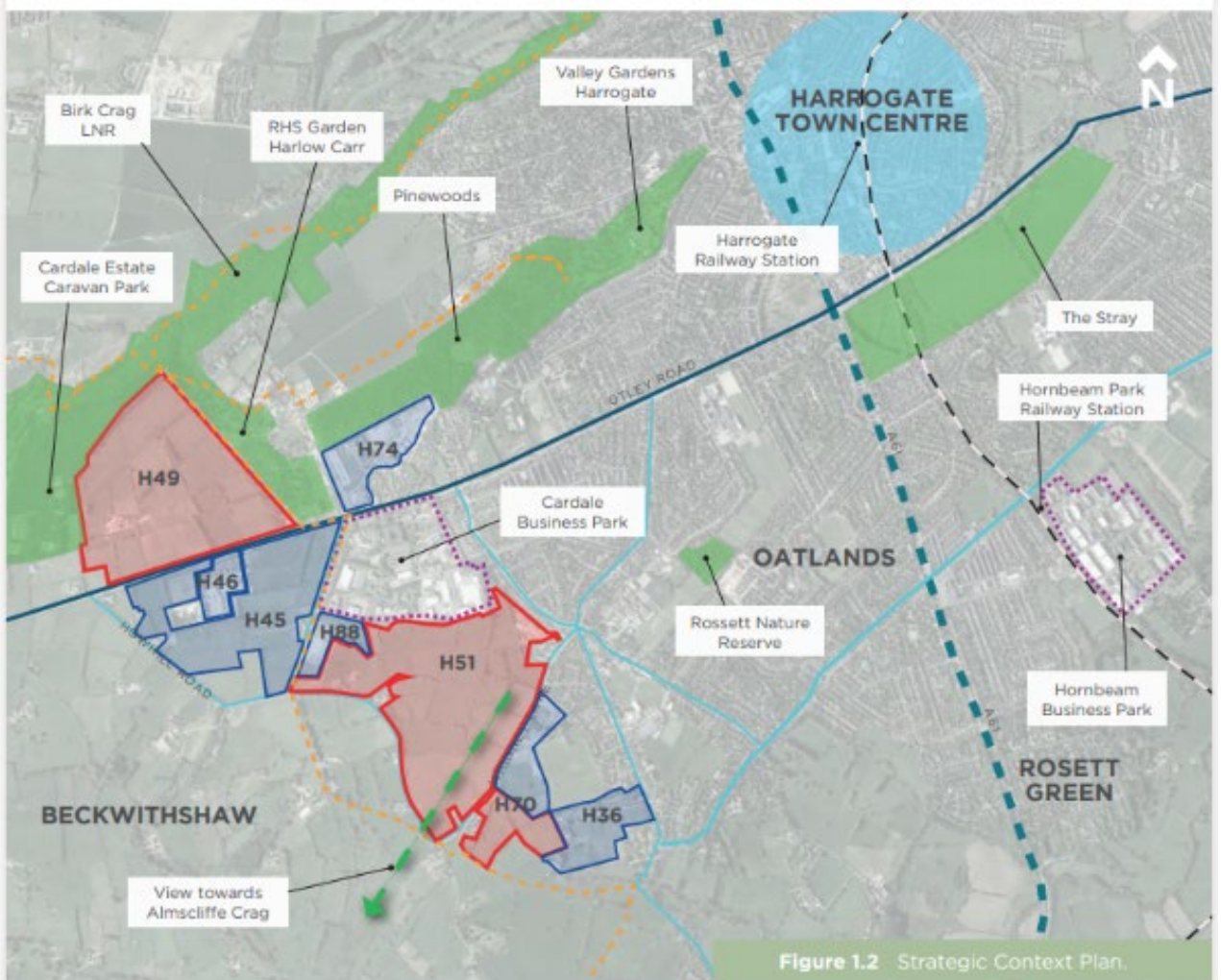









Figure 1.2 Strategic Context Plan.

- | | | | |
|---|--------------------------------------|---|--------------|
|  | Allocated Sites |  | A Roads |
|  | Committed Developments |  | B Roads |
|  | Employment |  | Local Roads |
|  | Harrogate Link and Harrogate Ringway |  | Railway Line |

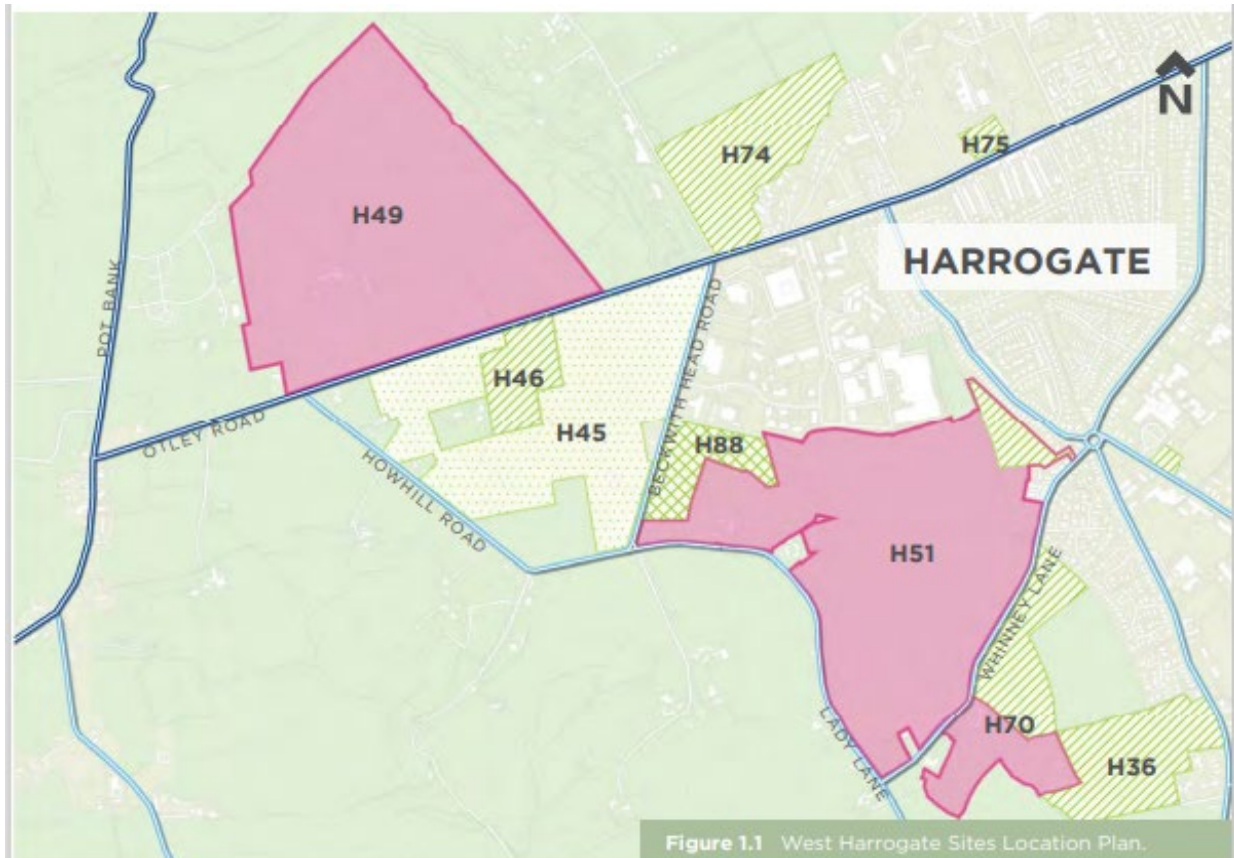


Figure 1.1 West Harrogate Sites Location Plan.

Appendix C: List of junctions that will form the schemes that make up the 'Off-site Highway Contributions' required to address the cumulative impacts of development.

These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the LHA with these details helping to inform the West of Harrogate Infrastructure Delivery Strategy.

- Lady Lane/Beckwith Head Road Junction
- Whinney Lane/Green Lane/Yew Tree Lane Roundabout
- Rossett Green Lane/Yew Tree Lane Junction
- Rossett Green Lane/Green Lane/Leadhall Lane/Church Lane Junctions
- A61/Burn Bridge Lane Junction
- A658/A61 Buttersdyke Bar Roundabout
- A61 Leeds Road/Pannal Bank/Follifoot Road Signalised Junction
- A61/Leadhall Lane/Hookstone Road (M&S) Signalised Junction
- Leeds Road/Park Drive/St Georges Road Roundabout
- Otley Road/Leeds Road/Princess of Wales/Trinity Road Roundabout & Junctions
- Otley Road/Beckwith Road Junction
- Otley Road/Beckwith Head Road/Crag Lane Signals
- Otley Road/Howhill Road Junction
- Otley Road/ Pot Bank Mini Roundabout
- A59/A6040 Empress Roundabout
- Wetherby Road/Hookstone Chase (Woodlands) Signalised Junction
- Burn Bridge Road/Malthouse Road Junction

In addition to the above list of junctions, a range of other mitigation measures have also been identified in order to enhance access to the West of Harrogate sites by sustainable modes including walking, cycling and public transport improvements:

- Howhill Road Widening/Strengthening
- Otley Road (Howhill Road to Crag Lane) Widening
- Hill Top Lane/Fall Lane Bend
- Hill Top Lane Localised widening
- Otley Road Cycle Infrastructure
- Beckwithshaw Village Crossing
- Traffic Regulation Orders
- Otley Road - Intelligent Traffic Signals Corridor
- Burnbridge, Yew Tree Lane, Lady Lane etc Traffic Management/Calming measures
- Burnbridge Lane Railway Bridge
- Public Transport (Pump priming)
- Vivacity Traffic Monitoring System

The overall costs of these works will be circa £36.7million pounds. This will be apportioned to each site based on the number of dwellings proposed. These measures have been independently reviewed and costed by a Transport Consultant working on behalf of the Local Highway Authority.

The off-site highway works will be designed, procured and delivered by the Local Highway Authority over the lifetime of the developments.

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North Yorkshire Council

Community Development Services

Strategic Planning Committee

13 AUGUST 2024

ZG2024/0241/REMM - RESERVED MATTERS APPLICATION INCLUDING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE DEVELOPMENT COMPRISING THE CONSTRUCTION OF A CONVERTOR STATION AND THE DISCHARGE OF CONDITIONS 6 (BIODIVERSITY NET GAIN PLAN), 7 (ECOLOGICAL MANAGEMENT PLAN), 8 (LEVELS), 10 (HARD AND SOFT LANDSCAPING SCHEME), 11 (ABORICULTURAL METHOD STATEMENT, TREE SURVEY AND TREE PROTECTION PLAN), AND 13 (LAND RESTORATION SCHEME) OF APPROVAL 2022/0711/EIA - HYBRID PLANNING APPLICATION COMPRISING TWO PARTS: (PART 1) OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED) FOR THE CONSTRUCTION OF A CONVERTER STATION AT DRAX, SELBY; (PART 2) FULL PLANNING APPLICATION FOR THE INSTALLATION OF HIGH VOLTAGE DIRECT CURRENT (HVDC) UNDERGROUND CABLES FROM THE RIVER OUSE TO THE CONVERTER STATION AND HIGH VOLTAGE ALTERNATING CURRENT (HVAC) UNDERGROUND CABLES FROM THE CONVERTER STATION TO THE EXISTING DRAX SUBSTATION AS WELL AS ALL ASSOCIATED TEMPORARY WORKS INCLUDING COMPOUNDS, ACCESSES AND BELLMOUTHS AS PART OF THE CONSTRUCTION OF SCOTLAND-ENGLAND GREEN LINK 2 (SEGL2), A TWO GIGAWATT (GW) REINFORCEMENT OF THE ELECTRICITY TRANSMISSION SYSTEM BETWEEN PETERHEAD, SCOTLAND AND DRAX, ENGLAND. [INSTALLATION OF UNDERGROUND HVDC CABLES FROM MEAN LOW WATER SPRINGS (MLWS) AT FRAISTHORPE, EAST RIDING TO THE RIVER OUSE AND ASSOCIATED TEMPORARY WORKS RELATING TO LAND IN AN ADJOINING AUTHORITY]

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a reserved matters application including access, appearance, landscaping, layout and scale for the construction of a convertor station, which was granted outline planning permission under application reference 2022/0711/EIA in August 2023.
- 1.2 This application has been reported to Strategic Planning Committee at the request of Members when resolving to grant outline planning permission at the August 2023 meeting.

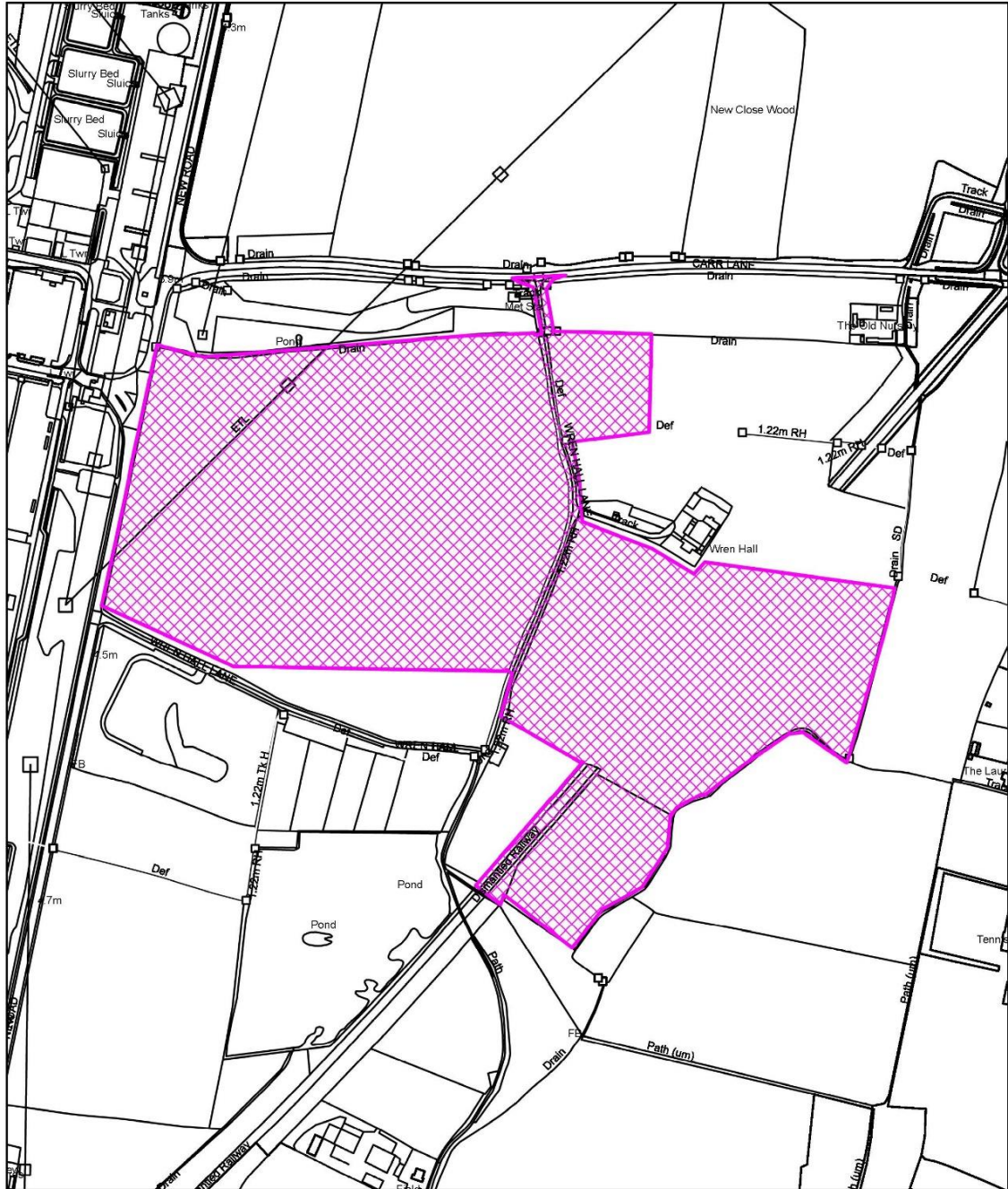
2.0 SUMMARY

RECOMMENDATION: The application is recommended to be **GRANTED** subject to the conditions and section 106 legal agreement listed below.

- 2.1. Outline planning permission (all matters reserved) has been granted under application reference 2022/0711/EIA for the construction of a convertor station at land to the east of New Road, Drax.

- 2.2 This reserved matters application has been submitted pursuant to the above referenced outline planning permission. Consideration needs to be given to the access, appearance, landscaping, layout and scale of the proposed development as part of the assessment and determination of the application.
- 2.3 Officers consider the access, appearance, landscaping, layout and scale of the proposed development are acceptable. It is therefore recommended that reserved matters consent is granted, subject to conditions and a section 106 agreement, as detailed in the report.

Land To East New Road, Drax
ZG2024/0241/REMM



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [ZG2024/0241/REMM](https://publicaccess.gov.uk/cases/ZG2024/0241/REMM) | [Reserved matters application including access, appearance, landscaping, layout and scale for the development comprising the construction of a convertor station and the discharge of conditions 6 \(biodiversity net gain plan\), 7 \(ecological management plan\), 8 \(levels\), 10 \(hard and soft landscaping scheme\), 11 \(aboricultural method statement, tree survey and tree protection plan\), and 13 \(land restoration scheme\) of approval 2022/0711/EIA Hybrid Planning Application comprising two parts: \(Part 1\) Outline planning application \(all matters reserved\) for the construction of a converter station at Drax, Selby; \(Part 2\) full planning application for the installation of high voltage direct current \(HVDC\) underground cables from the River Ouse to the converter station and high voltage alternating current \(HVAC\) underground cables from the converter station to the existing Drax Substation as well as all associated temporary works including compounds, accesses and bellmouths as part of the construction of Scotland-England Green Link 2 \(SEGL2\), a two gigawatt \(GW\) reinforcement of the electricity transmission system between Peterhead, Scotland and Drax, England. \[Installation of underground HVDC cables from Mean Low Water Springs \(MLWS\) at Fraisthorpe, East Riding to the River Ouse and associated temporary works relating to land in an adjoining authority\] | Land To East New Road Drax North Yorkshire.](#)

4.0 Site and Surroundings

- 4.1 The application site is located outside the defined development limits of any settlements and is located within the open countryside in planning policy terms.
- 4.2 The application site comprises approximately 22 hectares of predominantly agricultural land to the east of the Drax Power Station site.
- 4.3 The application site does not form part of the Drax Power Station site itself. The proposed convertor station would be sited within an agricultural field to the east of the Power Station site, on the opposite side of New Road, and would be viewed as a satellite development. The landscape and ecological mitigation area would be located to the east of Wren Hall Lane, to the east of the proposed convertor station.
- 4.4 To the west of the application site is the Drax Power Station site. To the north, east and south of the application site are mostly undeveloped agricultural fields with a flat topography, including sporadic development, such as isolated residential properties. Drax village lies approximately 600 metres south east of the proposed convertor station site at its closest point.
- 4.5 There are a number of public footpaths which intersect or lie adjacent to the application site boundary - references 35.26/2/1, 35.26/3/1, 35.26/5/2, 35.26/15/1, 35.26/5/1, 35.26/2/2, 35.47/4/1, 35.26/5/3, 35.26/4/1 and 35.26/3/2.

5.0 Description of Proposal

- 5.1 This reserved matters application has been submitted pursuant to outline planning permission reference 2022/0711/EIA for the construction of a convertor station (all matters reserved) at land to the east of New Road, Drax.

- 5.2 The convertor station platform would have an area of approximately 50,000sqm, measuring a maximum of 260 metres in length by 200 metres in width. It would be sited towards the south east corner of the parcel of agricultural land between New Road to the west and Wren Hall Lane to the east. The platform level would be set at 6.48AOD. There would be a concrete face retaining wall to the south of side and part of the north side of the platform, with earthwork/batter slopes to the remaining sides of the platform.
- 5.3 The convertor station platform contains various buildings and pieces of outdoor electrical equipment. In accordance with the outline planning permission, no more than 55% of the platform area contains buildings up to the maximum height parameter of 28.5 metres above the finished platform level, while the remainder of the platform area contains building and outdoor electrical equipment with a maximum height of 20 metres above the finished platform level.
- 5.4 The two largest buildings to be sited on the converter station platform would be the convertor buildings (pole 1 and pole 2), which would comprise the DC Halls, Valve Halls and Reactor Halls. These would measure a maximum of approximately 110 metres in length by 56 metres in width. The buildings would each have a stepped roof with a maximum height of 33.44 AOD, which equates to approximately 25 meters in height above the finished platform level, and a minimum height of 30.28 AOD, which equates to approximately 22 metres above the finished platform level.
- 5.5 To the west elevation of the convertor buildings would be the transformer bays which would measure approximately 20 metres in length by 40 metres in width. The transformers are sited outdoors with concrete fire protection walls surrounding them, which at their maximum would measure a height of 30.28 AOD and equates to approximately 22 meters in height above the finished platform level, and at their minimum would measure a height of 14.48 AOD, which equates to approximately 8 metres above the finished platform level. Noise enclosures would be incorporated within the transformer bays.
- 5.6 To the south and north elevation of the pole 1 and 2 convertor buildings respectively, would be a lower-level service building measuring approximately 50 metres in length by 15 metres in width, with a maximum height of 12 metres above the finished platform level. These would each have a basement which would measure a maximum of approximately 32 metres in length by 16 metres in width and would have a finished floor level of 2.23 metres AOD.
- 5.7 Various other smaller and lower-level buildings and pieces of infrastructure would be located between the two convertor buildings, including valve cooling tower poles, diesel generator and fuel tank, deluge fuel water tank, MVS kiosk, transformer bay relay pole buildings.
- 5.8 To the east of the convertor buildings would be a spares building and an operating building. The spares building would measure approximately 17 metres in length by 42 metres in width and would have a maximum height of approximately 7 metres above the finished platform level. The operating building would measure approximately 16

metres in length, by 56 metres in width and would have a maximum height of approximately 5 metres above the finished platform level.

- 5.9 To the west of the convertor station would be an area comprising the outdoor electrical equipment, which would typically have a maximum height of 13 metres above the finished platform level, with some rising to 23 metres above the finished platform level. A spare transformer building would sit centrally within this area measuring a maximum of approximately 27 metres in length by 16 metres in width and would have a maximum height of approximately 12 metres above the finished platform level. Two relay pole buildings would also sit either side of the spare transformer building in this area, each measuring approximately 6 metres in length by 15 metres in width and would have a maximum height of approximately 5 metres above the finished platform level.
- 5.10 A number of other smaller and lower scale buildings are sited around the convertor station platform, such as the cable covers, kiosks and DNDO buildings. A limited number of car parking spaces would be provided to the south of the operating building, with an internal road network surrounding the proposed buildings and pieces of infrastructure. Twenty-seven 6m high CCTV columns with security lighting would be provided around the convertor station platform. These would have a tilting function to be used for maintenance purposes only.
- 5.11 The proposed buildings on the site are shown to be vertically clad in colour RAL 7038 (Agate Grey).
- 5.12 The convertor station platform would be surrounded by a perimeter security fence, which would have a maximum height of 4 metres above the finished platform level, comprising a 2.4-metre-high palisade fence with a 1.6-metre-high electric wire fence above. A 1.2-metre-high weld mesh demarcation fence would be located to the base of the earthwork/batter slope surrounding the platform.
- 5.13 A permanent access to the convertor station would be provided from New Road to the east. This access would also allow maintenance of the SuDS pond to the west of the convertor station platform. A second permanent access would be provided from Wren Hall Lane to enable maintenance of the SuDS pond to the east of the convertor station platform only.
- 5.14 A landscaping scheme would surround the convertor station platform, within the available red line boundary, as shown on drawing no. WREH4-MMD-SL-XX-D-L-0006-P05 (Landscape Scheme Overview Plan). An area of land to the north of the convertor station platform used for the temporary construction compounds would be returned to agriculture following the construction period, as only temporary rights have been secured over this land.
- 5.15 A landscape and ecological mitigation area would be provided in the area of land to the east of Wren Hall Lane, as shown on drawing no. WREH4-MMD-SL-XX-D-L-0006-P05 (Landscape Scheme Overview Plan). This would be surrounded by 1.8-metre-high deer fencing, with no public access proposed. A public right of way which currently dissects the landscape and ecological mitigation area is proposed to be diverted around the east side of the area and dissect it at its narrowest point to meet Wren Hall Lane.

This diversion would be subject to a separate consent process with the Public Rights of Way Team.

- 5.16 An area of agricultural land to the south of the convertor station platform, which was not in the Applicant's control at the time of the outline application, but is now, is proposed to form an additional landscape mitigation area, as shown on drawing no. WREH4-MMD-SL-XX-D-L-0007 P03 (Wren Hall South Landscape Proposal). As this land falls outside of the red line boundary of the application site, it would need to be secured by s106 legal agreement if considered necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 5.17 The temporary construction compound would be in the area of land to the north of the convertor station platform. The two permanent accesses (on New Road and Wren Hall Lane) would be utilised for construction traffic in addition to an additional temporary construction access on New Road. All construction traffic would access the site via the temporary construction access on New Road. HGVs would then utilise the permanent access onto New Road to exit the site; while other traffic would utilise the permanent access on Wren Hall Lane to exit the site, taking a series of left turns to return to New Road. A passing pace is proposed on Wren Hall Lane to deal with the additional traffic movements. In addition to the above, a temporary crossing point would be formed on Wren Hall Lane, for construction vehicles to move between the convertor station site and the landscape and ecological mitigation site.

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:
- Selby District Core Strategy Local Plan, adopted 22 October 2013
 - Those policies in the Selby District Local Plan, adopted on 8 February 2005, which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
 - Minerals and Waste Joint Plan, adopted 16 February 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan Publication Version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local

Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making and, if relevant, will be referred to in the body of the report.

- The North Yorkshire Local Plan - 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, 2023
- National Planning Practice Guidance
- Overarching National Policy Statement for Energy EN-1
- National Policy Statement for Renewable Energy Infrastructure EN-3
- National Policy Statement for Electricity Networks Infrastructure EN-5

7.0 Consultation Responses

7.1. Consultation responses have been summarised below, however, please see website for full comments.

7.2. **Drax Parish Council:** No response.

7.3. **Long Drax Parish Council:** No response.

7.4. **Newland Parish Council:** No response.

7.5. **Carlton Parish Council:** No response.

7.6. **Camblesforth Parish Council:** No response.

7.7. **Barlow Parish Council:** No response.

7.8. **Arboriculture Officer:** No response.

7.9. **Archaeologist:** No comments. The outline planning permission, reference 2022/0711/EIA, includes conditions relating to archaeological assessment and mitigation, which will need to be discharged.

- 7.10. **Canal and Rivers Trust:** No comments.
- 7.11. **Conservation Officer:** No objections. Careful consideration should be given to the proposed lighting scheme to ensure it does not have any unintended consequences which could result in light spill extending beyond the plant, which may affect the setting of heritage assets within the village of Drax and beyond.
- 7.12. **Designing Out Crime Officer:** No objections.
- 7.13. **East Riding of Yorkshire Council:** No response.
- 7.14. **Ecologist:** No objections.
- 7.15. **Environment Agency:** The proposal now includes a basement that was not included or considered in the outline submission. Technically, this is now in contravention of Condition 17, as it has floor levels below the conditioned minimum level of 5.08mAOD. From, a technical flood risk perspective, the proposal as presented does not raise any concerns from a fluvial flood risk perspective. It is stated in the document that the threshold levels for the basement will be set at the platform level of 6.48mAOD and that the basement will be waterproofed/sealed. Based on this we do not consider that site users would be at risk from flooding in the basement during a fluvial design flood event. Please note that the applicant hasn't provided any technical details of the proposed waterproofing. You should satisfy yourself that the risks associated with unknowns regarding the quality of the waterproofing are acceptable before making a decision. Based on the above, we consider that this proposal can be accepted subject to suitable changes in wording to Condition 17 through a non-material amendment application.
- 7.16. **Environmental Health:** No objections.
- 7.17. **Historic England:** No objection on heritage grounds but recommend that a planning condition requires that the recording and recovery of any residual archaeology is directed through an agreed Written Scheme of Investigation (WSI), and the authority should satisfy itself that the existing documentation can be relied upon to ensure that a detailed design of sufficient quality can be delivered.
- 7.18. **Landscape Architect:** The application has been amended through the course of the application. Generally, the updated information, adjustments made and additional mitigation to the proposed s106 land would resolve the concerns and issues previously raised. However, some information and clarification remain outstanding, including clarification for materials and colour scheme for buildings.

The overall design and layout of buildings and equipment remains notably close to site boundaries, particularly at the south and south-east sides of the site in proximity to the main site access, boundary security fencing and retaining walls. This means that there is limited opportunity for onsite screen planting and mitigation in these locations within the Applicant's control and places greater emphasis and dependence on the need for protection and retention of existing trees and vegetation both within the site and offsite.

The proposal to provide offsite tree planting to the south side of the site (proposed S106 land) goes part way to alleviate this issue but does not extend to the south-west side in front of the proposed main site access, excludes existing boundary trees and hedgerow along Wren Hall Lane and remains dependent on other 3rd party tree planting and woodland to provide localised screening of the site, particularly in the short and medium term.

- 7.19. **Local Highway Authority:** No objections.
- 7.20. **Local Lead Flood Authority:** No comments.
- 7.21. **National Highways:** No objections.
- 7.22. **Natural England:** No objections.
- 7.23. **Network Rail:** No observations.
- 7.24. **North Yorkshire Fire and Rescue Service:** No objection.
- 7.25. **Public Right of Way Officer:** Our team are in correspondence with the applicants regarding the Public Rights of Way across this site and how they will be potentially affected by the development. The proposals for the Public Rights of Way have been discussed with our team and in principle we are happy with the current proposals.
- 7.26. **Selby Area Internal Drainage Board:** Object on the basis that there is landscaping within 7m of the ordinary watercourse, for which separate consent from the IDB would be required.
- 7.27. **Yorkshire Water:** No objections.
- 7.28. **Yorkshire Wildlife Trust:** No response.

Local Representations

- 7.29. No local representations have been received.

8.0 Environment Impact Assessment (EIA)

- 8.1 An application for a screening opinion in relation to the proposed development was submitted to the Local Planning Authority on 10 February 2021 and a decision issued on 19th March 2021 confirming that the proposed development is considered to be EIA development. An application for a scoping opinion in relation to the proposed development as submitted to the Local Planning Authority on 13 April 2021 and a decision was issued on 7 June 2021, providing details advice on a range of themes.
- 8.2 The outline planning application, reference 2022/0711/EIA, was accompanied by an Environmental Statement (ES). The reserved matters application has been designed in accordance with the assessment undertaken in the ES and the therefore the

information before the LPA is considered adequate to assess the significant effects of the development on the environment.

9.0 Main Issues

9.1. Since the principle of the development has been established under the outline planning permission, reference 2022/0711/EIA, the main issues when assessing the reserved matters application for access, appearance, landscaping, layout and scale are:

- Design, Landscape and Visual Impact
- Impact on Heritage Assets
- Ecological Considerations
- Impact on Highway Safety
- Impact on Public Rights of Way
- Impact on Residential Amenity
- Flood Risk and Drainage
- Other Issues

10.0 ASSESSMENT

Design, Landscape and Visual Impact

10.1 Saved Policy ENV1 of the Selby District Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Policy SP17(C) of the Core Strategy requires all renewable energy and low-carbon energy generation and supporting infrastructure to be designed and located to protect the environment and local amenity; or to demonstrate that the wider environmental, economic, and social benefits outweigh any harm caused to the environment and local amenity. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. Policy SP12 of the Core Strategy encourages opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure, in addition to the incorporation of other measures to mitigate or minimise the consequences of development.

10.2 These local policies accord with paragraph 135 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 180 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.

10.3 The outline planning application for the convertor station was supported by a number of documents including Chapter 8 of the ES and its associated appendices; a Technical

Note (TN02) responding to the Council's Landscape Architects comments; and a further letter responding to the Council's Landscape Architects comments dated 5 April 2023. The Council's Landscape Architect objected to the scheme at the outline planning application stage on the basis that they did not consider the proposals sufficiently minimised likely significant adverse landscape and visual effects, nor did they provide sufficient new opportunities to better join up existing Green Infrastructure and create new Green Infrastructure. Officers considered that more could be done to mitigate the visual impact of the proposed development and raised concerns that there was insufficient scope within the red line boundary to provide sufficient landscape mitigation at the reserved matters stage, noting landscaping was a reserved matter.

- 10.4 Officers and Members concluded at the outline planning application stage, that there was harm arising from the proposals as a result of the lack of scope for suitable landscape mitigation. However, when this harm was balanced against the benefits of the proposal, including contributing to net zero targets and facilitating the role out of increasing use of renewable energy resources in the country, it was considered that there were material considerations which would justify granting outline planning permission for the convertor station, notwithstanding the harm identified.
- 10.5 The access, appearance, landscaping, layout and scale of the proposed development is as set out in Section 5 of this report. The proposed development has been designed in accordance with the parameters set out and assessed at the outline planning stage and has sought to minimise the harm arising from the scheme, where reasonable and possible.
- 10.6 The layout of the proposed development largely reflects the indicative layout put forward at the outline planning application stage, with two notable exceptions. Firstly, the convertor station platform has shifted towards the south east corner of the field within which it sits, bringing it in closer proximity to the southern and eastern boundaries, which in turn has reduced opportunities for landscape mitigation to those boundaries. Secondly, an additional permanent access onto Wren Hall Lane (which is also proposed to be used on a temporary basis for construction traffic) and an additional temporary access onto New Road are being proposed. These remove some boundary landscaping, although the landscaping will be reinstated in the location of the temporary accesses following the construction period.
- 10.7 The scale of the proposed development is within the parameters set out and assessed as part of the outline planning application and is considered to be acceptable. The appearance of the proposed development is largely fixed by its function. The massing of buildings has been reduced by breaking up the buildings and utilising varying roof heights where reasonable and possible. All of the proposed buildings on the site are shown to be vertically clad in colour RAL 7038 (Agate Grey). Discussions have been ongoing between the Applicant and Officers regarding whether this is the most appropriate colour option for all of the buildings on the site in order to most effectively reduce their visual impact. Consideration of horizontal graded colour scheme for the larger buildings (darker at the bottom and lighter at the top) and darker colours for the smaller buildings within the site is being actively explored by the Applicant, in conjunction with Officers. These discussions are ongoing, and it is proposed that the colour and finish of the proposed buildings could be conditioned to any reserved

matters consent granted, to ensure the best possible appearance for the buildings is secured in order to reduce their visual impact.

- 10.8 In terms of landscaping, the majority of the existing trees and hedgerows around the site boundaries are to be retained. While there is some loss as a result of providing permanent and temporary access points to New Road and Wren Hall Lane, along with the passing place on Wren Hall Lane, this has been kept to a minimum and reinstatement would take place where, but these access points are to be provided on a temporary basis only. Some cutting back of vegetation will be required to provide visibility splays access points, but this is routine management and maintenance of boundary vegetation rather than its removal.
- 10.9 The shifted location of the convertor station towards the south east corner of the field within which it sits has reduced opportunities for landscape mitigation to the southern and eastern boundaries. However, an area of agricultural land to the south of the convertor station platform that is now in the Applicant's control though was not at the time of the outline application, is proposed to form an additional landscape mitigation area to the south of the convertor station site as shown on drawing no. WREH4-MMD-SL-XX-D-L-0007 P03 (Wren Hall South Landscape Proposal). This area is approximately 1.3 hectares and would comprise woodland and woodland edge planting. As this land falls outside of the red line boundary of the application site, it would need to be secured by s106 legal agreement if considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The provision of landscape mitigation in this area is considered to meet the relevant tests as a result in the amended location of the platform within the site. The s106 legal agreement would need to secure the provision of the landscaping scheme within the first available planting season following the construction of the proposed development, an initial 5-year defect period replanting period, and the long-term maintenance and management of the landscape scheme for the lifetime of the development in accordance with the details contained within the submitted Landscape & Ecology Management and Maintenance Strategy June 2024 (reference WREH4-MMD-SL-XX-RP-L-0010-P03)
- 10.10 Within the field where the convertor station platform is located, there would be a mix of species rich grassland, gently planted bunds, woodland planting, and attenuation ponds to the east and west of the platform. To the north of the platform existing trees and hedgerows would be retained and bolstered. To the south of the platform, a native hedgerow would be planted.
- 10.11 Within the landscape and ecological mitigation area to the east of Wren Hall Lane, existing vegetation would be retained and naturalised earthwork bunds between one to two metres high with woodland/woodland edge planting atop would be provided, alongside areas of species rich grassland, native shrub mix, wetland areas and native hedgerows. An area of orchard tree planting would also be provided.
- 10.12 Excavated material from the field where the convertor station platform is located would be limited to topsoil and this would all be re-used as part of landscaping works, including for the bunds, platform slopes, attenuation basin slopes and road embankment.

- 10.13 The Council's Landscape Architect has been consulted on the reserved matters application and considers that the information and adjustments made during the course of the application in response to comments made, along with the additional landscape mitigation proposed outside the red line boundary to be secured through s106 legal agreement, would largely resolve concerns and issues initially raised. However, the Council's Landscape Architect notes that some information remains outstanding, such as the agreement of materials to be used for the external surfaces of the proposed development.
- 10.14 Officers consider access, appearance, landscaping, layout and scale of the proposed development is acceptable in relation to design and the landscape and visual impact. Amendments have been made during the course of the application to ensure the harm arising from the proposed development in these respects has been minimised as much as reasonable and possible. This is subject to the aforementioned condition regarding materials and s106 legal agreement relating to the landscape mitigation in the area of land to the south of the convertor station platform.

Impact on Heritage Assets

Designated heritage assets

- 10.15 The application site itself does not contain any designated heritage assets. However, the convertor station site is located within close proximity to three Scheduled Ancient Monuments (SAMs) around the village of Drax – Drax Augustinian Priory (to the north), Scruff Hall (to the south east), and Castle Hill (to the south of Drax village). Furthermore, the Grade I listed Church of St Peter and St Paul, and the associated Grade II shaft in the churchyard, are located to the south in the village of Drax.
- 10.16 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 10.17 Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 200 to 208.
- 10.18 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority *to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.
- 10.19 The outline planning application for the convertor station was supported by a number of documents including Chapter 9 of the ES and its associated appendices and a Technical Note (TN06) responding to the Council's Conservation Officer and Historic

England's comments. It was considered that the proposed development would lead to less than substantial harm to the significance of a number of designated heritage assets, namely the SAMs of Drax Augustinian Priory, Scruff Hall and Castle Hill; the Grade I listed Church of St Peter and St Paul; and the associated Grade II shaft in the churchyard. However, when the harm was weighed against the public benefits of the scheme, it was considered that the proposal would be acceptable as the public benefits identified would outweigh the harm. The proposal was therefore considered to be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF at the outline planning stage. It was noted that the reserved matters would be subject to subsequent approval, which would ensure the harm arising from the scheme was minimised as much as possible.

- 10.20 The access, appearance, landscaping, layout and scale of the proposed development is as set out in Section 5 of this report. The proposed development has been designed in accordance with the parameters set out and assessed at the outline planning stage and has sought to minimise the harm arising from the scheme, where reasonable and possible. As mentioned earlier in this report, notwithstanding the details shown on the submitted plans, discussions are ongoing regarding the most appropriate materials to be used for the external appearance of the proposed buildings. This could be subject to agreement through a condition attached to any reserved matters consent granted, notwithstanding the details shown on the submitted plans, to ensure a suitable appearance that minimises the harm arising from the proposed development.
- 10.21 Historic England and the Council's Conservation Officer have been consulted on the reserved matters application and have not raised any objections. The Council's Conservation Officer has recommended that the proposed outdoor lighting should be carefully considered to ensure there is no light spill extending beyond the site, which could have an adverse impact on designated heritage assets. The proposed outdoor lighting is subject to approval through a condition attached to the outline planning permission, where it can be ensured that this is not the case.
- 10.22 Subject to the aforementioned condition regarding materials, it is considered the detailed design of the proposed development has minimised the harm arising from the scheme as much as possible. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.

Non-designated heritage assets (archaeology)

- 10.23 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 200 of the NPPF.
- 10.24 The outline planning application was supported by a number of documents including Chapter 9 of the ES and its associated appendices including a study of aerial photographic and LIDAR information, an archaeological geophysical survey and a metal detector survey; a technical note (TN05) responding to the Council's

Archaeologists and Historic England's comments; and a report on archaeological trial trenching, which provides further information on the significance of the archaeological anomalies noted in the archaeological geophysical survey.

- 10.25 The Council's Archaeologist and Historic England raised no objections to the proposed development at the outline planning stage, subject to a condition requiring an Archeological Mitigation Strategy.
- 10.26 There is a separate discharge of condition application, reference ZG2024/0272/DOC, which is seeking to discharge the Archaeological Mitigation Strategy in relation to the converter station site. The position at present is that the field where the convertor station platform would be located has been subject to adequate assessment and mitigation. In relation to the field where the landscape and ecological mitigation area would be located, further assessment and proposed mitigation, as required, is awaited prior to the discharge of the relevant condition.
- 10.27 The Council's Archaeologist and Historic England have been consulted on the reserved matters application and have not raised any objections to the detailed design. Conditions attached to the outline planning permission will ensure suitable assessment and mitigation in relation to archaeology prior to commencement of development.
- 10.28 Having regard to the above, it is considered that the proposed development would not have an adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Ecological Considerations

- 10.29 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 10.30 This is reflected in the national policy at paragraph 180 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits form natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity.
- 10.31 The outline planning application was supported by a number of documents including Chapter 7 of the ES and its associated appendices including a Preliminary Ecological Appraisal Report; a Bat Survey Report; a Water Vole and Otter Survey Report; an

Ornithology Report; a Great Crested Newt Survey Report; and a Habitat Regulations Assessment Report.

- 10.32 The Council's Ecologist raised no objections to the proposed development at the outline planning stage, subject to conditions relating to a Construction Environmental Management Plan (CEMP); a Landscape and Ecological Management Plan (LEMP), a BNG assessment and details of external lighting.
- 10.33 There are separate discharge of condition applications, references ZG2024/0247/DOC and ZG2024/0272/DOC, which are seeking to discharge the CEMP and external lighting respectively, in relation to the converter station site. The Council's Ecologist raises no objections to the discharge of those conditions.
- 10.34 A Landscape and Ecological Management Plan (LEMP) and a BNG assessment have been submitted as part of this reserved matters application, which also seeks the discharge of conditions 6 (biodiversity net gain plan) and 7 (ecological management plan) of the outline planning permission. The Council's Ecologist has been consulted on the reserved matters application and raises no objections to it, or the discharge of the relevant planning conditions attached to the outline planning permission. The BNG assessment sets out that the scheme would deliver in excess of 10% BNG for area based, linear and riverine habitats. The LEMP sets out how the proposed new and retained habitats would be created, established and managed for the period of 30 years and includes proposals for monitoring and adjustment of management as necessary.
- 10.35 Having regard to the above, it is considered that the proposed development would not have an adverse impact on ecological considerations and would provide net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Impact on Highway Safety

- 10.36 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe (paragraph 115).
- 10.37 The outline planning application was supported by a number of documents including Chapter 14 of the ES and its associated appendices. Access was a reserved matter; however indicative plans were submitted showing how the site could be accessed via a new permanent access to the west of the converter station site onto New Road. This was also proposed to facilitate all construction traffic, such that no temporary construction accesses would be required. Indicative plans also showed a permanent access road within the site leading from the new access, along with an internal road network within the converter station compound and car parking and turning facilities for

the estimated six operational staff, occasional visitors and maintenance staff who would be required to operate, monitor and maintain electrical equipment and plant.

- 10.38 National Highways and the Local Highway Authority raised no objections to the proposed development at the outline planning stage, subject to conditions requiring a Construction Traffic Management Plan (CTMP) and Construction Worker Travel Plan (CWTP).
- 10.39 There are separate discharge of condition applications, references ZG2024/0247/DOC and ZG2024/0272/DOC, which are seeking to discharge the CTMP and CWTP respectively, in relation to the converter station site. Consideration of these discharge of conditions applications are ongoing, but details would need to be agreed prior to commencement of development.
- 10.40 The access and layout of the proposed development is as set out in Section 5 of this report and has been developed from the outline planning application stage. There would be two permanent accesses to the site – one to the converter station would be provided from New Road to the west, while a second to the SuDS pond to the east of the converter station platform would be provided to Wren Hall Lane to the east. This second permanent access would be used for maintenance access to the SuDS pond only.
- 10.41 In addition, a temporary access would be created from New Road to access the temporary construction compound in the area of land to the north of the converter station platform. All construction traffic would access the site via the temporary construction access on New Road. HGVs would then utilise the permanent access onto New Road to exit the site; while other traffic would utilise the permanent access on Wren Hall Lane to exit the site, taking a series of left turns to return to New Road. A passing pace is proposed on Wren Hall Lane to deal with the additional traffic movements.
- 10.42 A temporary crossing point would be formed on Wren Hall Lane, for construction vehicles to move between the converter station site and the landscape and ecological mitigation site.
- 10.43 The submitted plans show a permanent access road within the site leading from the new permanent access from New Road, along with an internal road network within the converter station compound and car parking and turning facilities.
- 10.44 National Highways and the Local Highway Authority have been consulted on the reserved matters application and raise no objections to the detailed design.
- 10.45 Having regard to the above, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Public Rights of Way

- 10.46 Policy T8 of the Selby District Local Plan resists development which would have a significant adverse effect on any route in the district's public rights of way network unless alternative suitable provision can be provided.
- 10.47 There are a number of public footpaths which intersect or lie adjacent to the application site boundary - references 35.26/2/1, 35.26/3/1, 35.26/5/2, 35.26/15/1, 35.26/5/1, 35.26/2/2, 35.47/4/1, 35.26/5/3, 35.26/4/1 and 35.26/3/2.
- 10.48 The proposed development has the potential to physically affect some public rights of way temporarily during the construction period. The Applicant would need to make an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order(s). The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the construction period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times. An informative can be attached to any planning permission granted highlighting these points to the Applicant.
- 10.49 The submitted plans show a proposal to permanently divert footpath 32.26/5/1 as part of the proposed development. This is not required in order for the development to take place, as the current footpath dissects the landscape and ecological mitigation area to the east of Wren Hall Lane and the proposed route of the footpath would likewise dissect the landscape and ecological mitigation area, albeit further south. This permanent diversion is a proposal put forward by the Applicant and would be subject to a separate consent process with the Public Rights of Way Team.
- 10.50 The Public Rights of Way Team have been consulted on the reserved matters application and have advised that they are in correspondence with the Applicant regarding the Public Rights of Way which intersect or lie adjacent to the site and how they would be potentially affected by the development. The proposals for the Public Rights of Way have been discussed with the Public Rights of Way Team and in principle they are happy with the current proposals.
- 10.51 Having regard to the above, it is considered that the proposed development would not have an adverse impact on existing public rights of way in accordance with saved Policy T8 of the Selby District Local Plan.

Impact on Residential Amenity

- 10.52 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 of the Selby District Local Plan resists development which would give rise to unacceptable levels of noise or nuisance unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Saved Policy ENV3(3) of the Selby District Local Plan requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development

proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.

- 10.53 The outline planning application was supported by a number of documents including Chapter 13 of the ES relating to noise and vibration and Chapter 18 of the ES containing an outline CEMP.
- 10.54 The Council's Environmental Health Officer raised no objections to the proposed development at the outline planning stage, subject to the detailed design put forward at the reserved matters stage suitably mitigating noise, and conditions requiring a CEMP and details of external lighting.
- 10.55 There are separate discharge of condition applications, references ZG2024/0247/DOC and ZG2024/0272/DOC, which are seeking to discharge the CEMP and external lighting respectively, in relation to the converter station site. The Council's Environmental Health Officer raises no objections to the discharge of those conditions.
- 10.56 In terms of the detailed design of the convertor station and its suitability for mitigating any noise impacts having regard to the residential amenity of neighbouring properties, the Council's Environmental Health Officer raises no objections.
- 10.57 Having regard to the above, it is considered that the proposed development would not have an adverse impact on residential amenity in accordance with saved Policies ENV1(1), ENV2 and ENV3(3) of the Selby District Local Plan, Policy SP17(C) of the Core Strategy and national planning policy contained within the NPPF.
- 10.58 On this basis, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Flood Risk and Drainage

- 10.59 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 10.60 The outline planning application was supported by a number of documents including Chapter 11 of the ES relating to Hydrology and Land Drainage, with its appendices including a site-specific flood risk assessment, and a Hydraulic Modelling and Flood Risk Assessment Technical Note dated April 2023.
- 10.61 At the outline planning application stage, Officers concluded that the proposed development passed both the flood risk sequential and exception tests. Furthermore, Officers concluded that while the proposed convertor station would be sited within the floodplain and would result in the loss of floodplain storage, the Applicant had demonstrated that the proposed development would not increase flood risk elsewhere. The Environment Agency agreed with this position. Floodplain storage compensation was not considered reasonable of necessary.

- 10.62 The Local Lead Flood Authority, the local Internal Drainage Board and Yorkshire Water were consulted on the outline planning application and raised no objections to the proposed development in principle, subject to an acceptable detailed design being put forward at the reserved matters stage and conditions relating to foul and surface water drainage schemes to be agreed prior to commencement of development.
- 10.63 There are separate discharge of condition applications, references ZG2024/0247/DOC and ZG2024/0272/DOC, which are seeking to discharge the relevant drainage conditions in relation to the converter station site. Consideration of these discharge of conditions applications are ongoing, but details would need to be agreed prior to commencement of development.
- 10.64 In terms of the detailed design put forward under this reserved matters application, the Local Lead Flood Authority and Yorkshire Water raise no objections. Conditions attached to the outline planning permission will ensure suitable drainage arrangements are agreed prior to commencement of development.
- 10.65 The Internal Drainage Board raise an objection on the basis that separate consent from the Board, outside of the planning process, is required for any works within 7m of ordinary watercourses for which the Applicant has not yet applied. It is understood that the Applicant has now applied for the relevant consent from the Board. Withholding the determination of the planning application pending the outcome of that application with the Board is not considered reasonable. Should consent not be granted by the Board, the Applicant would need to amend their planning consent, if granted.
- 10.66 The Environment Agency note that the proposal now includes a basement that was not included or considered under the outline planning application. Technically, this is in contravention of Condition 17 of the outline planning permission, as it has floor levels below the conditioned minimum level of 5.08mAOD. However, the Environment Agency advise that from a technical flood risk perspective, the proposal as presented does not raise any concerns from a fluvial flood risk perspective. The threshold levels for the basement will be set at the platform level of 6.48mAOD and the basement will be waterproofed/sealed. Based on this, the Environment Agency do not consider that site users would be at risk from flooding in the basement during a fluvial design flood event. Condition 17 of the outline planning permission has been amended through a non-material amendment application, reference ZG2024/0589/MAN2, during the course of the reserved matters application, to read as follows:

“The Converter Station Development hereby granted shall be carried out in accordance with the submitted Flood Risk Assessment (Appendix 11B Flood Risk Assessment, dated May 2022, by Capita) and the supporting technical note (Hydraulic Modelling & Flood Risk Assessment Technical Note, dated April 2023, by WSP) and the following mitigation measures:

- *Construction of an elevated platform set no lower than 5.08 metres above Ordnance Datum (AOD)*
- *Finished floor levels and sensitive flood infrastructure (excluding cable basements) shall be set no lower than 5.08 metres above Ordnance Datum (AOD), plus an appropriate freeboard*

These mitigation measures shall be fully implemented prior to the Converter Station Development hereby granted being brought into use and shall be retained and maintained as such for the lifetime of the Converter Station Development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.”

The proposed development is in accordance with this amended condition.

- 10.67 Having regard to the above, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Other Issues

- 10.68 This reserved matters application also seeks the approval of details in relation to conditions 6 (biodiversity net gain plan), 7 (ecological management plan), 8 (levels), 10 (hard and soft landscaping scheme), 11 (aboricultural method statement, tree survey and tree protection plan), and 13 (land restoration scheme) of approval 2022/0711/EIA, which are directly related to the reserved matters.
- 10.69 It is considered that the information submitted as part of this reserved matters application is sufficient to approve details in relation to the aforementioned conditions and a separate letter can be issued to the Applicant to that effect confirming the details are approved should reserved matters consent be granted.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Outline planning permission (all matters reserved) has been granted under application reference 2022/0711/EIA for the construction of a convertor station at land to the east of New Road, Drax.
- 11.2 This reserved matters application has been submitted pursuant to the above referenced outline planning permission. Consideration needs to be given to the access, appearance, landscaping, layout and scale of the proposed development as part of the assessment and determination of the application.
- 11.3 It is considered the detailed design of the proposed development has minimised the harm arising from the scheme as much as reasonable and possible in relation to landscape and visual impacts and impacts on designated heritage assets. Furthermore, the detailed design of the proposed development would not have any adverse impact on ecological considerations, highway safety, public rights of way, residential amenity, or flood risk and drainage and is in accordance with relevant Development Plan policies in those respects.
- 11.4 Having regard to the above, it is considered that reserved matters consent should be granted.

12.0 **RECOMMENDATION**

12.1 The application is recommended to be GRANTED subject to the conditions listed below and the completion of a S106 Agreement the summary contents of which are set out at Para 12.2.

01. The development hereby permitted shall be carried out in accordance with the plans/drawings/documents listed below:

- WREH4-MMD-SL-XX-D-C-0002-P04 – Location Plan
- WREH4-MMD-SL-XX-D-C-0021-P05 – Overall Site Layout
- WREH4-MMD-SL-XX-D-C-0009-P06 – Converter Station Platform Layout
- WREH4-MMD-SL-XX-D-C-0024-P01 – Converter Station Platform Layout
- WREH4-MMD-SL-XX-D-A-0003-P02 - Converter Station Platform Floor Plan
- WREH4-MMD-SL-XX-D-A-0103-P01 – Converter Station Platform Floor Plan
- WREH4-MMD-SL-XX-D-A-0005-P02 - Converter Station Platform Sections
- WREH4-MMD-SL-XX-D-A-0006-P02 - Converter Station Platform Sections
- WREH4-MMD-SL-XX-D-A-0105- P01 - Converter Station Platform Sections
- WREH4-MMD-SL-XX-D-C-0021-P01 - Converter Station Platform Sections
- WREH4-MMD-SL-XX-D-C-0010-P06 - Converter Station Platform Elevations
- WREH4-MMD-SL-XX-D-C-0025-P01 – Converter Station Platform Elevations
- WREH4-MMD-SL-XX-D-C-9010-P01 - Converter Station Platform Elevations
- WREH4-MMD-CB1-XX-D-A-0019-P04 - Converter Building Pole 1 Building Elevations
- WREH4-MMD-CB1-XX-D-A-0020-P04 - Converter Building Pole 1 Building Elevations
- WREH4-MMD-OB-XX-D-A-0032-P04 – Operating Building Elevations
- WREH4-MMD-SB1-B1-D-A-0035-P04 – Service Building 1 Basement Floor Layout
- WREH4-MMD-SB1-XX-D-A-0039-P04 - Service Building Pole 1 Building Elevations
- WREH4-MMD-SB1-XX-D-A-0040-P03 – Service Building Pole 1 Long & Cross Building Sections
- WREH4-MMD-SP-XX-D-A-0043-P05 – Spares Building Elevations
- WREH4-MMD-CB2-XX-D-A-0052-P04 - Converter Building Pole 2 Building Elevations
- WREH4-MMD-CB2-XX-D-A-0053-P04 - Converter Building Pole 2 Building Elevations
- WREH4-MMD-SB2-XX-D-A-0065-P04 – Service Building Pole 2 Building Elevations
- WREH4-MMD-TS-XX-D-A-0071-P03 – Spare Transformer Elevations
- WREH4-MMD-SL-XX-D-A-0076-P02 – Site Infrastructure (AC Relay Building Pole 1&2) Elevations
- WREH4-MMD-SL-XX-D-A-0077-P02 – Site Infrastructure (DNO, MVS3, ISS & Deluge Pump) Elevations
- WREH4-MMD-SL-XX-D-A-0078-P02 - Site Infrastructure (LVS3, MVS Kiosk Building Pole 1&2) Elevations
- WREH4-MMD-SL-XX-D-A-0079-P02 - Site Infrastructure (Trafo Relay Building Pole 1&2) Elevations
- WREH4-MMD-SL-XX-D-A-0081-P01 – Site Infrastructure (fire Water Tank, Valve Cooling Towers, Deisel Generator & Fuel Tank) Elevations
- WREH4-MMD-SL-XX-D-A-0082-P01 – Site Infrastructure (Cable Drum Covers & DC AHU Chillers) Elevations

- WREH4-MMD-SB1-XX-D-A-0085-P01 - Service Building Pole 1 Long & Cross Building Sections
- WREH4-MMD-SL-XX-D-C-9001-P01 – CCTV & Security Lighting Layout
- WREH4-MMD-SL-XX-D-C-9002-P01 – Typical CCTV/Lighting Column Elevation
- WREH4-MMD-SL-XX-D-C-0015-P03 – Fence Details
- WREH4-MMD-SL-XX-D-L-0001-P06 – Landscape Proposals General Arrangement 1 of 2
- WREH4-MMD-SL-XX-D-L-0002-P05 – Landscape Proposals General Arrangement 2 of 2
- WREH4-MMD-SL-XX-D-L-0003-P05 – Landscape Proposals Earthwork Sections
- WREH4-MMD-SL-XX-D-L-0004-P03 – Landscape Proposals Landscape Details
- WREH4-MMD-SL-XX-D-L-0005-P03 – Landscape Proposals Overview Notes
- WREH4-MMD-SL-XX-D-L-0006-P05 – Landscape Scheme Overview Plan
- WREH4-MMD-SL-XX-D-C-0008-P06 Sheets 01-03 – Earthwork Layout & Sections
- WREH4-MMD-SL-XX-RP-C-0012-P04 – Earthworks Strategy June 2024
- WREH4-MMD-SL-XX-RP-OE-0001- P03 - Arboricultural Impact Assessment and Arboricultural Method Statement June 2024
- WREH4-MMD-SL-XX-RP-L-0001-P02 - Landscape & Ecology Management and Maintenance Strategy February 2024
- WREH4-MMD-SL-XX-D-H-0001-P06 – Permanent Access Road Junction General Arrangement & Visibility Splay
- WREH4-MMD-SL-XX-D-H-0002-P04 – Permanent Access Road Swept Path Analysis
- WREH4-MMD-SL-XX-D-H-0003-P04 – Permanent Access Road Alignment & Vertical Profile
- WREH4-MMD-SL-XX-D-H-0004-P04 - Attenuation Basin Access Road General Arrangement, Visibility Splay & Swept Path Analysis
- WREH4-MMD-SL-XX-D-H-0007-P06 – Temporary Access 1 General Arrangement & Visibility Splay
- WREH4-MMD-SL-XX-D-H-0008-P04 – Temporary Access 1 Swept Path Analysis
- WREH4-MMD-SL-XX-D-H-0010-P07 – Temporary Access 2 General Arrangement & Visibility Splay
- WREH4-MMD-SL-XX-D-H-0013-P07 – Haul Road Crossing General Arrangement & Visibility Splay
- WREH4-MMD-SL-XX-D-C-0014-P06 – Construction Compound & Layout
- WREH4-MMD-SL-XX-RP-H-0003-A – Highways Supporting Statement June 2024
- 100287864-MMD-REP-RSA-2024-003-B – Road Safety Audit Stage 1 June 2024

Reason: For the avoidance of doubt.

02. Notwithstanding the details shown on the submitted plans, prior to the election of each building above finished floor level, details of the materials to be used in their external construction, including colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policy ENV1 of the Selby District Local Plan.

S106 Legal Agreement

12.2 The following Heads of Terms have been agreed with the applicant for this application.

Category/Type	Contribution	Amount & Trigger
	Landscape Mitigation Area	1.3 hectares of land to the south of the convertor station platform to be utilised for landscape mitigation in accordance with the details shown on drawing no. WREH4-MMD-SL-XX-D-L-0007-P03 (Landscape Proposal) To be provided within the first available planting season following the construction of the proposed development
	Maintenance and management of the Landscape Mitigation Area	Initial 5-year defect period replanting. Long term maintenance and management - for the lifetime of the development – in accordance with the details contained within the submitted Landscape & Ecology Management and Maintenance Strategy June 2024 (reference WREH4-MMD-SL-XX-RP-L-0010-P03)

12.3 It is considered that the above s106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Target Determination Date: 16.08.2024

Case Officer: Jenny Crossley, jenny.crossley@northyorks.gov.uk

Appendix A – Proposed Layout Plan

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- Notes
- All dimensions are in metres unless otherwise stated.
 - This drawing is to be read in conjunction with all relevant documents and drawings.
 - All spatial coordinates relate to the Ordnance Survey, British National Grid (OSGB36).
 - All levels are in meters and relate to AOD (Ordnance Survey, Newlyn).
 - All utility services are shown for information only. Locations of these must be confirmed with the relevant services provider prior to undertaking work. Additional services may be present.
 - Landscape bunding shown. Size and footprint to be confirmed during detailed design.

- Key to symbols
- Planning Application Boundary (Red Line Boundary)
 - Proposed Platform
 - Proposed Retaining Wall
 - Proposed Security Fencing
 - Proposed Demarcation Fencing
 - Earthworks - Fill
 - Earthworks - Cut
 - Proposed Permanent Access Road
 - Verge
 - Abnormal Load Overrun Area
 - Existing Electric OHL
 - Existing Buried Oil-Filled Cable
 - Approximate HVAC Cable Route (10m Buffer Zone)
 - Approximate HVDC Cable Route (10m Buffer Zone)
 - DNO Platform
 - Proposed Deer Fence
 - NGET Land Ownership Boundary
 - Access Road

- Reference drawings
- Planning Application Boundary: AECOM_Planning_Application_Boundary
 - HE Model: WREH4-MMD-SL-ZZ-M3-C-0002
 - Proposed Site Layout: WREH4-MMD-SL-XX-D-C-0009
 - Earthworks Layout: WREH4-MMD-SL-XX-D-C-0006
 - Drainage Layout: WREH4-MMD-SL-XX-D-C-0013
 - Landscape Layout 1: WREH4-MMD-SL-XX-D-L-0001
 - Landscape Layout 2: WREH4-MMD-SL-XX-D-L-0002

Third Party Information

Date Received	Drg Reference / Revision	Company

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Rev	Date	Drawn	Description	Ch'k'd	App'd
P05		NC	NYCC Comments Incorporated	NC	SA
P04	05/03/24	NC	Planning Issue	NC	SA
P03	21/02/24	NC	Client Comments Incorporated	NC	SA
P02	01/02/24	JK	Client Comments Incorporated	NC	SA
P01	01/02/24	JK	Preliminary Issue	NC	SA



M MOTT MACDONALD

Victory House
 Trafalgar Place
 Brighton, BN1 4FY
 United Kingdom

T +44 (0)1273 365000
 W www.mottmac.com

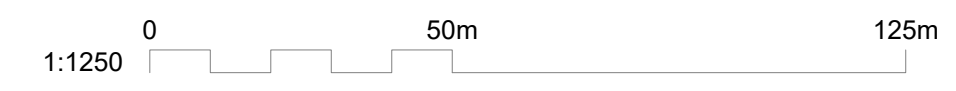
Status: **FOR PLANNING SUBMISSION**

Site Name: **WREN HALL CONVERTER STATION**

Title: **EGL2 Overall Site Layout**

Drawn	J. Kensall	JK	Designed	P. Skirzewska	PS
Eng check	N. Cowper	NC	Approved	S. Anantharam	SA
Appointed Project Code	111317		ISO Project Code	WREH4	
Security	STD				
Drawing Number	WREH4-MMD-SL-XX-D-C-0021				
Scale	1:1250	Format	A1	Sheet	01 of 01
Revision					P05

AMENDED DRAWING



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Officer Update Note
Strategic Planning Committee – Tuesday 13th August 2024, 10.00am

Item 7

APPLICATION NUMBER:	ZG2024/0241/REMM
APPLICANT:	Eastern Green Link 2 (National Grid Electricity Transmission and Scottish and Southern Electricity Networks)
PROPOSAL:	Reserved matters application including access, appearance, landscaping, layout and scale for the development comprising the construction of a convertor station and the discharge of conditions 6 (biodiversity net gain plan), 7 (ecological management plan), 8 (levels), 10 (hard and soft landscaping scheme), 11 (aboricultural method statement, tree survey and tree protection plan), and 13 (land restoration scheme) of approval 2022/0711/EIA
LOCATION:	Land to the East of New Road, Drax
RECOMMENDATION:	GRANT, subject to conditions and completion of s106 legal agreement

There are several updates/clarifications to measurements set out in the report as follows:

- Paragraph 5.4 – change 25 metres to 27 metres; change 22 metres to 24 metres.
- Paragraph 5.5 – change 30.28 AOD to 10.50 AOD; change 22 metres to 24 metres; change 14.48 AOD to 16.73 AOD; change 8 metres to 10 metres.
- Paragraph 5.6 – 12 metres relates to the lower abutment to convertor building. At the top abutment to the convertor building the maximum height is 14.62 metres.
- Paragraph 5.8 – change 7 metres to 10 metres; change 5 metres to 7 metres.
- Paragraph 5.9 – change 12 metres to 14 metres; change 5 metres to 6 metres.

The above updates/clarifications do not alter the assessment or recommendation of the application.

At paragraph 10.65 of the report, reference is made to an objection from the IDB on the basis that separate consent from the Board, outside of the planning process, is required for any works within 7m of ordinary watercourses. To clarify, updated plans received during the course of the application removed the proposed landscaping from within 7m of the ordinary watercourse.

There is a typo in Condition 2 – the word ‘election’ should be changed to ‘erection’.

The buildings referred to in Condition 2 are as follows and this will be included as an informative to any planning permission granted for the avoidance of doubt:

- Convertor Buildings, which would comprise the DC Halls, Valve Halls and Reactor Halls
- Service Buildings
- Transformer Bay Relay Pole Buildings
- Spares Building
- Operating Building
- Spare Transformer Building
- AC Relay Pole Building

- DNOO Building
- MVS3 Kiosk
- ISS Kiosk
- MVS Kiosks
- Deluge Pump Shelter
- Cable Covers
- DC Hall AHUs