North Yorkshire Council

Community Development Services

Strategic Planning Committee

9 JANUARY 2024

2023/0128/EIA - DEVELOPMENT OF A GROUND-MOUNTED SOLAR FARM INCLUDING ASSOCIATED INFRASTRUCTURE AT LAND SOUTH OF A645, WADE HOUSE LANE, DRAX ON BEHALF OF LESLEY GILES, CARLTON SOLAR FARM LTD

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine an application for planning permission for development of a ground-mounted solar farm including associated infrastructure on land south of the A645, Wade House Lane, Drax, Selby, North Yorkshire.

1.2 This application is brought to Strategic Committee because the constitution and scheme of delegation requires significant energy and physical infrastructure proposals which are accompanied by an Environmental Impact Assessment and where it is intended to recommend approval to be reported.

2.0 SUMMARY

RECOMMENDATION: It is recommended that Planning Committee delegate to the Head of Planning Development Management to grant planning permission for the proposed development subject to the conditions recommended in this report; and negotiation and completion of a section 106 agreement securing management and maintenance of off-site landscaping and sky lark plots.

2.1. This is an application for planning permission for a solar farm of up to 50MW and associated development including access improvements to the A645, access tracks, construction compound, substations, control rooms, battery energy storage system compound, conversion units, solar panels on mounting structures, deer fencing, cabling, CCTV, permissive footpaths and landscaping.

2.2. The site is 166ha of flat arable agricultural land along with areas of highway, railway, tracks, farm buildings and the National Grid Camblesforth Substation. The site features mature field boundaries containing hedgerows and trees, and an area of pasture with three ponds near Wade House Lane. Brocks Hole, a Site of Importance for Nature Conservation (SINC), is to the north east of the site. The site is within the countryside, flood zone 3 and minerals safeguarding areas. An existing high pressure gas main runs east to west through the southern end of the site.

2.3. Development plan and national planning policy are considered to support the principle of the proposal is this location. The proposal provides a very significant contribution to cutting greenhouse gas emissions. The proposed on-site battery energy storage system would allow the renewable energy generated by the development and the demands of National Grid to be balanced. At the end of the 40-year temporary planning

permission most of the development, would be removed from the site and the site restored to agricultural use. There are no alternative allocated sites, brownfield sites, non-agricultural sites, or sites of lower agricultural land quality to steer the proposal towards. The loss of agricultural land including the BMV agricultural land for arable production, for the lifespan of the development and the permanent loss of those areas that would not be restored to agriculture, as well as some harm to soil quality needs to be weighed in the planning balance against the benefits of the proposal. Mineral impacts are either temporary or negligible.

2.4. The proposal would lead to a significant change in the character of the site from arable agricultural land to a solar farm. The proposal is generally removed from residential receptors. Fields around dwellings on Wade House Lane are free of solar panels. Views would be limited to distant filtered views of solar panels from dwellings on Wade House Lane and even more so from Carlton. Public Right of Way users on and around the site would be significantly affected. Alternative permissive footpaths are proposed. Proposed landscaping is considered to soften and screen the proposal to an appropriate degree. Limited tree removal is proposed and acceptable. Impacts upon other receptors are negligible or limited. Cumulative landscape and visual harm would not arise from the proposal combined with other existing or approved development. Glint and glare impacts may be experienced by PROW users. No other significant impacts are anticipated and railway monitoring impacts are secured by condition.

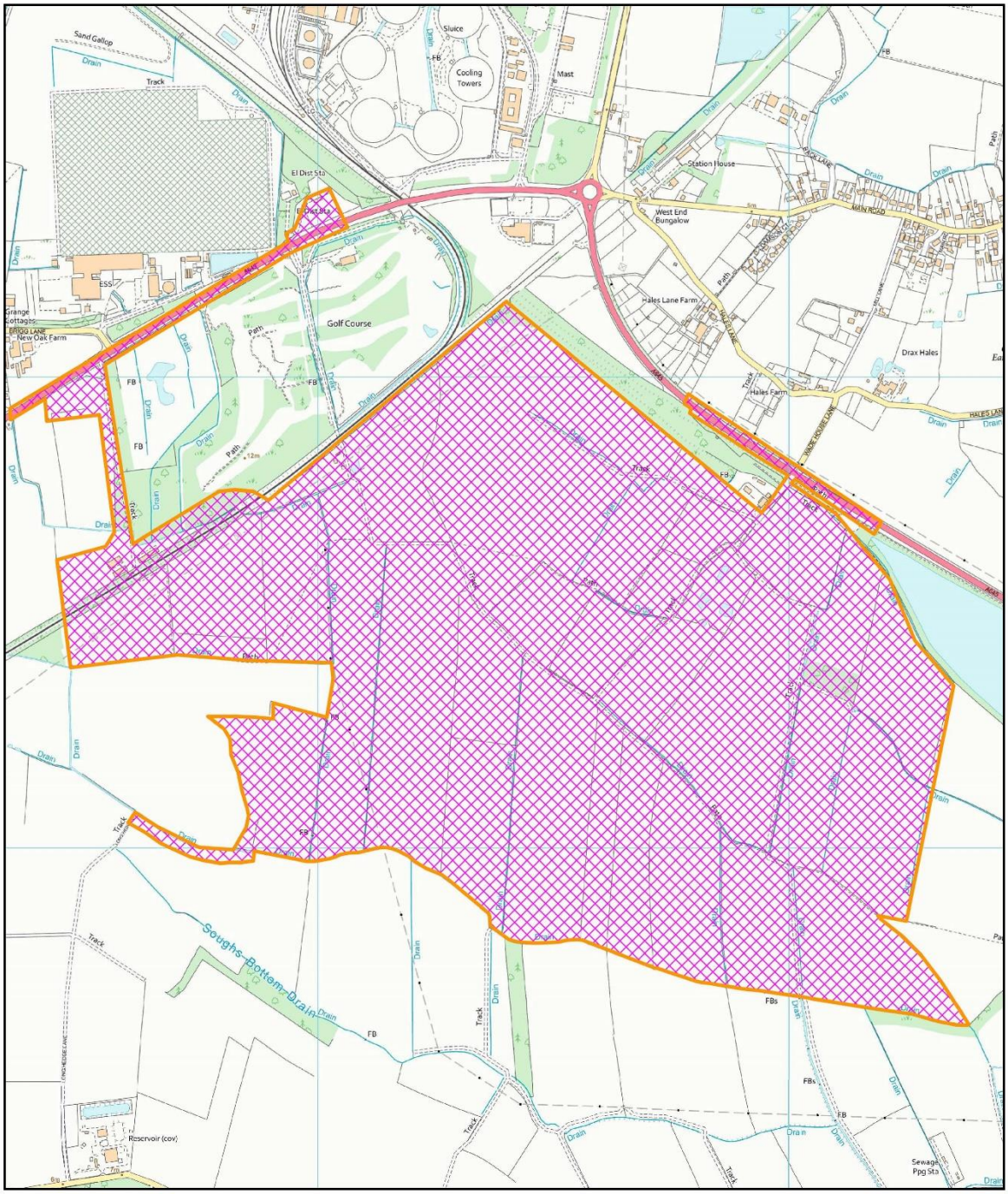
2.5. There would be no harm to designated heritage assets. Archaeological harm is avoided by not developing sensitive areas or having ground mounted solar panels. No harm would arise to nature conservation sites or species. Significant ecological enhancements and alternative sites are secured. Highway impacts are acceptable.

2.6. The proposal passes the flood risk sequential and exceptions tests, the site specific flood risk assessment is appropriate and drainage matters are acceptable. There would be no harm to residential amenity. Noise matters are acceptable.

2.7. PROW users would experience visual and noise harm which would diminish their recreational value. Permissive footpaths are proposed as an alternative route. Contaminated land matters are acceptable. The proposal largely avoids the easement of the high pressure gas pipeline that crosses the site and minor works within it are dealt with outside of the planning system. Battery energy storage system safety measures are conditioned.

2.8. On balance, it is considered the positive elements of the proposal outweigh the negative and therefore the proposal is acceptable.

Land South of A645, Wade House Lane, Drax
2023/0128/EIA



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:- 2023/0128/EIA | Development of a ground-mounted solar farm including associated infrastructure | Land South Of A645 Wade House Lane Drax Selby North Yorkshire

3.2. During the course of the application numerous amendments and additional information was submitted but this was not considered to constitute further information as set out in Regulation 25 of the EIA Regulations.

3.3. The following relevant planning history has been identified for the application site:

Application Number: 2022/1004/SCN -
Description: EIA screening opinion for a proposed development of a ground mounted solar farm and associated infrastructure (less than 50MW).
Decision: The proposal is EIA development.
Decision issued: 17 November 2022

Application Number: 2022/1005/SCP
Description: EIA Scoping Opinion for the development of a ground mounted solar farm and associated infrastructure.
Decision issued: 21 November 2022

The following application overlaps on part of the A645:

Application Number: ZG2023/1102/GOV
Description: Consultation in accordance with Section 42 of the Planning Act 2008 Helios renewable energy project.
Decision issued: Pending.

4.0 Site and Surroundings

4.1. The application site is irregular in shape and 166 ha in area. It consists primarily of flat undeveloped arable agricultural land along with areas of highway, railway, tracks, farm buildings and the National Grid Camblesforth Substation. The site features mature field boundaries containing hedgerows and trees, and an area of pasture with three ponds near Wade House Lane.

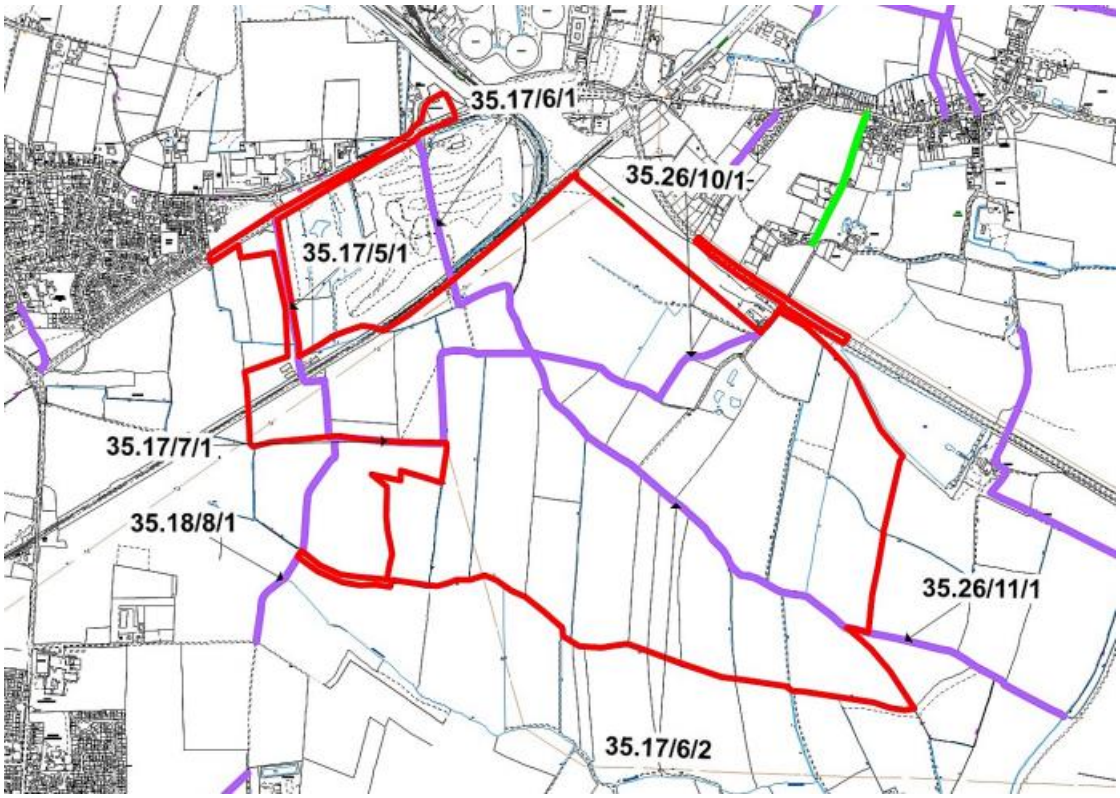
4.2. The north eastern boundary of the site abuts the route of a dismantled railway with associated railway cutting, dwellings at 1 to 5 Wade House Lane and a large pond, Brocks Hole, which is a Site of Importance for Nature Conservation (SINC). The site incorporates parts of the tree lined A645 and Wade House Lane to accommodate visibility splays and road widening for associated HGV access into Wade House Lane. To the north east of the A645 lies further countryside and the village of Drax.

4.3. The north western boundary of the site mainly abuts the railway to Drax Power Station. Electricity pylons run parallel to the south of the railway line. The site incorporates a section of railway line and a collection of farm buildings appearing to house cattle. From there, it extends along a farm track and incorporates another part of the A645 and the National Grid Camblesforth Substation to accommodate the cable route and grid

connection point. There are two pedestrian crossings on the railway line in this area. Drax Golf Club is to the north west of the railway line. Beyond the A645 is Drax Power Station, a commercial green house facility and the village of Camblesforth.

4.4. The south eastern and south western boundaries of the site are defined by field boundaries with further farmland beyond. The village of Carlton is to the south west of the site.

4.5. A network of Public Rights of Way crosses the site:



4.6. An existing high pressure gas main runs east to west through the southern end of the site. The site is within a sand and gravel, and brick clay minerals safeguarding area. The site is within flood zone 3 (high risk) for sea and river flooding and generally at low risk of surface water flooding.

5.0 Description of Proposal

5.1. This is an application for planning permission for a temporary period of 40 years for a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation, battery storage and grid connection. Access alterations, 66kV substation compound and landscaping would not be removed at the end of the 40 year period. The solar farm will have an export capacity of up to 50MW, which equates to the annual energy consumption of approximately 23,900 homes.

5.2. The solar panels are constructed using Bifacial Monocrystalline cells which are mounted on a metal tracking system aligned in North-South rows with panels rotating East-West (+/- 120°). The central axis is 2.64 m high and each panel when rotated to the maximum angle reaches 4.5 m high. The rows are located 7.2m apart when panels are positioned horizontally.

5.3. The mounting structure for the panels is a metal frame which is to be securely fixed to the ground. The mounting posts will be pile-driven approximately 1.5m into the ground for support, dependent on ground conditions and will be retrieved using similar hydraulic equipment when the solar farm is decommissioned. Such supporting systems are designed to avoid the use of mass concrete foundations on site. A limited number of solar panels will be ground mounted to avoid disturbing archaeologically sensitive areas.

5.4. The conversion units accommodate the inverters, transformer and associated equipment to convert DC energy produced by the arrays, into AC energy as required by the national grid. There are proposed to be 13 conversion units within the site. The locations of these are shown on the Proposed Site Layout (drawing 'Site Layout'). The cabinets measure 2.9m high, 2.44m wide and 6.06m long. They are of metal panel construction and sit upon a concrete base.

5.5. A new substation is proposed to be located to the northwest of the panels as shown on the drawing 'Site Layout', adjacent to the A645. The substation would be located within a compound. The compound would comprise a 2.4m high galvanised security palisade fence and enclose the substation gear which would extend to approximately 7.3m above ground level and a control room measuring 3.85m in height.

5.6. The Battery Energy Storage System (BESS) is to be located centrally within the site. It would contain 18 battery conversion units each measuring 2.9m tall, 2.5m wide and 6m long; 38 battery storage units each measuring 2.9m tall, 15.5m long and 1.5m wide. The 'Battery Storage Compound' adjoins the 33kV substation compound containing two 33kV modular substations each measuring 4.4m tall, 8.7m long and 4m wide. The BESSs' primary function is to normalise the supply of generated electricity throughout the day.

5.7. The site's perimeter will be made secure by the construction of a 2-metre-high deer fence as indicated on plan 'Site Layout'. The deer fencing is to be constructed using wooden posts and wire mesh.

5.8. Multiple pole mounted CCTV cameras are proposed. The poles will extend 3 metres above ground level. The CCTV will be capable of viewing the solar PV farm only, without panning angles beyond. No floodlighting will be used as the CCTV cameras detect movement and have night vision capabilities, through the use of infrared technology, in accordance with insurer's requirements. This will allow for constant monitoring of the solar farm whilst being positioned in such a way that ensures areas outside of the site are not monitored. The CCTV camera poles will be constructed using galvanised steel which is to be painted green in order to blend in with the landscape. The location of the poles is shown on the drawing 'Site Layout Plan'.

5.9. The location of the Grid Connection is detailed on the drawing 'Site Layout'. The Cable Route is to run in a north-westerly direction along PRoW 35.17/6/2 originating from the 'Substation Compound'. The Cable Route Corridor is to then head west along PRoW 35.17/7/1 before diverting northwards. The Cable Route then tracks alongside the overhead power cables, in a southwestern direction, along the northern boundary of

the Site. The cable route corridor then adjoins and runs north in line with PRoW 35.17/5/1 including crossing beneath the railway line. Finally, the cable route corridor runs parallel with the A645 heading east before the cable route corridor diverts off to connect with the National Grid Camblesforth Substation.

5.10. Access improvements and road widening are proposed at the junction of Wade House Lane with the A645 and further along Wade House Lane opposite Brigg Lane in Camblesforth. The existing farm access point off Wade House Lane is proposed to be used to for access and egress. The Transport Statement provides details of both accesses including associated visibility splays.

5.11. Additional planting is proposed and detailed on the Illustrative Landscape Masterplan. This includes woodland, wildflower meadows, native hedgerows and hedgerow enhancement.

5.12. It is proposed that a permissive footpath, originating from Public Right of Way (PRoW) 35.17/5/2 (which is to the west of the site) be created and will run along the southern boundary of the site which is to connect with PRoW 35.17/6/2 to the southwest of the site. It is proposed that, stemming from the southern permissive footpath, a further permissive footpath heading directly north towards PRoW 35.17/6/2 will be created.

5.13. At the end of the 40-year period, the structures (excluding the access alterations, 66kV substation and landscaping), including all ancillary equipment and cabling, would be dismantled, and removed from the site. The site would be reinstated for agriculture use.

5.14. The application consists of:

- Application form (received 2/2/2023)
- Planning, Design and Access Statement (received 3/2/2023)
- Transport Statement (received 13/12/2023)
- Photovoltaic Glint and Glare Study (received 13/12/2023)
- Ecological Appraisal (received 3/2/2023)
- Updated Habitat Survey and Biodiversity Net Gain Assessment (received 16/8/2023)
- Bats: Tree Inspection Survey Results (received 16/8/2023)
- Aspect ecology letter (received 13/12/2023)
- Heritage Statement v 4.0 (received 16/8/2023)
- Archaeological Desk Based Assessment (received 3/2/2023)
- Archaeological Management Plan and Written Scheme of Investigation (received 16/10/2023)
- Arboricultural Impact Assessment including Tree Survey (received 3/2/2023)
- Noise Assessment (received 13/12/2023)
- Flood Risk Assessment and Drainage Strategy (received 3/2/2023)
- Agricultural Quality of land south of the A645 Drax (received 3/2/2023)
- Illustrative landscape masterplan rev p09 (received 16/8/2023)
- Letter- Applicant's response to the various consultee responses received to the planning application (received 16/8/2023)
- Email- regarding additional information (received 5/9/2023)

- Covering letter regarding information received 13/12/2023.
- Outline landscape management plan rev A (received 5/9/2023)
- Proposed substation access (received 13/12/2023)
- Trackers concrete feet cross-section (received 13/12/2023)
- Drawing no. 1 – v7 Site Layout (received 13/12/2023)
- Drawing no. 2 - Site Location Plan (received 23/2/2023)
- Drawing no. 3 - Fence Details (received 23/2/2023)
- Drawing no. 4 - Temporary Construction Compound (received 23/2/2023)
- Drawing no. 5 – v3 66kV Substation Compound (received 13/12/2023)
- Drawing no. 6 - 66kV Substation and Control Room - Page 1 of 2 (received 23/2/2023)
- Drawing no. 7 - 66kV Substation and Control Room - Page 2 of 2 (received 23/2/2023)
- Drawing no. 8 - 33kV Substation Compound (received 13/12/2023)
- Drawing no. 9 - Battery Energy Storage System Layout (received 23/2/2023)
- Drawing no. 10 - Mounting Structure (received 23/2/2023)
- Drawing no. 11 - Solar/Battery Inverter (received 23/2/2023)
- Drawing no. 12 - Battery Storage (received 23/2/2023)
- Drawing no. 13 - Indicative CCTV (received 23/2/2023)
- Drawing no. 14 - Skylark Plot Plan (received 23/2/2023)
- **ES Volume 1** (received 3/2/2023)
- **ES Volume 2** (received 3/2/2023) P1-22- Appendices, Chapters 1- introduction- appendix 1.1 SLP; chapter 2- methodology- appendix 2.1 screening opinion and appendix 2.2 scoping opinion; appendix 2.3 cumulative sites map
- P23-29 Chapter 3- The Site, Appendix 3.1 Site Layout Plan. Chapter 4 Description of the Proposed Development, Appendix 4.1 Development Plans
- P30-35 Proposal drawings. Appendix 4.2 Skylark Plot Plan.
- P36-49 Chapter 5 Consideration of Alternatives, Appendix 5.1 Selby District Council Brownfield Land Register. Appendix 5.2 Agricultural Land Classification Map. Appendix 5.3 Core Strategy Proposals Map.
- P50-60 Chapter 7 Landscape Character and Visual Effects, Appendix 7.1, Figures 1-8. Appendix A.1 Carlton Solar Farm, Landscape Character and Visual Effects Chapter, Figures 1-7, December 2022.
- P61-76 Appendix A.2 Carlton Solar Farm, Landscape Character and Visual Effects Chapter, Figures 8, December 2022, Figure 8: Photosheets.
- P77-84 Appendix 7.2 Photomontages
- P85-91 Appendix 7.2 Photomontages
- P92-105 Appendix 7.2 Photomontages
- P106-125 Appendix 7.3 Landscape Character Assessment Extracts
- P126-130 Appendix 7.4 Landscape Masterplan
- P131-153 Appendix 7.5 Access Strategy
- P154-165 Appendix 7.6 Effects Table; Appendix 7.7 Zone of Theoretical Visibility
- P166-196 Appendix 7.8 Arboricultural Information
- P197-289 Schedule of Existing Trees
- P290-291 Tree Constraints Plan
- P292-294 Tree Impact Plan (amended version received 13/12/2023)
- P295-302 Appendix 7.9 Landscape Management Plan

- P303-329 Appendix 7.10 Statement of Professional Competence. Appendix 7.11 Cumulative Assessment
- **ES Volume 3** Non Technical Summary (received 3/2/2023)

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 the 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 22nd 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. The following announcement has been published on the Council's website "Timescales for preparation of the local plan- The local development scheme sets out the timescales for the preparation of the local plan. At a Full Council meeting in February 2023 we approved the continuation of the 'Selby Local Plan' due to the advanced stage it had already reached in its preparation. The Local Plan sets a framework for future development in the former Selby district, area up to 2040. We will use it to guide decisions on planning applications and to support work with developers. Consultation on the latest version of the plan, known as the Publication Local Plan, took place in late summer 2022. In order to fully address the responses to this consultation, we will recommend that further engagement takes place on a revised Publication Local Plan to fulfil the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). prior to its formal submission to the Secretary of State for independent examination. This recommendation will be presented to our Executive Committee on 6 February 2024, which would then need to be approved by Full Council on 21 February. Should councillors approve this decision, consultation will take place on the amended Publication Local Plan early in spring 2024."

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.

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

7.0 Consultation Responses

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

7.2. **Camblesforth Parish Council:** 20/4/2023 "neutral observation following a vote of Cllrs 5 – neutral, 1 – supporting. The grounds for this neutral observation are as follows: 1 a report presented to Cllrs by the Parish Clerk identified that out of a population of over 1700 people in the Camblesforth Parish, only 10 objections had been received by the Parish Council. Cllrs noted that 54 people had written to NYCC objecting to the application, however most of these were not from the Camblesforth Parish. In light of this, and noting the principle that it is important that the Parish Council represents the views of it's residents the Parish Clerk recommended there were no grounds for the Council to oppose the application. 2 A Cllrs advised that he had spoken to many young people in the village on this matter, and many had expressed support of the need for renewable energy in the future. 3 The fact none of the Consultatory Bodies such as the Environment Agency, Highways and most importantly Natural England and NYCC Heritage had not objected to the application. Cllrs accepted the recommendation that this was a very important factor in the matter, as these were bodies with expertise and their views had to be considered."

7.3. **NYC Environmental Health:** 28/3/2023 Conditions are recommended to minimise noise, vibration, dust and dirt on residential property nearby; and a working hours condition of 8am-6pm Monday to Friday, 8am to 1pm on Saturday, and at no time on Sunday or Bank or National holidays. The noise assessment considers noise from the proposal to be within the acceptable limits of relevant standards. Adverse noise impact from this development is not expected. The EHO is satisfied with the Noise Impact Assessment provided and has no further comments to add.

8/9/2023- No additional comments.

14/12/2023- "The amended noise assessment takes account of 18 inverters rather than 12 as stated in the previous draft. Even with this increase I am still satisfied with the conclusions of the assessment. Given the location of the noise sources on the proposed site to the nearest dwellings, it is unlikely that the closest residents will be adversely affected by way of noise from the operations on this site."

7.4. **NYC Landscape Architect:** 9/6/2023 The overall scope of the Applicant's Landscape and Visual Impact Assessment (LVIA) is generally agreed but further clarification and adjustment are recommended in order to ensure that adverse effects are minimised

and that a suitable restoration scheme can be secured. It is noted that significant adverse effects relating to PROW running through and local to the site are likely to remain significant and adverse throughout the operational period despite mitigation. Generally, the summary and findings of the LVIA is agreed. However, the LVIA findings and mitigation of adverse effects relating to other sensitive receptors such as residential properties at Wade House Lane, properties and PROW at the edge of Carlton village seem very-optimistic; dependent on a good degree of screening achieved and maintained through the existing trees and hedgerows; and that additional screening can be successfully provided through new planting to supplement this. There is potential for significant adverse landscape and visual effects due to the nature and scale of the proposed development. Without further clarification of the proposed mitigation and adjustment on several aspects of the proposed scheme the Landscape Architect would be unable to support the proposed development in Landscape terms. While it is recognised that emphasis will be placed on identifying and mitigating significant adverse effects within the ES and LVIA, lesser adverse effects should not be ignored if it is reasonable and possible to reduce these through 'good design'. The main landscape concerns / points of clarification relate to the following:

- Visual screening of Carlton village (including the potential settlement extensions) - Ensuring protection, long-term maintenance and management of existing trees and hedgerows (initial construction phase and through the life of the development 40+ years)
- Explanation of cable runs through the site and main connection to substations (particularly how this might impact on arboriculture, trees and hedgerows through the site)
- Securing amenity of local footpaths and PROW running through the site (mitigation sufficient to offset significant adverse effects, secured long-term for the life of the development 40+ years).
- Screening and boundary treatments of main substations (particularly the DNO Substation to the NW side of the site).
- Ensuring protection of best and most versatile agricultural land (BMV), throughout the life of the development.
- Clarify aims and objectives of the 'Landscape Strategy' (that these can carried forward to detailed design, aftercare and management).
- Clarify details of access provision at Wade House Lane (visibility sight lines / vegetation removal and reinstatement).
- Ensure long-term maintenance and management (secured for the life of the scheme 40+years)
- Restoration of the site at the end of the development's life.

9/10/2023:

- Visual screening of Carlton village - Some hedgerow reinforcement has been shown to the SW side of the site within the blue-line land. This remains insufficient given the overall scale of the development and need to protect local views character and setting. As previously recommended this should be structured woodland planting at least 20m depth (to ensure a robust landscape framework which is sufficient to screen the site throughout the year).
- Trees and Hedgerows / Cable Runs and Connections – Information provided in not sufficient. My concerns remain in relation potential shading issues and visibility, potential conflicts with proposed cable runs. There are several locations indicated on

plans where the main cable route conflict with exiting trees, or that there is no explanation of likely cable runs between panel arrays. Existing trees shown on Drawing no. 1 – Site layout is incomplete and misrepresents all the trees expected to be retained. Cable runs conflict with proposed planting on the 66kv Substation plan. Given the overall scale of the site I would expect that cables could be laid out to better protect existing trees, but this is not demonstrated on the submitted information.

- Local Footpaths PROW – layout adjustments welcome, thank you.
- Substations and Boundary Treatment – remains insufficient. The north side hedgerow is not within the Applicant's control and could be cut low as part of highway maintenance. I would recommend at least 5m depth woodland screen planting to all boundaries of the side, including the northern boundary. The substation layout should be adjusted to allow for this.
- Landscape Strategy / Long-term Maintenance and Management – the Outline Landscape Management Plan has been updated, thank you. Updated Recommendations: Notwithstanding the above, if the scheme were to be approved I would recommend that the following should be secured by suitably worded conditions or legal agreement:
- Cable layout and routing - Detailed method statement and scheme layout including depths (all electricity and controller cables). To demonstrate maximum protection and retention of existing trees and hedgerows (pre-commencement condition).
- Existing Trees and Hedgerows – to be protected and retained for the life of the scheme, unless specifically agreed to be removed through the updated Arboricultural Method Statement (pre-commencement condition).
- Arboricultural method statement, tree survey and tree protection plan to BS5837:2012; Existing trees and hedgerows to be protected and retained (pre[1]commencement condition).
- Detailed hard and soft landscaping scheme (based on the agreed landscape strategy); soft landscape works to be implemented in the first available planting season; minimum 5 year maintenance establishment / defects replacement period.
- Detailed scheme for proposed permissive footpaths, signage / waymarking and interpretation.
- Details of colour for boundary treatments / battery storage / ancillary equipment; to reduce adverse visual effects.
- Detailed Landscape Management Plan (substantially based on the Outline landscape management Plan august 2023 (Revision A)) ; including periodic review, secured for the life of the scheme.
- Provision to secure public access to the temporary permissive footpaths (secured for the life of the scheme)
- Restoration of the site at the end of the scheme operational life (including removal of all solar and associated equipment and temporary access roads). Agricultural land to be restored to at least the existing ALC, as a minimum standard.

7.5. **NYC Archaeologist:** 20/3/2023 The one area in which the submitted archaeological assessment is lacking is in assessing the impact of the proposal on the remains and suggesting a mitigation strategy. When considering impact from the solar arrays it is considered that they would have a negligible impact on linear archaeological features such as trackways and former field boundaries (e.g. Geophysical anomalies P1 and P2 and some of the transcribed cropmark features), but that there may be a significant

impact on our ability to understand the discrete circular anomalies picked up in the geophysical survey (features D2) that appear to represent later prehistoric or Roman buildings and may contain sensitive deposits such as hearths, internal surfaces and post holes. It is recommended to see physical impact designed out in these locations (e.g. use of surface mounting rather than piles). More problematic are the discrete remains at D1 which appear to be beneath the main built elements of the scheme including the substation compound and battery storage areas. It is recommended that consideration is given to relocating these aspects of the development so as to avoid impact. Where impact cannot be avoided then further assessment would be required to establish the exact significance of the remains and the level of harm (NPPF para. 194). Although the applicant has made a reasonable assessment of the known and potential archaeological resource at the site they have not investigated the impact of the proposal upon this and it is recommended that further consideration is given to this prior to a planning decision being made. This might involve producing an archaeological preservation/mitigation strategy including design changes.

23/8/2023- The applicant has submitted a cover letter with a revised layout plan. The revised layout takes in to account geophysical anomalies (D1) identified in the vicinity of the proposed solar farm substation and battery area. Although by eye it looks as though the majority of the anomalies have been avoided it would be useful to see an overlay of the proposed facilities with the geophysical survey results. As far as I can tell the revised information does not suggest any mitigation for other anomalies identified (i.e. features D2 from the geophysical survey). These could easily be designed out by use of surface mounting.

20/10/2023: The applicant has submitted an Archaeological Management Plan and Written Scheme of Investigation prepared by Lanpro. I have read this document and agree with the proposal for a combination of avoidance of physical impact on the archaeological remains and archaeological monitoring during the construction of the substation and battery storage areas. I recommend that the following condition is applied to secure the implementation of the Archaeological Management Plan.

7.6. **NYC Ecologist:** 29/3/2023 *Habitats:* are assessed as being as no more than Local significance; based on the information provided, this seems generally reasonable. Management of existing grassland at fields F2, F3 and F30 should aim to enhance its floristic quality rather than replacing existing vegetation with commercial seed mixtures. *Impacts on statutory nature conservation sites:* Due to the nature and location of the proposed development, no significant effects are anticipated upon statutory nature conservation sites such as the River Derwent Special Area of Conservation (SAC), Lower Derwent Valley Special Protection Area (SPA), Humber Estuary SPA or Eskamhorn Meadows SSSI. There is no indication that the site is functionally-linked to the Lower Derwent or Humber Estuary SPAs. For example, the breeding and wintering bird surveys did not indicate any significant use of the site by waterfowl or wading birds. The proposed development would result in the conversion of a significant area of intensive arable land to permanent grassland, so the consequent reduction in fertiliser and pesticide inputs and reduced siltation would benefit water quality in the surrounding catchment. The conclusions of the Ecological Appraisal (para 3.1.3) with regard to impacts on statutory wildlife sites are agreed. Therefore, it is not proposed to undertake any further assessment under the Conservation of Habitats & Species Regulations

2017, unless Natural England advise otherwise. *Impact on bats:* if tree removal might result in loss of bat roosts, information must be provided prior to determination, so that the local planning authority has an informed understanding of the impacts and the scope for mitigation. As a minimum we would need to see a preliminary assessment of trees to be removed; and any trees earmarked for removal which were identified as having Moderate or High potential to host roosting bats would need to be appropriately surveyed prior to determination. Bat sensitive lighting details are generic. More specific guidance relating to on-site arrangements will need to be incorporated into the CEMP and BMP. *Other protected/priority species:* It should be confirmed whether otter can pass through the deer fencing. Further consideration of brown hares is required. Can they pass through the deer fencing? Should any removal of bankside vegetation be required during construction, we recommend that reasonable avoidance measures should be employed to reduce risks to this grass snake. These should be incorporated into the CEMP. *Impacts on farmland birds:* the proposal to compensate for loss of habitat for ground-nesting birds by maintaining Skylark plots on neighbouring arable land (EA para 6.1.15) is appropriate. This is reasonable and proportionate mitigation relative to the small population (seven territories were identified in the breeding bird survey). Other farmland breeding birds recorded during surveys are mainly associated with hedgerows and field margins, so are less likely to be adversely affected. More specific proposals will need to be fleshed-out in the Biodiversity Management Plan for the proposal to set aside fields and manage field margins to benefit birds. *CEMP and BMP*: a Construction Environmental Management Plan (CEMP) and Biodiversity Management Plan (BMP), should be conditioned. These should incorporate relevant ecological mitigation and compensation measures set out in chapter 6 of the Ecological Appraisal. The BMP should explain how new habitats will be established and maintained, including annual management schedules. Himalayan Balsam removal should form part of the CEMP. *BNG:* The applicant will need to demonstrate that they could deliver BNG in accordance with policy, using the current version of the government's Biodiversity Metric. All seed mixtures should be approved by the LPA before use to ensure they are appropriate to the area.

21/8/2023- A number of technical concerns are set out regarding how the biodiversity net gain assessment has been carried out but it is concluded despite these reservations, the scheme is clearly capable of delivering significant net gains for biodiversity. A standard commercial seed mix (EM1) has been recommended for seeding some of the grassland within the solar farm. The ecologist would reiterate their earlier comments regarding seed mixtures.

7.7. **Lead Local Flood Authority:** 3/4/2023 The applicant should confirm what types of materials are being used on the roads within the site. Small scale SuDS improvements may be needed to mitigate an increase in impermeable areas to improve or maintain the natural drainage features of the site. Further Information is required. After construction the soil should be chisel ploughed, or similar, to mitigate soil compaction during construction. This will ensure that the site can infiltrate to its potential. Furthermore, during the first few years it is important to hold frequent inspections of the planting and soil to ensure it is growing properly, isn't bare and isn't compacted. Any remedial work should occur as soon as possible. The surface water usually flows from the surface of the solar array 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: 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. Specify what type of vegetation will be planted across the site and how will it be managed/ maintained in perpetuity. Construction phase drainage has not been assessed and will need to be mitigated against and pollution prevention measures proposed. We would also expect a maintenance plan to confirm how the vegetation will be maintained. Further Information should be provided.

14/11/2023: Previous comments reiterated.

7.8. **Local Highway Authority:** 3/4/2023 No objection. The highway network comprises of a back road which is a side road off the A645. There are minimal users due to very few dwellings using Wade House Lane as access. Widening Wade House Lane will provide a suitable space for passing vehicles. This will however be required to be constructed to NYCC Industrial standards to withstand the HGV traffic proposed. All visibility splays of 2.4m x 215m should be provided with any interference removed preventing the visibility splay being fulfilled. There is to be a location for construction and maintenance vehicles to turn to allow vehicles to exit the site forward facing for visibility. The proposed site should not be constructed until the access road Wade House Lane has been increased in width to accommodate construction traffic. An independent Stage 2 Road Safety Audit must be carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included with the finalised submission. The recommendations of the submitted Safety Audit must be followed prior to commencement of works on site. A s278 agreement is required between the developer and LHA. Deliveries are to be restrained to work around the daily working traffic and take place between the hours of 09:00-17:00 to minimise any disruption to daily traffic. A Construction Management Plan is to be in place to provide this arrangement.

3/11/2023: Further information is required regarding the secondary access.

15/12/2023: “The LHA has reviewed the Transport Assessment (December 2023). The Local Highway Authority has a concern in regard to drawing 2108702, Rev A. The swept path analysis provided shows that a vehicle leaving the development is required to acknowledge a vehicle entering the site approximately 30m in advance. The LHA would suggest that the passing point for entering vehicles should be towards the A645 to enable traffic to see vehicles entering the site prior to the passing point. The passing point should also be able to accommodate HGV’s which will make use of the hard surface where oncoming traffic is present. The LHA has no issues with the remainder of the document however welcomes amended drawings prior to approval of the provided drawings.”

7.9. **Minerals and Waste Team:** 14/3/2023 There no active quarry sites or waste facilities within 500 metres of the site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The Team has no comments in this particular instance as although the proposed development at

the site is within a Minerals Safeguarding Area it will not sterilise the mineral resource as is temporary for 40 years and has been considered in the previous screening opinion.

16/8/2023- No further comment.

7.10. **NYC Tree Officer:** 21/8/2023 Holding objection. • No arboricultural impact assessment (AIA) – The AIA needs to be a challenge to the proposed. Recommend that shade patterning is included in the AIA – what will be the effects of shading on the pv panels over the year? Will the shade be problematic to the scheme? Will the trees be clear of the pv panels in terms of direct harm – e.g. winter storms and branch loss. Where are the cable runs for the proposed? Location of site facilities, root protection areas, vehicle movements and ground protection boards/temporary roads? There are a number of factors the AIA needs to consider with the design team. The AIA is the most important document in the arboricultural submission. • No arboricultural method statement (AMS) – The practical elements required to overcome the AIA challenges especially where they cannot be designed out of the scheme. • There are a number of ash trees on site – what is the proposed management for these trees as a result of ash die-back? Replacement over time?

7.11. **NYC Public Rights of Way:** 21/3/2023 A map is provided showing right of way in the area references 35.17/6/1, 35.26/10/1, 35.26/11/1, 35.17/6/2, 35.17/5/2, 35.17/7/1 & 35.17/5/1. Permanent alterations to rights of way require an application to the LPA. Temporary alterations to rights of way require an application to the highway authority. Existing rights of way must be maintained until alternatives have been provided by approval.

29/8/2023- In addition to our response of the 21st March, we would welcome a site meeting to discuss the proposals and impact on the rights of way across the site, with regards to additional boundaries crossings, widths and access through the implementation of the scheme.

7.12. **Defence Infrastructure Organisation- Ministry of Defence:** 11/4/2023 This application relates to a site outside of Ministry of Defence safeguarding areas. The Ministry of Defence has no safeguarding objections to this proposal.

7.13. **Contaminated land consultant:** 20/4/2023 Based on the current and proposed land use, the officer would agree that land contamination is unlikely to pose a potential environmentally significant effect. A condition is recommended regarding reporting of unexpected contamination.

6/9/2023: Previous comments apply.

7.14. **Environment Agency:** 24/3/2023 The site is predominantly in flood zone 3, with a high probability of flooding from rivers and/or the sea. The application is for a solar farm, which is considered to be 'essential infrastructure' in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that 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'. It has no objections provided the development is built in accordance with the submitted flood risk assessment which should be listed as an approved document. Generic advice is offered regards the flood risk sequential and exceptions tests. It considers foul water from control rooms should connect to public sewer where possible. Biodiversity net gain advice is offered.

25/8/2023- No further comment.

7.15. **Historic England:** 24/3/2023 The application site is located to the south of the nationally important scheduled monument of 'Castle Hill moated site, 350m south of St Peter and St Paul's church', NHLE 1017455, and south west of the nationally important scheduled monument of 'Scurff Hall moated site', NHLE 1017485. Immediately to the west of the application site is the grade I listed Carlton Towers, NHLE 1295955, which sits within a non-designated parkland. The Archaeological Desk Based Assessment (Lanpro) identifies that Iron Age and Roman deposits within the application site are of moderate / high potential, but does not propose any mitigation measures to ensure the conservation of those deposits. HE consider that the impact of the proposal on the significance of the two nationally important scheduled monuments (NHLE 1017455 and NHLE 1017485) amounts to less than substantial harm, but HE consider that the omission of any mitigation measures to address the impact of the proposal on potential Iron Age and Roman deposits within the application site is a serious oversight. The lack of access to Carlton Towers for assessment purposes needs to be remedied. The life of the proposed solar farm is anticipated to be 40 years, and a great deal can happen to the parkland in this time, and as consequence views to and from the house from the proposed development, and views from a third point in the landscape to the house and development site could change dramatically. Whilst we recognise that the landscape of Drax and its wider surrounding has become a landscape of power generation, Carlton Towers is afforded the status of 'High heritage significance' in the assessment document, on account of its grade I listed status. It is essential therefore that the site is properly inspected and the impact accurately assessed and confirmed. This should happen in advance of any consent being determined. Until these two matters are addressed, Historic England has concerns regarding the application on heritage grounds.

29/8/2023- We have now been provided with additional information, being a revised Heritage Assessment relating to Carlton Towers, and a revised lay out of the solar arrays in order to conserve Iron Age / Roman deposits. We can confirm that the additional information addresses only a portion of our concerns. Whilst we are content with the additional information about the significance of, and impact of the proposal on the significance of Carlton Towers, the additional information about archaeological mitigation is far from clear, and only partial. It would have been very helpful if the applicant had provided a clear overlay indicating how the modifications to the layout positively responded to the geophysical survey results. It is far from easy to see what has been achieved, but it would appear that there is no mitigation of impact to features D2. The applicant should provide a clear indication of how a modified design and layout has mitigated all negative impacts on the buried archaeological deposits.

20/10/2023: The Archaeological Management Plan and Written Scheme of Investigation', Lanpro, October 2023 details an acceptable scheme for the avoidance of physical impacts on archaeological remains and provides for archaeological monitoring during the construction of the substation and battery storage areas. On the basis of the information provided we are content that our outstanding concerns have been addressed. Historic England concurs with the advice of your specialist archaeological advisor dated 19th Oct 2023 that the proposed archaeological mitigation scheme identified above is an acceptable basis for an archaeological condition.

7.16. **Health and Safety Executive:** 16/3/2023 The HSE does not advise against the proposed development.

7.17. **Natural England:** 6/4/2023 Based on the plans submitted, Natural England considers that the proposed development will not have a likely significant effect on the Lower Derwent Valley SPA, Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) and has no objection. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision: • Ecological Appraisal Appendix 6215/4: Carlton Solar Farm Wintering & Breeding Bird Survey dated December 2022. o Wintering wildfowl or waders not observed in significant numbers over two survey seasons. Further generic guidance is provided regarding landscape; best and most versatile agricultural land and soils; protected species; local sites and priority habitats and species; ancient woodland, ancient and veteran trees; environmental gains; green infrastructure; access and recreation; rights of way; and biodiversity duty.

12/9/2023: Previous advice applies.

7.18. **National Gas Transmission:** 14/3/2023 Holding objection to the proposal which will cross our High-Pressure Gas Pipeline. The pipeline has a 24.4m easement in operation (12.2m either side of pipe). No development, construction or landscaping is permitted within the easement without formal written approval from National Grid. There are specific criteria that must be adhered to for developing solar farms in close proximity to National Grid gas pipelines. Solar Farms can be built adjacent to pipelines but never within the easement. Utility crossings over National Grid gas pipelines are restricted and will require 'Deeds of Consent / Indemnity'. The developer is to engage with National Grid for further guidance in the early stages of design to ensure that electrical interference, security, future access, and construction methods can be mutually agreed prior to undertaking any works on site.

16/8/2023- An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you MUST NOT PROCEED without further assessment from Asset Protection.

25/8/2023- No Objection under condition: National Gas Transmission will not object to the solar farm development provided that a deed of consent is put in place prior to construction. The pipeline's 24.4m easement must be kept clear from any solar panels

and associated equipment, but utility, track and fence crossings can be agreed upon. The developer is to provide the requested risk assessments/earthing reports and drawings and interference studies are to be carried out to ensure that any interference on the pipeline's cathodic protection system is within acceptable limits.

13/10/2023: Comments of 14/3/2023 reiterated.

7.19. **Northern Gas Networks:** 28/3/2023 No objections and recommends the applicant contacts it to discuss its requirements if permission is granted. Comments reiterated 23/8/2023.

7.20. **Yorkshire Water:** 30/3/2023 Objects because it appears buildings are proposed atop the public water supply infrastructure within the site. Prior to determination of this application, the site layout is amended to allow for adequate protection of the water mains. Clarification of impacts on wash out mains and mains in the road/access locations is required.

24/8/2023- A water supply can be provided under the terms of the Water Industry Act, 1991. 1.) 'Illustrative Landscape master plan' 25144-LLA-ZZ-00-DR-L-0201 (rec P09) dated 10/08/23, as prepared by Liz Lakes is acceptable, showing no interaction within on-site water mains previously listed. Any liquid storage tanks should be bunded. There should be a Construction Management Plan (CEMP) to understand the impact of planning permission on the principal aquifer.
16/10/2023: 1.) It has been confirmed that the cables are not oil filled, so is acceptable. 2.) Confirmation of how the grassland beneath the solar panels will be maintained is required a.) Yorkshire Water are against the use of herbicides or weedkillers.

7.21. **North Yorkshire Fire and Rescue Service:** 16/3/2023 No objections.

13/9/2023: Observations. 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.

7.22. **North Yorkshire Police:** 17/3/2023 Solar farm equipment can be stollen. Best practice is to use security fencing. The proposed deer fencing is likely to offer at best only token resistance to intruders. However, it is noted that it is to be supplemented with monitored motion detection CCTV. It is recommended that access points are gated to prevent unauthorised vehicles from gaining access onto the site. Tamper proof fixings to gates, locks and solar panels should be used. Construction compounds should be secured and guarded.

30/8/2023- Previous comments apply.

7.23. **National Highways:** 4/4/2023 Given the nature of the development, with a particularly limited scope for traffic generation, National Highways would suggest that no amendments to the Transport Statement are required. Our review has concluded that the effect of the proposed development on the Strategic Road Network (SRN) in capacity terms is likely to be minimal due to the short construction phase. Three

conditions are recommended regarding 1. A Construction Phase Traffic Management Plan; 2. Decommissioning Traffic Management Plan; and 3. An assessment of possible glint and glare is approved.

7.24. **Network Rail:** 17/4/2023 No objection in principle. We note that the proposals include laying cables through operational railway land from the operations centre north of the railway to the solar farm itself to the south of the railway. The developer will be required to enter into agreements and licences with Network Rail in order to access railway land and install and operate cabling/equipment through operational railway infrastructure. If they have not done so already, the developer should engage with our Easements and Wayleaves team in order to reach agreement and obtain the necessary licences to undertake this work. NR requests conditions to prevent the use of the railway crossings for any construction purpose unless agreed with the LPA; to secure a construction methodology to protect Network Rail assets; trespass proof fencing adjacent to NR land; a landscaping condition to protect NR assets; a glint and glare monitoring and remedial condition; and a list of informatives.

26/9/2023: We note that the applicant is in disagreement with our requirements relating to the provision of a Trespass Proof Fencing and a Glint and Glare Monitoring Condition. I can confirm after further review, we are able to withdraw the requirement for Trespass Proof Fencing outlined in our original response. In relation to the Glint and Glare Monitoring Condition, we accept the applicants study that solar reflections although geometrically possible towards railway, would be unlikely due to screening in the form of vegetation. Although the Glint and Glare study provided states that vegetation is predicted to 'significantly obstruct' glare from panels, this is not conclusive and suggests that such glare may not be completely eliminated. Vegetation is not a solid barrier and density can change over the course of the year (for example during winter months). Whilst we accept that the risk of glare remains low, should the council be minded to approve the application, we require the inclusion of the monitoring condition previously outlined, so that any issues associated with driver distraction caused by glint and glare may be addressed in the unlikely event that they arise.

7.25. **Selby Area Internal Drainage District:** 15/3/2023 Generic advice on drainage options is provided including soakaways, mains sewer, ordinary watercourse or main river. The potential need for IDB consent is reiterated.

7.26. **Burn Gliding Club:** 17/3/2023 Burn Gliding Club is of the opinion the proposed development is not close enough to harm the aerodromes operation and aviation safety and complies with national planning policy. The Club has no objections to the proposal.

7.27. **Trans Pennine Trail:** 28/3/2023 Requests that development contributions help to provide a safer route for Trans Pennine Trail from Long Lane to Hirst Road. A segregated shared footway for walkers and cyclists should be provided along Wade House Lane as part of the road widening. Onward connection to Wheels Lane could be developed as a planning gain. The TA indicates 1000 vehicles using the access in 6 months which emphasises the need for safe walking and cycling facilities.

1/9/2023- previous comments are reiterated.

7.28. Consultation responses have not been received from the Conservation Officer, Yorkshire Wildlife Trust, the NHS, the National Planning Casework Unit, East Riding of Yorkshire Council, Drax Power Station, Carlton Parish Council, Drax Parish Council, Long Drax Parish Council, Leeds East Airport, Leeds Bradford International Airport, Sherburn Aero Club.

Local Representations

7.29. Fifty nine local representations have been received of which one is in support and fifty eight are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.30. Support:

- Good to see renewable energy being taken seriously and given a chance especially near Drax Power Station.

7.31. Objections:

- The negative cumulative impact of multiple solar farms upon the villages around Drax Power Station, namely Camblesforth, Drax and Carlton.
- Landscape, tranquillity, character and visual harm to the countryside. The height of the panels.
- Harm experienced by users of adjacent footpaths and horse riders.
- Significant change from fields to industrialised landscape for local residents.
- Loss of agricultural land. Development would irreparably damage soil preventing reversion, as would solar panel cleaning and soil compaction. Over half the site is best and most versatile agricultural land. Brownfield site, rooftops and industrial areas should be used instead of agricultural land. Harm to food security.
- Increased flood risk. Solar panels are raised due to flood risk but invertors and batteries are not. Battery liquid may flood into the environment.
- Harm to wildlife and habitat. There would be biodiversity loss, not gain. Fencing will prevent wildlife movement and kill animals. Solar panel glare encouraging false water landings for birds.
- Human health risks, including mental health, from noise, vibration, light pollution and toxins from battery storage fires.
- The proposal is contrary to Local Plan key objectives including to protect and enhance the special character and wildlife habitats of the Selby District; and to protect the countryside for its open character and its landscape, wildlife, recreational and natural resource value.
- Construction disturbance.
- Harm to highways safety during the construction and operational phases, and from the proposed access on Wade House Lane. Road surface deterioration.
- Increased crime rates.
- Loss of agricultural employment and associated sectors.
- Harm to the setting of listed buildings.
- Mock ups of the items proposed should be installed for assessment prior to a decision being made.
- Removal of the panels may be unenforceable without a bond.
- The need to be close to National Grid infrastructure is cost based.

- Reduced property value.

7.32. CPRE North and East Yorkshire: 30/3/2023 object. The significant loss of BMV land and impact on soils; Detrimental impact on users of the PROW network; The detrimental impact on the residents of the adjacent villages from this proposal and the cumulative impact of other such developments in a very localised area; and The proposals are contrary to local and national planning policy. CPRE promotes a policy of brownfield first with which the proposal conflicts, noting it is 57% BMV. The NPPF requires the LPA to protect and enhance landscapes, biodiversity, geology and soils; recognise soils as a natural capital asset that provide important ecosystem services; consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land; prevent soil, air, water, or noise pollution, or land instability from new and existing development. Policy SP18 seeks to steer development to areas of least environmental and agricultural quality. 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to: protect the best agricultural land; put a value on soils as part of our natural capital; and manage soils in a sustainable way by 2030 amongst other things. As such, BMV of Grade 3a and above is highly regarded and should be protected from development. 57% of the site is considered BMV which is not suitable for development and as such contrary to local and national planning policy. Welsh planning policy is quoted within the objection as is an appeal decision in Wales and the view of the Welsh Department for Climate Change. The appeal considered the solar farm would significantly damage soil structure and result in the loss of BMV. CPRE consider the P3P Food Technology Park and Drax Power Station to the north are more suitable to accommodate a proportion of the proposal. CPRE contest that the amount of energy to be delivered through this scheme could easily be delivered through a number of smaller schemes which have not been considered. Roof top solar on the new local plan site in Carlton could be proposed, or land within that site, and panels on roofs of commercial property in the area, or Drax Power Station or P3P Food Technology Park alongside a smaller site on lower quality land (3b or lower). The parameters used in the search for alternatives is incorrect. Planting will take 10 years to mature to provide screening, which will deter use of the public rights of way network. The new permissive footpaths are not considered to be a benefit because people do not use them. Deterring use of the PROW network will have negative mental and physical health impacts. They should be protected and enhances in accordance with Policy SP18. There are objections to the impact on residential amenity from the proposal and the cumulative effect with other solar farms in the area. Residents will be surrounded and the solar panels are not low-laying. PROW users will face construction noise, dust and highways concerns and detrimental visual impact. For those with mobility concerns, the new network of paths are located at the furthest point away from the existing dwellings making it much more difficult for them to access the open countryside and views beyond the site. Cumulative impacts should be considered. Events held at the existing adjacent business may be detrimentally impacted by noise from substation transformers.
1/12/2023: Previous comments reiterated.

8.0 Environment Impact Assessment (EIA)

8.1. The proposal is EIA development because of potentially significant landscape and visual effects. This planning application has been accompanied by an Environmental Statement (ES). The ES has been reviewed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been found to be satisfactory in terms of Schedule 4.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Agricultural land assessment
- Minerals
- Landscape and visual impact
- Glint and glare
- Impact on heritage assets
- Ecological considerations
- Impact on highway safety
- Flood risk and drainage
- Residential amenity and noise
- Public rights of way
- Contaminated land
- High pressure gas pipeline
- Safety and crime
- Railway impacts

10.0 ASSESSMENT

Principle of development

10.1. Policy SP1 of the Core Strategy outlines that "…when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework…" and sets out how this will be undertaken.

10.2. Policy SP2A(c) of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A (c) relates to development located within the open countryside and states:

"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

10.3. Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it specifically, the Development Plan is to be read as a whole and Policy SP17 of the

Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.

10.4. Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:

"All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria: i. are designed and located to protect the environment and local amenity or; ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and iii. impacts on local communities are minimised".

10.5. Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

10.6. Policy SP13 of the Core Strategy relates to 'Scale and Distribution of Economic Growth'. Part C specifically relates to the rural economy and states:

"In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example: 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings; 2. The redevelopment of existing and former employment sites and commercial premises; 3. The diversification of agriculture and other land based rural businesses; 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14."

10.7. This accords with paragraph 88 of the NPPF which supports a prosperous rural economy through, amongst other things, the diversification of agricultural businesses. Whilst not specifically the diversification of agriculture, as the proposed development would be separate from the running of the farm holding(s) on which it would be sited, the proposed development would indirectly contribute to the vitality of the rural economy by provision a stable, long-term income for the farm holding(s) on which it would be sited. Furthermore, it should be noted that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use.

10.8. Turning to National Policy and Guidance, the National Planning Policy Framework and Planning Practice Guidance, amongst other National Policy and Guidance documents, are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts. NPPF paragraph 157 states "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 163 states "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 significant cutting greenhouse gas emissions; (b) approve the application if its impacts are (or can be made) acceptable."

10.9. Planning Practice Guidance for renewable and low carbon energy was most recently updated on 14th August 2023. It states:

"Why is planning for renewable and low carbon energy 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."

"What technical considerations relating to renewable energy technologies affect their siting? Examples of the considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size……. Discussions with industry experts can help to identify the siting requirements and likely impacts of technologies. The National Policy Statements on the Department for Energy Security and Net Zero's website give generic and technology specific advice relevant to siting particular technologies."

"In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

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

"What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

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. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *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 (see guidance on landscape assessment) 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.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero."

"In relation to battery energy storage systems, the LPA is encouraged to consult the local Fire and Rescue Service. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application. Local planning authorities are also encouraged to consider guidance produced by the National Fire Chiefs Council"

10.10. The Framework supports the increased use and supply of renewable energy. The applicant estimates the solar farm would generate up to 50MW of renewable electricity. The energy generating potential of this site in the north of England is considered to be reasonable and the submission of an application for planning permission indicates it is commercially viable. The field pattern has a north south alignment which means it has a suitable aspect for a solar farm.

10.11. The solar farm will have an export capacity of up to 50MW, which equates to the annual energy consumption of approximately 23,900 homes, and in doing so save significant tonnes of CO2 emissions per year. There are no physical constraints limiting early development of the solar farm and a grid connection offer has been secured by the applicant. The Climate Change Act 2008 (as amended) sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The National Policy Statements (NPSs) for the delivery of major energy infrastructure are also material considerations. The NPSs recognise that large scale energy generating projects will inevitably have impacts particularly if located in the countryside. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and EN-3 identify that as part of the strategy for the low cost decarbonisation of the energy sector, solar farms provide a clean, low cost and secure source of electricity. Notwithstanding the replacement EN-3 is in draft consultation form and therefore the draft carries limited weight. The Government's Net Zero Strategy: Build Back Greener (2021) is a material consideration. It explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low cost renewable energy generation such as solar. The Government's British Energy Security Strategy (April 2022) does not set a firm target for solar but expects a five-fold increase in deployment by 2035. This aligns to the strategy's aim that by 2030, 95% of British electricity could be low carbon; and by 2035 that the electricity system will be able to be decarbonised, subject to security of supply. It is considered the proposal could make an early and significant contribution to the objective of achieving Net Zero and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Accordingly, the clean and secure energy benefits on offer attract substantial weight in the planning balance.

10.12. The proposed on site battery energy storage system would allow the renewable energy generated by the development and the demands of National Grid to be balanced.

10.13. While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the environmental impacts of the proposals need to be given full and careful consideration. The impacts of the proposal are be discussed in more detail below.

10.14. A temporary 40-year planning permission is sought for the majority of the development. The accesses, 66kV transformer compound and landscaping are not proposed to be removed at the end of the temporary permission. In the event planning permission is granted it would be subject to conditions securing the temporary permission elements, their decommissioning and restoration of the land to its current agricultural land quality.

Section 149 of The Equality Act 2010

10.15. Under Section 148 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.

10.16. The development of the site for renewable energy purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Agricultural land assessment

10.17. Policy SP18 of the Core Strategy relates to 'Protecting and Enhancing the Environment' and states:

"The high quality and local distinctiveness of the natural and man-made environment will be sustained by… [amongst other things] …steering development to areas of least environmental land agricultural quality."

10.18. NPPF paragraph 180 states that decisions should contribute to and enhance the natural and local environment by a) protecting…soils b) 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. Policy SP18 is consistent with the NPPF and is given significant weight.

10.19. The PPG also provides a link to the Written Ministerial Statement (WMS) of 25 March 2015 regarding unjustified use of agricultural land and expects any proposal for a solar farm involving BMV to be justified by the most compelling evidence.

10.20. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

10.21. The Yorkshire and Humber Agricultural Land Classification indicates roughly the western half of the site is grade 3 'good to moderate' agricultural land and the eastern half is grade 2 'very good' agricultural land. It does not differentiate between grades 3a and 3b.

10.22. There are no alternative sites allocated in the development plan for renewable energy development of sufficient scale to steer the proposal towards. The former Selby District brownfield register 2019 provides an overview of registered sites that may be appropriate for the proposal and within reasonable distance of the grid connection

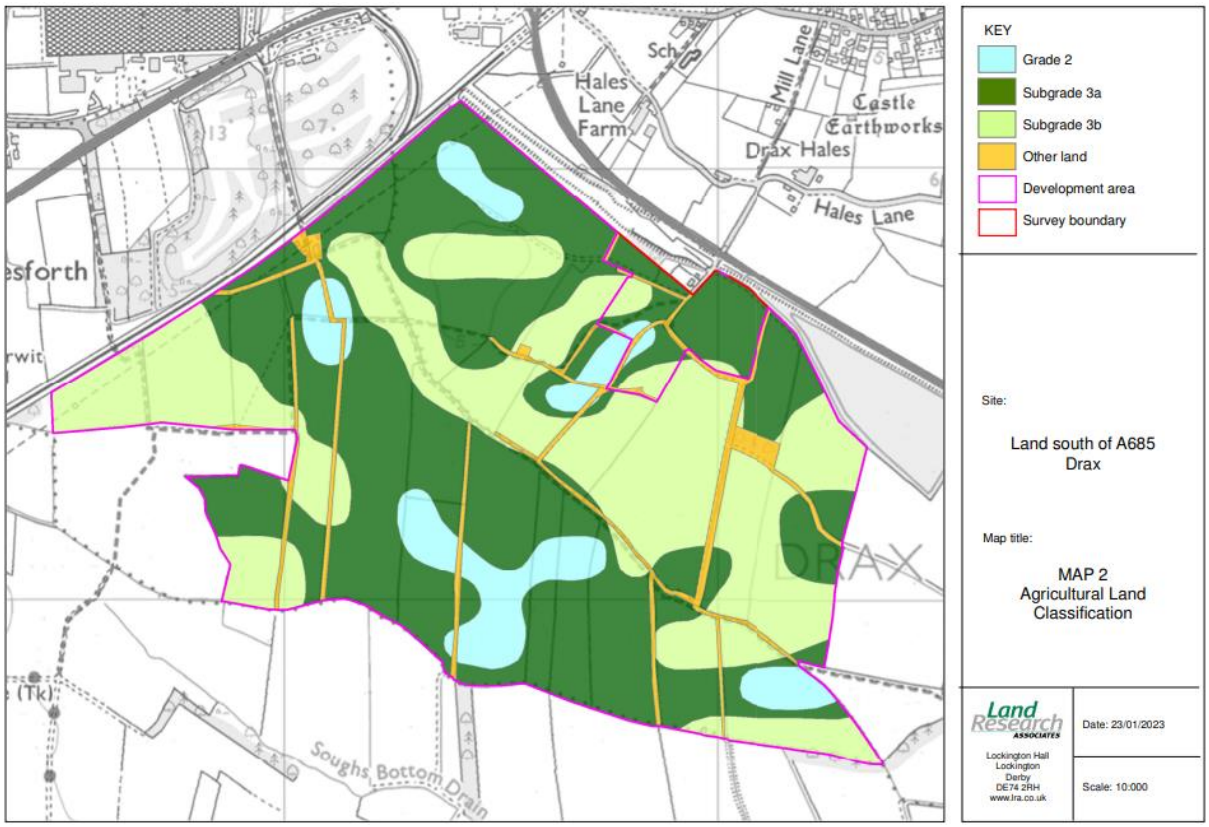
point. The applicant estimates that to accommodate a development of circa 50MW a site size of approximately 100 hectares is required. None of the registered brownfield sites would be large enough to accommodate the proposed development. The largest site, Olympia Park in Selby (91.46ha) is a mixed use commercial and residential allocation in the Core Strategy via Policy SP7. Interestingly, the foreword to the policy states "5.65 The 'Olympia Park' site covers an area of approximately 90 hectares, including around 18 hectares of previously developed land" which is a significantly smaller amount of brownfield land than indicated in the brownfield register. To steer the proposal to this site would be in conflict with the development plan.

10.23. The next largest site is significantly smaller at just under 24.29ha. This site is land to the rear of Olympia Mills in Selby which is reserved for freight transhipment facilities by Selby District Local Plan policy BAR/2. This site is not large enough to accommodate the proposal and such a proposal would be contrary to the development plan. Furthermore, the applicant notes a site of this scale would not be large enough to meet the grid supply agreement and is likely to be commercially unviable. The next largest site is Industrial Chemicals Ltd, Canal View, Bawtry Road, Selby at just over 14ha which is not large enough to accommodate the proposal. Approximately half of the site is a local amenity space or benefits from a significant employment permission. It would not be appropriate to steer development to this site. Other registered brownfield sites would provide single figure hectarage which would not be viable to deliver. The applicant provides an overview of brownfield register sites within the East Riding of Yorkshire within its site selection document that are within a 5km radius of the site and discounts them because they are allocated for alternative uses. This is considered to be a reasonable assessment. There are no brownfield sites suitable for the proposal within reasonable distance of the grid connection point.

10.24. There are no non-agricultural sites apparent that would be suitable for the proposal within reasonable distance of the grid connection point. Sites of sufficient scale to accommodate the proposal that are non-agricultural include former collieries, power stations and airfields. However, all such sites have or are in the process of finding alternative uses or are not available to locate the proposal upon.

10.25. It has been suggested by some objectors that existing and or proposed/future residential and commercial sites should be used for renewable energy development instead of the application site. It is considered likely that all of these options will be needed such is the scale of the necessary shift to renewable energy. It would be inappropriate to rule out development of the site for this reason.

10.26. The proposal involves greenfield land. The application includes an agricultural land quality assessment. It finds the land has a mixture of heavy wet soils, sandy droughty soils and loamy soils. The land is mainly limited to a mixture of subgrades 3a and 3b by droughtiness or wetness, with some patches of grade 2 land where loamy soils occur. Of the survey area, 13.8ha (9% of the land) is grade 2; 77.4ha (49%) is grade 3a; 58.2ha (37%) is grade 3b; and 7.5ha (5%) is other land. In total, 91.2ha (58%) of the main body of the site is best and most versatile agricultural land. The spatial distribution is shown below:



10.27. The applicant highlights that the use of the land would be largely for a temporary 40 year period, after which the majority of the proposed development would be decommission, and the infrastructure removed ready for the land to be restored to its former agricultural use. Furthermore, the applicant highlights that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development. It should be noted the accesses, two proposed transformer compounds and landscaping areas are proposed to remain permanently after the temporary planning permission has expired but these occupy only a fraction of the overall site area.

10.28. The Natural England Agricultural Land Classification: Yorkshire and The Humber indicates substantial tracts of land within the former Selby District and within the 5km area around the grid connection point are grade 1 or 2, which are of better or equivalent quality to the application site. Smaller areas of grade 3 are shown within the search area and there are larger areas within the former Selby District and beyond but it does not differentiate between grade 3a which is BMV and grade 3b which is not. Requiring the applicant to test vast areas of grade 3 land to establish precise land quality would be disproportionate and unreasonable. There are very limited areas of grade 4 land within the former Selby District and none of these are large enough or away from landscape or ecological designations to make them suitable for the proposal. It is not possible to reasonably steer the proposal to areas of lesser agricultural land quality.

10.29. The irregular distribution of BMV and non-BMV land across the site and its lack of alignment with existing field boundaries within the site (which are to be retained) means it would be impractical to use only lower grade land on the site.

10.30. The loss of agricultural land including the BMV agricultural land, for the lifespan of the development and the permanent loss of the transformer compound areas and landscaped areas needs to be weighed in the planning balance against the benefits of the proposal. Using the land below panels for grazing is a form of agriculture but is a significant and less productive change. There is likely to be some harm to soil quality as a result of the proposal. Site restoration may not be able to entirely remedy soil impacts caused by laying of internal roads, foundations, construction compounds, battery storage areas, inverters, cable trenching, compaction and mixing of different layers of soil (surface and sub-surface). Some areas of soil may benefit by being rested from intensive arable crop production and the associated application of chemicals.

10.31. It should be noted that Natural England have been consulted on the application but have not provided bespoke comments. Generic advice on BMV agricultural land and soils is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.

Minerals

10.32. The site is within a sand and gravel, and brick clay minerals safeguarding area designated by policy S01 of the Minerals and Waste Joint Plan. Policy S02 permits non-minerals development where, amongst other things, “The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed”. The Minerals and Waste Team confirm there are no active quarry sites or waste facilities within 500 metres of the site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The Minerals and Waste Team has no comments in this particular instance as although the proposed development at the site is within a Minerals Safeguarding Area it will not sterilise the mineral resource as it is temporary for 40 years. The Minerals and Waste Team does not acknowledge that the transformer compounds and access upgrades would be permanent. The permanent elements of the proposal are not considered to be prejudicial to future mineral extraction given their minor scale and non-sensitive nature. Therefore, the proposal complies with Policies S01 and S02.

Landscape and visual impact

10.33. 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. 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.

10.34. The proposed development is as described in section 5 of this report, and as shown on the submitted drawings. The application has been supported by an Environmental Impact Assessment. Chapter 7 considers Landscape and Visual Landscape Effects together with the supporting Landscape and Visual Impact Assessment (LVIA). Landscape and visual effects overlap with other topics outlined in the supporting Planning, Design and Access Statement such as Ecology, Arboriculture, Heritage, Agricultural Land, Glint and Glare. Together these influence the local character and setting. Supporting information in the Environmental Statement Volume 2 Appendix includes: - 7.4 Landscape Masterplan and Planting Strategy - 7.5 Access Strategy - 7.9 Landscape Management Plan. Other supporting reports and information includes: Solar Photovoltaic Glint and Glare Study; Agricultural Quality of Land South of the A685 Drax [agricultural land quality survey]; Arboricultural Impact Assessment (including Tree Survey Report). Additional and amended information has also been submitted.

10.35. The proposal is in a flat landscape with good quality existing landscaping within the application site in the form of field boundary planting, and beyond the site, particularly to the north along the A645 corridor and adjacent golf course.

10.36. The Council's Landscape Architect initial comments generally agreed with the overall scope of the Applicant's Landscape and Visual Impact Assessment (LVIA), but some further clarification and adjustments were recommended in order to ensure that adverse effects are minimised and that a suitable restoration scheme can be secured.

10.37. It is noted that significant adverse effects relating to PROW running through and local to the site are likely to remain significant and adverse throughout the operational period despite mitigation. Generally, the Landscape Architect would agree with the summary and findings of the LVIA. However, they consider LVIA findings and mitigation of adverse effects relating to other sensitive receptors such as residential properties at Wade House Lane, properties and PROW at the edge of Carlton village very-optimistic; dependent on a good degree of screening achieved and maintained through the existing trees and hedgerows; and that additional screening can be successfully provided through new planting to supplement this.

10.38. Following receipt of amendments, the second set of comments from the Council's Landscape Architect expresses concerns about visual screening of Carlton village. They note some hedgerow reinforcement has been shown to the south west side of the site within the blue-line land. They consider this remains insufficient given the overall scale of the development and need to protect local views character and setting. They

recommend this should be structured woodland planting at least 20m in depth to ensure a robust landscape framework which is sufficient to screen the site throughout the year.

10.39. It is considered the amended illustrative landscape masterplan provides sufficient screening of the proposal from views from the south west for the following reasons. New 5m wide woodland planting is proposed on part of the southern boundary of the site; an existing hedgerow is proposed to be reinforced; a new triangular woodland block is proposed to the south west boundary with peripheral hedgerow; it is proposed to plant other parts of the southern boundary with native hedgerows, native woodland belt and fruit trees. Outside the application site but on land within the blue line indicating land within the applicants' control it is proposed to reinforce and plant two existing hedgerows to the south west of the application site. It is understood based on the certification provided within the application form that the applicant does not own any of the application site or blue line area. Conditions control matters within the red line application site. It is possible to require certain off site works, such as the off site landscaping, take place via a Grampian condition. This prevents the development commencing until the off site landscaping takes place. However, the maintenance of this landscaping cannot be secured by such a condition because in the event the condition is breached the LPA can only take action against the landowner who in this case is not the applicant/developer. Therefore, a s106 agreement is required to ensure planting is managed and maintained.

10.40. Furthermore, several woodland blocks and tree belts on intervening third party land filter views of the proposal from Carlton village such as those to the north of Long Hedge Lane, and to the west and east of the public right of way leading from it.

10.41. The Council's Landscape Architect expresses concerns about tree and hedgerow protection from cable runs and connections. They consider the information provided is insufficient. They have concerns in relation to potential shading of the solar panels by virtue of their proximity to existing vegetation and that this may lead to post development pressure to trim back or remove vegetation. The tree officer also noted shading of panels by trees is a consideration. The Landscape Architect considers there are several locations indicated on plans where the main cable route conflicts with existing trees, or that there is no explanation of likely cable runs between panel arrays. They consider existing trees shown on Drawing no. 1 – Site layout is incomplete and misrepresents all the trees expected to be retained and that cable runs conflict with proposed planting on the 66kv Substation plan. Finally, they express concerns that given the overall scale of the site they would expect that cables could be laid out to better protect existing trees, but this is not demonstrated on the submitted information.

10.42. The proposed route of the cable connecting the National Grid Camblesforth Substation to the on site 66kV substation and its connection to the on site 33kV substation is shown on the site layout drawing and tree impact plan. The site benefits from extensive tree and hedgerow cover of varying quality. There is considered to be sufficient space within the site along the farm access track from the A645 and the land to the west of it to allow a cable route to pass along it without unacceptable loss of vegetation. The main body of the application site is so vast that it is inconceivable that an acceptable cable route cannot be found. Given the concerns expressed by the Landscape Architect, it is considered reasonable and necessary to recommend a condition that requires details

of the precise cable routes and the means of avoiding unacceptable harm to existing vegetation, notwithstanding the submitted details. The level of shading that may be experienced by solar panels and future pressure for tree removal is a material planning consideration. Shaded panels still generate power from light but not as much as when in direct sunlight. The submitted tree impact plan shows only a small number of trees need to be removed to accommodate the development, such as where internal access tracks cross lines of trees. These are Trees H14 (section of) (grade C2), T130 (grade B1), H139 (grade B2) (section of), G141 (Section of) (grade B2), G145 (south stems only) (grade B2), G106 (section of) (grade C2), T275 (grade C2), H197 (section of) (grade C2) T306D (grade B2), T306E (grade B2), T306G (grade B2) and T306H (grade B2). None of these have bat roost potential. It is appropriate to condition tree and vegetation removal may only take place in accordance with this tree impact plan and that any additional removal of existing trees during the lifetime of the development must first be agreed in writing by the Local Planning Authority. The cable run to the 66kv Substation can be installed first and proposed planting carried out afterwards, thus avoiding the conflict highlighted by the Landscape Architect.

10.43. The Landscape Architect raises concerns that the boundary treatment for the 66kV substation adjacent to the A645 is insufficient. They consider the north side hedgerow is not within the applicants' control and could be cut low as part of highway maintenance. They recommend at least 5m depth woodland screen planting to all boundaries of the site, including the northern boundary and that the substation layout should be adjusted to allow for this. The latest 66kV transformer compound drawing, northern access drawing and tree impact plan show four trees need to be removed near the northern access and others within the visibility splays will need to be trimmed back to accommodate the access alterations and visibility splays. A new planting area 2-3m in depth along the northern boundary of the 66kV transformer compound is proposed. The additional planting area will provide sufficient replacement planting. The northern transformer compound would have an acceptable impact upon the character and appearance of the area.

10.44. The Landscape Architect otherwise welcomes the Local Footpaths PROW layout adjustments; welcomes updates to the Outline Landscape Management Plan; and provides a list of conditions in the event the proposal is recommended for approval.

10.45. The applicant confirms the installation of CCTV is required on site for insurance purposes. The CCTV will be capable of viewing the solar PV farm and associated infrastructure only (without panning angles beyond). No floodlighting will be used as the CCTV cameras detect movement and have night vision capabilities, through the use of infrared technology, in accordance with insurer's requirements. This will allow for constant monitoring of the solar farm whilst being positioned in such a way that ensures areas outside of the site are not monitored. The CCTV camera poles will be constructed using galvanised steel which is to be painted green in order to blend in with the landscape. The poles will extend 3 metres above ground level as shown on proposed plan 'CCTV'. The site's perimeter will be made secure by the construction of a 2-metre-high deer fence as indicated on the 'Site Layout' plan. The deer fencing is to be constructed using wooden posts and wire mesh. The northern transformer compound boundary including its gates will be secured by 2.4m high palisade fencing. Within the compound 2.4m high galvanised palisade fencing would secure the area

immediately surrounding the transformers. The 33kV transformer compound in the centre of the site and the adjacent battery storage compound would feature deer fencing at the boundary. The security, lighting and fencing details are considered appropriate.

10.46. The Landscape Architect does not comment on cumulative impacts. ES Appendix K provides a cumulative assessment of developments within a 5km radius of the site, including the Camblesforth Solar Farm at land north and south of Camela Lane (reference 2021/0788/EIA) approved 8/7/2022. The Helios solar farm is not yet the subject of an application for planning permission to the Planning Inspectorate. The Planning Inspectorate website confirms "The application is expected to be submitted to the Planning Inspectorate Q1 2024." Therefore, it would not be appropriate to consider cumulative impacts arising from that development because it is not existing and or approved. The cumulative assessment has reviewed potential cumulative landscape and visual effects associated with the proposal and an additional 15 cumulative sites. GLVIA3 states that the key for all cumulative impact assessments is to focus on the likely significant effects and in particular those likely to influence decision making. The assessment has found that none of these sites have the potential to lead to any likely significant landscape or visual effects cumulatively with the proposal. Limited sequential views may exist between the Camblesforth solar farm and the proposed site, however the proposed landscape scheme has recognised this and provides a new woodland block along the western site boundary, which once established would screen views of the array from Station Road, resulting in there no longer being any opportunity for sequential views between the proposal and the Camblesforth solar farm.

10.47. The Tree Officer recommends a holding objection in relation to tree matters on the basis there is no arboricultural impact assessment. This includes consideration of trees shading solar panels; trees falling on panels; cable routes; location of site facilities; root protection areas; vehicle movements and ground protection boards/temporary roads. They also request an arboricultural method statement setting out practical elements required to overcome the AIA challenges especially where they cannot be designed out of the proposal.

10.48. Contrary to the comments of the Tree Officer, an arboricultural impact assessment was provided at the outset of the application. ES Volume 2 provides Appendix 7.8 Arboricultural Information, Schedule of Existing Trees, Tree Constraints Plan and Tree Impact Plan. The AIA also makes recommendations for an arboricultural method statement to form a condition of any planning permission.

10.49. As noted above, it is appropriate to condition tree removal may only take place in accordance with the submitted details and that any further removal requires written consent from the LPA. In this way, impacts of future shading are controlled. Notwithstanding the above, separation distances between the solar farm and trees are considered to be reasonable such that shading and damage from tree fall is not considered to be a significant issue. The fields are very large and generally have a north south alignment/aspect which minimises future shading potential. Shading would likely be limited to the peripheral panels in each field. Panels can still generate electricity from light and do not require direct sunlight to function. Cable routes are controlled by condition. The construction compound, internal roads and RPA's are all

shown on the tree impact plan. The development is largely away from trees and hedgerows. Limited incursions into RPA's are indicated such that it is appropriate to control final design of such elements by conditioning an arboricultural method statement.

10.50. Overall, the proposal would lead to a significant change in the character of the site from arable agricultural land to that of a solar farm with associated infrastructure. The solar panels are removed from sensitive residential receptors, with the fields closest to the dwellings on Wade House Lane remaining undeveloped. The significant adverse effects experienced by users of PROW on and near the site would be ephemeral as they pass through the site, as opposed to a fixed receptor such as a dwelling. This is likely to have a harmful effect on users' enjoyment of the PROW and countryside. The provision of two new permissive footpaths through the site within landscaped corridors would provide new walking routes.

10.51. Given their nature and scale, it is inevitable that the situation in a countryside location of a large-scale solar farm would have some adverse landscape and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect in this instance would be limited and localised. As the existing and proposed planting matures, the adverse effects would be further reduced. Moreover, notwithstanding the significance of the 40-year lifespan of the proposed development, once the proposed development is decommissioned, the infrastructure removed, and the land restored to its former agricultural use, there would be no residual adverse landscape and visual effects aside from minor elements to be retained. Instead, the scheme would leave an enhanced landscape as a result of the mitigation planting. The harm arising from the proposal need to be balanced against the benefits.

Glint and glare

10.52. The effect of glint and glare is a material consideration. Sensitive receptors include the landscape, road users, dwellings, railways, aircraft, right of way users and neighbouring uses. The proposed solar panels are designed to track the sun which requires consideration.

10.53. The aforementioned combination of existing and proposed landscaping is considered sufficient to prevent harmful glint and glare beyond the site boundary causing landscape and visual harm.

10.54. The submitted glint and glare assessment factors in the tracking system and, overall, predicts there would be no impact upon road safety and railway operations and infrastructure, and a low impact is predicted for 12 dwellings which is discussed in detail below. The applicant has clarified the technical specification of the solar panel tracking system and has amended to the glint and glare assessment.

10.55. The glint and glare assessment concludes in relation to roads that solar reflections are geometrically possible along a 300m section of the A645 and at certain points along Station Road (A1041). Screening in the form of existing vegetation and/or buildings is predicted to significantly obstruct views of reflecting panels, and therefore no impact is

predicted concerning road safety. No mitigation is required. The Local Highway Authority does not raise any concerns regarding glint and glare upon the local road network. National Highways recommends a glint and glare assessment is secured by condition. However, such an assessment formed part of the initial application and National Highways appear to have missed this document. It would be unreasonable and unnecessary to attach such a condition, particularly because the assessment does not identify any impacts upon the distant strategic road network within the remit of National Highways.

10.56. The glint and glare assessment concludes in relation to dwellings that solar reflections are geometrically possible towards 27 of the assessed 127 dwellings. Screening in the form of existing vegetation is predicted to obstruct views for 15 dwellings, where no impact is predicted. Views from upper floors are considered possible for 12 dwellings. The dwellings in question are receptors 43-54 which are the dwellings on the eastern side of Broadacres in Carlton. The impact relates to views from upper floors only and impacts are considered to be low with a separation distance of approximately 850m. It should be noted the report does not reflect the fact a number of these dwellings do not have upper floors. The report recommends no mitigation. Despite this recommendation, the illustrative landscape masterplan shows intervening existing hedgerows would be reinforced and new woodland would be planted along the southern boundary of the solar farm.

10.57. The glint and glare assessment concludes in relation to railways that solar reflections are geometrically possible towards a single point along a railway track belonging to Network Rail. Screening in the form of vegetation is predicted to significantly obstruct views of reflecting panels, and therefore no impact is predicted concerning railway operations and infrastructure. No mitigation is proposed in the report. Despite this, the illustrative landscape masterplan shows a wide band of woodland planting to the north west boundary of the site with the railway, near the bend in the railway that is potentially most effected. Network Rail initially recommended a glint and glare monitoring condition. The applicant disputed the need for such a condition on the basis of significant intervening existing and proposed landscaping. NR subsequently confirmed vegetation does not completely rule out the possibility of glint and glare, and requests the monitoring condition is attached. The NR position is reasonable, and the condition is attached.

10.58. Various bodies have been consulted regarding potential impacts upon aircraft. Burn Gliding Club considers the proposal is not close enough to harm the aerodromes operation and aviation safety. The Ministry of Defence has no safeguarding objections. Leeds East Airport, Leeds Bradford International Airport and Sherburn Aero Club were consulted but did not reply. The proposal is not considered to harm aircraft safety.

10.59. Users of the public rights of way on and around the site and the proposed permissive footpaths would experience ephemeral exposure to potential glint and glare. PROW within the site generally have a clear view of solar panels on one side of the footpath. This would diminish the experience for PROW users. PROW leading into/out of the site would be less affected because existing and proposed vegetation would filter views following establishment. The two proposed permissive footpaths through the site are designed to be set within landscaped corridors that have a wide margin and planting to

either side, which following establishment, will provide a less effected alternative route for walkers in the area. Glint and glare impacts for PROW users would result in some minor harm. The PROW Team do not comment specifically regarding glint and glare.

10.60. The impact upon other neighbouring uses including Drax Sports and Social Club, the Golf Club, and farm buildings is very limited because of intervening vegetation.

Impact on heritage assets

10.61. There are no designated heritage assets within the application site. The site may contain archaeological features which are classed as non-designated heritage assets. The application site is approximately:
- 600m south west of Castle Hill moated site, scheduled ancient monument.
- 1,700m south west of Scurff Hall moated site, scheduled ancient monument.
- 1,500m north east of Carlton Towers, a grade I listed building
- 730m north east of the locally designated historic park and garden associated with Carlton Towers

10.62. There are other heritage assets within and near to the surrounding settlements of Carlton, Camblesforth and Drax but the nature of the proposal combined with the distance and lack of intervisibility with these assets means there is no requirement for assessment of impact upon their setting.

10.63. 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.

10.64. Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 205-210. Paragraph 200 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

10.65. Paragraph 203 of the NPPF states "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make

to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."

10.66. Paragraph 205 of the NPPF states: "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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

10.67. Paragraph 208 of the NPPF states: "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 including, where appropriate, securing its optimum viable use."

10.68. Paragraph 208 of the NPPF should be read in conjunction with paragraph 205 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation.

10.69. 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'.

10.70. Selby District Local Plan Policy ENV16 states development proposals affecting historic parks or gardens will only be permitted where the appearance, setting, character or amenity of an historic park or garden would not be harmed.

10.71. Selby District Local Plan Policy ENV28 states where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.

10.72. The application includes an amended heritage statement considering above ground heritage assets. The heritage statement considers that there are no designated or non-designated built heritage assets within the study site. Within the surrounding 1km (all built heritage assets) and 3km (designated heritage assets of the highest significance only) search areas, the designated Grade I listed Carlton Towers and non-designated Carlton Towers Parkland were considered potentially sensitive to development within the study site. However, the heritage statement considers that the proposed development will have no impact upon the elements of their settings which contribute to the significance of either the Grade I listed Carlton Towers nor its surrounding parkland.

10.73. The application includes an archaeological desk based assessment. The available archaeological records, combined with analysis of historical mapping, the results of previous archaeological investigations in the search area, and the geophysical surveys suggest that there is generally a moderate/high potential for the survival of Iron

Age/Roman remains and low potential for the survival of remains dating to all other archaeological periods to survive below-ground within the study site. Some of the anomalies shown in the results of the geophysical survey within the study site may be of archaeological origin and, although it is not possible to ascertain a precise date of the geophysical anomalies, there is the potential they are of Iron Age/Roman origin. Buried remains relating to medieval or post-medieval agriculture are shown within the geophysical survey data across the study site, such as ploughing or former field boundaries, but these are considered to be of negligible significance.

10.74. An Archaeological Management Plan and Written Scheme of Investigation has been submitted. Two Archaeological Protection Areas have been established within the development site, around the location of two discrete circular anomalies identified during the geophysical survey, which appear to represent later prehistoric or Roman period remains.

• Anomaly D1 APA covers an area of c. 2471.73m2 (including 5m buffer) within Field 13. This area has been removed from the proposed development plans.
• Anomaly D2 APA covers an area of c. 973.94m2 (including 5m buffer) within Field 10. Solar panels across this area will be mounted on above-ground foundations.

10.75. The location of the solar farm substation and battery area will also be located within Field 13 (Figure 3), with their footprints having been amended to avoid the Anomaly D1 APA.

10.76. The Council's Conservation Officer did not reply to consultation. The Council's Archaeologist agrees with the proposal for a combination of avoidance of physical impact on the archaeological remains and archaeological monitoring during the construction of the substation and battery storage areas and recommends a condition to secure the Archaeological Management Plan and Written Scheme of Investigation. Furthermore, drawings have been submitted showing the non-ground penetrating solar panel which would have concrete feet that rest on the ground. These would be located within the archaeologically sensitive area.

10.77. Historic England is a statutory consultee for applications that may affect the setting of grade I listed buildings such as Carlton Towers and that may affect scheduled ancient monuments.

10.78. The second round of Historic England comments confirm it is satisfied with the amended heritage assessment and the consideration of significance and impact upon Carlton Towers it contains. Its third set of comments confirm the Archaeological Management Plan and Written Scheme of Investigation fully addresses its heritage concerns. Historic England concurs with the advice of the LPA archaeological advisor that the proposed archaeological mitigation scheme identified above is an acceptable basis for an archaeological condition.

10.79. The impact of the proposal upon designated and non-designated heritage assets is acceptable in accordance with the aforementioned policies, subject to archaeological condition.

Ecological considerations

10.80. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by promoting effective stewardship of the District's wildlife by a) safeguarding international, national and locally protected sites for nature conservation, including SINCs, from inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.

10.81. NPPF paragraph 180 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186 requires when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The development plan policies are consistent with the NPPF and are given significant weight.

10.82. The application includes an Ecological Appraisal (received 3/2/2023); Updated Habitat Survey and Biodiversity Net Gain Assessment (received 16/8/2023); Bats: Tree Inspection Survey Results (received 16/8/2023); and Drawing no. 14 - Skylark Plot Plan (received 23/2/2023).

10.83. The initial comments of the NYC Ecologist consider appropriate surveys have been completed and the inclusion of a wintering bird survey is particularly welcome. With regards to habitats, the site is predominantly arable farmland or species-poor agricultural grassland, so impacts on priority habitats and protected species are expected to be low. Apart from some small-scale removal to facilitate access, hedgerows and tree-lines are to be retained. Internal ditches and field ponds are to be retained and safeguarded, as are woodlands on the site boundaries. Habitats are assessed as being as no more than Local significance (Ecological Appraisal table 4.3); based on the information provided, this seems generally reasonable. Management of existing grassland at fields F2, F3 and F30 should aim to enhance its floristic quality rather than replacing existing vegetation with commercial seed mixtures.

10.84. The initial comments of the NYC Ecologist consider impacts on statutory nature conservation sites. They consider that due to the nature and location of the proposed development, no significant effects are anticipated upon statutory nature conservation sites such as the River Derwent Special Area of Conservation (SAC), Lower Derwent

Valley Special Protection Area (SPA), Humber Estuary SPA or Eskamhorn Meadows SSSI. There is no indication that the site is functionally-linked to the Lower Derwent or Humber Estuary SPAs. For example, the breeding and wintering bird surveys did not indicate any significant use of the site by waterfowl or wading birds. The proposed development would result in the conversion of a significant area of intensive arable land to permanent grassland, so the consequent reduction in fertiliser and pesticide inputs and reduced siltation would benefit water quality in the surrounding catchment. The conclusions of the Ecological Appraisal (para 3.1.3) with regard to impacts on statutory wildlife sites are agreed. Therefore, it is not proposed to undertake any further assessment under the Conservation of Habitats & Species Regulations 2017. Based on the plans submitted, Natural England considers that the proposed development will not have a likely significant effect on the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) and has no objection. Natural England advises that to meet the requirements of the Habitats Regulations, the LPA should record its decision that a likely significant effect can be ruled out and that the following may provide a suitable justification for that decision: Ecological Appraisal Appendix 6215/4: Carlton Solar Farm Wintering & Breeding Bird Survey dated December 2022- wintering wildfowl or waders not observed in significant numbers over two survey seasons. The nearest non-statutory designation is Brockholes SINC adjacent to the north-eastern boundary of the site. However, given the nature of the proposals, subject to appropriate mitigation measures being implemented during construction and operation, this designation is considered unlikely to be affected.

10.85. The initial comments of the NYC Ecologist required further information regarding bat roost potential in trees to be removed in order to agree with the statement “the conservation status of local bat populations will be fully safeguarded under the scheme” (EA para 5.3.20). More specific guidance relating to on-site arrangements for bat friendly lighting will need to be incorporated into the CEMP and BMP. All the agricultural buildings on site were assessed as having Negligible potential to support roosting bats, so no further surveys of the buildings are required. It is not proposed to remove trees with bat roost potential.

10.86. The NYC Ecologist agrees it is unlikely otter use the site on a regular basis but requests clarification the deer fencing would not prevent otters moving along ditches through the site. The fencing details provided show the fence is not designed to dip into ditches which addresses this point. They also query whether brown hare can pass through the deer fencing. This can be dealt with by condition by requiring an amended fencing design. To protect grass snake, should any removal of bankside vegetation be required during construction, it is recommended that reasonable avoidance measures should be employed to reduce risks to this species. These should be incorporated into the CEMP.

10.87. The NYC Ecologist considers the proposal to compensate for loss of habitat for ground-nesting birds by maintaining Skylark plots on neighbouring arable land (EA para 6.1.15) to be reasonable and proportionate mitigation relative to the small population (seven territories were identified in the breeding bird survey). Other farmland breeding birds recorded during surveys are mainly associated with hedgerows and field margins, so are less likely to be adversely affected. The site is acknowledged to have value for

foraging songbirds such as finches, sparrows and buntings in winter. Other important species recorded in significant numbers included Grey Partridge and Stock Dove. It is stated (ES para 5.11.13) that foraging opportunities will be maintained "through the dedicated use of a number of fields to act as set aside" and "through the management of margins of fields to retain wide strips of uncut grassland over winter". More specific proposals will need to be set out in the Biodiversity Management Plan which is conditioned. A Construction Environmental Management Plan (CEMP) and Biodiversity Management Plan (BMP), will be required by condition. These should incorporate relevant ecological mitigation and compensation measures set out in chapter 6 of the Ecological Appraisal. The BMP should explain how new habitats will be established and maintained, including annual management schedules. Himalayan Balsam removal should form part of the CEMP.

10.88. Following initial NYC Ecologist comments, an update habitat survey and biodiversity net gain assessment has been provided that show 99.41% habitat unit increase and 11.58% hedgerow unit increase. The NYC Ecologist considers this demonstrates a large uplift in terms of area based habitats with a smaller uplift for hedgerows, that is comfortably compliant with policy, despite the ecologist expressing some reservations about how the assessment was carried out. This is a significant benefit of the proposal in the context of a policy situation where 1% BNG would be acceptable. The applicant considers such BNG should be weighted accordingly. In order to do this, the proposed landscaping would need to be conditioned and off-site landscaping secured by s106. A standard commercial seed mix (EM1) has been recommended for seeding some of the grassland within the solar farm. This is inappropriate because it would lead to homogenisation of grassland and should be appropriate to the local area. All seed mixtures will be subject to condition to ensure they are appropriate to the area.

10.89. The ecological impacts are acceptable subject to conditions.

Impact on highway safety

10.90. 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).

10.91. A Transport Statement (TS) has been provided. The main vehicular access from the site will be taken from the A645 via Wade House Lane. The A645 is a high-capacity single carriageway at c.9m wide and is derestricted (60mph speed limit) within the vicinity of the Wade House Lane junction. Wade House Lane is a short, residential road serving 5 dwellings and is an informal shared surface road. It is approximately 3m wide with no footways present. Where it meets the A645, a priority T-junction is present with small kerb radii on both sides. The proposal will be accessed primarily via the main site access off Wade House Lane and then through a network of internal routes which consist of 3m wide access roads. A secondary access is proposed from the A645 near Brigg Lane in Camblesforth. The secondary access shows one way passing for HGV's

over the first 20m of the junction before widening to 6m which allows a maximum length legal articulated vehicle (18.55m) and a car to pass one another.

10.92. Due to the nature of the proposals some widening will be required on Wade House Lane to cater for the construction vehicles associated with the proposal. The proposed widening of Wade House Lane increases the carriageway to 7-8m wide with 10m radius kerb on the eastern side to facilitate two-way passing of maximum legal length HGVs (16.5m articulated HGVs selected as the design vehicle). This ensures existing traffic associated with the dwellings on Wade House Lane can utilise Wade House Lane concurrently with construction traffic. The majority of the traffic associated with the construction phase of the development will first access the site via the A645 Wade House Lane access. All construction vehicles will be able to enter and exit the site in forward gear via dedicated turning and parking areas provided within the site. It will then serve as an operational access for maintenance vehicles at the end of the construction phase.

10.93. The internal site access road is 6m wide (with further widening on the bend) and routes from Wade House Lane to the construction compound area. At 6m wide the road can cater for 2-way passing of vehicles and prevents any congested traffic on to Wade House Lane. Adequate visibility splays of 2.4m x 215m can also be achieved in both directions along the A645. This is considered to be an appropriate provision for the 60mph speed limit. A secondary access for construction vehicles will be formed to construct the substation only, this is located to the north of the site from the A645, 30m to the west of the Brigg Lane junction. Drawings 2108702 and 2108703 show the proposed access also allows an articulated lorry to turn in and out in forward gear. Drawing 2108704 shows visibility splays of 2.4m x 215m can also be achieved in both directions along the A645 from the proposed substation access.

10.94. The TS estimates there will be a total of 1,600 vehicle trips associated with the construction of the proposal which incorporate a range of vehicle sizes up to the maximum legal length articulated HGVs over a 9-12 month period for the primary access. This equates to a maximum of 7 vehicles a day for a standard 5 day week. Vehicle arrival and departure times will be spread out across the day to allow deliveries to be managed efficiently on site. The TS, in terms of traffic generated by the proposed substation, anticipates that the construction will generate approximately 4 articulated HGV trips (8 two-way movements). The operational phase of the development will generate minimal levels of traffic from small maintenance vehicles for both accesses.

10.95. The TS anticipates all construction traffic routing to the site via the M62 via the A645. As such the impact of construction traffic on the highway network will be minimal, and no further detailed assessment has been made within the TS. With regards to the operational stage, there will be a minimal level of traffic attributed to the solar farm and therefore no additional assessment is provided in the TS. The maintenance vehicles will operate within the site and take the form of a small farm utility vehicle.

10.96. The TS considers injury collision data from January 2017 to December 2021 near the proposed access. There was one slight accident in 2018 located north of Wade House Lane along the A645 with one serious accident located south of Wade House Lane in 2021. Therefore, it is considered that the location of the site access is not a site for

concern and the collision data shows that the network is operating safely. Wade House Lane should be widened as an initial operation to ensure construction traffic is catered for.

10.97. The TS proposes construction traffic will use routes established through the construction management plan.

10.98. The Local Highway Authority advises the Wade House Lane access will need to be constructed to its industrial standards and the proposed visibility splays are acceptable. It requests the road is widened before development commences to accommodate construction traffic. An independent stage 2 road safety audit must be carried out in accordance with GG119 – Road Safety Audits or any superseding regulations and must be included with the finalised submission of access drawings at planning condition stage. The recommendations of the submitted Safety Audit must be followed prior to commencement of works on site. Deliveries are to be restrained to work around the daily working traffic and take place between the hours of 09:00-17:00 to minimise any disruption to daily traffic. A Construction Management Plan is to be in place to provide this arrangement. Comments regarding the design of the secondary access to the A645 have been addressed by conditioning only one HGV use this access at any one time. The design allows two cars to pass and will be conditioned along with visibility splays.

10.99. National Highways recommend that conditions should be attached to any planning permission that may be granted. It considers that given the nature of the development, with a particularly limited scope for traffic generation, it would suggest that no amendments to the Transport Statement are required. Its review has concluded that the effect of the proposed development on the Strategic Road Network (SRN) in capacity terms is likely to be minimal due to the short construction phase. Notwithstanding this, National Highways would like to recommend that three conditions are written into the final permission for: 1. A Construction Phase Traffic Management Plan. 2. Decommissioning Traffic Management Plan. 3. An assessment of possible glint and glare is approved. The glint and glare request is an oversight because this assessment formed part of the original submission therefore such a condition would be unreasonable. Other conditions are reasonable and recommended.

10.100. Highway implications and the internal site layout are acceptable, in accordance with the aforementioned policies.

<u>Flood risk and drainage</u>

10.101. Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 “Sustainable Development which seeks to apply sequential and exceptions tests, and Climate Change”, SP16 “improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy. NPPF paragraph 165 requires “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” Paragraph 168 states “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. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

10.102. The site is in flood zone 3 (high probability of flooding) for sea and river flooding. Small areas of the site are at medium and high risk of surface water flooding generally associated with the on-site ditches. The site is at risk of reservoir flooding when there is also flooding from rivers. The application includes a Flood Risk Assessment and Drainage Strategy as required by the NPPF.

10.103. The FRA provides an unsuitable sequential test. ES volume 1, section 5 provides useful criteria for the consideration of alternative sites that apply equally to the flood risk sequential test. Section 5.3 considers a viable grid connection is an essential material consideration and is instrumental in defining the search area for the flood risk sequential test. The same section confirms the applicant has secured a grid offer from UK Power Networks in relation to the identified substation at Camblesforth and that a 5km cable connection is the limit of viability. Hence it is suggested a 5km area of search from Camblesforth substation is appropriate.

10.104. Recently updated Planning Practice Guidance for flood risk confirms "For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary." The proposal is not a Nationally Important Infrastructure Project (NSIP) but due to its large scale the proposal is considered to be of regional significance.

10.105. NPPF paragraph 169 states "If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied." The suggested search area of 5km from Camblesforth substation is almost entirely at high risk of flooding and there are no lower risk sites within it for the proposal. To require an area of search within and beyond the LPA boundary may result in some sites at lower risk of flooding but the applicant may not be able to secure a grid connection. Requiring a search area within and beyond the LPA administrative area may prevent further solar farm development near Camblesforth substation until other lower risk sites are used up. The UK Government declared a Climate Emergency in May 2019. On 5th July 2022 the executive of North Yorkshire Council declared a climate emergency. The aforementioned national and local policy context in paragraph 10.10 is also relevant. The proposal represents a significant opportunity to deliver zero carbon electricity generation for approximately 23,900 homes based on the anticipated 50MW output. Furthermore, NPPF paragraph 157 states "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."

10.106. These wider sustainable development objectives are considered to indicate it is appropriate to restrict the area of search to the 5km limit from Camblesforth substation. There are no reasonably available alternative sites (either an individual site or a series of smaller sites of equivalent area) at lower risk of flooding upon which to locate the proposal within that area. The use of a series of smaller sites to provide the proposal is considered unviable because a fragmented site would have an adverse effect on the scheme's viability and deliverability as each scheme generates additional infrastructure and creates unviable costs associated with grid connection and easements over land. The sequential test is passed for these reasons.

10.107. Solar farms are listed as essential infrastructure in NPPF annex 3. The site is in flood zone 3a. PPG Table 2: Flood risk vulnerability and flood zone 'incompatibility' requires the exceptions test is carried out with an additional requirement stating "In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood." NPPF paragraph 170 requires "The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
(b) 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.

10.108. NPPF paragraph 171 requires "Both elements of the exception test should be satisfied for development to be allocated or permitted."

10.109. Significant parts of the surrounding villages of Drax, Camblesforth and Carlton are within flood zones 2 (medium risk) and 3 (high risk) for river and sea flooding. The proposal would provide renewable energy for approximately 23,900 homes thereby reducing dependence on more polluting fossil fuels. This will make a meaningful contribution towards a low carbon future which in turn lessens the severity of climate change impacts such as rising sea levels and more intense and frequent rainfall events, which contribute towards the risk of flooding from river and sea. Therefore, the proposal provides wider sustainability benefits to the local community by mitigating the risk of flooding. The first part of the exceptions test is passed.

10.110. The Environment Agency raises no objection to the proposed development providing they are built in accordance with the submitted flood risk assessment. Mitigation measures are set out within FRA section 4.7 and residual risk management measures in section 4.8. These are conditioned. The vulnerability of users of the proposal during the operational phase is limited to infrequent maintenance visitors that are able to not visit site or leave prior to a flood event, or a worst case scenario of an extreme even leading to staff being on site when a flood occurs. The FRA demonstrates that the site will not increase flood risk elsewhere and the ground beneath the panels will remain entirely permeable, draining as existing. The development may reduce existing greenfield runoff rates by replacing intensive agricultural surfaces with grassland and

planting considerable areas of trees and hedgerows which reduce flood risk overall. The second part of the exceptions test is passed.

10.111. NPPF paragraph 173 states “Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
(d) any residual risk can be safely managed; and
(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

10.112. Furthermore, PPG Table 2: Flood risk vulnerability and flood zone ‘incompatibility’ requires “In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.”

10.113. The proposal has the same level of vulnerability throughout. The solar panel units will be mounted on raised posts and fitted with a tracking system. The posts are raised to 2.065 m above ground level. Upon receipt of a severe flood warning, the solar panels may be raised by the tracking system onto a horizontal plane, up to the maximum post height. This ensures that all sensitive and electrical equipment on the solar panel is raised to 2.065 m above ground level in the horizontal position. The FRA recommends all service cabling should be designed and installed to be flood resilient / water compatible. This should be achieved in accordance with appropriate design standards and best practise guidance. Associated infrastructure including cabling and the substation will be either located within Flood Zone 1, raised out of the floodplain, or designed to be flood resilient in line with best practice guidance. As the site is considered to be flood free during the 1 in 100 + 23% CC flood extents with the exception of the land at the northern site boundary which will not be modified, the solar panels can be effectively raised above any potential residual risk event. The mitigation measures and residual risk management measures detailed in paragraph 10.90 are appropriate.

10.114. It is proposed to have no formal surface water drainage for the solar panels, instead allowing rainwater to run off the panels onto the ground to infiltrate naturally. Larger equipment such as the sub-station would be constructed surrounded by a gravel filled filter drain to retain surface water as close to the source as possible and stop lateral migration. Surface water will be retained within the gravel sub-base and allowed to infiltrate into the ground mimicking the existing scenario. Any surface water runoff in excess of the infiltration capacity of the ground may naturally drain into the surrounding land drains as per the existing scenario.

10.115. The LLFA considers the applicant should confirm what types of materials are being used on the roads within the site. Small scale SuDS improvements may be needed to

mitigate an increase in impermeable areas to improve or maintain the natural drainage features of the site. Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible. After construction the soil should be chisel ploughed, or similar, to mitigate soil compaction during construction. This will ensure that the site can infiltrate to its potential. Reasonably high grass between panels would prevent channelised flows arising. The LLFA note construction phase drainage has not been assessed and will need to be mitigated against and pollution prevention measures proposed. The LLFA would also expect a maintenance plan to confirm how the vegetation will be maintained. The applicants' response is that these matters will be detailed within the CEMP. These matters are dealt with by a series of conditions. A full SUDS scheme is inappropriate in these circumstances. Proposed control rooms have toilets but the means of foul drainage has not been provided so is controlled by condition.

10.116. Yorkshire Water is satisfied there would be no interaction within on-site water mains previously listed and a water supply can be provided under the terms of the Water Industry Act, 1991. It recommends liquid storage is bunded and a construction management plan to consider development impacts on the principal aquifer is secured. Both are conditioned. It considers the lack of oil filled cables acceptable and requests details of how grassland will be managed, noting it does not support the use of weedkiller or herbicides. These matters are secured by the landscape management condition.

10.117. The Selby Area Internal Drainage Board provides generic advice regarding drainage options and reminds the LPA of the need for the developer to apply to it for land drainage consent in certain circumstances. It is understood a high voltage cable would pass below the railway and that it would be installed via directional drilling. Alternatively, the cable may pass through an existing culvert below the railway which may require IDB consent.

10.118. Flood risk and drainage matters are acceptable subject to conditions.

Residential amenity and noise

10.119. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 135 (f) which seeks to ensure a high standard of amenity for existing and future users.

10.120. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

10.121. Policy ENV2 of the Local Plan states "Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted

unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme."

10.122. NPPF paragraph 180 requires decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 191 requires decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so Council's should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

10.123. These development plan policies are consistent with the NPPF and are given significant weight.

10.124. The application site is located in the countryside generally away from dwellings. There is a dwelling at Brock Holes off the A645 approximately 260m east of the site. 29 Grange Road in Camblesforth is approximately 85m from the boundary of the northern transformer compound. Sandhoe House, Long Hedge Lane in Carlton is approximately 500m west of the solar farm. There are dwellings along Hales Lane in Drax approximately 260m north east of the site. The dwellings on Wade House Lane are immediately adjacent to the site and while the field immediately surrounding these dwellings would be free of solar panels, Wade House Lane to the north east of the dwellings would be widened to accommodate construction traffic and construction traffic would turn off the Lane onto an internal access track which leads to a construction compound to the south of the dwellings.

10.125. Vehicle movements during construction and operation, construction activities including within the construction compound, vibration, dust, dirt and the operation of the solar farm have the potential to cause harm to residential amenity and require careful consideration. Decommissioning impacts must also be considered.

10.126. The amended noise assessment results are summarised as follows:

• BS 4142:2014 Operational assessment – Daytime and night-time noise rating levels are predicted to be up to +4 dB above the existing background noise levels, which is an indication of a low impact and an indication that the proposed development falls within the LOAEL.
• Noise Intrusion assessment in accordance with BS 8233:2014/WHO – Noise levels are predicted to fall below the internal guideline criteria for both the daytime and night-time periods; therefore the noise intrusion assessment indicates that the proposed development falls within the NOAEL.
• Change In Noise Level assessment - the change in noise level assessment presented above, in accordance with guidelines presented in IEMA, indicates that

changes in noise levels as a result of the proposed development are predicted to fall within the NOAEL.
• Overall the impact from the proposed development falls within the LOAEL band or less and therefore no additional mitigation is required.

10.127. Therefore, the proposed development is not expected to have an adverse impact on health or quality of life, and proposals are considered to meet the requirements of the NPPF.

10.128. The Transport Statement estimates there will be a total of 1,600 vehicle trips associated with the construction of the proposal which incorporate a range of vehicle sizes up to the maximum legal length articulated HGVs over a 9-12 month period using the Wade House Lane access. This equates to a maximum of 7 vehicles a day for a standard 5 day week. The applicant anticipates vehicle arrival and departure times will be spread out across the day to allow deliveries to be managed efficiently on site. A small number of construction vehicle trips are anticipated to use the second access onto the A645 to construct the northern transformer compound and cable run. Operational vehicle movements would be very limited and acceptable. There are no alternative access locations apparent that would have less of an impact upon residential amenity.

10.129. Environmental Health recommend a construction environmental management plan condition to minimise the impacts of dust, dirt, noise and vibration during construction upon nearby residents and a construction hours condition to between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays. Such conditions are considered to reduce construction impacts as far as possible.

10.130. The physical presence of the proposal is not considered to result in harm to residential amenity by virtue of issues such as overbearing, overshadowing, loss of sunlight or light.

10.131. On this basis it is considered that the scheme is acceptable in terms of the residential amenity impacts subject to conditions.

10.132. In light of the above, 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.

Public rights of way

10.133. Core Strategy Policy SP18 Protecting and Enhancing the Environment requires “The high quality and local distinctiveness of the natural and man-made environment will be sustained by… 5. Identifying, protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields through Development Plan Documents.” Selby District Council Local Plan Policy T8 states “Development which would have a significant adverse effect on any route in the district’s public rights of way network will not be permitted unless the following can be achieved: 1) Satisfactory and attractive alternative routes are

provided; and 2) Adequate sign posting is provided; and 3) As far as is reasonable, the new route can make provision for walkers, horse riders, cyclists and people with sight or mobility problems; and 4) In the case of new reasonable development, such development must replace extinguished rights of way with attractive highway infrastructure which is equally capable of accommodating appropriate users of the original right of way. The District Council will work with the highway authority and other interested parties to extend and improve the public rights of way network for amenity as well as highway reasons."

10.134. NPPF paragraph 108 states "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."

10.135. The aforementioned development plan policies are considered consistent with the NPPF and are given significant weight.

10.136. The network of public rights of way on and adjacent to the site is shown on the map at paragraph 4.5 of this report. There are sections of existing PROW on the site that are not screened from the solar farm by vegetation thereby exposing users to visual impacts and potential glint and glare. PROW leading into/out of the site would be less affected because existing and proposed vegetation would filter views following establishment.

10.137. PROW users will also pass in close proximity to many of the noisiest elements of the proposal such as the substation compound to the north of the railway line, multiple conversion units, the central substation and battery storage compound, the tracking system of the solar panels and adjacent internal access tracks. The many CCTV cameras may also create a sense of being observed, although the applicant provides written assurances in their planning design and access statement that "The CCTV will be capable of viewing the solar PV farm only (without panning angles beyond)."

10.138. These negative impacts would be ephemeral as PROW users pass by and through the site but are a form of harm arising from the proposal. PROW users experience of the existing network and the recreational enjoyment they offer would be diminished by the proposal.

10.139. Two permissive footpaths are proposed to provide an alternative that is less effected by the proposal. Permissive access means a route on private land that the landowner has given permission for people to use. The first would pass through the centre of the site in a north south direction. It would create a new route from PROW 35.26/10/1 near Wade House Lane, connect to PROW 35.17/6/2, then continue to the southern boundary of the application site where it would meet the second proposed permissive footpath. The second proposed permissive footpath would run along the southern boundary of the application site, connecting PROW 35.17/6/2 at the eastern site boundary with PROW 35.18/8/1 at the western site boundary. The permissive footpaths are set in wide corridors with planting.

10.140. Existing PROW and proposed permissive footpaths would be enhanced by proposed signage with details on the site including biodiversity information and wayfinding directions.

10.141. The proposed development would not physically affect any public right of way permanently with all of the existing public rights within or adjacent to the site being retained. There is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only. Should this be the case, the applicant would need to make an application to the Local Highway Authority (North Yorkshire Council) for a Temporary Closure Order. 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 Local Highway Authority to remove any obstruction. Where public access is to be retained during the development 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.

10.142. The PROW Team advises of the presence of PROW and associated legal requirements.

10.143. The Trans Pennine Trail Partnership (TPT) and Sustrans request that developer contributions help to provide a safer route for the Trans Pennine Trail from Long Lane to Hirst Road. There is no Long Lane apparent near the site. It also requests a segregated shared footway for walkers and cyclists along Wade House Lane and an onward connection to Wheels Lane be provided as part of the development. However, such contributions are not necessary to make the development acceptable in planning terms and are not directly related to the development of a solar farm so are contrary to The Community Infrastructure Levy Regulations 2010 (as amended).

10.144. In summary, existing PROW would be harmed and the proposed permissive footpaths are considered acceptable subject to condition securing them.

Contaminated land

10.145. The NPPF at paragraph 189-191 and development plan policies ENV2 of the local plan and SP18 of the Core Strategy seek to ensure that with regards to ground conditions and pollution that development is appropriately located and any potential impacts are suitably mitigated. The contaminated land consultant confirms, based on the current and proposed land use, that they agree land contamination is unlikely to pose a potential environmentally significant effect. However, they recommend a condition to deal with unexpected contamination detected during the development.

High pressure gas pipeline

10.146. An existing high pressure gas main runs east to west through the southern end of the site. The solar arrays have subsequently been located to avoid its easement. Minor

elements of the proposal such as deer fencing, one of the permissive footpaths, landscaping and access tracks cross the easement. The Health and Safety Executive does not recommend against granting planning permission. National Gas Transmission initially issued a holding objection, then confirmed further assessment from its asset protection section was required, then raised no objection provided that a deed of consent outside of the planning system is put in place by the developer prior to construction, then reverted back to its initial objection. The final response is considered to be a clerical error and the penultimate response is the basis on which this matter has been considered. Northern Gas Networks has no objections and recommends the applicant contacts it to discuss its requirements if permission is granted. The impact of the proposal upon the high pressure gas pipeline and associated safety implications are acceptable.

Safety and crime

10.147. Battery energy storage systems pose a potential fire, gas and ground/water pollution risk due to issues such as thermal runaway. A number of objectors raise such concerns. PPG encourages the views of the local fire service are sought to ensure it is given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application. PPG also encourages the LPA to consider The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning NFCC BESS. It should be noted the fire and rescue service is not a statutory consultee for this proposal and the guidance is not mandatory.

10.148. North Yorkshire Fire and Rescue Service initially raised no objections. It subsequently confirmed 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. It did not take the opportunity to provide bespoke advice in relation to the proposal before them.

10.149. The NFCC guidance states “The NFCC’s expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed.”

10.150. The applicant confirmed on 10th August 2023 “How will battery fire risk be prevented – The Battery Energy Storage System will be designed in accordance with the UK and internationally recognised good practice guidance. Risk assessments will be carried out for the BESS system and adequate separation distances between components will be provided to minimise the chance of fire spread. The BESS will be designed with multiple layers of protection to minimise the chances of fire risk. A robust emergency plan will be developed to minimise fire risk.”

10.151. The applicants’ response is considered to be too general and does not set out precisely what safety features would be installed as part of the development to prevent

accidents. An Operational Safety Management Plan condition is attached to secure this.

10.152. North Yorkshire Police consider solar farm equipment can be stolen, that best practice is to use security fencing and that the proposed deer fencing is likely to offer at best only token resistance to intruders. However, it notes that it is to be supplemented with monitored motion detection CCTV. It is recommended that access points are gated to prevent unauthorised vehicles from gaining access onto the site. Tamper proof fixings to gates, locks and solar panels should be used. Construction compounds should be secured and guarded. In response, it is considered the use of deer fencing strikes an appropriate balance between providing security and not unnecessarily harming the countryside with widespread palisade fencing. CCTV would provide a deterrent to crime. Potential vehicle access points are gated on the proposed site plan. Tamper proof fixings are considered a disproportionate planning request. The construction compound is to be fenced. Requiring guarding would be disproportionate. Proposed crime mitigation measures are appropriate.

Railway impacts

10.153. Network Rail notes the proposal to route cable through its land and raises no objections while noting agreements are required outside of the planning system.

10.154. The applicant considers the proposed landscaping would significantly obstruct glint and glare occurring to train drivers. The glint and glare assessment does not entirely rule out impacts upon the railway. Network Rail recommends a glint and glare monitoring condition that triggers a need for further mitigation in the event it complains to the LPA. It is considered necessary to impose such a monitoring and remedial condition, as permitted by regulation 26 of the EIA Regulations.

10.155. Network Rail requests conditions to prevent the use of the railway crossings for any construction purpose unless agreed with the LPA. The crossings are public rights of way so preventing construction workers crossing creates inherent tension and would be unenforceable. The PROW through the golf course is unlikely to be used by those involved in the development because there is no apparent need to use it. The other crossing is entirely within the application site and there would be development on either side of the railway and cabling below it, hence there is potential for construction workers and staff to cross at this point. The appropriate way to strike a balance is to manage construction risks at the railway/PROW crossing via the construction management plan condition. The installation of a construction compound to the north of the railway line and another to the south will encourage provision of staff facilities and material storage facilities for development on the relevant side of the railway thereby discouraging railway crossings by staff and materials. Laying cable below the railway is the activity most likely to generate crossings but this would be limited in number and timeframe so is considered appropriate.

10.156. Network Rail requests a construction methodology is secured by condition to protect its assets. This is considered necessary given the proximity to the railway. Requirements regarding types of planting and proximity to the railway can be dealt

with by the overall landscaping conditions. Railway impacts are acceptable subject to these conditions.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. Development plan and national planning policy are considered to support the principle of the proposal is this location. The proposal provides a very significant contribution to cutting greenhouse gas emissions. The proposed on-site battery energy storage system would allow the renewable energy generated by the development and the demands of National Grid to be balanced. At the end of the 40-year temporary planning permission the development, with the exception minor elements, would be removed from the site and the site restored to agricultural use. There are no alternative allocated sites, brownfield sites, non-agricultural sites, or sites of lower agricultural land quality to steer the proposal towards. The loss of agricultural land including best and most versatile agricultural land for arable production, for the lifespan of the development and the permanent loss of minor areas to permanent elements of development, as well as some harm to soil quality needs to be weighed in the planning balance against the benefits of the proposal. Mineral impacts are either temporary or negligible.

11.2. The proposal would lead to a significant change in the character of the site from arable agricultural land to a solar farm. The proposal is generally removed from residential receptors. Fields around dwellings on Wade House Lane are free of solar panels. Views would be limited to distant filtered views of solar panels from dwellings on Wade House Lane and even more so from Carlton. Public Right of Way users on and around the site would be significantly impacted. Alternative permissive footpaths are proposed. Proposed landscaping is considered to soften and screen the proposal to an appropriate degree. Very limited tree removal is far outweighed by substantial new tree planting. Impacts upon other receptors are appropriate. Cumulative landscape and visual harm would not arise from the proposal combined with existing or approved development. Glint and glare impacts may be experienced by PROW users. No other significant impacts are anticipated and railway monitoring impacts are secured by condition.

11.3. There would be no harm to designated heritage assets. Archaeological harm is avoided by not developing sensitive areas or having non-ground penetrating solar panels. No harm would arise to nature conservation sites or species. Significant ecological enhancements are secured. Highway impacts are acceptable.

11.4. The proposal passes the flood risk sequential and exceptions tests, the site specific flood risk assessment is appropriate and drainage matters are acceptable. There would be no harm to residential amenity. Noise matters are acceptable.

11.5. Public right of way users would experience visual and noise harm which would diminish their recreational value and experience of the countryside. Permissive footpaths are proposed as an alternative route. Contaminated land matters are acceptable. The proposal largely avoids the easement of the high pressure gas pipeline that crosses the site and minor works within it are dealt with outside of the planning system. An operational safety management plan is conditioned to ensure battery storage remains safe.

11.6. The renewable energy benefits proposed attract very significant positive weight and biodiversity net gain benefits attract significant positive weight in the planning balance.

11.7. The loss of agricultural land including the best and most versatile agricultural land for arable production, for the lifespan of the development and the permanent loss of smaller areas to minor permanent development, as well as likely harm to soil quality on parts of the site attracts moderate negative weight in the planning balance. The overall landscape and visual impacts attract moderate negative weight in the planning balance. Visual, noise and recreational value harm to existing PROW users is offset slightly by alternative provision but overall attracts moderate negative weight in the planning balance.

11.8. Heritage, highway, flood risk, residential amenity, noise to residential receptors, mineral, contaminated land, high pressure gas pipeline, safety and crime are neutral matters in the planning balance.

11.9. On balance, it is considered the positive elements of the proposal outweigh the negative.

12.0. RECOMMENDATION

12.1 It is recommended that Planning Committee delegate to the Head of Planning Development Management to grant planning permission for the proposed development subject to the following conditions; and negotiation and completion of a section 106 agreement securing management and maintenance of off-site landscaping and sky lark plots.

Proposed Conditions

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

   Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. With the exception of access improvements to the A645, landscaping and the 66kV substation and control room compound, the permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

   Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

3. If the development hereby permitted ceases to operate for a continuous period of 12 months (with the exception of for purposes of maintenance, repair or replacement of equipment), then a scheme for the decommissioning and removal of the temporary elements of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written

approval. The scheme shall make provision for the removal of the temporary elements of the development 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.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

4. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the temporary elements of the development, a traffic management plan 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 agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

5. The temporary elements of the development shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

6. The development hereby permitted shall be carried out in accordance with the information/drawings listed below:

- Drawing no. 1 – v7 Site Layout (received 13/12/2023)
- Drawing no. 2 - Site Location Plan (received 23/2/2023)
- Drawing no. 3 - Fence Details (received 23/2/2023)
- Drawing no. 4 - Temporary Construction Compound (received 23/2/2023)
- Drawing no. 5 – v3 66kV Substation Compound (received 13/12/2023)
- Drawing no. 6 - 66kV Substation and Control Room - Page 1 of 2 (received 23/2/2023)
- Drawing no. 7 - 66kV Substation and Control Room - Page 2 of 2 (received 23/2/2023)
- Drawing no. 8 - 33kV Substation Compound (received 13/12/2023)
- Drawing no. 9 - Battery Energy Storage System Layout (received 23/2/2023)
- Drawing no. 10 - Mounting Structure (received 23/2/2023)
- Drawing no. 11 - Solar/Battery Inverter (received 23/2/2023)
- Drawing no. 12 - Battery Storage (received 23/2/2023)
- Drawing no. 13 - Indicative CCTV (received 23/2/2023)

- Drawing no. 14 - Skylark Plot Plan (received 23/2/2023)
- Typical 33kV Modular Substation (received 3/2/2023)
- Proposed substation access (received 19/12/2023)
- Wade House Lane alterations (received 13/12/2023)
- Tree impact plan Rev D (received 19/12/2023)
- Trackers concrete feet/cross section (received 13/12/2023)
- Illustrative landscape masterplan P09 (received 16/8/2023)
- Archaeological Management Plan and Written Scheme of Investigation (received 16/10/2023)

Reason: For the avoidance of doubt and in the interests of proper planning.

7. Prior to their installation, details of the colour and finish of the conversion units, substations, control rooms, battery storage containers, CCTV camera poles and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

   Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

8. Prior to their installation, details of the surfacing of the access tracks running through the site and associated drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

   Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

9. Notwithstanding the submitted details, prior to the commencement of development, details of the cable routes and depths within the site, an Arboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

   Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

10. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site, based on the principles established in drawing number 1- site layout, illustrative landscape masterplan P09 and the submitted biodiversity net gain assessment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed landscape maintenance

and management plan (substantially based on the Outline Landscape Management Plan August 2023 (Revision A)), including provisions for periodic review, for the lifetime of the temporary planning permission. The approved landscaping scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be maintained for the lifetime of the temporary planning permission and during that period any landscaping that is removed, dies, becomes seriously diseased or damaged, shall be replaced with the same or similar species in the first available planting season. The scheme shall be retained and managed in accordance with the approved landscape maintenance and management plan for the lifetime of the development.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), no gates, fences, walls or other means of enclosure (other than those granted by this permission) shall be erected within the application site without the appropriate grant of planning permission.

    Reason: In the interests of the visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

12. No external lighting shall be installed within the application site without the Local Planning Authority having first granted planning permission.

    Reason: In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

13. Prior to the first export date of the development, details of the permissive footpaths to be provided within the site, including proposed signage with details of the site including biodiversity information and wayfinding directions as shown on the illustrative landscape masterplan, shall be submitted to and approved in writing by the Local Planning Authority. The permissive footpaths and approved details shall be provided in accordance with the approved details and be made available for use by the public prior to the first export date and remain as such for the lifetime of the temporary development.

    Reason: To secure appropriate alternative walking routes in pursuance of Core Strategy Policy SP18, Selby District Local Plan Policy T8 and NPPF paragraph 104.

14. All solar panels within the ‘Areas of Archaeology/Concrete fee’ as shown on approved drawing number 1- site layout shall be in accordance with the design

shown on the drawing entitled “Trackers Concrete Feet Cross-section” (i.e., using feet rather than piling).

Reason: In the interests of archaeological features and in order to comply with Policy ENV28 of the Selby District Local Plan.

15. No development shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. The CEMP shall include, but is not limited to:
    - No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
    - A Construction Phase Traffic Management Plan which includes a commitment that only one HGV shall be on site to the north of the railway line at any one time.
    - A scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site.
    - Avoidance measures in relation to grass snake in the event removal of bankside vegetation is required during construction.
    - Removal of Himalayan Balsam identified on the site.
    - Construction phase drainage and pollution prevention measures.
    - Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.
    - Details of a construction compound to the north and south of the railway line. Both shall be provided and available for use throughout the construction phase.

    Reason: To protect the residential amenity and minimise highway impacts in pursuance of Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan.

16. No development shall take place until a Biodiversity Management Plan, incorporating the ecological mitigation and compensation measures set out in chapter 6 of the Ecological Appraisal; creation and maintenance of foraging opportunities through the dedicated use of fields to act as set aside and through the management of margins of fields to retain wide strips of uncut grassland over winter; and management of existing grassland at fields F2, F3 and F30 that enhances its floristic quality rather than replacing existing vegetation with commercial seed mixtures, has been submitted to and approved in writing by the Local Planning Authority. Biodiversity matters shall be managed and maintained in accordance with the approved details.

    Reason: In order to discourage construction staff and materials crossing operational railway land, in the interests of railway safety, and in pursuance of Policy ENV1 of the Selby District Local Plan.

17. No development shall take place until detailed engineering drawings of the altered accesses to the site from the A645 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 guidance, must be included in the submission. The recommendations of the submitted Safety Audit must be designed into the submission. Development shall proceed in accordance with the approved details. The details approved shall be constructed as an initial part of the development and prior to the delivery of any solar panels or associated equipment to the application site.

    Reason: To ensure safe access is provided at an appropriate phase of the development in pursuance of Policies ENV1, T1 and T2 of the Selby District Local Plan.

18. There must be no access or egress by any vehicles between the highway and the application site at the A645 until the visibility splays shown on ViaSolutions drawing figure 4 dated December 2022 and proposed substation visibility splays dated November 2023 are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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: To ensure safe access is provided at an appropriate phase of the development in pursuance of Policies ENV1, T1 and T2 of the Selby District Local Plan.

19. In the event of a complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall not later than 28 days from the date the complaint is received, submit to the Local Planning Authority details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable and thereafter retained for the lifetime of the development.

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

20. Tree and vegetation removal and trimming shall take place in accordance with the details shown on drawing Tree Impact Plan 102 Rev D. Any additional removal or trimming of existing trees or hedgerows during the lifetime of the temporary permission must first be agreed in writing by the Local Planning Authority.

    Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

21. Notwithstanding the submitted deer fencing detail, details of a deer fence that allows brown hare to pass through shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

    Reason: To prevent harm to the species in pursuance of Policy SP18 of the Core Strategy and the provisions of the NPPF.

22. Development shall not commence until a construction methodology in relation to operation railway land 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.

    Reason: In the interests of railway safety, and in pursuance of Policy ENV1 of the Selby District Local Plan.

23. Notwithstanding the submitted details, prior to their use as part of the development details of all seed mixtures shall have been submitted to and approved in writing by the Local Planning Authority. Only the approved seed mixtures shall be used.

    Reason: To ensure the seeds mix is compatible with and does not harm the nearby SSSI in pursuance of Policy SP18 of the Core Strategy and the provisions of the NPPF.

24. Development shall be carried out in accordance with the mitigation measures set out within section 4.7 and residual risk management measures in section 4.8, and the recommendations in section 7.2 of the submitted flood risk assessment.

    Reason: To minimise the risks and impacts of flooding in Policy SP15 of the Core Strategy and the provisions of the NPPF.

25. No development shall take place until a flood warning and evacuation plan has been submitted to and approved in writing by the Local Planning Authority. It shall provide details of managing the residual risk to people working within the site. The approved plan shall be implemented throughout the lifetime of the temporary planning permission.

    Reason: To minimise the risks and impacts of flooding in pursuance of Policy SP15 of the Core Strategy and the provisions of the NPPF.

26. No development shall take place until details of a method of de-compacting soil compacted by the construction phase have been submitted to and approved in writing by the Local Planning Authority. The soil de-compaction shall take place after installation of the development and prior to landscaping being planted on the relevant areas.

Reason: To ensure that water can infiltrate on the site in the interests of flood prevention in pursuance of Policy SP15 of the Core Strategy and the provisions of the NPPF.

27. Prior to the installation of the control rooms, details of the means of foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

    Reason: This information has not been provided and is required to secure appropriate site drainage in pursuance of Policy ENV1 of the Selby District Local Plan.

28. In the event that unexpected land contamination is found at any time when carrying out the 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.

    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 pursuance of Policy ENV2 of the Selby District Local Plan.

29. Prior to commencement of development of the battery energy storage facility, an Operational Safety Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local fire and rescue service. The approved plan shall include: Details of a continuously operating battery management system (BMS) and observation arrangements. Details of a sensitive fire and gas detection system and further fire, heat and gas detectors. Details of an automatically operated fire suppression system. Details of the battery container design and separation distances including access arrangements for vehicles. The development must therefore be carried out in accordance with the approved plan.

    Reason: To ensure BESS operates in a manner that minimises the risks and harm to sensitive receptors in pursuance of Policy ENV1 of the Selby District Local Plan.

Target Determination Date: 10/1/2024

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Appendix A – Proposed site layout