

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Committee

12 JUNE 2024

ZC23/04309/FULMAJ - THE CONSTRUCTION AND OPERATION OF GROUND-MOUNTED SOLAR FARM WITH A GENERATION CAPACITY OF 7MW TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.

**ON LAND TO THE NORTH OF MOTO WETHERBY MOTORWAY SERVICE AREA (MSA)
KIRK DEIGHTON
WETHERBY
NORTH YORKSHIRE**

ON BEHALF OF MOTO HOSPITALITY LIMITED

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

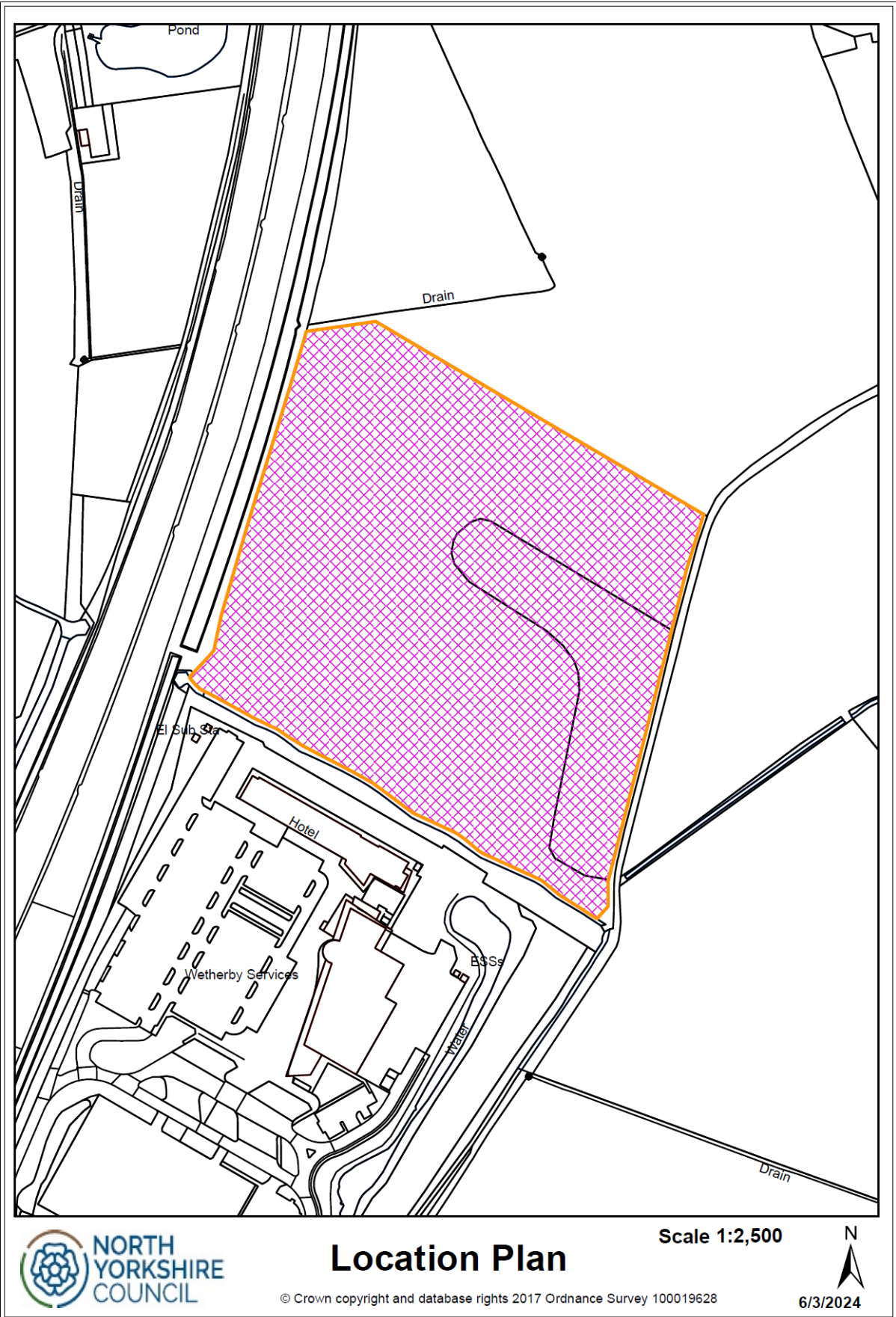
- 1.1 To determine a planning application for the construction and operation of ground-mounted solar farm with a generation capacity of 7mw together with associated infrastructure and landscaping on land to the north of moto Wetherby motorway service area, Kirk Deighton, Wetherby, North Yorkshire.
- 1.2 The application is brought before planning committee because officers consider it to be significant development.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below, completion of a S106 agreement with terms as detailed in Table 1, and the satisfactory resolution of any outstanding concerns from the Environment Agency.

- 2.1. The proposal is for the construction and operation of ground-mounted solar farm with a generation capacity of 7mw together with associated infrastructure and landscaping. The energy provided will supply power to the existing Electric Vehicle (EV) charging points at the MSA and will allow the rollout of further 80 EV charging points to serve the site. This proposal forms part of a wider programme by Moto to reduce carbon emissions and assist the UK in reaching the net zero targets.
- 2.2. The proposal involves the installation of 12,418 photovoltaic solar panels mounted on nineteen rows of supporting structures and reaching a maximum height of 2.04m. Rows will be between 110m and 120m in length, with a space of 2.5 m between each row. Two transformer units (3.2m x 2.7 m x 2.2m(h)) and two battery storage container units (typically the size of standard shipping containers) will be installed in the southeast corner of the site. The proposal will also require the construction of a security fence to the perimeter of the site.

- 2.3. The site area measures approximately 5.08 hectares and is located in a field immediately to the north of the Motorway Service Area (MSA) on the A1(M), Junction 46 at Wetherby. The field boundary is formed by trees and hedgerows along the northwest and southwest boundaries. A large L-shaped landscaped bund has been constructed within the site, running parallel to parts of the southeast and northeast boundaries. A public right of way runs adjacent to the southeast and continues to join Lopshot Lane to the north and the B1224 to the south. The A1M lies immediately to the northwest and the MSA lies immediately to the southwest. Broad Wrath watercourse runs along the southwestern site boundary. Open countryside lies to the northeast and southeast.
- 2.4. The principle of the proposed development is supported by Local Plan Policy CC3 (Renewable and Low Carbon Energy). In recognition of the important contribution that renewable and low carbon energy is required to play in meeting commitments to reduce carbon dioxide emissions and mitigate climate change, this policy seeks to support, in principle, schemes to generate energy from renewable and low carbon sources. This policy advises that such proposals will be supported provided there will be no unacceptable adverse impacts. Appropriate mitigation measures should be included to minimise and where possible address adverse impacts.
- 2.5. Policy CC3 reflects the aims set out in National Planning Policy, Paragraph 163 which advises that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.
- 2.6. Officers have assessed the proposal against the policies in the local plan and national planning policy, having particular regard to impact upon the landscape, natural environment, biodiversity, historic environment and residential amenity. Officers consider the submitted details are acceptable or can be made acceptable by appropriate mitigation that can be controlled by the planning conditions proposed below.
- 2.7. Having regard to the overall planning balance it is considered that the benefits of the proposal outweigh the harm and, therefore, the development is considered to be sustainable.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. You can include a proposed site plan as an Appendix. Number of Appendices should be kept to the minimum.
- 3.3. Through the course of the application, amendments have been made, and additional information has been provided, to address concerns raised by National Highways, NYC Landscape Officer, NYC Flood Risk Management Engineer and NYC Ecologist.
- 3.4. There are two relevant planning applications for this application which are detailed below.

ZC23/03749/SCREEN – Request for an Environmental Impact Assessment (EIA) Screening Opinion for the Erection of a Photovoltaic ("PV") Solar Farm on land at A1 (M) junction 46, Kirk Deighton Wetherby – Decision - EIA Not Required - 09.11.2023.

09/01462/FUL - Retention of Mound – Approved – 08.07.2009.

4.0 Site and Surroundings

- 4.1. The site area measures approximately 5.08 hectares and is located in a field immediately to the north of the Motorway Service Area on the A1(M), Junction 46 at Wetherby. The field boundary is formed by trees and hedgerows along the northwest and southwest boundaries. A large L-shaped landscaped bund has been constructed within the site, running parallel to parts of the southeast and northeast boundaries. A public right of way runs adjacent to the southeast and continues to join Lopshot Lane to the north and the B1224 to the south. The A1M lies immediately to the northwest and the Moto Motorway Service Area lies immediately to the southwest. Broad Wrath watercourse runs along the southwestern site boundary. Open countryside lies to the northeast and southeast.
- 4.2. Access to the site will be taken from the existing Motorway Service Area (MSA) site via the southern site boundary. The MSA is accessed via a slip road off the roundabout at junction 46 of the A1(M).
- 4.3. The site is close to a number of settlements, the nearest largest town of Wetherby lies around c.1km to the southwest of the application site, whilst the hamlets of Ingmanthorpe and Kirk Deighton lie around c.700m to the north, and c.1.5km to the west, respectively.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the construction and operation of ground-mounted solar farm with a generation capacity of 7mw together with associated infrastructure and landscaping. The energy provided will supply power to the existing Electric Vehicle (EV) charging points at the MSA and will allow the rollout of an additional 80 EV charging points to serve the site.
- 5.2. Planning permission is sought for a temporary period of up to 40 years from the date the site is first brought into use, after which the site will be restored to its current condition.
- 5.3. The proposal involves the installation of 12,418 photovoltaic solar panels mounted on nineteen rows of supporting structures and reaching a maximum height of 2.04m. Rows will be between 110m and 120m in length with a space of 2.5m between each row. Two transformer units (3.2m x 2.7 m x2.2m(h)) and two battery storage container units (typically the size of standard shipping containers) will be installed in the southeast corner of the site. The proposal will also require the construction on a security fence to the perimeter of the site.
- 5.4. The proposed development forms part of the applicant's wider strategy to bring forward solar farms on land adjacent to their existing MSA's, which will generate electricity to power the Electric Vehicle Chargers (EVC) at their services. Currently, the National Grid cannot meet the demands for the power that would be required for additional EVC at the site.
- 5.5. There are currently 12no. EVC bays installed at the MSA. Based upon the predicted output, the proposed development would allow for the installation of around 80 additional EVC points.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035 adopted December 2020

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

- National Design Guide 2021
- Renewable and Low Carbon Energy SPD - February 2015
- Providing Net Gain for Biodiversity SPD – June 2021
- Landscape Character Assessment – February 2004

7.0 **Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Kirk Deighton Parish Council:** Comments dated 4.12.23 - Objection. Requests that it will be a condition of any permission that screening is required to ensure that it is not visible from houses on the north side and the east side, where there is a public footpath.
- 7.3. Comments dated 4.3.24 - The council has reviewed the reports submitted by Mr R Barnes, Town Planning Consultant on the 16 and 22 January 2024 objecting to the application. The Parish Council concurs with the issues raised in these reports and therefore objects to the application.
- 7.4. **Wetherby Town Council:** Do not object to the application in principle but have concerns regarding fire hazard from battery storage units, the replacement of trees and noise pollution.
- 7.1. **NYC Landscape Officer:** Revised landscaping proposals are acceptable.
- 7.2. **NYC Ecology:** No objection on ecological grounds subject to conditions and that the biodiversity net gain is secured for a 40 period through a Section 106 agreement.
- 7.3. **NYC Highways:** No objection subject to a condition requiring a Construction Management Plan to be submitted prior to the commencement of the development.
- 7.4. **NYC Conservation and Design:** No objection on heritage grounds.
- 7.5. **NYC Archaeology:** No objection to the proposal.
- 7.6. **NYC Footpath Officer:** No objection. Standing Advice – any development that will physically affect the existing PROW adjacent to the southwestern boundary would require an application to the Highway Authority.
- 7.7. **NYC Environmental Health:** No Objection.
- 7.8. **National Highways:** No objection subject to conditions.
- 7.9. **NYC Lead Local Flood Authority:**
No objection to the approach to surface water management subject to conditions to control the details.
- 7.10. **Environment Agency:** The EA responded to the initial consultation on 21.12.23 and raised an objection on the basis that they needed further information within the

submitted Flood Risk Assessment to demonstrate that the development will remain operational and safe in times of a flood. They also require further detail on the type of fencing to the site perimeter, to ensure that the fencing does not impact on flows. A revised Flood Risk Assessment was sent to the Environment Agency on 9th May 2024. No response has been received from the EA at the date of writing. Planning Committee Members will be updated at the committee meeting.

7.11. **MOD:** No objection.

7.12. **Police:** No objection subject to use of security fencing and CCTV.

7.13. **Ainsty Internal Drainage Board:** The Board has recommended conditions relating to surface water drainage and stand-off distance from the watercourse on the southwest boundary.

Local Representations

7.14. 17 local representations have been received objecting to the proposed development. A summary of the comments is provided below, however, please see website for full comments.

7.15. Objections:

- Concerns over proximity to large scale housing scheme approved to the south between racecourse approach and York Road (Within Leeds City Council Area);
- No need for a solar farm in this location;
- Negative impact on neighbouring properties and residential amenity;
- Impact on views from the surrounding area, landscape character and visual amenity;
- Should be more screening with mature planting to provide effective screening earlier;
- The solar farm should be considered cumulatively with the proposal to extend the HGV parking and other development in the area. Consideration should be given to swapping the sites around.
- Impact on the amenity value and views of Public Bridleway/Public Right of Way;
- Concerns about flooding;
- Concerns about noise impact;
- Concerns about noise and disturbance during construction and ongoing maintenance;
- Concerns about increased traffic congestion;
- Impact on wildlife;

- No benefit to the local community;
- Negative impact on views from Ingmanthorpe Hall and other properties in the vicinity;
- Loss of good quality agricultural Land;
- No consideration has been given to placing solar panels on roofs within the service area;
- Two existing generators for the electric vehicle charging points already cause noise nuisance to existing properties;
- Existing stud farms will be impacted by light and noise pollution from the solar farm;
- Unclear how the proposed solar panels would be accessed and maintained;
- The site is outside development limits.

8.0 Environment Impact Assessment (EIA)

8.1. The proposed development falls within Schedule 2, Section 3(a): 'Industrial installations for the Production of Electricity, Steam and Hot Water' of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds the threshold of 0.5 hectares set out in column 2 of Schedule 2. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening report and decision is available to view on the Council's website. Nothing has changed since the Screening decision, and it is still effective for the Committee Decision.

9.0 Main Issues

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

- Principle of Development
- Landscape and Public Right of Way
- Natural Environment and Biodiversity
- Highway Safety
- Cultural and Historic Environment
- Residential and General Amenity
- Agricultural Land
- Drainage and Flood Risk
- S106 Agreement
- Planning Balance

10.0 ASSESSMENT

Principle of Development

- 10.1. The site is located outside the development limit of any settlement, as defined in the Local Plan.
- 10.2. Policy GS3 of the Local Plan states that development will only be permitted outside development limits where expressly permitted by other policies of the Local Plan or a neighbourhood plan or national planning policy.
- 10.3. Local Plan Policy CC3 (Renewable and Low Carbon Energy) advises that Renewable and low carbon energy projects will be supported provided that:
- i. The proposal does not have an unacceptable adverse impact on the landscape, the natural environment, biodiversity, the cultural environment, the historic environment (includes the archaeological environment), adjoining land uses and residential amenity; and
 - ii. Appropriate mitigation measures would be taken to minimise and, where possible, address adverse impacts; and
 - iii. The proposal avoids unacceptable cumulative landscape and visual impacts.
- 10.4. Paragraph 157 of the National Planning Policy Framework (NPPF) advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- 10.5. Paragraph 163 (NPPF) advises that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable. Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.
- 10.6. The National Planning Practice Guidance advises that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 10.7. The principle of renewable energy projects is therefore supported by the Local Plan an at National planning policy level. Assessment against the criteria set out in policy CC3 and other relevant planning policy considerations are set out below.

Landscape and Public Right of Way

- 10.8. Local Plan Policy CC3 requires proposals for renewable energy to ensure there is no unacceptable adverse impact upon the landscape.
- 10.9. Policy NE4 (Landscape Character) requires proposals to protect, enhance, or restore the landscape character of Harrogate district for its own intrinsic beauty.

Development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement should be resisted.

- 10.10. Policy HP5 (Public Rights of Way) requires proposals for development to protect the recreational and amenity value of public rights of way.
- 10.11. Policy NE7 (Trees and Woodland) requires development to protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better Development. Development that results in the loss of, or damage to trees will be required to provide compensatory planting.
- 10.12. The site comprises of one large field and is relatively flat with some modest undulations. Trees and vegetation cover a portion of the site in a 'L' shaped area Bund. The surrounding landscape is agricultural with patches of semi-natural woodland. The site boundaries are bordered with hedgerows to the southwest and woodland planting to the A1(M) embankment to the northwest with the northeastern and southeastern boundaries more open. It is intended to reinstate/restore a native hedge with some intermittent hedgerow trees along these boundaries to help mitigate the harmful landscape and visual effects of the proposal identified in the Landscape and Visual Assessment.
- 10.13. It is proposed to utilise the full site area with solar arrays except for a 10m buffer around the edges of the development. The existing L shaped landscaped bund in the centre of the site would be removed and replaced with a new bund closer to the northeastern corner of the site.
- 10.14. The site lies within Harrogate Local Landscape Character Assessment Area 100: Kirk Deighton to Tockwith Arable Farmland. The Character area description, sensitivities and pressures and guidelines relevant to the proposed development are as follows:

The landscape character area is flat and well wooded to a maximum elevation of 35m AOD. The fields are of medium to large size and random in pattern suggesting early enclosure. The A1 (M) marks the western extent of the area where a more rolling landform gives way to flat topography and public footpaths provide links but are not extensive.

The well wooded nature and flat landform combined with a lack of extensive views and strong landscape pattern give the area some capacity to accept change without detracting from its character. However, an identified sensitivity is that any proposal must conform with landscape pattern and include an appropriate degree of woodland planting as woodland cover is extremely important to the capacity of this landscape to accept change.

Guidelines include:

- *Encourage maintenance and restoration of hedgerows and hedgerow trees*
- *Promote woodland management and planting of new woodland to strengthen landscape pattern*

- *Landscape works associated with the A1(m) need to link with the existing landscape pattern and avoid creating a linear corridor of planting that is not in keeping with landscape character*
- *New development should be appropriately located and designed to sit harmoniously within the landscape.*

- 10.15. The predominant view from the Public Right of Way to the east of the site is the hotel on the northern edge of the MSA, which is around 10m south of the drain which separates the site from the MSA. The drain has some mature trees on its banks and there is a planted edge to the hotel but several gaps in the screening.
- 10.16. From the north the hotel is very prominent, even with the existing L shaped bund on site, for a section of the footpath before it passes through a further tree plantation and the site is screened.
- 10.17. Following a site meeting with the applicant and officers of NYC in March, the proposed landscaping was amended. It is now proposed that the central bund will be removed and used to form a new 10m wide bund around 1.5m in height, to the northeast and southeast boundaries of the site, which will then be planted with mixed native woodland. The hedgerow boundary to the field with occasional hedgerow trees would also be restored to these boundaries. Further mitigation will include the planting of additional trees on the far side of the drain along the edge of the hotel where there are gaps between existing trees.
- 10.18. The proposed replacement bund and landscaping is considered to provide sufficient compensation for the loss of the existing.
- 10.19. On balance, it is considered that the proposal, as amended, would help to mitigate and minimise the harmful visual effects in the medium to long term in a satisfactory way. The bund will be designed and landscaped to make it look more naturalistic within the landscape. It was also agreed to replace the originally proposed rigid mesh security fencing with 'Deer Fencing' which is more suitable in a rural landscape. Final details of landscaping and fencing will be controlled by condition.
- 10.20. In conclusion, it is considered that the proposed development will have an acceptable impact on the character of the landscape and on the amenity and recreational value of the public right of way. The proposal therefore complies with local plan policies NE4 NE7 and HP5 and the relevant part of policy CC3.
- 10.21. **Natural Environment and Biodiversity**
- 10.22. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals to protect and enhance features of ecological and geological interest and major developments should avoid any net loss of biodiversity.
- 10.23. The applicant has submitted in support of this application an Ecological Impact Assessment (Enzygo, April 2024) and a Statutory Biodiversity Metric Calculation (13th May 2024) with details of the associated watercourse survey.

- 10.24. The ecological surveys found that the main habitat present on site is 'other neutral grassland' with elements of woodland and scrub which had previously been planted as screening on an artificial bund together with some scrub, which is also developing within the grassland. Broad Wath is a watercourse present along the southern boundary.
- 10.25. Most of the neutral grassland is proposed for retention beneath the solar panels but the bund, woodland and scrub within the site is proposed to be removed with compensatory woodland, tree and scrub planting to be provided along the site boundaries, enhancing existing planting. Additional planting is also required within an offsite area of modified amenity grassland immediately to the south of the red-line boundary, which is within the applicant's control. The layout of a wildflower meadow grassland mix is proposed to be planted under the solar panels to further enhance biodiversity as seen in the Landscape Parameter Plan (Enzygo, 2024). The watercourse metric establishes that the new access over Broad Wath can be provided without creating significant encroachment into the water course or its bank-top riparian zone.
- 10.26. The proposed offsite/onsite offset for the biodiversity results in a gain of 7.53 habitat units through native tree and scrub planting along the north, east and south border of the site, and through hedgerow creation along the red line boundary, for habitat and hedgerow units.
- 10.27. The overall metric results therefore compensate for the loss of onsite habitats with resulting in an overall gain of 7.5%; a gain of 4.2 hedgerow units and no loss of water course units and the biodiversity net gain trading rules are satisfied. This is in keeping with the requirement in Local Plan Policy NE3 to demonstrate a minimum of 'no net loss of biodiversity' for major developments, providing that the process of the establishment, maintenance and monitoring of the proposed habitats is set out in a management plan (Biodiversity Enhancement and Maintenance Plan for a minimum of 30 years – which is to be extended to 40 years in this instance, to cover the projected lifetime of the solar farm. The production of the BEMP can be required by condition but it will need to be secured by a S106 agreement which can cover both the onsite and the offsite habitat provision which is also within the control of the applicant.
- 10.28. The submitted Ecological Impact Assessment included surveys for a range of protected and priority species and identified the likely presence of breeding birds and brown hare. No badgers' setts were present on site and eDNA testing, which has been undertaken for great crested newts for all ponds within a 250m radius proved negative. Himalayan balsam, which is an invasive non-native species has been identified on site. To safeguard retained habitats and protected and priority species during construction, a Construction Ecological Management Plan (CEMP) is required to be approved by the local planning authority prior to the commencement of construction activities, including site clearance works.
- 10.29. NYC Principal Ecologist has confirmed that there is no objection to the application on ecological grounds, subject to the conditions to secure the submission of a

Construction Ecological Management Plan and a Biodiversity Enhancement Management Plan and securing biodiversity proposals for a 40 period through a Section 106 agreement.

10.30. **Highway Safety**

10.31. Both construction and operational traffic will utilise the existing access to the MSA.

10.32. The proposed development has been assessed by both North Yorkshire Highway Authority (NYHA), in relation to potential impacts on the local road network, and National Highways (NH), in relation to potential impacts on the A1(M) Motorway.

10.33. NYHA raised no objection to the proposal subject to a condition to require submission of a Construction Traffic Management Plan.

10.34. National Highways initially requested further assessments of the potential for glint and glare from the proposed solar panels. A Solar Photovoltaic Glint and Glare (solar reflections) Study was subsequently submitted in support of the application. Glint is defined as a momentary flash of bright light typically received by moving receptors or from moving reflectors. Glare is defined as a continuous source of bright light typically received by static receptors or from large reflective surfaces.

10.35. The report concluded that no impacts are predicted upon road safety and NH has confirmed that identified approach is acceptable to mitigate against any glint and glare generated by the proposed solar farm. NH now has no objection to the proposal subject to the conditions proposed below.

10.36. **Cultural and Historic Environment**

10.37. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires a Local Planning Authority, when considering a planning application which affects a listed building, to have special regard to the desirability of preserving the building or its setting. Section 72(1) of Act requires a Local Planning Authority when considering a planning application which affects a conservation area to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

10.38. Local Plan Policy HP2 (Heritage Assets) advises that proposals for development that would affect heritage assets will be determined in accordance with national planning policy.

10.39. Paragraph 203 of the National Planning Policy framework (NPPF) advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

10.40. Paragraph 212 of the NPPF advises that proposals that preserve those elements of the setting of heritage assets that make a positive contribution to the asset should be treated favourably.

10.41. The nature, scale and location of the proposed development has the potential to impact the setting and significance of the following heritage assets:

- Ingmanthorpe Hall - Grade II listed building
- Gate Piers and Gates (10m east of Igmanthorpe Hall) - Grade II listed building
- Kirk Deighton Conservation Area.

Ingmanthorpe Hall, Gate Piers and Gates – Significance and Impact

10.42. Ingmanthorpe Hall dates from the early 19th century having later 19th century additions and alterations. It is Grade II listed under the Planning (Listed Building and Conservation Areas) Act 1990 for its special architectural and historic interest.

10.43. NYC Principal Conservation Officer found that there is no intervisibility or views between the Hall and the proposed development site. This is due to the topography and surroundings of the parkland and the presence of Sugden Wood to its northwest and west.

10.44. Whilst recognising that the proposed development will result in an intensification of structures to the west of the listed buildings, the Conservation Officer has concluded that the ability to appreciate and understand their significance as a County House set within its own grounds, would be preserved.

Kirk Deighton Conservation Area – Significance and Impact

The Conservation Officer found that there would be no intervisibility between the proposed development site to the Conservation Area and Grade I listed Church. This is due to the location of the proposed development site, the village's contained layout, and the surrounding area's topography.

10.45. The Conservation Officer has assessed the proposed development in relation to the nature, scale and impact on the above designated heritage assets and considers that the ability to appreciate and understand their significance would be preserved.

10.46. In finding that the ability to appreciate and understand the significance of the identified designated heritage assets is preserved and not harmfully impacted by the development proposals, it is considered that the application accords with Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 203 and 212 of the NPPF, and Policy HP2 of the Harrogate District Local Plan.

10.47. **Residential and General Amenity**

10.48. Local Plan Policy HP4 advises that proposals should not result in significant adverse impacts upon the amenity of occupiers and neighbours.

10.49. Concerns have been raised in representations about noise and light pollution.

- 10.50. A Solar Photovoltaic Glint and Glare (solar reflections) Study has been submitted in support of the application. Glint is defined as a momentary flash of bright light typically received by moving receptors or from moving reflectors. Glare is defined as a continuous source of bright light typically received by static receptors or from large reflective surfaces.
- 10.51. The results of the submitted report indicate that solar reflections are geometrically possible towards 9 of the 17 assessed dwelling. For all dwellings where a solar reflection is geometrically possible, screening, in the form of existing vegetation and buildings, is predicted to significantly obstruct views of reflecting panels such that solar reflections will not be experienced by residents.
- 10.52. NYC Environmental Health Officer had no comments to make in relation to the proposal and has confirmed that no noise complaints have been received by them in relation to the existing MSA development.
- 10.53. A Noise Impact Assessment has been submitted which concludes that the predicted plant rating noise will not exceed background noise levels.
- 10.54. Considering the existing noise environment resulting from the A1(M) and the operation of the existing MSA site, and the separation distance to residential properties it is considered unlikely that operation of the proposed development would add to the existing background noise. Nevertheless, a condition is proposed to require a revised Noise Impact Assessment to be submitted and approved in writing prior to the commencement of the use of the site. This is to ensure that actual noise levels arising from the development are mitigated, were necessary, to prevent any detrimental impact on residential properties.
- 10.55. Condition 18 requires details of the location and specification of any proposed lighting to be submitted to and approved in writing by the local planning authority. This will give the planning authority sufficient control to the protect wildlife and ecological interests and the general amenity of the area.
- 10.56. Condition 16 (Construction Management Plan) is proposed to control the impact of the development during the construction phase.
- 10.57. In the above circumstances, it is considered the proposal complies with the requirements of policy HP4.
- 10.58. **Agricultural Land**
- 10.59. Local Plan Policy NE8 (Protection of Agricultural Land) states that the best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary. Sites of over five hectares which may affect the best and most versatile agricultural land should produce an agricultural land classification survey to determine the quality, quantity and accurate location of agricultural land in grades 1, 2 and 3a. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development.

- 10.60. The applicant has submitted an Agricultural Land Classification Survey. The survey has identified the agricultural land of Grade 3b quality. The principal limitation to agricultural use is soil wetness.
- 10.61. In this circumstance, the proposal does not conflict with the requirements of policy NE8. Additionally, condition 3 below requires the solar panels to be decommissioned and all infrastructure associated with the solar farm, including the site access road, to be removed from the site and the land returned to its original state, within 6 months of the cessation of energy generation from the site, or a period of 40 years from the date when electricity is first exported to the electricity grid from the development, whichever is the sooner. The proposed development will not, therefore, result in the permanent loss of agricultural land.
- 10.62. **Drainage and Flood Risk**
- 10.63. Local Plan policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate runoff, giving priority to sustainable drainage systems where possible.
- 10.64. A small part of the site along the southwest boundary lies within flood zone 3 and another area in the southwest corner is within flood zone 2. The remainder of the site, which forms the vast majority, is in flood zone one (the lowest risk of flooding).
- 10.65. NYC Senior Flood Risk Management Engineer assessed the submitted surface water and flood risk information, and requested a sequential test, given that other land adjacent to the site was at slightly lower risk of flooding. This was carried out by the applicant and the other land adjacent to the MSA was discounted for a number of reasons, including:
- The land is not in the applicant's ownership;
 - Additional landscape impacts;
 - Closer to residential properties;
 - Additional impact on Sugden wood;
 - Better quality agricultural land;
- 10.66. The assessment carried out by the applicant is sufficiently robust to justify the use of the proposed site in circumstances where there are other areas of land adjacent to the site with a slightly lower risk of flooding.
- 10.67. The Flood Risk Management Engineer had no other concerns about the proposal subject to conditions to control the details of surface water drainage.
- 10.68. The Environment Agency (EA) responded to the initial consultation on 21.12.23 and raised an objection on the basis that they needed further information within the submitted Flood Risk Assessment to demonstrate that the development will remain operational and safe in times of a flood. They also require further detail on the type of fencing to the site perimeter, to ensure that the fencing does not impact on flows.

A revised Flood Risk Assessment was sent to the EA on 9th May 2024. No response has been received at the date of writing. Planning Committee Members will be updated at the committee meeting.

10.69. **Other Matters**

10.70. The issue of maintenance of the solar panels has been raised in representations. Vehicular and pedestrian access to the site will be provided from the existing Motorway Service Area. This will facilitate future maintenance of the solar panels and associated equipment.

10.71. Representations have also raised concerns that no consideration has been given to placing solar panels on roofs within the service area. There is a separate proposal to put solar panels on the roof of the main building, and this would help to meet the energy requirements of that building. However, the requirements to meet the future needs for electric vehicle charging at the site require a substantially greater output than could be generated by utilising the roofs of existing buildings. It does not, therefore represent a viable alternative option.

10.72. **S106 Legal Agreement**

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

Table 1		
Category/Type	Contribution	Trigger
To secure the submission and implementation of a Biodiversity Enhancement Management Plan (BEMP) and maintenance and management over a 40 year period.	N/A	Prior to the Commencement of Development.
To secure the submission and implementation of a decommissioning scheme following the cessation of the solar farm.	NA	On or before the date which is 12 months prior to the end of the BEMP Period.
Monitoring	S106 Monitoring	£TBA index linked, prior to commencement of development

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

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Both local and national planning policy are supportive of renewable and low carbon energy projects where the impacts are, or can be made, acceptable.
- 11.2. The proposed development will facilitate the installation of up to 80 additional EV charging points to serve the MSA site. This will have a significant effect in reducing greenhouse gases and supporting the transition to a low carbon future which will support the overall aim of national planning policy to ensure the planning system contributes to the achievement of sustainable development.
- 11.3. Appropriate mitigation measures to make the development acceptable with regard to landscape impact, highways safety, biodiversity and residential amenity can be adequately controlled by the proposed conditions.
- 11.4. A S106 Agreement is required to achieve the establishment of biodiversity habitats in accordance with the submitted details and to secure their maintenance and management over a 40-year period.
- 11.5. There is an outstanding objection from the Environment Agency (EA) and updated comments on a revised Flood Risk Assessment are awaited.
- 11.6. It is therefore recommended that the application is granted subject to the conditions listed below and subject to the satisfactory resolution of any outstanding concerns from the EA and completion of a S106 Agreement to secure the establishment of the biodiversity habitats in accordance with the BNG metric and their maintenance and management over a 40 year period.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below, completion of a S106 agreement with terms as detailed in Table 1, and the satisfactory resolution of any outstanding concerns from the Environment Agency.

Recommended conditions:

Condition 1 - Time Limit

The development hereby permitted shall be begun on or before three years from the date of this permission.

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

Condition - 2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, as amended by Conditions of this consent, as listed below:

- Solar PV Site Location Plan (Ref. 65210781-SWE-XX-XX-D-X-0104) last update issued 16th of April 2024;

- Solar PV Layout (Ref. 65210781-SWE-XX-XX-D-X-0101-P05) last update issued 16th of April 2024;
- Solar PV Elevations (Ref. 65210781-SWE-XX-XX-D-X-0102-P05) issued 24th of May 2024;
- Landscape Parameters Plan (Ref MAN.194.018.ENZ.XX.00.DR.L.00.022) issued 16th of April 2024;
- Watercourse Stand-off (Ref. 65210781-SWE-XX-XX-D-X-0105-P03) last update issued 24th of May 2024.
- Arboricultural Method Statement (Ref. 194.018.ENZ.XX.00.RP.AR.45.102) issued 27th of November 2023;
- Glint & Glare Report (Ref. 12691A-V3) last update issued 24th May of 2024).

Reason: In order to ensure that the development is carried out in accordance with the approved drawings.

Condition 3 - Decommissioning

Within 6 months of the cessation of energy generation from the site, or a period of 40 years from the date when electricity is first exported to the electricity grid (First Export Date) from the development, whichever is the sooner, the solar panels shall be decommissioned and all infrastructure associated with the solar farm, including the site access road, shall be removed from the site and the land shall be returned to its original state. Written confirmation of the First Export Date shall be submitted in writing to the local planning authority within one month of the First Export Date.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects, in the interests of visual amenity and to ensure that the site can be restore to agricultural use if required.

Condition 4 - Decommissioning Method Statement

No later than three months before the cessation of energy generation from the site, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures to manage the impacts of construction traffic and the decommissioning process, and a timetable for their completion, to secure the removal of the solar farm equipment and all associated road, equipment, and structures. Thereafter the decommissioning works shall be carried out in accordance with the measures and timescales set out in the approved the Decommissioning Method Statement.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects, in the interests of visual amenity and to ensure that the site can be restore to agricultural use if required.

Condition 5 - Landscaping Scheme

A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority prior to the commencement of the development hereby approved. The scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, method of planting protection and support and the timing of implementation of the scheme,

including any earthworks required. Thereafter the scheme for landscaping shall be implemented in strict accordance with details as approved by the Local Planning Authority and shall be retained for the life of the development.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

Condition 6 - Replacement Planting

In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

Condition 7 - Biodiversity Enhancement Management Plan

A Biodiversity Enhancement Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority prior to commencement of the developments including site preparation works. The BEMP shall document how the retention, creation and enhancement of habitats will be achieved to meet the targets set out in the Statutory Biodiversity Metric spreadsheet (Enzygo, May 13th, 2024).

Reason: To protect the wildlife and the ecological interests of the site.

Condition 8 - Construction Ecological Management Plan

A Construction Ecological Management Plan (CEMP) must be submitted to and approved in writing by the local planning authority prior to the commencement of the development, including site preparation works.

The CEMP must include (but not be restricted to) measures protect retained habitats, avoid harm to protected species such as breeding birds, bats (including sensitive lighting), badger, reptiles and great crested newts (unless a District Level Licence is obtained). The CEMP must include a detailed scheme for the control of Himalayan balsam and include a scheme for the provision of faunal boxes on site, such as bat boxes and bird boxes.

Subsequent works must be undertaken in strict accordance with the approved CEMP, which must be retained on site for the duration of the works being carried out and made available for the use of site managers and operatives,

Reason: To protect the wildlife and the ecological interests of the site.

Condition 9 - Tree Planting

The construction of the solar farm and associated infrastructure shall be undertaken in accordance with the proposed tree planting shown in the Landscape Parameter Plan (Ref. MAN.194.018.ENZ.XX.00.DR.L.00.022-PL02) and the measures proposed in Section 2.3 of the Glint & Glare Report (replacement of anything that dies),

including the mesh layer to be attached to the perimeter fence (until the time that the planting of trees provides sufficient screening).

Reason: To secure the mitigation measures proposed as part of the Landscape Parameters Plan and Glint & Glare Report during construction.

Condition 10 - Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interest of visual amenity and the biodiversity of the site.

Condition 11 - Materials

Prior to commencement of the development, full details of the locations, design and materials of the panel arrays, inverters, transformers, substations, perimeter fencing, CCTV cameras, and any other buildings on the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in accordance with the approved details and retained as such.

Reason: So that the Local Planning Authority retains control over these matters and in the interests of visual amenity.

Condition 12 - Security Fence and CCTV Cameras

The security fence and CCTV cameras, the details of which have been approved under Condition 11 of this consent, shall be erected, and brought into use prior to any solar panels being delivered to the site.

Reason: To provide a secure environment and in the interests of crime prevention.

Condition 13 - Access Track

Prior to works commencing on constructing the proposed new access track and access across the watercourse the following details shall be submitted to and approved in writing by the Local Planning Authority;

- i) The design and location of the access and gates.
- ii) Design of and materials (including colour and type of the stone) used to construct the proposed access across the watercourse and maintenance path through the site.
- iii) Details of the design and materials used to construct the access into the site, from the public highway, which shall be constructed in accordance with the published specification of the Highway Authority.

The development shall thereafter be constructed in accordance with the approved details and retained as such.

Reason: In the interests of Highway Safety.

Condition 14 - Plant and Machinery

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing, or reenacting that Order) no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired, or altered at the site without prior planning permission from the local planning authority except for those works permitted by this permission.

Reason: To enable the Local Planning Authority to retain control over these matters in the interests of visual amenity and residential amenity.

Condition 15 - Construction Traffic Management Plan

An updated Construction Traffic Management Plan (CTMP), including a detailed Traffic Management Plan, shall be submitted to, and agreed in writing with the Local Planning Authority prior to commencement of work. The updated CTMP shall include:

- i) outline of the management/operation of the parking bay removal
- ii) details regarding the potential conflict between construction vehicles and users of the MSA (both vehicular and pedestrian movements) and how they will be managed and mitigated.
- iii) details of any proposed one-way systems within the site and details of any restrictions to the hours of construction vehicle movements through the MSA.

Reason: In the interests of highway safety.

Condition 16 - Construction Management Plan

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

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

1. restriction on the use of B1224 York Road for HGV traffic associated with the construction purposes;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. the methodology for the installation of the mounting frames including foundation details;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic;
8. protection of carriageway and footway users at all times during demolition and construction;

9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. a detailed method statement and programme for the building works; and
18. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 17 - Location of inverters and substations

All proposed inverters and substations shall be located in Flood Zone 1.

Reason: To manage the risk of flooding and ensure that the proposed solar farm remains operational and safe in times of flooding, without increasing flood risk elsewhere.

Condition 18 - External Lighting

Prior to the installation of any external lighting, details of its location and specification shall have been first submitted to and approved in writing by the local planning authority. Only such details as approved shall be installed. Such lighting shall be designed to not spill onto the hedgerows and trees.

Reason: To protect wildlife and ecological interests and the general amenity of the area.

Condition 19 - Watercourse

A strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as Broad Wath (which is maintained by Ainsty (2008) Internal Drainage Board under the Land Drainage Act 1991) shall be kept clear of all new structures, solar panels, buildings, walls, fencing and planting, as set out within drawing "Solar PV Layout – 7MW Watercourse Stand-Off" – 65210781-SWE-XX-XX-D-X-0105 – Revision P03 - unless agreed otherwise in writing with the Drainage Board.

Ground levels must remain the same within this area.

Access arrangements shall be agreed with Ainsty (2008) Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

Condition 20 - Surface Water Drainage

The development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996).

Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding elsewhere.

Condition 21 - Surface Water Drainage

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. Allowance shall be included for climate change effects for the lifetime of the development in accordance with latest Environment Agency guidance. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event plus climate change. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

Condition 22 - Surface Water Drainage

The applicant is to retain for the first five years, starting from the date the development first exports electricity, the drainage consultant who is to forward a yearly progress report to the Local Planning Authority for review by the Lead Local Flood Authority. The progress report is required to demonstrate the soil condition is not deteriorating as a result of the development during the course of the first five years. The report should include any issues arising from the development in relation to soil condition, any required mitigation and a timeframe for their resolution to be

agreed with the LLFA. The development shall be carried out in accordance with the submitted report and any agreed mitigation.

Reason: To ensure continued effectiveness of the proposed mitigation to reduce the risk of flood risk elsewhere from uncontrolled surface water runoff and soil erosion.

Condition 23 - Noise Impact Assessment

Prior to the commencement of the use of the development hereby approved, a revised Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the local planning authority. The NIA shall provide details of all noise sources emanating from the development and measures to ensure there is no unacceptable impact on noises sensitive properties. Thereafter any approved mitigation measures shall be implemented prior to the use of the development and retained for the life of the development.

Reason: In the interests of residential amenity.

Condition 24 - Battery Storage Containers

Plans, elevations and details of materials and colour of the proposed battery storage containers shall be submitted to and approved in writing by the local planning authority prior to their installation on site. Thereafter the battery storage containers shall be installed in accordance with the approved details.

Reason: In the interests of visual amenity.

Condition 25 – Perimeter Fencing

Prior to the erection of any perimeter fencing, full details of the design and materials shall be submitted to and approved in writing by the local planning authority. Thereafter the perimeter fencing shall be installed in accordance with the approved details and retained for the life of the development.

Reason: In the interests of visual amenity and to ensure that the fencing does not impact on the flow of surface water.

Case Officer: Gerard Walsh Gerard.walsh@northyorks.gov.uk

Appendix A – Proposed Layout Plan



NOTES

1. SEE ALL NOTES ON THE PREVIOUS DRAWING(S) OF THIS PROJECT.
2. THIS DRAWING IS FOR GENERAL INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.
3. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING. THE ENGINEER HAS RELIED ON THE INFORMATION PROVIDED BY THE CLIENT AND OTHER SOURCES.
4. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING. THE ENGINEER HAS RELIED ON THE INFORMATION PROVIDED BY THE CLIENT AND OTHER SOURCES.

DISCLAIMER

THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING. THE ENGINEER HAS RELIED ON THE INFORMATION PROVIDED BY THE CLIENT AND OTHER SOURCES.

- LEGEND**
- Below Ground Cable
 - Perimeter Fencing
 - Transformer
 - Safety Container
 - Proposed Access

NO.	DESCRIPTION	QUANTITY	UNIT	DATE
1	PERIMETER FENCING	1.0	KM	2023
2	MAINTENANCE PATH	1.0	HA	2023
3	ABOVE-GROUND CABINETS	1	NO.	2023
4	TRANSFORMER	1	NO.	2023
5	SAFETY STORAGE CONTAINERS	1	NO.	2023
6	SAFETY CONTAINERS	1	NO.	2023

SWECO

Rapleys LLP

Moto Solar PV - Wetherby

SOLAR PV LAYOUT - 7MW

FINAL

NO.	DATE	BY	FOR
1	11/2023	05210191	FIN

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