North Yorkshire Council

Community Development Services

Strategic Planning Committee

11 JUNE 2024

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

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

On behalf of: Mr Anthony Brindle

Report of the Head of Development Management – Community Development Services

1.0 PURPOSE OF THE REPORT

1.1 To determine a planning application for the installation of a solar farm comprising ground mounted solar pv panels with a generating capacity of up to 49.99mw(ac), including mounting framework, inverters, underground cabling, stock proof fence, cctv, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years on land at south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF.

1.2 The Corporate Director of Community Development considers the application to raise significant planning issues

2.0 EXECUTIVE SUMMARY

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

2.1. Planning permission is sought for a new solar farm and ancillary development. The red line boundary covers an area totalling approximately 94.43 hectares. This includes land that would not be covered by the solar panels as the existing field boundaries would be retained and several landscape buffers are proposed.

2.2. The site itself is an irregular shaped area of primarily arable land immediately to the north of West Moor Road, approximately equidistant (2.3km) between Raskelf to the east and Brafferton with Helperby to the west. The majority of the site is within flood zone 1, although the southern-most portion adjacent to the highway is within flood zones 2 and 3. Brafferton Spring Wood, a designated Site of Importance for Nature Conservation (SINC) is located immediately to the west, with the East Coast Mainline (ECML) bordering the site to the east. Pilmoor Site of Special Scientific Importance (SSSI) is located approximately 0.5km north of

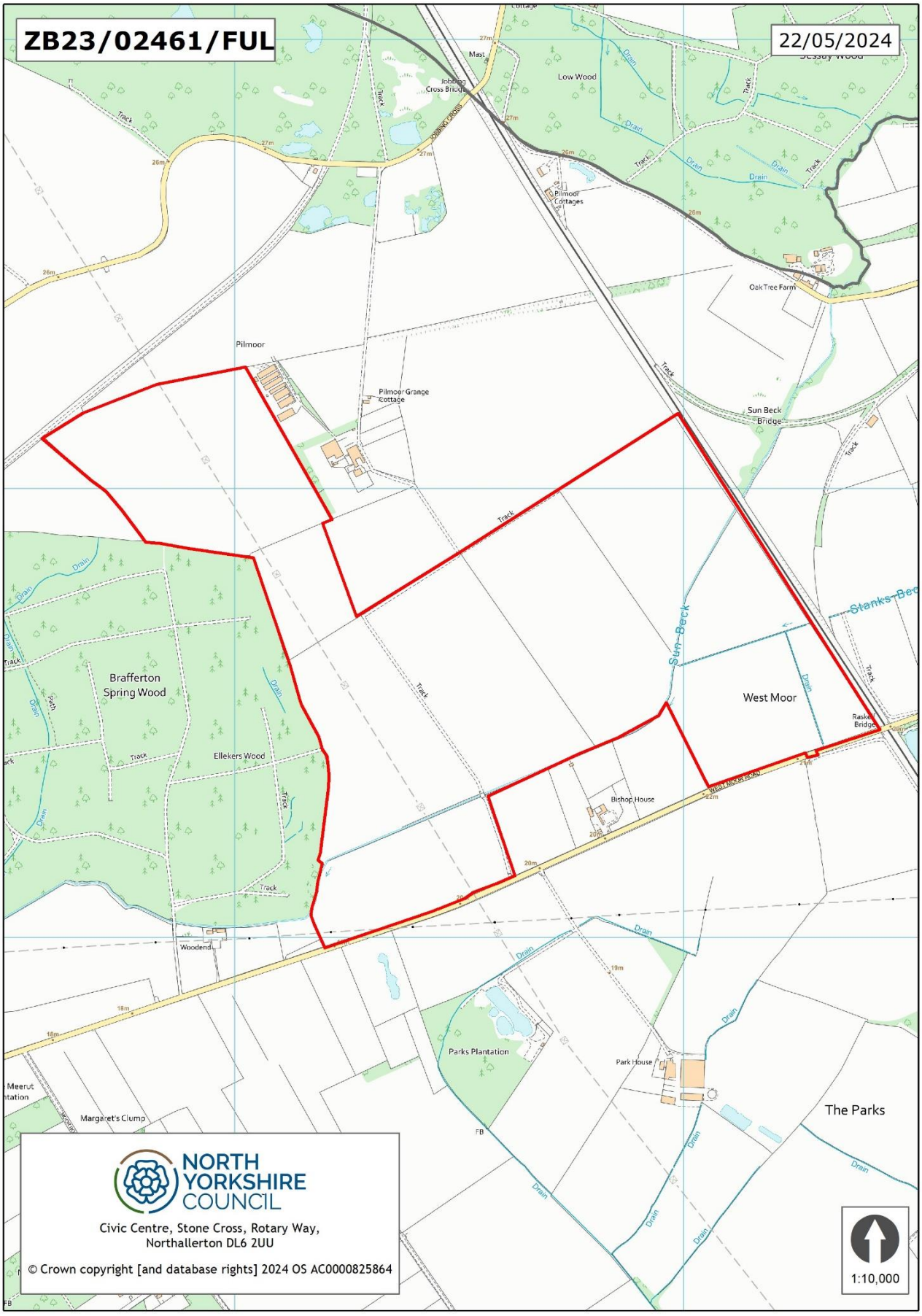
the northern-most part of the site, although the majority of the site sits over a kilometre away from the SSSI. Two watercourses transect the site to the southern end, Sun Beck and Stanks Beck. At the southern end of the site is an independent dwelling known as Bishop House.

2.3. There is strong national support for renewable energy schemes as set out in national guidance and policy documents such as the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN03) and the UK Government Solar Strategy (2014). The National Planning Policy Framework (NPPF) indicates that the planning system should support the transition to a low carbon future as well as renewable and low carbon energy and associated infrastructure. The NPPF sates that applications should be approved if its impacts are (or can be made) acceptable. The Hambleton Local Plan builds on this by providing a more detailed approach including the weighing of harm against public benefits and a sequential approach to harm (avoid, mitigate, compensate). In this case it is considered that the development does not result in such significant harm that would not be out weighted by the public benefits of the scheme.

2.4. The main issues on this occasion are flood risk, the landscape impact of the development, the impact of the development on residential amenity, the ecological impact, and the potential health and safety impact resulting from glint and glare owing to the proximity of the railway line, highway network, and both civilian and military airfields.

2.5. Reason for recommendation

2.6. Overall, for the reasons set out in the report, it is considered the proposal is compliant with the overarching policies of the development plan and national planning policy requirements and thus, represents sustainable development.


ZB23/02461/FUL
22/05/2024
Low Wood
Pilmoor Cottages
Oak Tree Farm
Pilmoor
Pilmoor Grange Cottage
Sun Beck Bridge
Track
Sun Beck
Stanks Bec
West Moor
Brafferton Spring Wood
Ellekers Wood
Bishop House
Woodend
Parks Plantation
Park House
The Parks
Margaret's Clump
Drain
NORTH YORKSHIRE COUNCIL
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3.0 PRELIMINARY MATTERS

3.1. Access to the case file on Public Access can be found here:
Documents for reference ZB23/02461/FUL: Public Access

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

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

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

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

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

4.0 SITE AND SURROUNDINGS

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

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

5.0 DESCRIPTION OF PROPOSAL

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

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

- Substation and grid connection compound - a compound measuring approximately 45m x 67m is proposed to be sited on the western edge of the site adjacent to the existing power line. This would comprise a 23m high pylon which is connected to an array of electronic infrastructure including a series of disconnectors and a transformer. Within this compound, it is also proposed to site a 15m high communications tower, four 5m high CCTV/floodlight columns, and a flat roofed control room measuring approximately 6.885m x 5.610m with a height of approximately 3.8m.
- Underground cabling from the panels to the compound.
- Access track leading off West Moor Road to the compound.
- Stone track running through the site for access.
- 32 CCTV columns measuring 5m high around the perimeter of the site.
- 2m high perimeter fencing around the site boundary (maintaining buffer around adjacent woodland and existing hedgerows).
- Wildflower planting along western and south western boundaries to create buffer between the main part of the site and the adjacent woodland.
- New native hedgerow and tree planting adjacent to Bishop House.

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Hambleton Local Plan – February 2022
- Minerals and Waste Joint Plan – February 2022

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

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

Other Relevant Strategies and Material Considerations

6.5 The North Yorkshire Climate Change Strategy 2023-2030 (NYCCS) was adopted in July 2023 and identifies ways in which the county can minimise the impacts of climate change, including providing support for the renewable energy transition.

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

7.0 CONSULTATION RESPONSES

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

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

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

7.3. Raskelf Parish Council: Raskelf Parish Council consider that this proposal, due to the scale and location will have an adverse impact on the surrounding environment and landscape contrary to the Hambleton Local Plan, in particular Policies E2 (Amenity), E6 (Nationally Protected Landscapes), E7 (Hambleton's Landscapes) and RM6 (Adverse impacts of Renewable and Low Carbon Energy Installations). The Parish Council has a duty to protect the interests of the community and the parish environment and take into account all representations made at our recent meeting and on reviewing and applying the policies of the Hambleton Local Plan the Parish Council does not feel able to support this application because of its size and nature and recommends that the application be refused.

7.4. Civil Aviation Authority: No Comment

7.5. Environment Agency: No objection subject to the Flood Risk Assessment being listed as an approved document that must be implemented.

7.6. Environmental Health Officer: The service has considered the potential impact on amenity and likelihood of the development to cause and/or be affected by a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections to the application.

7.7. Environmental Health Officer (Contaminated Land): From a contaminated land perspective, the risk of contamination affecting the development or end users is considered to be low. However, to address any unexpected visual or olfactory evidence of contamination that could be encountered during any approved site preparation works, a condition is recommended requiring work to stop in such an instance and the details to be submitted to the Council for review.

7.8. Kyle & Upper Ouse Internal Drainage Board: Provide standing advice relating to surface water management and discharge rate requirements if any surface water is to be discharged directly to a watercourse.

7.9. Lead Local Flood Authority: The natural drainage regime on site will be kept or mirrored, with existing site infiltration and flow paths kept. The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions relating to the implementation of the Flood Risk Assessment and the submission of a construction Environmental Management Plan (CEMP).

7.10. MOD Safeguarding: The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. Following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

7.11. Natural England: Do not offer comments on the application specifics but direct towards Standing Advice for assessing protected landscapes, protected species, biodiversity, and designated conservation sites.

7.12. Network Rail - Having assessed the application, there are no objections in principle but raise the following matters:

- It is noted that the Glint and Glare study recommends the inclusion of mitigation measures along the site boundary with the railway to prevent glint and glare and we would require a suitably worded condition to ensure that prevention measures are delivered and also that Network Rail are consulted in relation to the design and implementation of such a scheme.
- Require the inclusion of a monitoring condition to ensure that any glint and glare issues that may arise during the initial operation of the site are addressed and suitably mitigated by the developer.
- A condition requiring a Construction Management Plan for works adjacent to the railway must be included.
- Any boundary treatments adjacent to the railway must be trespass proof.
- Any landscaping adjacent to the railway must be of a species that is agreed with Network Rail through condition and must be sited at a safe distance from the railway.

7.13. North Yorkshire Council Archaeologist: The application is accompanied by an archaeological desk-based assessment, heritage desk-based assessment and a geophysical survey, all compiled by Headland Archaeology. The desk-based assessments are supported by the results of a geophysical survey which covers the development area. The results of this are largely negative and the features revealed are agricultural or natural in nature. There is a particularly strong response from a system of herringbone drainage. The installation of this drainage will have had an impact on archaeological deposits should they have been present. The proposal is for a solar farm. Although the solar panels are mounted on piles the small amount of ground disturbance is unlikely to have a significant impact on archaeological remains. Given that the assessments suggest that the area has a low archaeological potential it is unlikely that there will be harm.

7.14. North Yorkshire Council Ecologist: There are opportunities to be more ambitious with regard to the enhancement and management of retained habitats which can be achieved through a detailed Landscape and Ecological Management Plan (LEMP). The Ecologist was satisfied that further survey work is not necessary but that a Precautionary Working Method Statement in relation to Great Crested Newts should be included in the Construction Environmental Management Plan. A bat activity survey should be conducted prior to

commencement of development to provide a baseline for monitoring. Although a compensation area has been provided it is fair to conclude that the development would result in partial residual displacement of skylark from the site. There may be opportunity for the landowner to enhance other land outside of the development site to increase the carrying capacity for this species. A condition or S106 will be required to secure the monitoring of the Biodiversity Net Gain. Recommends conditions relating to the provision of a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan and Decommissioning Environmental Management Plan.

7.15. North Yorkshire Council Highways Department: It is proposed to use an existing access from West Moor Road which was constructed for National Grid works and is suitable for this proposal. The applicant has submitted a "Construction Traffic Management Plan" which includes details of the proposed construction traffic route and other information which is satisfactory. Some further information for the management of the site is required and the Local Highway Authority recommends a condition requiring a Construction Management Plan be agreed prior to development commencing.

7.16. North Yorkshire Council Landscape Architect: At present the proposal does not demonstrate sufficient compliance with policy E4: Green Infrastructure or E7: Hambleton's landscapes as it does not protect enhance or restore the distinctive landscape character or secure improvements to green infrastructure that are integral to the existing landscape pattern or enhance recreational links. Further and altered mitigation could achieve a policy compliant proposal. Suggested mitigation includes incorporation of small blocks of native woodland, hedgerow trees along boundaries for soften views, gapping of existing hedges, reduced maintenance height for hedges to be consistent with the landscape character.

7.17. North York Moors National Park: No objections to the proposal.

7.18. North Yorkshire Police Designing Out Crime Officer: Provide the following observations:

- Consideration should be given to having a number of secure gates along the access track to prevent ease of vehicular access by potential offenders.
- In order to improve the boundary protection consideration could be given to the use of ditches or bunds.
- The use of CCTV systems for this type of proposal work best when they are monitored by an operator and have an integrated alarm system triggered by the motion detection that can alert them when the boundary has been breached. There needs to be a comprehensive policy in place detailing what action will be taken in the event of an intruder being detected.

7.19. Yorkshire Water: Our statutory mapping record shows that the site is absent of any wastewater or clean water assets. The application site is located close to a Source Protection Zone (SPZ), zone 1. However, this designation is outside of the indicative redline boundary.

Local Representations

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

Consultation carried out on 17.04.2024

7.21. Support:

- Good site as poor unproductive agricultural land
- Renewable energy is needed

- No landscape impact
- No wildlife impact
- Initial objections on grounds on environmental impacts have been addressed

7.22. Objections:

- Impact on ecology and wildlife
- Noise from Inverters (impact on woodland users)
- Loss of agricultural land/food security
- Impact on the landscape/visual impact
- Impact on residential amenity (glint and glare, screening insufficient)
- Lack of screening around substation
- Lack of noise assessment
- Solar Panels are an inefficient use of land for energy production (as opposed to off shore wind turbines for example)
- Solar farms have reduced energy generation in winter

Consultation carried out on 15.02.2024

7.23. Support:

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

7.24. Object:

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

Consultation carried out on 07.12.2023

7.25. Support:

- None

7.26. Object:

- There is a large solar farm 2.5km from the site
- Impact on tourism
- Impact on wildlife (no Ecology report or BNG)
- Visual Impact
- Flood risk
- Siting of the substation (visual and ecological impact)
- Tree report is inaccurate
- Impact of security lighting
- Impact of fencing
- Visual and acoustic impact on Brafferton Spring Wood
- Form not filled in correctly
- Impact from glare
- Soil contamination
- No meaningful community involvement
- Concern that the land is incorrectly graded
- Solar power is inefficient
- Blight on the countryside
- Unlikely that sheep will be grazed under the panels as there is no evidence of this at other sites.
- Uneven distribution of rainfall
- No community benefit
- Ethics of solar panel production
- No acoustic report
- Cumulative impact of solar farms

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1. The development falls within Schedule 2 Category 3(a) Industrial installations for the production of electricity, steam and hot water and the area of the development site exceeds 0.5 hectares. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website using application number ZB23/02405/SCR. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 MAIN ISSUES

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

- Principle of Development and Legislative/Policy Context
- The Use of Agricultural Land (including areas of BMV land), Food Security and Soil Impact
- Landscape and Visual Impacts
- Impact on Heritage Assets (including Archaeology)
- Amenity
- Flood Risk and Surface Water Drainage
- Impacts on Highways Safety

- Ecology Impacts and Biodiversity Net Gain
- Impact on Infrastructure

10.0 ASSESSMENT

Principle of Development and Legislative/ Policy Context

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

10.2. The 2008 Climate Change Act introduced legally binding carbon budgets, which restrict maximum greenhouse emissions for five-year periods ahead of the 2050 Net Zero Target. The sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels and a 78% reduction by 2035. In addition, the Government's Net Zero Strategy (2021) sets out a commitment for all electricity to come from low carbon sources by 2035.

10.3. There is strong national support for renewable energy schemes as set out in national guidance and policy documents such as the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN03), the UK Government Solar Strategy (2014) and the Written Ministerial Statement on Solar Energy (Protecting the Local and Global Environment -2015). Without exception they recognise the importance of renewable energy (including solar energy) in addressing the impacts of climate change.

10.4. The NPPF (December 2023) makes it clear that the wider environmental and economic benefits of renewable energy proposals of any scale should be given significant weight in determining whether planning permission should be granted. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the revised NPPF deals with the promotion of renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 159 indicates that new development should be planned for in ways that:

> a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
> b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

10.5. Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

> a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

b. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

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

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

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

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

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

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

10.10. Policy RM6 goes on to state that when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment. Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.

10.11. The principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, as well as locally by Policies S1 and RM6 of the Local Plan in particular, subject to compliance with other Local Plan policies. The development will generate electricity from a renewable source and thus contribute towards national and regional targets for the generation of renewable energy and the reduction of CO2 emissions.

10.12. Policy RM6 is clear, however, that such general support for renewable energy proposals is dependent on the applicant demonstrating that all of the 'potential adverse planning impacts' of the proposed scheme are, or can be made, acceptable when weighed against the scheme's 'public benefits'. These matters will be considered under the relevant subheadings below with an overall 'weighing up' (balancing consideration) within section 11 of this report.

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

10.13. The NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile (BMV) agricultural land. Footnote 63 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This is echoed within Policy S5 of the Local Plan which also states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land (i.e. grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.

10.14. Written Ministerial Statement “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land” made on the 15.05.2024 expresses concern over the number of large solar developments are being sited on BMV agricultural land. The Statement points to the 2024 version of the Overarching National Policy Statement for Energy (EN-1) and

reiterates the point that where solar development is necessary on agricultural land it should be steered towards land with a lower value.

10.15. It is accepted that there are clear reasons why a development of this scale would need to be located in the open countryside as only in such locations are vast areas of land available to site the solar panels on. In addition the location of solar farms is heavily dictated by the proximity to an available grid connection. Sites which are not within 3km of a grid connection quickly become unviable due to the cost of connecting to the grid (often by underground cabling). In that respect, this development is deemed necessary in this location. Nevertheless, there is still a requirement to assess how this would impact on higher quality agricultural land.

10.16. To address this point, an up-to-date Agricultural Land Classification (ALC) Survey has been provided in support of this application. This includes a desktop based survey and a field survey where soil samples were collected and analysed in order to confirm textures, stone content and sand categories. This analysis concluded that there are three main limitations evident with the soil across the 94ha. There was evidence that there is a high level of soil variability over short distances within the site which creates issues long-term for crop yield. Furthermore, some soils on site were considered to be moisture deficient which would create issues for wheat and potatoes. Finally, it was also discovered that there were wetness limitations for some soils.

10.17. The conclusion of the analysis was that all 94ha of land within the site was classified as grade 3b. This is in line with the ALC mapping published by Natural England which shows the site to be in an area of Grade 3 land. Although this map is not sufficiently accurate for individual field assessment and does not subdivide grade 3 it is a useful indicator to add confidence to the above survey results.

10.18. The representations made by the Campaign For The Protection Of Rural England (CPRE) on this matter and the appeal decision relating to a similar scheme in Pembrokeshire is noted. However, the key difference is on that occasion, the site was classified solely as BMV - i.e. grades 1, 2 and 3a. This is not the case for the application in question in this instance as it is on land classified as grade 3b. Officers accept that there can be damage caused to soil but the submitted ALC Survey is clear that the soil on site is already of a lower quality, making food production difficult. Indeed much of the site is used to grow Miscanthus which is used as a biofuel in the production of energy and is not routinely used for food production. Consequently, any potential damage is given limited weight.

10.19. It is the position of Officers that it has been demonstrated that this development would not lead to the loss of any best and most versatile agricultural land and it therefore meets the requirements of policy S5. It is also important to note at this juncture that, whilst taken out of arable production, the solar panels are designed such that the land remains open to the grazing of some livestock and thus the land can still be used for the purposes of agriculture and food production.

Landscape and Visual Impacts

10.20. Policy E7 of the Local Plan seeks to protect the landscape character of the district and sets out the following requirements for development:

a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;
d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;

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

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

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

10.22. The site lies within Local Landscape Character Area 25: Tholthorpe Moors which forms the northerly part of the Vale of York forming the north eastern corner of the county scale Vale Farmland with Plantation , Woodland and Heathland Landscape Character type which extends south to York. *It is flat to gently undulating and rising to the north to wooded hills of LCA 18 and 24. It is primarily under intensive arable cultivation with medium to large fields enclosed by gappy hedgerows – which are associated with this site although the landscape pattern is variable with smaller narrower strip fields for pasture associated with settlements such as Easingwold. The landscape is relatively open and rural in character away from settlements and infrastructure which includes the A19, main east coast rial line and overhead power lines in the centre of the character area which has a localised effect on character and are associated with this site. There are occasional blocks of woodland cover and although a flat skyline is typical there are occasional long views to the North York Moors and White Horse of Kilburn from slightly elevated vantage points. Cycle route 657 and Route 65 which run through the LCA (and close to the site) are mentioned as strategic routes which link Easingwold with the Swale/ Ure/ Ouse corridor. Opportunities include the potential for landscape enhancements which include restocking gappy hedgerows and diversification of coniferous woodland.*

10.23. The site is approximately 5.5km away from the Howardian Hills Area Of Outstanding Natural Beauty and 8km away from the North York Moors National Park. This level of separation means that the site does not play a role in the setting of these nationally protected landscapes and therefore this matter is not assessed any further and policy E6: Nationally Protected Landscapes is not considered relevant.

10.24. A Landscape and Visual Appraisal (LVA) by Crestwood Environmental Ltd has been submitted as part of the application. This assesses the impact of the development from 9 viewpoints within 2km of the site. It concludes that the greatest impact would be from West Moor Lane which is directly to the south of the site and Jobbing Cross Lane which is the

road approximately 280m to the north of the northern-most part of the site. The impact from these vantage points is assessed as being moderate at worst. From other surrounding public vantage points it is shown that the relatively flat land levels and surrounding tree lines and woodland would ultimately mean the development would only ever be partially visible and not to a degree that creates harm. Whilst there is no private right to a view, the LVA also assesses the impact on views from several dwellings/agricultural units in the locality, including Pilmoor Grange immediately to the north, Bishop House immediately to the south, and Oak Tree Farm to the north east. Again, it is acknowledged that there would be views from these vantage points but owing to existing vegetation, the impact of these are assessed as being moderate at worst. Ultimately, the LVA concludes that the development would be acceptable in landscape and visual terms and no significant harm would arise.

10.25. North Yorkshire Council Principal Landscape Architect has reviewed the LVA. As part of this the following local sensitive features have been identified; Ancient Woodland 0.4km to the north east which forms the southern section of the conjoined woodlands of Low Wood, High Wood and Sessay Wood, a SSSI to the north at 0.45km from site within the vicinity of East Moor Wood and Brafferton Spring Wood and Ellerkers Wood immediately adjacent to the western boundary which are both classified as Ancient Replanted Woodland. Both West Moor Road which forms the southern boundary of the site and Jobbing Cross 300m to the north are defined as SUSTRANS National Cycle Routes and National Cycle Route 657 follows the route of West Moor lane.

10.26. The Principal Landscape Architect found that there are a number inconsistencies in the way methodology was applied, some deviations from best practice and a number of omissions. The Officer expressed that a viewpoint from Raskelf Bridge at the southern corner of the site would have been recommended had they been consulted prior to the LVA being conducted. In this case due to the merging of Councils this internal consultation service only recently became available to Planning Officers in the Hambleton Area. The LVA viewpoints had previously been accepted by Planning Officers. The Landscape Architect points out, however, that had this viewpoint been considered the resulting impact of the development would likely have been found to be greater than reported.

10.27. A number of receptors have not been included in the LVA. namely recreational users along the National Cycle Network on West Moor Road which adjoins the site for some 1 km and along Jobbing Cross c300m to the north of the site. It is also anticipated, that as these lanes are suitable for cyclists, they are also relatively quiet with low volumes of traffic making them suitable for walkers. There is also some disagreement on the level of impact recorded from viewpoints 1 and 2 (from West Moor Road boundary) when compared to viewpoints 7-9. These have been recorded as the same level of impact (medium magnitude) although viewpoints 1 and 2 look directly over the site and viewpoints 7-9 (Public Right of Way (PROW) and Jobbing Cross) are separated from the development by 300m and partially hidden by topography.

10.28. One of the points raised by public comments was the omission of type 3 photomontages from the LVA. The Councils Landscape Officer, however, indicates that it would not be proportionate or worthwhile to expect these for all viewpoints but that it would be reasonable to expect ones from viewpoint 1 (or ideally the bridge) and viewpoint 7 from the PROW). The Landscape Officer has indicated that not including these is “not in the spirit of current guidance from the Landscape Institute TGN 6/19 on visualisations”.

10.29. The Officer concludes that the effects of the development are likely to be greater than stated from West Moor Road and from the PROW at viewpoint 7. The Officer goes on to state, however, that despite the above, further mitigation would result in an acceptable development in landscape and visual terms.

10.30. In summary the response indicates that at present the proposal does not demonstrate sufficient compliance with policy E4: Green Infrastructure or E7: Hambleton's landscapes as it does not protect enhance or restore the distinctive landscape character or secure improvements to green infrastructure that are integral to the existing landscape pattern or enhance recreational links. Further and altered mitigation, however, could achieve a policy compliant proposal. Suggested mitigation includes incorporation of small blocks of native woodland, hedgerow trees along boundaries to soften views, gapping of existing hedges, reduced maintenance height for hedges to be consistent with the landscape character.

10.31. At the time of writing, it was agreed with the applicant that further mitigation as requested will be provided. The applicant has agreed to include the additional mitigation as part of the Landscape and Ecological Management Plan (LEMP), however, as minor alterations to the layout may be required it has not yet been agreed whether this can solely be secured through the LEMP which is subject of a recommended condition. A solution is anticipated prior to the Committee meeting and will be provided via the pre meeting updates/late papers.

10.32. Officers agree with the assessments set out above. It is considered that generally the sites context and the high degree of containment and screening provided by surrounding landscaping, not least Brafferton Spring Wood immediately to the west and the trainline to the east, means the site lends itself to the proposed development without having a high level of wider landscape impact. There would be an inescapable impact from the immediate vicinity of the site, especially when travelling along West Moor Lane over the East Coast Mainline and views would be possible of the solar arrays and the substation from this road. These are restricted to a relatively limited stretch of road.

10.33. It is noted that there would also be a degree of impact on the outlook from Bishop House, which is located off West Moor Road and will be located adjacent to the southern portion of the site, with the site wrapping around the wider grounds associated with the dwelling. Generally the test in terms of impact on outlook from the individual dwellings in the locality is undertaken in the context of residential amenity and one's enjoyment of their private dwelling and is not a matter pertaining to general landscape impact. Consequently, this will be assessed in detail in a subsequent section.

10.34. Several of the objections that have been received are from owners of Brafferton Spring Wood, abutting the site to the west. This is an area of woodland, ownership of which is split between a number of private individuals/families/groups, that it is understood utilise the woodland for a range of reasons but mainly manage it for recreational purposes. The objections received raise concerns that the owners of this woodland have not been considered in the LVA as visual receptors. It is accepted that the panels and substation would be visible from the eastern edge of the woodland. However, this would have a negligible impact overall in terms of the wider landscape impact owing to the fact visibility would be restricted to the edge of the woodland and the development would be inconsequential for the vast majority of users of this woodland. Consequently, Officers consider the impact on the owners and users of the woodland has been proportionately assessed and ultimately there would be a negligible impact for a small number of said users and therefore this is given very limited weight in the planning balance.

10.35. Given that the applicant has agreed to provide further mitigation as part of the LEMP and the Councils Landscape Architect has identified that the scheme would, as a consequence, be acceptable it is considered that the landscape impact of the proposal is acceptable.

Impact on Heritage

10.36. Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special

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

10.38. Policy S7 (Historic Environment) states that Heritage Assets will be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to Hambleton's distinctive character and sense of place.

10.39. Policy E5 (Development Affecting Heritage Assets) states (inter alia) a proposal will only be supported where it ensures that: (i.) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j.) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals; (n.) those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation will be ensured through preservation of the remains in situ as a preferred solution. When 'in situ' preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Record.

10.40. Policy E5 also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.

10.41. There is one designated heritage asset within 1km of the site; the grade II listed Pilmoor Cottages which are approximately 300m from the north eastern edge of the site. Given the degree of separation between the site and these listed buildings, plus intervening physical features such as the East Coast Mainline, the site does not play a role in the setting of this heritage asset and therefore the development would be inconsequential in this respect.

10.42. In addition to designated heritage assets, there is also a requirement to consider the archaeological potential of the site and the subsequent impact of the development on this. It is understood there have been archaeological finds in the surrounding area but the exact location of these are not known other than it being recorded as "Pilmoor". A geophysical survey of the site has been provided and reviewed by the Councils Principal Archaeologist. The archaeologist has confirmed the results of the survey are generally negative and the features that have been revealed are agricultural or natural in nature and thus are of no archaeological value. Furthermore, as the installation of the solar panels results in only a small amount of ground disturbance, it is considered unlikely there would be any impact on

archaeological remains in any case. Based on this, it is considered no harm would arise to the archaeological value of the area.

10.43. It is considered that there would be no implications from a heritage point of view as a result of the proposed development.

Amenity

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

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

10.46. The most onerous issue from an amenity point of view is the impact on the living conditions of the occupants of Bishop House, which is immediately adjacent to the development site. In order to mitigate the impact in this respect, the development maintains a separation distance around this dwelling and its amenity space. The solar panels would therefore be approximately 110m away from the boundary of Bishop House at the nearest point, i.e. to the north, with an area of grassland/paddock and Sun Beck situated between the two. There is already a degree of intervening landscaping by way of a hedgerow and tree planting. The proposal includes additional landscaping to reinforce this to further screen views from Bishop House.

10.47. It is accepted that there would be an inescapable impact on the outlook from Bishop House and views of the solar panels and associated infrastructure would be inevitable. However, the matter at hand is whether the change in outlook would be at the level where it would appear overbearing and have a detrimental impact on the occupant's enjoyment of their dwelling and their overall living conditions. Notwithstanding the fact an individual's right to a view is not a material planning consideration, it is noted that a sudden and considerable change in outlook can have a detrimental impact on amenity in this respect.

10.48. The occupants of this dwelling have provided photographs from various vantage points within their property as part of their objection. These images are useful and actually illustrate that from ground level, the outlook will largely be unaffected. Whilst some of the solar panels would be glimpsed in the medium-range, this would be very much mitigated by the existing planting in the short term. This impact would be lessened even further in the medium to long term as the proposed landscaping begins to mature. This fact, coupled with the separation distance, is considered to adequately mitigate against the impact of the development and ensure no harm will arise to the amenity of the occupants of Bishop House in terms of an overbearing impact of the physical relationship between the site and this dwelling.

10.49. There is a second dwelling adjacent to the site to the north, Pilmoor Grange. Similar to the above, this is bound by a fair amount of landscaping to the west which will screen the views of the solar panels from this dwelling. The main outlook from this dwelling is southwards, which is where there will be a much greater degree of separation to the solar panels themselves of circa 250m. This is considered adequate to ensure there will be no oppressive impact from the panels.

10.50. The second issue at hand is the potential for obtrusive light reflecting off the panels and impacting the amenity of nearby residents. In order to assist in the assessment of this issue, a Glint and Glare Study has been submitted in support of this application. This identifies potential receptors by way of dwellings in the locality and considers the visibility of panels from these locations. When panels are visible, geometric calculations are used to determine whether a reflection can occur, and if so, the time and duration of the reflections. The level of obtrusive light can then be quantified. Where it is predicted that reflections would be visible for less than 3 months of the year and less than 60 minutes on any given day, the impact is deemed to be low and no mitigation is required. Where effects are predicted for more than 3 months and/or more than 60 minutes, factors such as whether reflections would be visible from all storeys, the separation distance to the panel area, the position of the sun, and whether there are any windows facing the reflecting area are all used to determine the impact of significance.

10.51. The study submitted does this for the eleven dwellings within 1km of the site. It concludes that reflections from the panels are geometrically possible from eight of the eleven dwellings within 1km. However, owing to separation distance and intervening landscaping, all but one, Bishop House, would not be impacted. Owing to the closer proximity, partial views of the reflections are considered possible from the upper floor of Bishop House and therefore the impact is classified as greater but still within the 'low impact' category.

10.52. Officers acknowledge that there would be a level of reflection visible from Bishop House, however, this would be for a matter of minutes, within a very limited window in the year. It is also worth noting that this impact would be further mitigated by the additional landscaping that is proposed surrounding Bishop House. Consequently, the impact of these reflections would be negligible and not at a level where it would become intrusive or harm the amenity of the occupants of this dwelling.

10.53. A point of concern that has been raised by several of the objectors is the potential for noise to arise from the development as a result of the transformer and substation. Whilst these concerns are noted, the substation would be located over 300m away from the nearest dwelling, i.e. Woodend to the west. The level of noise output would not be such that it would be noticeable against the general background noise levels of the surrounding area, particularly with the close proximity of West Moor Road and the East Coast Mainline. A very low level of noise may be possible on particularly quiet days or if one was outside during the night, but this would not be at the level where it would harm the amenity of nearby residents.

10.54. Concerns have also been raised about the proximity of the woodland and it has been argued by owners of this woodland that they should be considered recreational receptors to noise from the substation. Discussions have been had with the Council's Environmental Health Team regarding this issue and they have clarified that the level of noise output from the substation would not be such that would equate to harm to the amenity of the users of this woodland. Even if it were to be considered that a minimal level of harm to the users of this woodland would occur, it must be noted that there are no residential properties within this area and the woodland is used by private individuals for recreational purposes. Consequently, the general impact of this harm would still be minimal and thus this would be given limited weight in the planning balance.

10.55. The above assessment is based solely on the operational phase of the development. It is accepted that the impact during construction and decommissioning may be greater, including from construction vehicle movements. However, this would be for a short period of time and can be controlled through a Construction Management Plan which would ensure any potential impact is mitigated and managed to maintain amenity.

10.56. It is considered that the development will have an acceptable impact on amenity and complies with policy E2 in this regard.

Flood Risk and Surface Water Drainage

10.57. Policy RM2 of the Local Plan relates to flood risk and outlines that the Council will manage and mitigate flood risk by:

a. Avoiding development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy.
b. Protecting areas of functional floodplain as shown on the Strategic Flood Risk Assessment, from development, except for water compatible uses and essential infrastructure.
c. Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.
d. Reducing the speed and volume of surface water run off as part of new build developments.
e. Making space for flood water in high risk areas.
f. Reducing the residual risks within areas of rapid inundation.
g. Encouraging the removal of existing culverting where practicable and appropriate.
h. Supporting development and management of flood alleviation schemes.

10.58. This will be achieved by supporting a development proposal only where it is demonstrated that:

i. the sequential test has been applied and passed;
j. if, following application of the sequential test, it is not possible, consistent with wider sustainability objectives and the vulnerability to flooding of the proposed use for development to be located in zones with a lower probability of flooding, taking account the impacts of climate change, the exception test has been applied and passed, such that;

i. the development will provide wider sustainability benefits to the community that outweigh flood risk, informed by the Hambleton Strategic Flood Risk Assessment (March 2017) or successor documents; and
ii. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

k. development has been sequentially located within the site to avoid flood risk;
l. all reasonable opportunities to reduce overall flood risk have been considered and where possible taken; and
m. the integrity of existing flood defences is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council.

10.59. There is a portion of the southern-most part of the site which lies within flood zones 2 and 3. There is also a very small area around Sun Beck on the north eastern part of the site that is within flood zones 2 and 3. The Environment Agency records provided by the applicant show that there is no record of flooding within the site. Nevertheless, a site specific Flood Risk Assessment (FRA) has been submitted with the application as required by national and local policy. This assesses the likelihood of flooding from various sources; fluvial flooding from the watercourse that runs through the site, surface water flooding from natural and engineered drainage systems, ground water flooding due to a high water table, and finally infrastructure failure flooding from failure of manmade waterbodies such as sewers.

10.60. In addition to the above sequential test information has also been submitted in support of the selection of this site for development. The NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

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

10.62. The sequential test goes on to explain that the further the development is located from the point of connection the more technical difficulties and costs are encountered such as increased length of underground cabling (including trenching) which results in thermal losses, materials costs, increased difficulties in coordinating the project over larger areas with potentially more landowners, longer construction periods and increased land requirements and costs. It is generally considered that sites more than 3km from the point of connection are not viable for development. In the addition to the above there is a lengthy list of site constraints that developers must also attempt to avoid in the site selection process including, amongst many others National Parks, AONBs, Green Belt, Best and Most Versatile agricultural land and Sites of Specific Scientific Interest (SSSIs). The applicant outlines the scarcity of sites that do not feature these constraints.

10.63. The site has relatively small areas in Flood Zones 2 and 3. In addition within the site the substation has been located on land within Flood Zone 1. As will be outlined below the proposal also passes the exception test and has not attracted any objections from the Environment Agency or the Lead Local Flood Authority. It is for the Local Planning Authority, however, to determine if the sequential test is first passed. In this case given the reduced number of potential development sites and the preference to avoid other more sensitive constraints such as scheduled monuments or AONBs Officers consider that the development of this site is sequentially acceptable.

10.64. In terms of fluvial flooding, the FRA uses cross-sections of the beck and LiDAR data to assess the likely flood levels. This includes an allowance to accommodate climate change. Ultimately, the outcome of this was that the highest flood level would be 22.44mAOD. The likelihood of fluvial flooding impacting the site is categorised as "medium" in the FRA. To mitigate the impact in the event of this occurring, the solar panels that are sited in flood zones 2 and 3 will be set at 600mm above the flood levels at their lowest point to ensure flood resilience. Furthermore, the site layout has purposely located any more vulnerable infrastructure, i.e. the substation and transformers, within flood zone 1. The risk of flooding from other sources is categorised as being 'low' for this site. The Environment Agency have reviewed the FRA and confirmed they have no objections to the proposed development. On this basis, it is considered that the development would remain flood resilient for its lifetime and would not increase the likelihood of flooding elsewhere.

10.65. Along with ensuring development is safe from flooding, i.e. the exception test, there is also a requirement in national and local planning policy for a sequential approach to development in areas of increased flood risk. This requires new development to be steered to areas with the lowest risk of flooding. Whilst a sequential test has not been submitted as part of the application Officers recognise that this type of development is subject to locational criteria which limits the availability of sites. For example, in order for solar projects to be viable they often need to be sited within 3km of an available grid connection. It is also important to avoid Best and Most Versatile agricultural land as well as historical and ecologically

important sites. In this case it is considered that given the difficulties in identifying suitable sites for solar development, that there are no objections from the LLFA and the EA and that the layout has been designed so that the substation is on Flood Zone 1 the development can be justified sequentially.

Impacts on Highways Safety

10.66. Policy IC2 of the Local Plan relates to transport and accessibility. Owing to the nature of this development, aside from construction and decommissioning, vehicular movements to and from the site are minimal. Consequently, the majority of the requirements set out in policy IC2 are not relevant on this occasion. However, there is still a requirement to ensure no aspect of the development will compromise highway safety.

10.67. The main access to the site for general purposes will be directly off West Moor Road at an existing access point that was constructed by National Grid. The Local Highway Authority have assessed this aspect and deem this access is suitable to serve the development. A Construction Traffic Management Plan (CTMP) has been submitted with the application which outlines that this access would also be used for the construction phase. There would be a HGV holding area adjacent to this access in the event there are several vehicles entering and leaving the site at one time. Construction traffic would make use of the accessibility of the site and be directed off the A19 and along the most direct route to the site which is through Raskelf and along West Moor Road. This would undoubtedly lead to an uplift in vehicle movements on the local highway network and it is set out that there would be a maximum of 245 separate deliveries over the course of a 6 week period at an average of 8 deliveries per day. This uplift would be incorporated at off-peak times and thus avoids conflict with school traffic and the like.

10.68. The Local Highway Authority have reviewed the CTMP and are content the details and measures provided are acceptable to ensure that highway safety would not be compromised during construction. They have requested a condition requiring a general Construction Management Plan relating to site management be included.

10.69. On the basis of the above, it is considered that the development will not compromise highway safety and complies with policy IC2.

Ecology Impacts and Biodiversity Net Gain

10.70. Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)

10.71. As set out in the introductory section of this report, there are a number of designated sites within close proximity of the site. Brafferton Spring Wood, a replanted ancient woodland and Site of Importance for Nature Conservation (SINC), is located immediately to the west of the site. Pilmoor Site of Special Scientific Interest (SSSI) is located approximately 0.5km north of the northern-most part of the site. Finally, Sessay Wood, another area of woodland classified as a SINC, is located approximately 0.5km north east of the eastern-most part of the site. Furthermore, there are also habitats within the site boundary that are assessed as being of importance including a number of hedgerows, Sun Beck which runs through the site, and the field boundaries which have been managed by the land owner for wildlife under a Countryside Stewardship scheme.

10.72. An Ecological Impact Assessment (EcIA) has been submitted in support of this application. This assesses the potential impact on the designated sites, as well as protected species

both within the site and the surrounding area - termed the Zone Of Influence. The report and conclusions are based on desk studies and a range of field surveys including a habitat survey, breeding bird survey, wintering bird survey, water vole survey, badger survey and barn owl survey. Data sets relating to other species that have been spotted in the locality by local residents and owners of the adjacent woodland have also been reviewed by the applicant's ecologist.

10.73. In terms of the statutory designated site, namely Pilmoor SSSI, it is considered that the level of separation from the site and the fact there is no hydrological connectivity or other impact pathways, there will be no detrimental impact on this SSSI as a result of this development and no further assessment of this is required.

10.74. In terms of the adjacent Brafferton Spring Wood, paragraph 186(c) of the NPPF is relevant as it requires planning applications to be refused where the development would result in the deterioration of irreplaceable habitats (such as ancient woodland), unless there are wholly exceptional reasons. The Planning Practice Guidance (PPG) offers further information on how LPAs should ensure the protection of ancient woodland, with the use of buffer zones encouraged to mitigate any impact of development. The PPG goes on to recommend that such proposals should have a buffer zone of at least 15m from the ancient woodland to prevent root damage. Furthermore, where possible the buffer zone should contribute to wider ecological networks by consisting of woodland or a mix of scrub, grassland, heathland and wetland. The site layout on this occasion has been specifically designed to leave a buffer of a minimum of 20m between the fence line along the western boundary and the adjacent SINC. This is to be sown with special general purpose meadow mixture. Consequently, the proposed buffer zone goes beyond the recommendations of the PPG and would be used to enhance the wider biodiversity through suitable planting. It is considered this is a proportionate approach to the potential impact in the adjacent woodland and would ensure no harm arises to this Site of Importance for Nature Conservation.

10.75. It has to be noted that the above assessment relates only to the operational phase of the development. The EcIA concedes that there is potential to negatively impact the adjacent SINC during construction as a result of use of heavy machinery on site and potentially close to the SINC. Whilst the buffer zone detailed above will in theory mitigate this impact, it is important to ensure that the working practices during construction are precautionary to ensure no harm occurs. Consequently, it is recommended that a Construction Environmental Management Plan (CEMP) be conditioned if permission is granted which will outline how works will be undertaken and the protective measures that will be put in place during the construction and decommissioning phases of the development. On this basis, it is considered this potential harm will be mitigated.

10.76. Finally, in terms of the identified habitats within the site boundary, it is important to note that all hedgerows and existing planting within the field boundaries would be retained and protected by a minimum 8m buffer, in particular around Sun Beck. Consequently, this would ensure protection of these existing habitats within the site. Similar to the above, it is considered a CEMP would ensure that this protection is provided throughout all phases of the development.

10.77. Moving on to the direct impacts on protected species specifically, as set out above, a number of field surveys have been undertaken to ascertain the presence of any species on site and therefore the potential impact this development could have - during construction, operation, and decommissioning of the scheme. Ultimately, the main impact would be on birds. The landowner has created 'Skylark plots' within the arable fields and a field survey confirmed signs of skylarks being present in the vicinity of the site. Furthermore, breeding bird surveys have identified that the site is used by 24 different species for breeding, including 7 which are priority species in terms of their conservation status. Lastly, a wintering bird survey identified 19 notable species on the site, several of which were listed

as priority species in terms of their conservation status and two of these are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (Redwing and Fieldfare). Consequently, the site has been classified as being of local importance in terms of value to breeding birds and wintering birds.

10.78. The main impact on birds would be the loss of breeding habitat for ground nesting birds - most notably Skylark. This cannot be mitigated as by its nature, the site will require clearance of the arable fields. Consequently, to compensate for this, 2ha of the site has been taken out of use for solar panels and set aside to allow for ground nesting bird compensation. It is likely, however, that the development will result in partial residual displacement of this species from the site. There is potential for further mitigation through the LEMP. There will also be general mitigation through the creation of species rich grassland, mixed scrub, native-species rich hedgerow and tree planting. Through these measures, it is considered that, on balance, the impact on protected birds would be acceptable.

10.79. Other signs of protected species on site have been identified, including badger setts, and Sun Beck has been identified as potentially supporting commuting otters, although no specific signs of holts or resting places were identified. Furthermore, the site has features that may support foraging and commuting bats. In terms of badgers, a 30m buffer zone has been maintained around the setts which will not be developed. Furthermore, access holes would be maintained in any fencing to ensure badgers can still move through the site. Any detrimental impact on commuting otters and bats would be during construction and decommissioning due to artificial lighting. To avoid this, all Construction lighting would be designed to follow the protocol outlined in the Institute for Lighting Professionals Guidance note 08/23 "Bats and Artificial Lighting in the UK" (2023). In addition, a dark corridor would be retained along the boundary features (hedgerows and watercourse) and woodland edge to ensure commuting/foraging bats are not impacted by the works. This would be controlled through the CEMP.

10.80. The other potential issues outlined are mainly resulting from accidental harm to habitat during construction. This can be mitigated through the timing of construction/decommissioning works and/or precautionary measures that would be outlined in the conditioned Construction Environmental Management Plan in the event that planning permission is granted.

10.81. Based on the above, it is considered that there has been a proportionate assessment of the potential impacts on habitats and protected species both within and around the site. This impact would be mitigated through simple measures such as maintaining adequate buffer zones around valuable habitats, off-setting the loss of other valuable habitats and generally providing newly planted species-rich grassland, mixed scrub creation, species-rich hedgerow and tree planting that would help to generally compensate for any loss of habitat. This would lead to a development that has an acceptable ecological impact.

10.82. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition. In this case, however, the application was submitted before Biodiversity Net Gain became a legislative requirement. Policy E3 of the Hambleton Local Plan does, however, require that all development demonstrate a net gain for biodiversity. The supporting text indicates that the latest DEFRA guidance and tool be used.

10.83. In this case the applicant has provided a Metric and supporting report which indicates a 188.95% increase for habitats and 20.08% increase for hedgerows. The watercourse has not been included in the submitted metric. NYC Ecologists have indicated that due to the

layout of the development the watercourse would not be impacted and therefore the metric does not need to be completed at this stage. It is recommended, however, that a condition requiring an updated metric and watercourse management plan be included if permission were to be granted.

10.84. The submitted Metric also does not satisfy the Trading Rules for area habitats due to the loss of arable field margins on site. The BNG report indicates that to satisfy trading rules, additional areas of winter bird foraging resource (arable field margins game bird mix) would be required which would reduce the areas available for species-rich grassland creation (other neutral grassland), a medium distinctiveness habitat and considered of greater value to biodiversity in general. NYC Ecologists have reviewed this argument and agreed that as the application was submitted before the mandatory requirement for BNG this justification is acceptable.

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

Impact on Infrastructure

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

11.0 PLANNING BALANCE AND CONCLUSION

11.1. There is strong national support for renewable energy schemes as set out in national guidance and policy documents. Similarly at a local level the Hambleton Local Plan also encourages renewable and low carbon energy installations. Policy indicates that any harm must be avoided and minimised where possible before being weighed against the public benefits.

11.2. The proposal does not meet some minor technical requirements i.e. full compliance with BNG and some omissions/discrepancies in the LVA. With regard to BNG it is considered that compliance with the trading rules would result in a reduction in overall biodiversity value which would be counterproductive. The absence of watercourse information can be resolved by condition. With regard to the LVA the Councils Principal Landscape Architect has agreed that further mitigation can reduce the impact of the development to acceptable levels in compliance with local policy.

11.3. On balance It is considered that the development would not result in significant harm that would outweigh the substantial public benefits of a renewable energy scheme.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings: Site Block Plan - Proposed Figure 2 Revision A (received 16.04.2024), Landscape & Ecology Management Plan - Figure L7 (received 22.04.2024), Proposed Substation Layout and Details - Figure 3 Revision A (received 29.04.2024), General Details - Communications Tower – Figure 3 (received 29.04.2024), General Details - Figure 4 Revision A (received 06.12.2023)

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

3. The permission hereby granted shall be limited to a period of 50 years from the date when electricity is first exported from the solar panels to the electricity network (the First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

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

4. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 49 years and 6 months following the First Export Date (whichever is sooner), a scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to the local planning authority for its written approval. The report shall include ecological surveys and assessments undertaken prior to decommissioning and taking account of the ecological policy and legislative framework at the time of submission. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved scheme and timescales.

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

5. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, 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 solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

   Reason: To ensure in the event of the panels becoming obsolete, they are removed in a timely manner, in the interests of the character and appearance of the surrounding area.

6. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. This must take into account the requirement from Network Rail to provide a suitable

trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

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

7. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP): Biodiversity shall be submitted to the Local Planning Authority for approval in writing. The Management Plan must include but not be limited to:
    - Habitat protection measures as set out within the EcIA and indicative LEMP
    - Pre commencement surveys for mobile protected species to inform any changes to avoidance/mitigation measures.
    - Species protection measures, including where necessary individual species precautionary working method statements, where protected species are involved, measures should ensure compliance with legislation and/or licence regime (updated as needed following pre commencement surveys).
    - ECoW roles and responsibilities
    - Clear plans showing location of sensitive features, temporary exclusion zones etc.
    - Clear, concise method of communicating requirements to all contractors working on site
    - Sensitive lighting strategy for wildlife

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

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

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

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

9. Prior to the commencement of development hereby approved, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Management Plan must include but not be limited to:
    - A detailed plan showing the areas of habitat creation, retention and management.
    - Detailed methods for habitat creation, including ground preparation, species mix, planting specification and initial aftercare.
    - A timetable for the implementation of each habitat/species intervention
    - Detailed management prescriptions for each habitat type – it is recommended that these are set out by habitat type, using UKHab to conform to BNG requirements and with the target distinctiveness and condition in mind.
    - Hedgerow Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.

- Watercourse Management Plan - to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Contingency measures/risk register to take account of the results of monitoring and implement changes to management in order to stay on track.
- Operational requirements in relation to maintenance of fencing and features for species – e.g. bat and bird boxes
- Monitoring methodology and schedule for habitats and species
- Reporting format and schedule to local authority

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

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref 27695-HYD-XX-XX-RP-WENV-0001, dated 15 March 2024) and the following mitigation measures it details: - The proposal is to be carried out in accordance with section 4.2.2 Flood Resistance section. - Section 4.2.1 Site Layout, all proposed more 'flood risk vulnerable' infrastructure to be located in flood zone 1. These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

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

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

    Reason: In the interest of highway safety and amenity.

13. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
    i. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
    ii. areas for storage of plant and materials used in constructing the development clear of the highway;

iii. highway condition survey on the roads (C86 West Moor Road and Raskelf Village Street) between the A19 junction and the site access ;
iv. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

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

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

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

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

Target Determination Date: 18.04.2024

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