

**Officer Update Note**  
**Strategic Planning Committee – 11 June 2024**

**Item 3**

<b>PROPOSAL:</b>	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
<b>LOCATION:</b>	Land To The South Of Pilmoor Grange, Pilmoor, York, YO61 2QF
<b>RECOMMENDATION:</b>	That Planning Permission be GRANTED subject to conditions

**Conditions**

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

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

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

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

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

General Details - Figure 4 Revision A (received 06.12.2023)

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

Single Line Diagram (SLD) (received 10.06.2024)

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

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

- A detailed **planting** plan showing the areas of habitat creation, retention and management,
- Detailed methods for habitat creation, including ground preparation **works** and **planting plans and schedules showing species mix, densities and type and size of nursery stock** and initial aftercare.
- A timetable for the implementation of each habitat/species intervention

- Detailed management prescriptions for each habitat type – it is recommended that these are set out by habitat type, using UKHab to conform to BNG requirements and with the target distinctiveness and condition in mind.
- Hedgerow Management Plan – to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Watercourse Management Plan - to take opportunity to maximise the benefit of this resource on site for habitat and species connectivity.
- Contingency measures/risk register to take account of the results of monitoring and implement changes to management in order to stay on track.
- Operational requirements in relation to maintenance of fencing and features for species – e.g. bat and bird boxes
- Monitoring methodology and schedule for habitats and species
- Reporting format and schedule to local authority
- Invasive Non-Native Species Control Strategy covering all phases of construction, operation and decommissioning.

### **Additional Public Comments**

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

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

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

### **Additional Comments from the applicant/agent**

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

Handout provide by Agent:

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



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

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

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

The statement goes on to confirm that

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

[www.lighthouse-dc.co.uk](http://www.lighthouse-dc.co.uk)



#### **Item 4**

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

#### **1. Officer Report: Omissions**

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

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

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

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

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

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

Summary of Reconsultation Responses Received (Local Residents)::

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

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

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

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

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

**Summary of Reconsultation Responses Received (Other Consultees)::**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

## **2. Comments Submitted by the Agent (dated 13.08.2024)**

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

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

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

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

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

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

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