

North Yorkshire Council

Community Development Services

Strategic Planning Committee

08 October 2024

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

At: OS Fields 7456 And 6163, Amplecarr, Husthwaite

On behalf of: Woolpots Solar Farm Ltd

**Report of the Head of Development Management – Community Development
Services**

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the installation of a solar (photovoltaic) farm with associated Battery Energy Storage System (BESS), infrastructure and landscaping on agricultural land at Amplecarr, near Husthwaite village.
- 1.2 The Corporate Director of Community Development considers the application to raise significant planning issues.
- 1.3 The application was considered by the North Yorkshire Council Strategic Planning Committee on the 13th August 2024 where the Committee resolved to defer the application to allow the applicant to submit additional information regarding the development's boundary fencing specifications and to provide further clarification regarding the height/orientation of the proposed photovoltaic panels in respect to their ability to allow sheep grazing to take place under them. The agent has subsequently provided additional information in respect to these matters, and the application is brought back to the Strategic Planning Committee to consider the application in light of this information.

2.0 EXECUTIVE SUMMARY

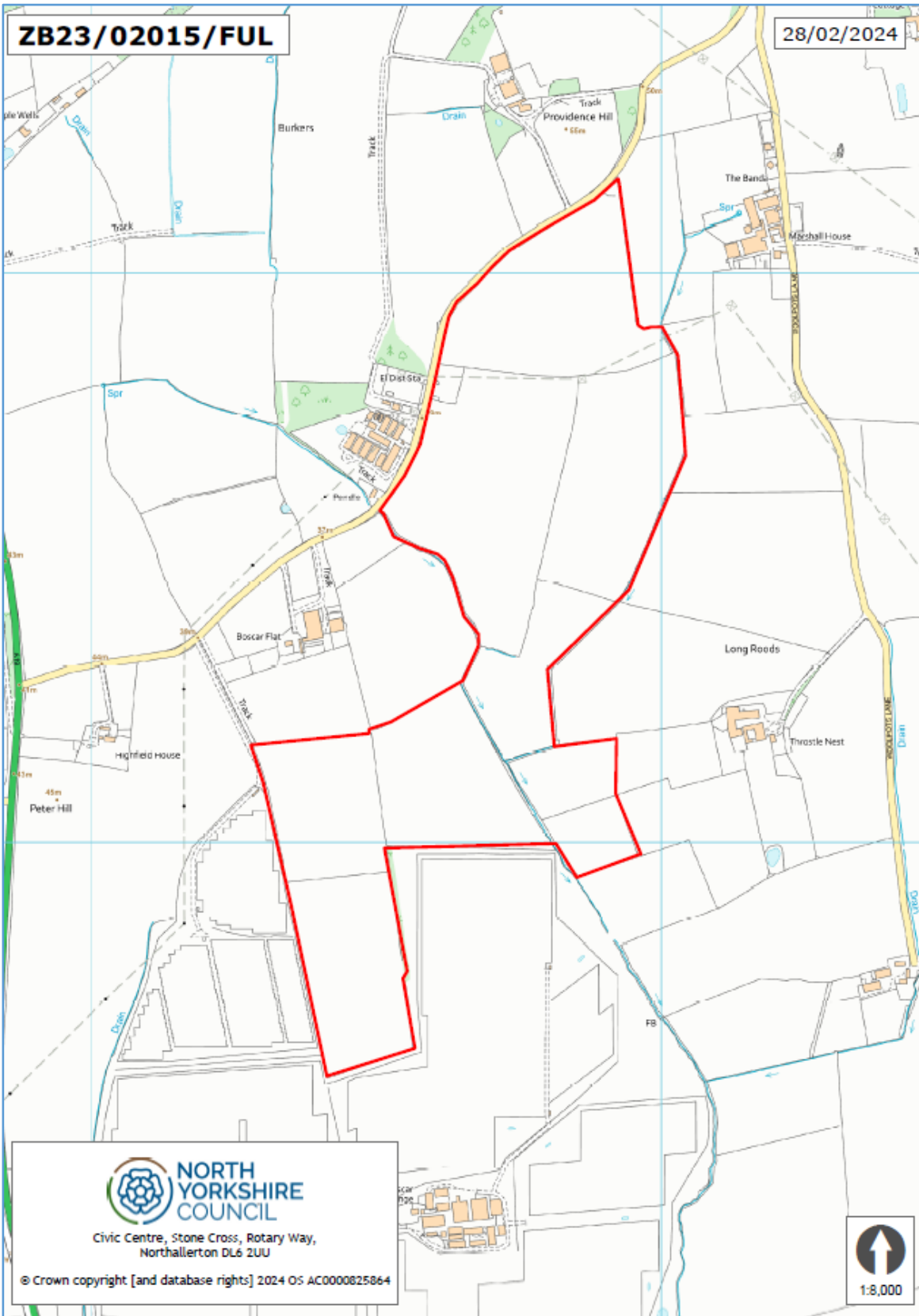
RECOMMENDATION: That planning permission be REFUSED for the reason as set out in Section 12 of this report:

- 2.1 The proposals consist of rows of solar arrays as well as associated infrastructure consisting of transformer/inverter ('MV') stations, storage containers, substation, security fencing and pole-mounted CCTV cameras and a Battery Energy Storage System (BESS). The BESS would be located within the northern element of the application site, close to the main site entrance.


- 2.2 The 51ha application site is located to the east of the unnamed Amplecarr road, leading from the A19 to the village of Hushwaite. The site is located opposite to the existing Amplecarr electricity distribution installation (to which the proposed installation would connect) while the south-western boundary adjoins the existing Boscar Grange and Highfield House/Peter Hill solar farm sites. The application site consists of a series of adjoining agricultural fields, primarily consisting of improved grassland (pasture) fields some of which appear to be grazed, although there are also arable fields within the land-edged-red. There are trees within the site (almost exclusively along the site boundary), as well as drainage ditches and hedgerows.
- 2.3 In general accordance with current national planning policy, guidance and Written Ministerial Statements regarding renewable energy, Local Plan Policy RM6 states that renewable energy installations will be encouraged, although such installations will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts, are or can be made, acceptable taking into account any mitigation to avoid, reduce or compensate for any impacts and weighing any adverse impacts against the public benefits of the proposals.
- 2.4 The proposed development would result in both significant cumulative public benefits and also significant cumulative adverse impacts. The proposals have however failed to demonstrate that the significant adverse impacts of the scheme are, or can be made acceptable, even when the significant weight afforded to the scheme's public benefits is taken into consideration. Of particular concern in this regard is the lack of suitable information submitted on behalf of the applicant to successfully demonstrate that the use of the BMV agriculture is necessary and unavoidable. The proposed development is therefore contrary to Policy RM6 (Renewable and Low Carbon Energy) of the Local Plan, as well as Policies S5 (Development in the Countryside), E6 (Nationally Protected Landscapes) and E7 (Hambleton's Landscapes).
- 2.5 Since the August Strategic Planning Committee (where the Committee resolved to defer the application) the applicant has sought to address the Committee's reasons for deferral by submitting additional information regarding the development's boundary fencing specifications and in relation to the height/orientation of the proposed photovoltaic panels in respect to their ability to allow sheep grazing to take place under them. These matters are specifically addressed within the relevant 'main Issues' section of this report. The clarification provided regarding the use of 'deer' boundary fencing and the ability of the PV panels to facilitate sheep grazing is both noted and accepted, it does not materially alter the adverse landscape impact of the proposed development or affect the ability to optimise the agricultural use of 35ha of Best and Most Versatile (BMV) agricultural land for the 40-year lifetime of the proposed development. The additional information and clarification does not alter the adverse visual and landscape impacts of the proposed development, or materially affect the optimal use of the BMV agricultural land within the application site, or the weight attributed to them within the Officer Report. The recommendation for refusal therefore remains unchanged.

ZB23/02015/FUL

28/02/2024



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3.0 PRELIMINARY MATTERS

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

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

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

- 3.4 The six month period within which the applicant could lodge an appeal against the Council's refusal of 21/03042/FUL lapsed without an appeal being made.
- 3.5 Included below is a table to help facilitate a comparison between the main details and characteristics of the current application (ZB23/02015/FUL) and earlier refused application (21/03042/FUL):

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

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

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

A written statement (dated 29.08.2024) was submitted by the agent (Envams) following the August Strategic Planning Committee providing clarification on perimeter fencing, sheep grazing feasibility and landscaping.

Deferral Update:

3.7 This application was deferred at the 13th August Strategic Planning Committee for the reasons explained within paragraphs 1.3-1.4 of this report. The following main amendments/additions have been made within this report in relation to the Officer report considered by Members for the August Committee:

- Update to Section 7 (Consultation Responses) to include summaries of all submitted consultation and reconsultation representations, including representations submitted by local residents following the August Strategic Committee Meeting.
- The addition of paragraphs 10.31-10.33 (in section 'The Use of Agricultural Land, Food Security and Soil Impact') summarising and considering the clarification provided by the agent (Envams) in their written statement (dated 29.08.2024) regarding the feasibility of sheep grazing within the development, particularly under and around the PV panels.
- The addition of paragraphs 10.64-10.67 (in section 'Landscape and Visual Impacts') summarising and considering the information provided by the agent (Envams) in their written statement (dated 29.08.2024) regarding the perimeter fencing specification/design.
- The addition of paragraph 10.122 (in section 'Impact on Infrastructure') summarising and considering Yorkshire Water Service's latest (reconsultation) response.
- The addition of Section 13 ('Planning Conditions) which includes a list of recommended planning conditions.

4.0 SITE AND SURROUNDINGS

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

5.0 DESCRIPTION OF PROPOSAL

5.1 The application (as amended) seeks planning permission for the installation of a PV solar farm with associated Battery Energy Storage System (BESS), infrastructure and landscaping. The proposals consist of rows of solar arrays as well as associated infrastructure consisting of transformer/inverter stations, storage containers, substation, security fencing and pole-mounted CCTV cameras. The BESS would be located within the northern element of the application site, close to the main site entrance, and would help provide a more uniform, less-erratic, export of electricity to the grid network.

5.2 The proposed main site access to the proposed development would utilise the existing field access off the unnamed Amplecarr Road, located opposite the Amplecarr electricity distribution installation. A secondary access to be used by emergency services would be created south of the main access, also accessed via the unnamed road.

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

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

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

Emerging Development Plan - Material Consideration

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

National Planning Policy and Guidance

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

On the same day (30 July 2024) as the Deputy Prime Minister's statement in Westminster regarding proposed changes to national planning policy (including the need to make it 'simpler and faster' to build clean energy sources to meet zero carbon generation by 2030), the new Government initiated an open consultation (closing on 24 September 2024) seeking views on proposed revisions to the NPPF, including amendments to paragraph 163 in order to direct decision makers to give 'significant weight' to the benefits associated with renewable and low carbon energy generation and the contribution they can make towards a net zero future, including reaching zero carbon electricity generation by 2030. The Government have confirmed that the purpose of this proposed amendment is to increase the likelihood of local planning authorities granting permission to renewable energy schemes. While the open consultation provides an insight into the new Government's thinking, aims and likely 'direction of travel' with regards to renewable energy proposals (considered through the planning process), no material weight can be attributed to the proposed amendments given the early stages of the consultation process.

Supplementary Planning Document(s) (SPD)

- Sustainable Development SPD (adopted 7th April 2015)

Other Relevant Strategies and Material Considerations

- 6.4. The North Yorkshire Climate Change Strategy 2023-2030 (NYCCS) was adopted in July 2023 and identifies ways in which the county can minimise the impacts of climate change, including providing support for the renewable energy transition.
- 6.5. On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.

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

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation and reconsultation responses have been received and have been summarised below (all representations are available to view in full via Public Access, a link to which is included within section 3 of this report) Unless otherwise stated, the representations were made in respect to the original consultation:
- 7.2 **Husthwaite Parish Council:** The following comments were received on 17.05.2024 in response to reconsultation: "*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.*"

Responding to the original consultation, Husthwaite Parish Council recommended that the application be refused, having made the following comments/observations, as summarised below:

- Although the Parish Council recognises the need to support farm diversification and green energy, they do not feel able to support the current proposals because of their size and nature.
- The proposals will have an adverse impact on the surrounding environment and landscape contrary to Local Plan policy, eroding the natural beauty and special qualities of the Husthwaite Conservation Area and the wider rural landscape, including the entrance/setting of the Howardian Hills AONB and NYM National Park.
- The cumulative impact of the development, alongside existing Solar Farm installations at Boscar Grange and the Peter Hill, will have a detrimental impact on the existing/rural character.

- Have concerns regarding the proximity of the proposed electricity sub-compound and BESS adjacent to the entrance to Huthwaite village: this would constitute a 'visually intrusive industrialisation' of the rural landscape and raises 'serious fears' in relation to human health and the environment (particularly in relation to the BESS) due to the proximity of the village and the High Pressure Ethylene Pipeline, if a battery fire were to occur.
- Approximately 70% of the proposed solar farm would be installed on Grade 2 and 3a agricultural land (i.e. BMV land). This would constitute a substantial loss of BMV land, a finite resource, which should be protected for the nation's food security. The development would therefore be contrary to Policies S1 and S5 of the Local Plan.
- Given the above concerns, the Parish Council therefore request the following:
 - a. A full fire safety plan (agreed with the Fire and Rescue Service) to include procedures for maintaining safety and dealing with incidents of battery fire, with identification of a suitable water course that can be utilised in case of emergency and provision of a suitably-sized drainage interceptor trap to prevent an environmental disaster should excesses of water be needed to control a fire.
 - b. The provision of a detailed soil management plan, fully compliant with DEFRA's Construction Code of Practice for Sustainable Use of Soils on Construction Sites.
 - c. Consideration given to the effect on the proposed development on long-standing businesses (including those that depend on tourism), and the impacts on the local economy (including the impact of any disruption caused to the local road network)
 - d. Suggest that an Environment Statement be required (through the EIA Regulations) prior to the determination of the application.
 - e. Recommend that any road closures should be kept to a minimum.
- Should planning permission be approved, the Parish Council recommend that conditions addressing the following matters are imposed:
 - i. The submission of full details of the site layout, design and finishes including details of buildings, security apparatus and infrastructure.
 - ii. The submission of full details of hard and soft landscaping works to include proposed finished levels and contours, legacy planting proposals, planting plans and implementation programme.
 - iii. The submission of a full maintenance plan with details of funding, frequency and extent of planned maintenance activity and the submission of annual maintenance logs.
 - iv. The submission and approval of a Construction Management Plan to include specific working hours, plant/material storage areas; construction vehicle parking during construction; delivery, loading and unloading details; wheel-washing facilities.)
 - v. If the site ceases to generate electricity for a period of more than three months, notice should be given to the LPA.
 - vi. The site must cease to operate on or before the expiry of 40 years from the commencement of operations.
 - vii. A decommissioning scheme, including full proposals for site restoration and environmental clean-up, must be submitted to the LPA within three months of the site ceasing to generate electricity and decommissioning must be carried out in accordance with the scheme.
- In addition, should planning permission be granted, the Parish Council would like assurances that, prior to commencement of the development, a planning obligation (by way of S106 agreement or unilateral undertaking) will be in place securing payment of the sum offered to the community within the application.

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

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

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

7.5 **Howardian Hills National Landscape (HHNL) [Previously AONB] Area Joint Advisory Committee:** The following comments were received in response to reconsultation: *“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.”*

Responding to the original consultation, they have confirmed that the application site is outside of the Howardian Hills AONB [National Landscape] boundary. They have raised the following observations/comments (as summarised):

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

- vi. Requirement for an appropriate decommissioning scheme.
- vii. Requirement for a community fund, with an increased level of annual payments, to be spent on natural environment, historic environment and community projects.

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

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

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

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

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

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

be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak compared to the pre-development situation.

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

7.9 **Yorkshire Water Services (YWS):** The following questions/queries were raised by YWS on 25.04.2024 in response to reconsultation: “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.*”

Responding to the original consultation, YWS raised no objections to the proposals (subject to the imposition of the conditions summarised below) and made the following comments/observations:

- YWS records indicate that a 5 inch cast iron diameter water main along the unnamed Amplecarr road may be affected by any proposed highway alterations to form a new vehicular access to the application site, although the exact position and depth of the main can only be determined by excavation. YWS note that the developer is proposing to discharge surface water to SUDS, however the eventual outfall has not been stated within the application documents.
- If disposal to the public sewer is proposed, then evidence should be provided to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical.... Surface water discharge to the existing public sewer network must only be as a last resort, but upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, surface water may

discharge to public sewer at a restricted rate of discharge not to exceed 3.5 litres per second.

- YWS also note that the emergency fire system would overflow to a watercourse.
- If planning permission is granted, YWS recommend the imposition of the following conditions:
 - i. The prior submission approval of measures to protect the public water supply infrastructure laid within the application site boundary. The details shall include the means of ensuring that access to the pipe for repair and maintenance purposes.
 - ii. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

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

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

7.11 **Historic England:** The following comments were received on 19.04.2024 in response to reconsultation: “ *do not wish to offer any further comments..*”

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

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

- HE therefore recommended that the applicant reviewed their intended planting scheme and better considers the important contribution the agrarian landscape makes to the significance of the Conservation Area.
- Overall, the HE considers that the application meets the requirements of the NPPF.

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

7.12 **UK Civil Aviation Authority (Airfield Advisory Team) (CAA):** Within their representation to the initial consultation, the CAA have confirmed that the submitted Glint and Glare Study recognises that 'yellow glare' would still result from the proposed development, but that this type of glare would be limited by mitigation within the scheme provided by the use of a single tracking mounting system (with limitations to the backtracking angle) The CAA have also made the following comments/observations within their representation:

- In respect of Baxby Aerodrome, the submitted Glint and Glare Study has demonstrated that there would be no anticipated adverse impact as a result of the proposed development.
- In relation to the Providence Hill Farm air strip, the CAA recognise that the proposed development would only be adding to the existing impacts of the solar arrays already in situ in the local environment rather than adding a new landscape feature. However, the addition may potentially influence the existing flying environment at Providence Hill, particularly as the proposals are located in closer proximity to the Providence Hill air strip than the existing solar arrays., and thus present a different glint and glare environment to aviation activities from the air strip, as well as influencing the current local environment in respect of any inflight emergency landings by reducing emergency land options, particularly those emergencies that take place immediately after take-off. The issue of off-site emergency landing sites (in respect of Providence Hill) should be considered in the determination of the application.
- The above issue has been raised with the agent and a response has been provided by the authors of the Glint and Glare Study (PagerPower) This response has been forwarded to the CAA for further comment. An additional written response is still awaited from the CAA regarding this matter, but will be reported to Members before the Planning Committee Meeting (in the Update List) or at the Meeting itself.

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

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

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

- 7.14 **Local Highway Authority (LHA):** The LHA have raised no objections to the proposed development, subject to the imposition of the following conditions (as summarised):
- the setting out and construction of the site access in accordance with the stated access and verge crossing specifications.
 - The provision of visibility splays in accordance with the approved drawings, and their retention once created.
 - The submission and approval of a Construction Management Plan to include specific matters, including wheel-washing facilities; contractor parking; plant/material storage area; the management of deliveries; a highway condition survey; dust minimisation and suppression measures; external lighting details; method statement and programme of works site manager/officer contact details.
- 7.15 **National Highways:** No objections offered.
- 7.16 **North Yorkshire Fire and Rescue Service (NYFRS):** The NYFRS have stated that The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning NFCC BESS (ukfrs.com) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.
- 7.17 **MOD Safeguarding:** The MOD have confirmed that the application site occupies the statutory safeguarding zones surrounding RAF Topcliffe and RAF Linton-on-Ouse. The respective aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodromes and are approximately 11.9km from RAF Topcliffe and approximately 11.8km from RAF Linton-on-Ouse. Having reviewed the proposals, the MOD have confirmed that they have no safeguarding objections.
- 7.18 **Environmental Health (Contaminated Land):** The following comments were received on 08.05.2024 in response to reconsultation: *“No additional comments to make over and above those already made by my colleague Peter Crass on 12th October 2023, which remain valid.”*

Responding to the original consultation, Environmental Health confirmed that having assessed the application from a contaminated land perspective the risk of contamination affecting the development or end users is considered to be low. However, in order to address any unexpected visual or olfactory evidence of contamination that could be encountered during any approved site preparation works, they have recommended that if planning permission is granted, a condition should be imposed regarding the procedures to be followed should unexpected contamination be encountered during construction.

- 7.19 **Environmental Health (EH):** The following comments were received on 22.04.2024 in response to reconsultation: *“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.”*

Responding to the original consultation, EH stated that having considered the potential impact of the proposals on amenity and the likelihood of the proposed development to

cause a nuisance, they consider that overall, there would be limited negative impact during the operational phase of the development based on the information supplied. However, the construction phase of the proposed development would have some negative [temporary] impact. The EH have recommended conditions to address the following matters should planning permission be granted:

- The provision of details of all noise-generating plant as well as an updated Noise Impact Assessment that demonstrates a 'low impact' in accordance with British Standards BS4142 and BS8233.
- The proposed lighting to be appropriately shielded and angled to prevent glare and its impact on highway safety and amenity.
- The development to be carried out in accordance with the submitted Construction Traffic Management Plan, including adherence with the stated construction operation hours of:
 - i. 08.00-18.00 (Mon-Fri);
 - ii. 08.00-13.00 (Saturdays) and no operations on Sundays or Statutory holidays unless agreed with the LPA in advance.
- The prior approval of a Construction Method Statement, including details relating to the control of noise (including monitoring arrangements) and vibration.

7.20 **Natural England:** Natural England have confirmed that they are not able to provide specific advice on this application and therefore have no comment to make on its details. They direct the LPA to Natural England's Standing Advice.

7.21 **NYC Principal Landscape Architect:** The Council's Principal Landscape Architect undertook a detailed appraisal of the potential landscape impacts of the proposals having reviewed the submitted LVA. This appraisal was subsequently refined and updated following a site visit and discussions with Officers from the HHNL Area Joint Advisory Committee) The defined appraisal raises objections to the proposals as a result of the likely 'moderate' adverse visual effects on footpath users within the local area of the site and a likely 'minor' harmful effect on the Howardian Hills National Landscape. The contents and conclusions of the Principal Architect's refined/updated appraisal is discussed in further detail within the 'landscape' section of this report.

7.22 **SABIC UK:** Although received after the original consultation period, SABIC (UK) comments/observations are summarised at para 7.13 of this report.

7.23 **NYC Ecology (Principal Ecologist):** The following comments were received on received on 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.”

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

Local Representations:

7.25 As well as the original consultation period, subsequent periods of reconsultation were undertaken on 15.04.2024 and 14.05.2024 following the submission of addition plans/information. Additional representations have also been submitted following the Strategic Planning Committee in August, 2024.

7.26 A total of 87 local representations were received in in relation to the original consultation: 83 objecting to the proposals, 3 in support and 1 neither objecting nor supporting. A summary of the main issues are provided below, however, please see Public Access for full comments:

Original Consultation:

7.27 Objections:

- None of the concerns raised in relation to the previous application (i.e. 21/03042/FUL) have been addressed/reduced by this current application.
- The impact on the local area will have a detrimental impact on tourism and visitors' experience of the area.
- The local population will not benefit from the proposed development.
- The proposed development will have a negative impact on rural roads.
- Unlike the Boscar PV installation, the proposed development would be partly on undulating/elevated land and thus highly visible.
- The proposal would utilise BMV agricultural land (with 70% of the application site classed as being BMV) This represents a significant percentage increase in the loss of BMV when compared to previous application (i.e. 21/03042/FUL)
- The loss of BMV should not be permitted as there is a need to increase the country's reliance on home-produced food (food security)
- The substation and Battery Storage infrastructure will be out-of-place in a countryside/rural setting.
- The battery storage poses a fire risk, particularly given the siting of the battery storage close to the roadside, substation and the proposed development's relatively close proximity to Huthwaite village, including the primary school.
- Any battery fire has the potential to impact on the local population's health and to lead to air, water and ground pollution in the local area, including the release of toxic fumes.
- The construction of the development will cause disruption and traffic-related safety and amenity issues on the local road network, including the main road into Huthwaite Village (form the A19)
- The local community has already 'shouldered the burden' for PV provision.
- PV installations should be considered on buildings and brownfield sites first., rather than on rural, greenfield sites such as the application site.

- Some of the information submitted is misleading; no Sequential Test Analysis has been submitted with this application (and therefore no alternative sites considered); there is a lack of information/detail submitted in relation to some aspects of the proposed development (e.g. battery storage; Noise Report; fire suppression provision)
- Cumulative impact - The proposed new scheme dovetails with the solar patterns of the two existing solar creating a cumulative 370 acre industrial development in open countryside.
- No Environmental Statement (through the Environmental Impact Assessment Regulations) has been produced.
- The industrial nature of the proposals will detract from the intrinsic beauty, character and distinctiveness of the countryside and the character/identity of nearby rural settlements, particularly the setting of Husthwaite village (including the setting of the Conservation Area and other heritage assets within the village)
- With a 40 year (or more) operational life, the development is not temporary as stated within the application.
- The proposed development will blight and detract from the 'entry experience' to Husthwaite village.
- The proposed development will adversely affect the settings and views to/from the NYMNP and Howardian Hills National Landscape (formerly AONB)
- Security fencing and security infrastructure is likely to be more intrusive in the future (than is proposed within the current application).
- If improving biodiversity is the aim, then the management of this area should be linked with changes to farming practice; habitat projects in the National Park/AONB and connected to tree planting and rewilding schemes around estate landscapes as recommended by the Local Plan.
- The proposed development will have an adverse impact on the local economy.
- The scale of the proposed development is disproportionate and inappropriate with regards to the local environment.
- There is no clarity on liability in the event of cessation of operations, or in terms of the future management of the site and decommissioning/land restoration on the cessation of the installation.
- Other renewable energy installations should be considered instead (e.g. off-shore wind turbines)
- Concerns that the PV panels are not recyclable (when they come to the end of their operational life)
- The prevailing wind will carry noise generated for the site's battery storage, inverters and transformers towards Husthwaite village.
- The landscaping is insufficient to screen the development and the proposed landscaping to the north would be incongruous with the surrounding landscape (as identified by Natural England)
- The proposed landscaping is too close to the High Pressure ethylene pipeline.
- Little biodiversity benefit.
- Insufficient provision has been made within the application to restore the application site back to agricultural land after the operational life of the proposals has elapsed.
- The proposed floodlighting (to the security fencing) would adversely impact on wildlife and lead to light pollution that will affect the rural dark skies of this part of North Yorkshire.
- The proposed development would harm the setting of the nearby, Grade 2 Listed, Highbarn.
- Doubts expressed regarding the need for the PV installation to be sited on land so close to the existing substation.
- Concerns about whether farming activities can continue to take place alongside the PV installation (e.g. sheep grazing.)

- There are airfields located close to the proposed solar panel and battery farm. The reflected light from solar panels may be a challenge to aircraft negotiating take-off and landing.
- Adverse impact on wildlife, including the movements of animals through the landscape.
- A sense that Hushwaite village is being encircled by PV development.
- The development will be visible from various public rights of way and other vantage point as within the local area.
- 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 Hushwaite (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 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.al*) *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.

7.28 Support and Observations:

- The 'climate crisis' requires a move away from fossil fuels and towards green (renewable) energy...the country requires more green energy.
- The provision of green energy installations will inevitably need to be in some people's 'backyard'.
- Would like to see the area given over to a wildflower meadows replaced with more tree planting (e.g. a community woodland)
- Consideration should also be given for other wildlife friendly additions to the scheme (e.g. bird and bat boxes; small pond.)
- It is essential to do our bit for the environment and the future generations.
- Why not use roof space and brownfield sites first? (before utilising greenfield land)
- The impact on soil health is unknown.

Reconsultation:

7.29 The following is a summary of the reconsultation responses received from local residents since the original consultation and the date of the August Strategic Planning Committee (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 Hushwaite' 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' above, 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 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 Hushwaite (additional planting will take many years to establish itself)
- Concerns about the effectiveness of the proposed 'water tank' and mitigation to prevent pollution and the release of air-borne toxic gases.
- An Environmental Statement should have been provided.
- Concerns regarding 'the selective choice of panoramic viewpoints to understate the visual impact' and lack of 'architectural renderings' alongside the entrance road in relation to the proposed plant, which, cumulatively will have an adverse effect on the local landscape.
- Loss of BMV agricultural land (70% of the site) without compelling evidence/justification for its loss, and the resulting detrimental impact on food production
- Poor site selection and inadequate alternative site analysis.
- Cumulative impacts with existing solar farm developments.
- An outstanding lack of information and detail regarding battery safety (conditioning safety measures can be difficult to enforce).
- Contrary to the relevant landscape-related policies of the Local Plan
- Other concerns regarding solar efficiency. Site security, biodiversity, heritage and the local economy.
- In the 'follow up' response (dated 06.05.2024) by Prof. Melville, he has stated that the does not believe the applicant has responded adequately to the key points raised in his earlier submission) , particularly with regards to the spacing of the BESS units; the insufficient supply of water; and the risks of fire/explosion and the resulting emission of toxic gases), as well as the inadequacy of the Battery Safety Management Plan.

Additional Representations Submitted (Post August Strategic Committee Meeting):

7.30 Two additional supplementary objections have been since the 13th August Strategic Planning Committee, both from local residents who have previously submitted representation. Their representations are summarised below, but are available for Members to view via Public Access:

- Clarification requested over perceived fence height anomaly within the application documents.

- If deer fencing is proposed concerns that this would not provide sufficient security for the site.
- If internal fencing within the site is proposed, would this be compatible with sheep grazing?
- A drawing of the security fencing around the BESS should be provided.
- More accurate visualisations of the proposed site and its fencing should be provided.
- The colour of the proposed battery storage containers should be clarified.
- Confirmation should be sought that the CCTV are relying on infrared technology (rather than external lighting)
- Various comments and observations regarding the statement made by the agent (Envams) within the statement submitted to the Strategic Committee, including:
 - A perceived 'misleading and inaccurate' suggestions regarding the presentation of the Landscape Officer's response within the Officer Report.
 - Perceived misleading comments regarding various landscape considerations and impacts.
 - The weight to be given to the Written Ministerial Statement of July 2024.
 - Comparison of site size between the current proposals and the originally submitted Woolpots scheme.
 - The advantages of a Sequential Test Analysis for solar installations.
 - The stated benefits of the scheme of letting farmland to rest are disputed.
 - A typo is noted in the date within the first footnote of the Officer report [this has been corrected within this report].

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

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

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:
- Principle of Development and Legislative/Policy Context
 - The Use of Agricultural Land (including areas of BMV land) and Soil Impact
 - Landscape and Visual Impacts
 - Impact on Heritage Assets (including Archaeology)
 - Amenity/Health & Safety
 - Contamination and Pollution Risk

- Flood Risk and Surface Water Drainage
- Impact on Highway Safety
- Ecology Impacts and Biodiversity Net Gain
- Impact on Infrastructure

10.0 ASSESSMENT OF ISSUES

Principle of Development and the Relevant Legislative/Policy Context

- 10.1 The 2008 Climate Change Act also introduced legally binding carbon budgets, which restrict maximum greenhouse emissions for five-year periods ahead of the 2050 Net Zero Target. The sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels and a 78% reduction by 2035. In addition, the Government's Net Zero Strategy (2021) sets out a commitment for all electricity to come from low carbon sources by 2035.
- 10.2 There is strong national support for renewable energy schemes as set out within various national guidance and policy documents, including the UK Government's Solar Strategy (2014). The Written Ministerial Statements (WMS) of 2015 and 2024 (referred to in more detail in proceeding paragraphs) also emphasise the important contribution to be made by solar energy in meeting the Government's climate change targets and objectives, although they both stress the importance of balancing this contribution against other factors and considerations, including food security and the impacts of the development on the environment and local community.
- 10.3 There are two National Policy Statements (NPS) that are considered relevant to the proposed development: EN-1: National Policy Statement for Energy and EN-3: National Policy Statement for Renewable Energy Infrastructure (both designated in January 2024). Members should note that the application is not 'Critical National Priority Infrastructure' (as defined in EN-1) or a 'Nationally Significant Infrastructure Project (NSIP)' to be determined under the Planning Act 2008. Nevertheless, EN-1 states that it has a role in the wider planning system and may be a material consideration in decision-making in relation to applications (such as this one) that fall under the Town and Country Planning Act 1990. Similar to EN-1, EN-3 sets out national policy in respect of renewable energy, stating that 'there is an urgent need for new electricity generating capacity to meet our energy objectives.' Both EN-1 and EN-3 are considered to be relevant material considerations in the determination of this application.
- 10.4 The NPPF (December 2023) makes it clear that the wider environmental and economic benefits of renewable energy proposals of any scale should be given significant weight in determining whether planning permission should be granted. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the revised NPPF deals with the promotion of renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 159 indicates that new development should be planned for in ways that:
- a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

- b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

- 10.5 Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 10.6 The National Planning Practice Guidance (PPG) states why the provision of renewable and low carbon energy is important: "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." The PPG also emphasises that such schemes will help the Government meet its legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources, although it is also important to note that the PPG is clear that the need for renewable or low carbon energy does not automatically override environmental protections.
- 10.7 The "Planning for renewable and low carbon energy" section of the PPG indicates that particular factors a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether: (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
 - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- 10.8 North Yorkshire Council has committed to reducing CO² emissions within the North Yorkshire Climate Change Strategy (2023-2030). On 5 July 2022 the executive of North Yorkshire County Council declared a climate emergency in North Yorkshire.
- 10.9 In accordance with the aforementioned national planning policy and guidance, and building on the general support given to development that 'supports and adapts' to climate change as stated within part (g) of 'Strategic' Policy S1, Policy RM6 (Renewable and Low Carbon Energy) of the Hambleton Local Plan (hereby referred to as the 'Local Plan') also seeks to 'encourage' renewable energy installations:
- “Renewable and low-carbon energy installations, including associated infrastructure, will be encouraged. A proposal, including community-led initiatives for renewable and low carbon energy, will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts and those on aircraft, radar and telecommunications are, or can be made, acceptable.”*
- 10.10 Policy RM6 goes on to state that when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment. Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.
- 10.11 The principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, as well as within the District by Policies S1 and RM6 of the Local Plan in particular, subject to compliance with other Local Plan policies, with the proposal generating electricity from a renewable source and thus contributing towards national and regional targets for the generation of renewable energy and the reduction of CO₂ emissions.
- 10.12 That said, Policy RM6 is clear that such general support for renewable energy proposals is dependent on the applicant demonstrating that all of the 'potential adverse planning impacts' of the proposed scheme are, or can be made, acceptable when weighed against the scheme's 'public benefits'. These matters will be considered under the relevant subheadings below with an overall 'weighing up' (balancing consideration) within section 11 of this report.

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

Current Policy and Guidance Overview:

- 10.13 Paragraph 180(b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem

services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 10.14 Paragraph 181 sets out that plans should...allocate land with the least environmental or amenity value, where consistent with other policies in the Framework; with footnote 62 stating that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This is echoed within Policy S5 of the Local Plan which also states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land as defined within the glossary of the NPPF (i.e. grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost, the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland. Footnote 62 of the NPPF also states that the availability of agricultural land used for food production should be considered (alongside the other policies in the NPPF), when deciding what sites are most appropriate for development, although the footnote gives no indication of how the decision-maker is to assess and weigh the availability of agricultural land. These requirements have been confirmed again within the recent Written Ministerial Statement referred to within paragraph 6.7 of this report.
- 10.15 The above requirements/expectations are also provided for within two extant Written Ministerial Statements (WMS) which form part of government policy and are material considerations in the determination of relevant development, although due to the age of the 2015 WMS, it is important to consider its contents within the context of more recent and greater Government emphasis on tackling climate change and meeting zero carbon targets.:
- i. The WMS (25 March 2015) made by the then Secretary of State. With regards to ‘Solar energy: protecting the local and global environment’ it states that; *‘We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.’*
 - ii. The WMS (15 May 2024) ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ by the Secretary of State for Energy Security and Net Zero states that the Government recognises that food security is an essential part of national security, but also that solar power is a key part of the Government’s strategy for energy security, net zero and clean growth, acknowledging that in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system has been designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future. Nevertheless, the WMS states that the Government is concerned that large solar farm developments could result in the use of BMV land of solar farm development instead of food production in balancing the need for energy security and food production. Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.

Agricultural Land Classification for the Site:

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

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

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

Alternative Site(s) Consideration:

- 10.18 No Sequential Test Analysis (STA) document has been provided as part of this application. The purpose of an STA is to identify and assess potential alternative sites for solar farm installations involving less or no BMV agricultural land within an appropriate search area. While there is no requirement for such a STA to be provided for solar installation applications, it is nevertheless a document that is often produced and submitted with solar installation applications to support any argument made on behalf of the applicant that there are no identifiable and viable alternative ('policy-preferrable') locations for the development proposed, i.e. non-countryside and Previously Developed Land (including rooftops of buildings) and/or sites greenfield sites in the countryside that would utilise lesser quality agricultural land.
- 10.19 Where a proposed development involves the use of BMV agricultural land, the lack of a robust assessment of alternative sites can potentially make it more difficult for the decision-maker to conclude with any reasonable degree of certainty that the use of agricultural land is either 'necessary' (i.e. requires a countryside/greenfield location) and then, if a countryside location is successfully demonstrated to be necessary, that the development has met the requirement of the NPPF that poorer quality agricultural land has been 'preferred' in favour of any higher quality land. Put another way, it can help to demonstrate that it was not possible to avoid the loss of the BMV agricultural land or, where the benefits of the development justify the loss, that lower grade agricultural land has been used (Policy S5 of the Local Plan).
- 10.20 Although no STA has been provided for this application, the agent has drawn the Case Officer's attention to a STA document (November 2021) submitted as part of the application submission for the previous 'Woolpots' solar PV application (21/03042/FUL) This STA is not an application document for the current application, and the agent has made it clear that they do not wish it to be. This STA considered potential 'sequentially-preferrable' sites within a 3km search area of the then application site (considered within the STA to be the maximum distance whereby any similarly-sized solar installation could viably connect to the

Hustwaite 132kv substation via underground cabling from an alternative site, with a connection having been agreed with the distribution network operator (it is understood that this agreement remains in place)

- 10.21 This STA excluded land where specific constraints were considered unlikely to make a large scale solar farms viable, including: AONBs, Conservation Areas, areas of woodland cumulative impact of renewable energy development, and within Flood Zones 2/3 and land with specific proximity to Listed Buildings, residential properties, settlements, PROWs, roads and watercourses. Some of these constraints used to exclude potential sites and the five identified 'Potentially Developable Areas' (PDAs) appear arbitrary, particularly as the STA itself states that constraints such as flood risk would not necessarily result in a 'hard constraint' that would necessarily result in a policy-based objection to the application, while some constraints - if applied to the current application site – would also potentially exclude it also. It also important to mention that the STA was assessing alternative sites based on the larger, previous sized Woolpots scheme (approx. 99.74ha), so it is not clear (but likely) that other smaller sites - akin to the size of the current development- were excluded for consideration because they were not 'similarly-sized.
- 10.22 Therefore, the overall conclusions of this STA (i.e. that there are no suitable PDAs land that is of a lower agricultural quality than the site) cannot be relied upon in making an accurate assessment of alternative 'sequentially-preferable' sites in the locale, although some of the specific conclusions about the lack of suitable previously developed land are likely to hold true for the current application also.
- 10.23 In terms of other evidence available to the Council, Natural England's Regional Land Classification Map (Yorkshire and the Humber) indicates that the vast majority of the agricultural land within the local area of the application site (i.e. between Easingwold to the south), the A170 to the north and Brafferton/Helperby to the west) is either grade 2 or 3. However, Natural England make it clear that the Map does not distinguish between Grade 3a and 3b and that Grade B reflects 'areas where 20-60% of the land is likely to be 'best and most versatile' agricultural land', therefore its clear that any robust assessment of potential 'sequentially-preferable alternative sites would require some element of soil survey. Again, this hasn't been undertaken by the applicant which makes it unrealistic for the Council to rely on the NE's Regional Land Classification Map to determine possible alternative sites which is only provides a generalised pattern of land classification grades.
- 10.24 Overall, the applicant has failed to submit any compelling evidence to demonstrate that there are no alternative suitable sites involving lower quality agricultural land within the locale that could be utilised by the proposed development. For the reasons explained in detail above, Officers do not consider that the STA submitted with the previous Woolpots application or Natural England's Regional Land Classification Map can be relied on to be make an accurate and robust assessment in this regard in lieu of such evidence.

Impact of the Use BMV Versatile Land:

- 10.25 It is stated within the submitted Planning, Design & Access Statement (PDAS) that the proposals would constitute a temporary use of the agricultural land and thus not a permanent loss of productive agricultural land, further stating that the proposed development is 'entirely reversable' with no adverse effects on the application site's agricultural capabilities following decommissioning after its proposed 40 year operational period, with potential soil quality and productivity benefits as a result of removing the land from intensive cultivation and fertilisation for the PV farm's operation. It is also confirmed within the PDAS that once the PV farm is operational and a suitable sward has established itself, sheep grazing would be introduced on a rotational basis within the site, continuing 'productive agricultural activity' within the application site. The Landscape Mitigation Plan includes 'sheep-friendly' wildflower seed planting. Sheep-grazing is a common approach

utilised within solar farm installations and would help to maintain some degree of agricultural use and output from the site during the 40 year lifetime of the solar installation.

- 10.26 The aforementioned argument that the PV farm represents a temporary (40 year) and potentially reversible use of agricultural land is considered to be technically correct, and the temporary nature of solar farm installations was a crucial factor in the Inspector's decision to allow the 'Scuton' appeal relating to a solar farm proposal within the plan area¹ issued after the determination of the previous 'Woolpots' application (ref. 21/03042/FUL) It is however acknowledged that more recent case law involving consideration of this matter has given more consideration and weight to the 'loss' of BMV land, with several appeal decisions referencing the 'generational loss' of the land.
- 10.27 Therefore, while it is concluded that there is no technical conflict with Policy S5 of the Local Plan (which seeks to avoid the loss of the BMV agricultural land) it is nevertheless acknowledged that the proposals would prevent the potential optimal agricultural use of 35 hectares of BMV agricultural land for the stated 40-year lifetime of the proposed development (recognising that potential sheep grazing would not achieve the optimal agricultural use of the BMV land during this period).
- 10.28 While the loss of the optimal use of BMV agricultural land would not be permanent, the 40 year lifetime of the proposed development would, as concluded within relatively recent appeal decisions², mean that a 'generational loss' of the optimal use of approximately 70% (35ha) of the application site land would occur with adverse consequences for food security.
- 10.29 It also cannot be ignored that the aforementioned extant WMSs (which are relevant material considerations in the determination of this planning application) refer to solar farms in respect to the 'use' of BMV land and 'involving BMV land', rather than the more definitive 'loss' of BMV land within Local Plan Policy (i.e. Local Plan Policy S5 states that the loss of BMV land should be avoided wherever possible) It has to be assumed that the Ministers, in making their Statements, were aware that applications for solar installations almost exclusively involve the temporary (albeit generally long-term) uses of land, yet the Ministers still felt the need to raise concerns and to caution against the use of BMV agricultural land for solar farm development without 'compelling evidence' and/or without the appropriate 'due weight' being given in the determination of the proposal, when balanced against other relevant material considerations.
- 10.30 Therefore, in light of the aforementioned relevant Written Ministerial Statements (2015 and 2024) signalling that the loss of BMV agricultural needs to be afforded due consideration , and notwithstanding the 'Scruton' appeal decision referenced in footnote 1 of this report (which afforded significant weight to the temporary nature of PV installation when assessing the impact of the development in respect to BMV land and soil quality issues), the temporary loss of the optimal use of 35ha of BMV agricultural land during the lifetime of the development, and the resulting negative impact on food security is considered to be an important material consideration in the determination of this application that needs to be taken account of (and given due weight) within the overall 'planning balance' within Section 11 of this report.

¹ The installation of a solar photovoltaic array/solar farm with associated infrastructure; land south of Leeming Substation, west of the village of Scruton, bordering Fence Dike Lane, part of Low Street and Feltham Lane, DL7 0RG. Appeal Ref: APP/G2713/W/23/3315877; Appeal decision date (following a Hearing): 27.06.2023.

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

- 10.31 Following the deferral of the application at the August Strategic Planning Committee, the agent (Envams) has subsequently provided a written statement (dated 29.08.2024) that, in part, seeks to provide further clarity and information regarding the feasibility of sheep grazing within the site boundaries during the 40 year operation of the solar installation, particularly with regards to the ability for sheep to graze under and around the PV panels proposed.
- 10.32 The agent's statement confirms that the sheep that are currently grazed within the application site are 'Beltex Cross', and the statement clarifies that it is the same breed of sheep that is intended to be grazed on site during the operational phase of the solar installation. The body height of the ewes is confirmed as being 50cm and the rams, 60cm. While the statement confirms that the PV panels would be 'single axis tracker' units (tilting from east to west to track the sun throughout the day), the statement confirms that the lowest point of the panel to the ground would be 0.8m, meaning that 'there is sufficient distance underneath the panels for the sheep to graze regardless of the position of the solar panels throughout the day/night.' The statement provides a specific example of where this breed of sheep has been successfully grazed within a solar installation (i.e. a site near Castle Hill Hospital, Cottingham) However, the statement confirms that if for any unforeseen reason this breed of sheep is unable to graze the land, there are various other breeds of various sizes that could graze the land.
- 10.33 While the contents of the aforementioned statement is useful in clarifying the specific breed of sheep to be grazed within the proposed development and (based on the heights of the sheep breed and the above ground height of the PV panels) that sheep would be able to graze under and between the panels, this confirmation does not materially affect the ability of the proposed development to optimise the agricultural use of 35ha of Best and Most Versatile (BMV) agricultural land for the 40 year period of its lifetime. This stated recommended reason for refusal and the weight attributed to it the Planning Balance of this report therefore remains unchanged.

Landscape and Visual Impacts

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

- 10.34 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (*inter alia*):
- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
 - b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem, services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.35 Policy S5 (Development in the Countryside) states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 10.36 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character of landscapes and townscapes in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. The Council will also protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:
- takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;

- conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
- conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;
- takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

10.37 The application site lies in the open countryside and comprises a collection of agricultural fields. It is not a nationally designated landscape site, although the application site is located within the setting of the Howardian Hills National Landscape. Although attractive, the application site is not considered to be part of a 'valued landscape' in terms of paragraph 180 of the NPPF, i.e. part of a landscape containing sufficient demonstrable attributes to take it beyond a 'ordinary landscape'. Therefore, the requirement in para.180(b) of the NPPF to contribute and enhance the natural local environment by 'protecting and enhancing' such valued landscapes would not directly apply in this case, although it should be noted that para.180 still expects planning decisions to contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside' (b).

10.38 Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in designated areas including AONBs (now National Landscape) which have the highest status of protection, with development in the settings of these designated areas required to be sensitively located and designed to avoid or minimise adverse impacts. Local Plan Policy E6 (Nationally Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills AONB [now National Landscape], together with its setting, will be 'conserved and enhanced' including by resisting proposals that would have a harmful impact on the AONB [National Landscape] and its setting (criterion c.).

10.39 Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty [now called 'National Landscapes'] will be conserved and enhanced, including the respective settings of the AONB [NL] and the North York Moors National Park. This will be achieved by: (c) resisting proposals that would have a harmful impact on AONBs [NLs] and their settings or the setting of the North York Moors National Park, or on the objectives of the respective management plans for these designations.

10.40 The supporting text of Policy E6 confirms that great weight should be given to conserving landscape and scenic beauty, including wildlife and cultural heritage, in national parks and Areas of Outstanding Natural Beauty [now National Landscapes], which are afforded the highest status of protection in relation to these interests. The policy seeks to ensure that development within or close to these nationally designations does not undermine the reasons for which they were designated. Development within the setting of the National Park could have an impact on the National Park purposes, and therefore the priorities of the National Park Management Plan. Proposals for renewable energy development must have regard to the potential impact on Hambleton's landscapes as identified in policy 'RM6: Renewable and Low Carbon Energy'.

- 10.41 It is important to note that both Local Plan Policy RM6 of the Local Plan and the PPG recognise that there will be inevitably be a degree of harm caused to the character of the landscape as a result of major renewable energy installations, particularly those within the countryside. Any such harm needs to be given appropriate consideration and weight within the overall planning balance when determining applications for major renewable installations.
- 10.42 In terms of the cumulative impact of solar farm installations, the Written Ministerial Statement (15 May 2024) 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' states that when considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.

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

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

- The footpath south of the application site;
- The unnamed road to the west of the site;
- The public bridleway to the east of the site;
- The Woolpots Lane road junction;
- Raper Lane;
- The A19 (layby), and
- Viewpoints from within the Howardian Hills National Landscape, including from The White Horse.

10.47 During the course of the application, further viewpoints and photomontages have been submitted from various perspectives along the unnamed road to Amplecarr. In addition to the 12 'viewpoint' photographs, photomontages have been prepared for most of the identified viewpoints.

10.48 Similar to the methodology used by most LVAs, the assessment has made a distinction between the 'predicted landscape effects' (i.e. the impact on the landscape as a resource) and the 'predicted visual effects' (i.e. the effect on people observing the development).

10.49 A summary of the main landscape effects (as identified within the LVA) are provided below:

- Some panoramic views of the proposed development (at distances of over 7.5 km) from the North York Moors National Park across the Vale of York where it would be seen within a panoramic view across the Vale of York and within the context of a patchwork of fields and existing solar development. The LVA concludes that the development would be difficult to see and would not cause important effects on the Special Qualities of the National Park. NB – the Council's Landscape Architect has agreed with this assessment and considers the likely visual effects on the North Yorks. Moors National Park to be negligible.
- Some isolated views to southern parts of the proposed development from the Howardian Hills National Landscape (within 2.5 km to the east). The LVA concludes that the development would be seen from the HHNL as a 'middle distant element', and as a visual extension to the existing solar farms at Boscar Grange and Highfield Farm, located within the lower lying landscape of the Vale of York. Growth of trees and hedges would further soften views from the HHNL. Views to the proposed development within the setting of and approach to the HHNL would be limited to short sections of the unnamed road to Amplecarr and the A19. Overall, the LVA concludes the proposals would not cause important effects on its Special Qualities.
- The proposed development would introduce built structures to most parts of the application site which, at present, contains few man-made features. This would affect the 'rural and agricultural' key characteristic shared by LCA 23 and LCA 25 which would be directly affected by physical changes on the site, although the existing field patterns would be retained.
- Important perceptual changes would occur up to 700m to the east of the application site. The addition of a further solar farm to LCA 25 would result in a new key characteristic of 'solar farms' within the study area, given the extension of the existing solar farm development at Boscar Grange and Highfield Farm. The geographical extent over which other physical changes would be experienced would be relatively localised and limited to the application site and its immediate setting.
- From beyond the application site, the solar panels would be visible as a series of low-lying man-made structures, increasingly perceived as a single, linear element

with distance from the site, and often forming a continuation of the adjacent Boscar/Highfield solar farms.

- The proposed substation and BESS would be located in close association with the existing Husthwaite Substation (located within LCA 25), minimising infrastructure required to connect to the grid network.
- Overall, the landscape effect on LCA 25 (Tholthorpe Moors) has been assessed by the LVA as being 'Moderate/Major' within the site and immediate context (during construction and operational periods).

10.50 A summary of the main visual effects (identified within the LVA) is provided below:

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

Principal Landscape Architect's Appraisal:

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

Viewpoint 6:

10.52 The Principal Architect has identified Viewpoint 6 (view from the bridleway east of the site) VP6 provides clear views over the site and the arable landscape of the Vales of York and Mowbray. As showed in the photomontage of VP6, the proposed development is shown to extend the visual influence of the existing solar panels at Boscar Grange/Highfield Farm by almost three times and would bring solar development closer to the viewer from this

viewpoint. The Principal Architect is therefore not of the opinion that the magnitude of change can be described as 'small-to-medium' but rather 'medium or medium to large' resulting in at least moderate (and potentially major) visual effects for recreational users (rather than minor to moderate effects). The effect on certain sections of this footpath are considered to be important taking into account the cumulative nature of the proposal and the elevated vantage point of the viewer. Although the view from the PROW is intermittent, it does provide clearings where extensive views over the vales are possible, and which are likely to contribute significantly to the enjoyment of the footpath user. The Principal Architect disagrees regarding the impact of mitigation planting which she considers would have 'little discernible effect' on the proposal as a result of the elevated position of the view looking down on the proposed development, while mitigation involving outgrown hedges is not considered to be 'good practice' as it leads to 'leggy' growth.

Viewpoint 8:

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

Viewpoints 10 and 11:

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

Viewpoint 2:

- 10.56 Views from VP2 (a footpath 297m south of the site) allows a view of a distant escarpment of the North York Moors and the Kilburn White Horse. The solar panels in fields 1, 2 and 3 are described as being clearly visible and would contrast discordantly with the rural context and it is stated would affect a small percentage of the view contributing a small increment of built development to the view. There are no photomontages to demonstrate this but the baseline photograph shows that the magnitude of the development within this view is likely to be extensive and along with the mitigation measures would obscure distant views of the White Horse which is a distinctive feature within the landscape and contributes to the visual amenity of recreational users of the footpath.

10.57 Having visited this viewpoint, the Landscape Architect does feel that the magnitude of development would be extensive, although it is acknowledged that this is from one viewpoint and not representative of the whole route, however, it is a portion of the route where there are distant views of the white horse. I do not consider on reflection that the proposals and mitigation will block views of the white horse but are likely to introduce industrial elements into the foreground of that view.

Recommendation:

10.58 Overall, the Principal Architect is objecting to the proposals as a result of the likely adverse visual effect on footpath users within the local area of the site. Where these effects occur, they are likely to have a moderate impact but they tend to be where enclosed footpaths open out to give contrasting extensive views over the Vale of Mowbray/ Vale of York which may be considered particularly valuable to footpath users within the area.

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

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

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

Landscape Section Summary:

10.61 Bringing all of the above together, it is clear that a large scale solar farm located in the countryside, and located predominantly in a Landscape Character Area described as being 'rural and tranquil' and generally sensitive to any built development, would have an adverse impact on the character of the landscape and have a harmful visual impact, especially from particular viewpoints. This is accepted in both within the LVA, the Council's Landscape Architect's appraisal and the agent's rebuttal response (to the Landscape Architect's Appraisal). The magnitude of change and the level of visual impact from specific views (including the effect of potential landscape mitigation) are however disputed.

10.62 Although the application site is not considered to be part of a 'valued landscape' (para.180 of the NPPF) the site is nevertheless part of the attractive, low-lying and undulating rural landscape that is characteristic of the countryside within the Vales of York and Mowbray and is part of the setting of Howardian Hills National Landscape and the North Yorks.

Moors National Park to the east. The landscape contains numerous public rights of way, some of which have important views across the site towards the Howardian Hills, North Yorks. Moors and landscape features such as the Kilburn White Horse, although such views (as pointed out in the agent's landscape rebuttal) tend to be limited to specific and limited parts of the PROW network and represent the 'worst case' impact. Elevated views of the site and its wider landscape context are possible from the east, including from within the HHNL and the North Yorks Moors National Park. The proposed development would be seen from some of these viewpoints in relation to the existing solar farm developments at Boscar Grange and Highfield Farm where the development would increase the visual spread, immediacy and magnitude of change in relation to solar development in the landscape (such as from views from Raper Lane) There would also be various other views and glimpses of the installation from the highway network, notably the unnamed road to Amplecarr, Woolpots Lane and the A19.

- 10.63 While it is accepted that the proposed development would represent a temporary and reversible use of the land and that there would be a degree of mitigation provided by the landscaping scheme, particularly by year 15, from some of the affected views, I generally concur with the Principal Architect's concern regarding the likely adverse visual effect of the proposed development on footpath users within the local area of the site, and that where these effects occur, they are likely to have a moderate impact, particularly where it includes existing solar farm development in the same view or where it involves enclosed footpaths that open out to give contrasting extensive views over the Vale of Mowbray/ Vale of York, valuable views to footpath users within the area. The adverse impact on the setting of, and views from the Howardian Hill National Landscape, are likely to be a 'minor' harmful effect. These harmful effects are considered to be important material considerations in the determination of this application that needs to be taken account of (and given due weight) within the overall 'planning balance' within Section 11 of this report.
- 10.64 Following the deferral of the application at the August Strategic Planning Committee and the concerns expressed by the Committee that the boundary fencing for the development could appear too industrial in appearance, the agent (Envams) has subsequently provided clarification with regards to the proposed boundary fencing for the development within a written statement dated 29.08.2024.
- 10.65 The aforementioned statement confirms that the perimeter boundary fencing for the scheme would be a 2m high 'deer' fence of timber and wire construction. The agent has added that it is comparable in appearance to the fencing used on other solar farm developments in the local area, i.e. the Pilmoor Solar Farm recently considered by this Strategic Planning Committee. Screening of the fencing would be provided by the proposed landscaping scheme for the development. A photographic representation has been provided within appendices of the statement showing timber post and wire fence.
- 10.66 The agent's clarification regarding the design of the proposed perimeter fencing confirms that it would be of a design and specification that would be akin to fencing commonly used within rural settings, including those used for already approved solar developments within North Yorkshire.
- 10.67 Although the agent's clarification is useful, it does not materially alter the assessed adverse landscape impact of the proposed development or the weight attributed to it within the Planning Balance.

Impact on Heritage Assets

- 10.68 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the

desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 10.69 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.
- 10.70 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.
- 10.71 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.
- 10.72 A Heritage Impact Assessment (HIA) (dated September 2023) has been submitted with the application. The stated aim of the HIA has been to identify the heritage resources within the site and the surrounding area (using a 1 km and 5 km Study Areas), and to consider the potential effects of the proposed development on the significance of any identified heritage assets (both designated and non-designated), including their respective settings.
- 10.73 The HIA confirms that there are no designated heritage assets within the application site, or any Scheduled Monuments, Conservation Areas, Registered Parks and Gardens or Registered Battlefields within the HIA's 1km Study Area, although there are two listed buildings and a single non designated heritage asset identified within 1km:
- The Grade 2 listed Highthorne, Hushwaite located approximately 540m to the north-east of the site and,
 - A Grade 2 listed milepost on the A19 approximately 557m west of the site.
 - The non designated heritage asset of Boscar Grange approximately 300m to the south of the site.
- 10.74 Within the 5km Study Area, the HIA has identified 132 listed buildings, predominantly located within the Conservation Areas of the villages of Carlton Hushwaite, Hushwaite, Coxwold, Oulston and Easingwold, as well as a single Registered Park and Garden of

Newburgh Priory, but no Scheduled Monuments or Registered Battlefields. All listed buildings within the 5km Study Area were scoped out for further assessment.

- 10.75 Although the application site is considered to form the 'wider agricultural backdrop' of many of the aforementioned Conservation Areas, for various reasons the HIA has concluded that the proposed development would not affect or harm the identified 'special interests' and respective immediate settings of any of the aforementioned Conservation Areas and was scoped out for further assessment. In particular, the two Conservation Areas (Husthwaite and Carlton Husthwaite) whose respective settings are most likely to be potentially affected by the proposals have been considered within the Landscape Visual Assessment. The Bare Earth ZTV of the LVA shows no visibility from the Husthwaite Conservation Area located approximately 1.1km north of the application site. While the Screened ZTV indicates that there is the potential for a small area of visibility from the Carlton Husthwaite Conservation Area, intervening buildings and vegetation would likely afford a substantial level of screening of views of the proposals from the Carlton Husthwaite Conservation Area which is located approximately 2.4km north-west of the application site.
- 10.76 Due to their proximity of the development to both Highthorne and Boscar Grange, the HIA considered that further assessment of the potential impacts on the significance of these heritage assets was considered to be necessary. Further assessment of the Grade II Registered Park and Garden of Newburgh Priory was also considered to be necessary due to the availability of open views across the wider landscape from the southern/south-western boundary of the Priory site with the potential for the application site to lie within key views from this asset.

Highthorne

- 10.77 Despite alterations and reconstruction, the HIA has concluded that Highthorne is a good example of an evolved 16th Century Manor House, with surviving medieval and Tudor elements of particular architectural interest/significance. However, given the distance between the application site and Highthorne as well as the intervening woodland which both help to prevent direct intervisibility, the HIA considers the proposals to be outside of the setting of Highthorne and instead the application site forms part of the wider agricultural landscape to the west of the Listed Building, although the site does not make any meaningful contribution to the asset's significance as it is best appreciated from close inspection from within what survives of the farm complex. As such, the HIA does not consider that the proposed development would not lead to harm to the significance of the Listed Building.

Boscar Grange

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

Newburgh Priory

- 10.79 The Grade II Registered Park and Garden of Newburgh Priory encompasses the site of a post-medieval house and designed garden and parkland landscape that sits on the location of the former Newburgh Priory. Newburgh priory contains several individually listed buildings, although their settings are defined by their relationship with the parkland

and each other. The Priory site is located approximately 4 km north-east of the application site. The significance of the asset is defined by its archaeological, architectural and historic interests, with medieval remains of particular interest with post-medieval changes of interest in their own right. In addition, the parkland is largely insular and inward focussed, and the HIA does not consider that it the application site forms part of the setting of this heritage asset, and thus the proposed development would not lead to any harm to the significance of the Registered Park and Garden or to its associated Listed Buildings.

- 10.80 Overall the H.I.A. concludes (at para. 8.1.4) that none of the heritage assets identified within the 1km and 5km Study Areas (including those subject to further settings assessments) would experience harm to their significance due to the proposed development. Officers consider that the H.I.A. represents a reasonably accurate assessment of the potential impact of the proposed development on both designated and non designated heritage assets and would concur with its conclusions.
- 10.81 Having initially raised concerns about the potential incongruous nature of the proposed woodland planting within the landscape (that provides the backdrop to the settings of the Conservation Areas within the surroundings), Historic England have subsequently confirmed that they are satisfied in this regard with the assurances from the applicant's landscape architect that the proposed woodland planting would be more natural in its arrangement and appearance with the precise details to be agreed through condition if planning permission is granted.
- 10.82 In conclusion and having taken into account the conclusions of the H.I.A. and the comments and recommendations of Historic England, the proposed development is not considered to affect or harm the significance or settings of any designated or non designated heritage assets. The proposed development would comply with the NPPF as well as Policies S7 and E5 of the Local Plan in this regard.

Amenity/Health and Safety

- 10.83 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

General Amenity Issues (including Noise Impacts)

- 10.84 In terms of general amenity there would be potential for noise/disturbance during construction related to the movement of vehicles to and from the site and the actual installation of the panels themselves, although deliveries to the site could be phased. It is recommended that a construction phase management plan is submitted (via planning condition) should planning permission be granted.
- 10.85 In relation to noise during the normal operation of the site (post construction) there is unlikely to be any significant noise associated with solar PV arrays during operation as the panels themselves do not make any noise. The development would nevertheless also include the installation of battery storage containers and associated inverters and transformers, although sound-emitting plant would not be located in close proximity to residential properties.
- 10.86 An updated Noise Impact Assessment Report (NIA) (Version 7.0; June 2024) has been submitted during the course of the application. The NIA has assessed the operational noise generated by the proposals against relevant guidance and incorporating mitigation

measures (as necessary). The updated NIA confirms that it has utilised baseline data within the NIA submitted in relation to the earlier (refused) Woolpots PV application (ref.21/03042/FUL). Unlike the earlier NIA submitted with this application, the equipment modelled as part of the assessment has been based on similar BESS and solar farm developments (described in the NIA as 'typical equipment'), but the updated NIA states that the specific plant to be installed has yet to be finalised and will be selected to comply with any necessary noise limits/restrictions (i.e. any limit imposed by condition) Equipment datasets containing noise emission levels for the 'typical equipment' are included within Appendix 2 of the updated NIA.

- 10.87 The updated NIA also identifies several potential noise sources from the proposed operational development, including a primary transformer, battery storage containers, inverter units and MV stations. The NIA has identified the existing dominant source in the area as the A19 (approx.700m to the east), with other noise sources including local road traffic, the Amplecarr Road substation and two existing operational solar farms. Background noise levels were considered unlikely to have changed since the earlier Woolpots NIA and thus the updated NIA has utilised the previous NIA's representative background noise levels and its methodology and assessment criteria.

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

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

<i>Boscar Grange (Location 2)</i>	8	30	-22
<i>Highfield House (Location 2)</i>	10	30	-20
<i>Boscar Flats (Location 2)</i>	10	30	-20

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

Potential Amenity and Health & Safety Issues Related to the BESS

- 10.92 A relatively substantial proportion of local residents responding to the proposals have raised concerns about the safety of the Battery Energy Storage System (BESS) and the risk posed to health and safety and the environment (from contamination) as a result of lithium batteries catching fire and/or causing an explosion. An Outline Battery Management Plan has been submitted with the application which outlines the measures and procedures for maintaining safety and for addressing any incidents involving fires caused by the overheating of the lithium batteries within the development. Although some elements of the OBMP have been questioned by local residents objecting to the proposals, it is nevertheless considered to be in general accordance with the recommendations within the National Fire Chiefs Council's (NFCC) 'Grid Scale Battery Energy Storage System planning – Guidance for Fire Rescue Service (FRS)'. However, if planning permission is granted, it is recommended that a detailed Battery Management Plan (BMP) is submitted and agreed (in consultation with the North Yorkshire FRS) prior to the commencement of the development.
- 10.93 Numerous representations have been received from local residents raising concerns about the safety of the BESS, with incidences of battery fires and explosions cited on solar farms around the world. This includes a commissioned statement from a Prof. Melville, an expert in the field, who has also cited specific examples and argue more generally about the dangerous posed by BESS. Fortunately, such incidences of large scale battery fires and explosions remain relatively rare due to various on and off-site monitoring and control procedures, while none of the representations that have been received from SABIC, the

Fire Service or Environmental Health would indicate that the use of lithium batteries in this location would pose an unacceptable health and safety or pollution risk. Subject to the submission of a detailed Battery Management Plan (BMP) prior to the commencement of the proposed development, the health and safety risk posed by the BESS are considered to be able to be suitably controlled.

- 10.94 A Solar Photovoltaic Glint and Glare Study (September 2023) produced by Pager Power has been submitted with the application. The Study has assessed the potential effects of glint and glare from the proposed development upon road safety, residential amenity and aviation activity by using a specific glint and glare assessment methodology (as detailed at section 4.3 of the Study) that, amongst other factors, identifies potential receptors, considers the visibility of the panels from the re36ceptor's location; considers direct solar reflections towards the identified receptors (based on geometric calculations); considers whether a reflection can occur and at what time(s), considers the location of direct sunlight at the receptor's position and ultimately determine whether a significant detrimental impact is expected. The Study identified several road, dwelling and aviation receptors, including:
- 28 receptor points along the A19 and an adjoining unnamed road to the west of the application site (due to low traffic densities and low impact local roads have not been included as road receptor sites)
 - 22 dwelling receptor site locations have been identified that are within the 1km assessment area and have the potential to view the panels.
 - Baxby Manor Aerodrome (a three-runway unlicensed aerodrome located approx. 850-900m north of the proposed development)
 - Providence Hill (a farm strip located approx. 250m to the west/north-west of the site).
- 10.95 The Study has confirmed that unlike the previous application (ref. 21/03042/FUL), the proposed panel specification has been altered to a single axis tracking mounting system, with limitations to the 'backtracking' angle (i.e. to 6 degrees) and thus changing the geometry of any reflections, significantly reducing the duration and intensity of solar reflections. The Study concluded that all instances of 'yellow' glare would be avoided, regardless of the position with respect to a pilot's field of view, in accordance with CAA requirements. Within their representation, the CAA have not objected to the application and have confirmed that they have no concerns about the impact of glint and glare on aircraft that would merit their objection to the proposed development. While they have mentioned within their representation that the location to the proposed PV installation in relatively close proximity to the Providence Hill airstrip would potentially limit the opportunities for a safe emergency landing should any aircraft using the air strip get into any difficulties after take off or on landing, PagerPower have provided a convincing rebuttal to this concern noting that there are plenty of other fields and undeveloped areas to facilitate a safe emergency landing within the vicinity of the air strip and application site for the loss of the application site for this purpose not to pose an unacceptable risk for aviation.
- 10.96 Overall, the Study stated that significant impacts upon road safety, residential amenity or aviation activity (associated with Baxby Manor Aerodrome, RAF Topcliffe, Bagby Airfield, Felixkirk Airstrip, and Providence Hill Farm Strip) are predicted and no mitigation is required. The proposed development would comply with Policy E2 of the Local Plan in this regard.

Highway Impacts

- 10.97 Local Plan Policy IC2: Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:

- It is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport (criterion a.);
- Where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development (criterion b.);
- It seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.);
- Any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England [now National Highways] (criterion d.);
- Highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks (criterion e.); and
- Adequate provision for servicing and emergency access is incorporated (criterion f.).

10.98 A Transport Statement (TS) (dated September 2023) has been submitted with the application, which includes appendices A-H. The TS states that its contents and scope has been prepared in accordance with the PPG and current best practice guidelines, further stating that it demonstrates that the proposals accordance with relevant policies relating to transport; that safe and suitable access to the application site can be achieved by all modes and that the level of traffic associated with the proposals will not lead to severe impacts to the existing operation and free flow of traffic on the highway network.

10.99

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

A Construction Traffic Management Plan (CTMP) (dated September 2023) has been submitted with the application, including Appendix E – Indicative Construction Compound Plan (2304046-03) which shows the location of on-site proposed wheel washing facilities and HGV Turning and Parking Areas.

10.100 Both National Highways and the Local Highway Authority have been consulted on the application, neither objecting to the proposals. If planning permission is granted, the LHA have recommended several conditions to be imposed (as summarised in section 7 of this report)

10.101 Overall, having considered the results of the TS and taken into account the response of both National Highways and the Local Highway Authority, the proposed development (both during and post construction) is not considered to result in severe impacts on either the Strategic or Local Road Networks and would meet the requirements of Policy IC2 of the Local Plan.

Contamination and Pollution Risk

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

Flood Risk and Surface Water Drainage

- 10.106 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas... (criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.107 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:

- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
- where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
- wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

10.108 A Flood Risk Assessment (FRA) (dated September, 2023) has been submitted with the application. The FRA confirms that the site is located approximately 760m south of Ings Beck and approximately 1.3km north of the River Kyle watercourse. There is an unnamed heavily modified tributary of the Kyle in the central section of the application site, it drains a combined area of 2.4 km², which would generate a peak flow of 0.72 m³/s for the 1 % AEP event. Even in the event of ditches overtopping, out of channels flows are likely to be over a wide area and at a shallow depth and thus ensure that the solar arrays (installed at 0.8m above ground level) from being damaged. The risk of flooding from fluvial sources is therefore considered to be negligible.

10.109 As confirmed by the FRA, the application site is located within Flood Zone 1 in respect of the Environment Agency's (EA) Flood Map for Planning., while the EA's pluvial (surface water) flood maps show relatively small areas of the site as being at risk of pluvial flooding during 3.33% and 1% Annual Exceedance Probability (AEP) events, mainly located on the site boundaries within the southern half of the site. The FRA confirms that electrically sensitive infrastructure (MV Substations) would be located outside the extents of the modelled 1 % AEP plus climate change, while the PV Arrays are located above ground level, meaning there will be no displacement of flood waters and the proposed development could continue to operate under relatively extreme rainfall events. Overall, the risks of fluvial, pluvial and groundwater flooding is considered to be negligible.

10.110 An Outline Surface Water Drainage Strategy (SWDS) (dated September, 2023) has also been submitted with the application. This sets out the surface water drainage strategy for the proposed development which would involve ground infiltration, including the use of a swale feature within the northern-most field of the application site. If planning permission is granted, it is recommended that a condition is imposed requiring a detailed surface water drainage scheme to be submitted and approved by the LPA based on the submitted SWDS.

10.111 The Lead Local Flood Authority (LLFA) were consulted and based on the latest amended scheme (as well as the updated and additional flood risk information) have confirmed that they have no objections to the proposals. Overall, the proposed development would not to be subject to significant or unacceptable flood risk or increase the risk of flooding elsewhere. Subject to a detailed surface water drainage scheme being submitted and

agreed (by condition), the proposed development would implement a sustainable surface drainage scheme and would comply with the relevant requirements and expectations of Policies RM2 and RM3 of the Local Plan.

Ecology Impacts and Biodiversity Net Gain

- 10.112 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC's, 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.)
- 10.113 An Ecological Impact Assessment (EclA) (dated September, 2023) has been submitted with the application. The EclA confirms that there are no statutory or non-statutory designated sites within 2 km of the Site and no European or Internationally designated sites within 5 km of the Site (with the North Yorks. Moors SPA located approximately 12km to the north of the application site). Due to the nature of the development proposals and the large distance to the nearest designated sites, direct and indirect effects on designated sites can be ruled out.
- 10.114 In respect to on-site habitats, the EclA confirmed that the application site comprises of four fields (24.56ha) of Modified Grassland as well as Modified Grassland field margins. The fields of Modified Grassland within the site are in a poor condition and considered to be of low (ecological) value due to a low diversity of common species as well as four fields (26.45ha) of Cereal Crops which is also considered to be of low (ecological) value. A 'Line of Trees' (identified as Scots Pine and located within the hedgerow on the eastern field boundary of the site) and five mature Rural Trees (including Oak and Ash), which are also considered to be of local (ecological) value. The Native Hedgerows which form the site boundaries for much of the application site were found to be varied in their structure and composition with most considered to be defunct and/or species-poor. These hedgerows are considered to have local (ecological) value. The two ditches on site both were found to contain running water, but their condition was considered to be affected by livestock poaching or eutrophication, but were nevertheless considered to be of local (ecological) value.
- 10.115 The EclA has concluded that no significant adverse ecological impacts are predicted as a result of the proposed development. However, in order to reduce its ecological effects (and the likelihood of legal offences) species-specific and general mitigation measures are recommended within Section 5 of the EclA, including:
- Avoidance of site clearance works during the nesting bird season (unless the site is checked by a suitability qualified Ecologist;
 - The programming of construction work activities for daytime hours to avoid impacts on nocturnal species;
 - The retention and enhancement of native hedgerows identified on site;
 - the implementation of a sensitive lighting scheme (both during and post construction) to reduce impact on bats, nocturnal/roosting birds and other light sensitive/nocturnal species;
 - The provision of hedgehog/small mammal corridors within the on-site boundaries.
- 10.116 If planning permission is granted, it is recommended that a condition is imposed requiring the development to be undertaken in accordance with the aforementioned measures contained within section 5 of the EclA.

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

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

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

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

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

Impact on Infrastructure

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

10.122 The latest Yorkshire Water Services response raises questions and queries regarding aspects of the development that could potentially affect their infrastructure in the vicinity of the site. However, as confirmed within YWS's originally consultation response, it is considered that matters regarding the potential impact on their infrastructure can be adequately addressed by conditions, if planning permission is approved. This would be the appropriate means of addressing their questions/concerns within their later response.

Other Issues

Energy-Generating Potential and the Determination of the Application

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

11.0 PLANNING BALANCE AND CONCLUSION

Summary of Main Policy Considerations and Issues

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

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

Assessment of the Benefits of the Proposed Development and their Weighting

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

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

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

development would have a moderate visual impact by affecting specific valuable views within the local area and how they are appreciated by users of the PROW network. The resulting adverse visual and landscape impacts (including the magnitude of change when considered from viewpoints also including existing solar development) is considered to be moderate-high (moderate overall), although it is accepted that such affected views only represent a small number of viewpoints on the PROW network while landscape mitigation would reduce the visual impact from some viewpoints over time. The adverse impact on the local (non-designated) landscape is considered to be contrary to Local Plan Policies S5 and E7 and would have a **moderate adverse impact** overall.

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

avoid the unnecessary use of BMV agricultural land for renewable energy generation schemes, material considerations in the determination of this planning application.

- 11.14 Bringing the weighting exercise to a conclusion, the proposed development would result in both significant cumulative public benefits and also significant cumulative adverse impacts. The proposals have however failed to demonstrate that the significant adverse impacts of the scheme are, or can be made acceptable, even when the significant weight afforded to the scheme's public benefits is taken into consideration. . Of particular concern in this regard is the lack of suitable information submitted on behalf of the applicant to successfully demonstrate that the use of the BMV agriculture is necessary and unavoidable. The proposed development is therefore contrary to Policy RM6 (Renewable and Low Carbon Energy) of the Local Plan, as well as Policies S5 (Development in the Countryside), E6 (Nationally Protected Landscapes) and E7 (Hambleton's Landscapes).

12.0 RECOMMENDATION

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

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

The applicant has not submitted any suitable information during the course of the application to successfully demonstrate that the use of the BMV agriculture is necessary and unavoidable. While significant cumulative weight has been afforded in the balancing/weighting exercise to the public benefits of the proposals, particularly as a result of the substantial contribution the proposals will make towards renewable energy generation and meeting zero carbon targets, this is not considered to make the proposals 'acceptable' in respect to the requirements of Local Plan Policy RM6 when considered and balanced against the significant cumulative adverse impact of the development.

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

13.0 PLANNING CONDITIONS

- 13.1 Although the Officer recommendation is that planning permission be **REFUSED**, the debate at the August Strategic Planning Committee (see paragraph 1.4) discussed the provision by Officers of a list of recommended planning conditions and reasons when the application is considered again by the Strategic Planning Committee. There are provided below. Please note that the following conditions/reasons are provided without prejudice to the Officer recommendation should the Committee be minded to approve planning permission, contrary to the Officer recommendation for refusal:

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 development shall be undertaken in accordance with the following plans, received by North Yorkshire Council on 29.09.2023 and 20.12.2023.

- a) Storage Container Elevation & Floorplan (230725-WLP-4LP-004)
- b) MV Station Elevation & Floorplan (230725-WLP-006)
- c) Control Room Elevation & Floorplan (230725-WLP-4LP-005)
- d) HV Transformer Elevation & Floorplan (230725-WLP-4LP-008)
- e) Access Road and Temporary Access Track (230725-WLP-4LP-011)
- f) (Revised) Gate, Fence and Camera Details (230914-WPL-4LP-010 Rev.A)
- g) Tracker Structure Elevation & Floorplan (230725-WLP-4LP-009)
- h) Land Under the Applicant's Control (0034)
- i) Proposed Site Layout Plan (LRP006- PL-01 Rev.09)
- j) Battery Elevation & Floorplan (230725-WLP-4LP-007)
- k) Customer Cabin Elevation & Floorplan (230725-WLP-003)
- l) Site Location Drawing (Planning 1a)

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 40 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 and the BMV land, 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 39 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 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 the BMV land, in accordance with policies S1, S5 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.

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. 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 installation, details of the noise generating plant proposed shall be submitted to the Local Planning Authority for approval together with an updated Noise Impact Assessment (NIA) which demonstrates a 'low impact' in line with standards BS4142 and BS8233.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development as described in accordance with Policy E2 of the Local Plan and the NPPF.

8. Prior to the commencement of any works, a Construction Noise and Vibration Method Statement shall in writing for approval by the Local Planning Authority. This shall include details relating to the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase. The development shall be undertaken in accordance with the aforementioned approved Method Statement.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development as described within paragraphs 183-188 of the National Planning Policy Framework 2021.

9. The lighting shown on the approved plans shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation, in accordance with the NPPF and policies E1, E2 and E7 of the Local Plan.

10. The development shall be undertaken in strict compliance with the details, recommendations and construction operation and traffic movement restrictions contained within the submitted Construction Traffic Management Plan (CTMP). For the avoidance of any doubt, and as stated within the CTMP, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 08.00 hours and 18.00 hours Monday to Friday, nor outside the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Statutory Holidays unless approved in writing in advance with the Local Planning Authority.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development as described in accordance with Policy E2 of the Local Plan and the NPPF.

11. The development must not be brought into use until the accesses to the site have been set out and constructed in accordance with the following requirements:
- a. The crossings of the highway verge must be constructed in accordance with the approved drawings 2304046-TK01 Revision B and 2304046-TK02 Revision B and Standard Detail number E60.
 - b. Any gates or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - c. The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.
- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

12. There must be no access or egress by any vehicles between the highway and the application site until visibility splays are provided in accordance with the approved drawings 2304046-01 Revision A and 2304046-02 Revision A. In measuring the splays, the eye height must be 1.05 to 2.0 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

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:
1. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors' and visitor's vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;
 4. measures to manage the delivery of materials and plant to the site and loading/unloading areas;
 5. highway condition survey on the road (C96 Amplecarr) between the A19 junction and the site accesses;
 6. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 7. details of external lighting equipment;
 8. a detailed method statement and programme for the building works; and
 9. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interests of public safety and amenity.

14. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

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

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

16. No development for any phase of the development must commence until a Construction Environmental Management Plan (CEMP) 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 which shall include details of all measures and work methods to manage and mitigate the pollution and contamination risks during the construction phase of the development. The development shall be undertaken in accordance with the aforementioned CEMP.

Reason: To ensure that risks from pollution and contamination are appropriately managed and mitigated for during the construction phase of the development, in accordance with Policy RM5 of the Local Plan.

17. 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, in accordance with Policy in accordance with Policy RM5 of the Local Plan.

18. Prior to the commencement of the development hereby approved a soil erosion/agricultural land management plan (including timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following additional details:
- a. Provision of a vegetated solution to mitigate/manage soil erosion which shall include:
 - i. an enforceable and robust land management and maintenance plan to keep the land in good condition to ensure the land does not become bare.
 - ii. a temporary plan in place before vegetation becomes established to manage erosion.
 - i. set out a scheme for the agricultural use(s) of the land(s) during the lifetime of the solar farm

The soil erosion/agricultural land management plan shall be implemented and thereafter adhered to for the lifetime of the development in accordance with the approved details (including timetable of implementation) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the long-term protection of soils and the BMV agricultural land, in accordance with policy S5 of the Local Plan.

19. Prior to commencement of the development hereby approved a Biodiversity Net Gain implementation and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity based on the results of the biodiversity metric 4.0 or the latest version of the metric if superseded. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the calculated Biodiversity Net Gain is appropriately implemented and monitored, in accordance with Policy E3 of the Local Plan and the NPPF.

20. The development shall be undertaken in accordance with ecological protection and working measures detailed within section 5 of the submitted Ecological Impact Assessment.

Reason: To ensure that protected and priority species, as well as nesting and nocturnal birds are suitably protected and accounted for both during and post construction, in accordance with Policy E3 of the Local Plan.

21. The cumulative rating sound level of the specific operational plant and equipment installed as part of this development shall have an operational noise level no greater than the existing background sound level during the operation of the scheme at the closest noise-sensitive receptors to the site as assessed in the Noise Impact Assessment (Version 7.0: June 2024)

Reason: To ensure that good levels of amenity are maintained for the occupants of dwellings within the vicinity of the site, in accordance with Local Plan Policy E2.

Target Determination Date: 29 December 2023

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

