

North Yorkshire Council
Community Development Services
Strategic Planning Committee

11 MARCH 2025

ZG2023/1271/FULM – ERECTION OF SOLAR FARM TOGETHER WITH ANCILLARY DEVELOPMENT THERETO AT HILLAM GRANGE, AUSTFIELD LANE, HILLAM, WEST YORKSHIRE, LS25 5NQ

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of a solar farm together with ancillary development thereto at Hillam Grange, Austfield Lane, Hillam.
- 1.2 This application has been reported to Committee due to the application being defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

2.0 SUMMARY

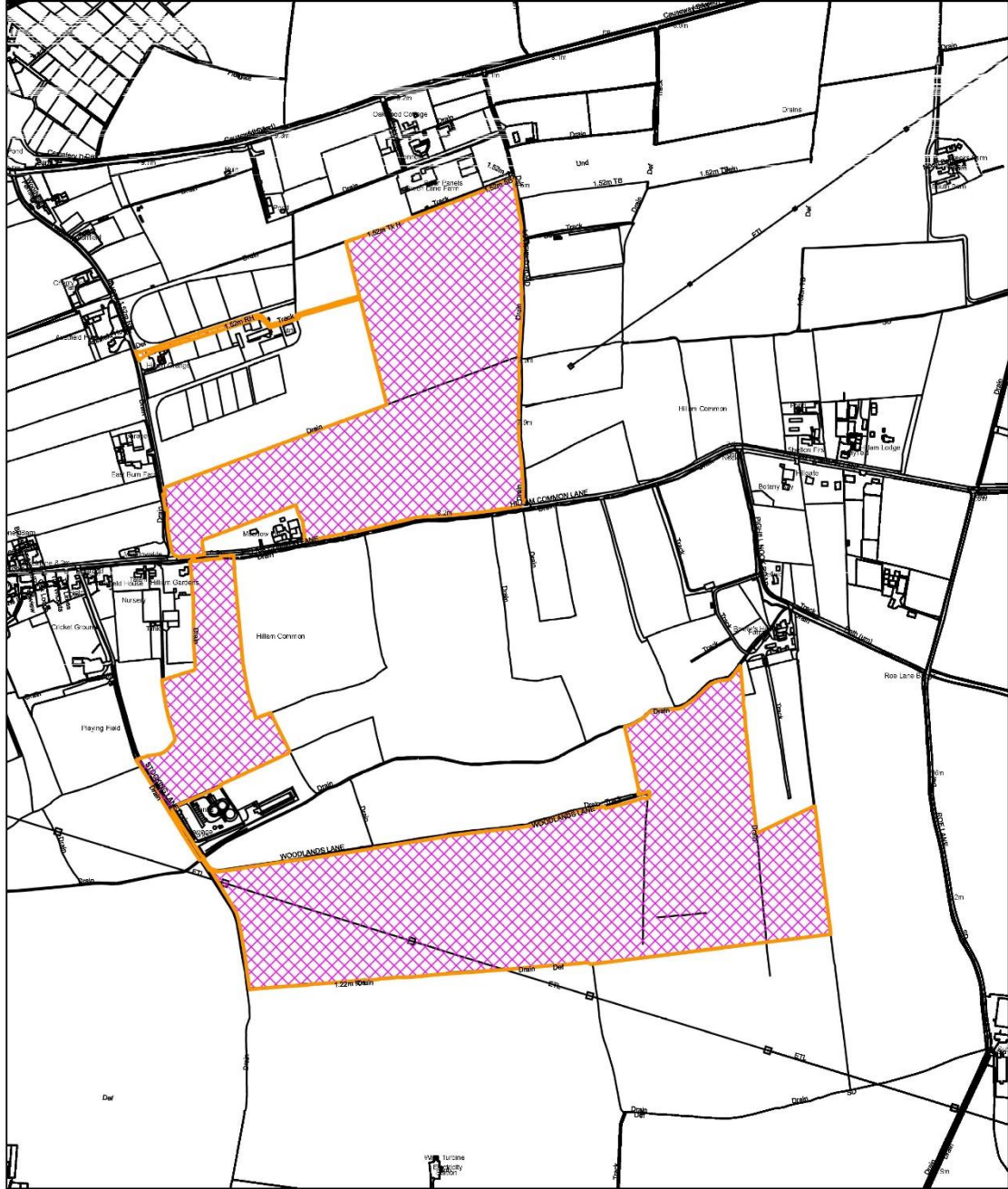
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in Section 12 of this report, and the outcome of the referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (b) - the proposed development is inappropriate development in the Green Belt and consists of or includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

- 2.1. This is an application for full planning permission for the erection of a solar farm together with ancillary development thereto at Hillam Grange, Austfield Lane, Hillam. The application site is located outside the defined development limits of any settlements and is located within the Green Belt.
- 2.2. The proposed development is inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.3. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Harm has been identified, namely, harm to the openness of the Green Belt; harm to one of the purposes of including land within the Green Belt plus other harm including loss of BMV agricultural land for the duration of the development; landscape and visual harm; and heritage harm.
- 2.4. In terms of matters weighing in favour of the proposed development, it would have a capacity of 49.95MW, which would provide enough green energy to supply 17,000

homes per annum and the anticipated CO² displacement is 107,500 tonnes per annum. There is a clear and pressing need for renewable and low carbon energy developments to provide energy security and to assist in meeting net zero targets. Paragraph 168 of the NPPF requires significant weight to be given to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future, when determining applications for all forms of renewable and low carbon energy developments and their associated infrastructure.

- 2.5. The development of a large-scale ground mounted solar farm has one key locational requirement - that is the availability of and proximity to a grid connection. Sites must be located close to the point of connection to the grid, so as to minimise the loss of energy during transmission and ensure the development remains viable; but the grid must also have capacity to export electricity to the point of connection. The proposed development would connect into the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant. A Site Selection Report has been undertaken and submitted as part of this application, which has considered a search area of 5.5km from the point of connection. The Site Section Report is considered to provide a robust assessment and concludes that there are no other alternative sites available, which could utilise the secured grid connection. The Site Selection Report confirms the use of brownfield land is not possible to accommodate the proposed development. Significant weight can be attached to this matter.
- 2.6. Various recent government publications (including the Climate Change Act 2008; the Climate Change Act 2008 (2050 Target Amendment) Order 2019; the UK Government declaration of an Environmental and Climate Change Emergency; National Policy Statements; the 2021 Net Zero Strategy; the 2023 Net Zero Growth Plan; the NPPF and NPPG) have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources. To achieve this ambitious target, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land, or roof top installations. North Yorkshire Council's 'Climate Change Strategy 2023-2030' seeks to install an additional 2,500MW of capacity from solar, onshore wind and hydropower by 2038 and acknowledges the need to increase renewable and low carbon energy capacity at differing scales, including at large scales such as solar parks.
- 2.7. The proposed development would provide for an approximate 62% uplift in habitat units, 225% uplift in hedgerow units and 18% uplift in watercourse units, all of which would be provided onsite. This is not an application where statutory net gain is required, therefore significant weight can be attached to this matter.
- 2.8. In this instance, it is considered that the above factors amount to very special circumstances which clearly outweigh the harm to the Green Belt by reason of its inappropriateness and the other harm identified. It is therefore recommended that planning permission be granted, subject to conditions and the outcome of the referral to the Secretary of State.

Hillam Grange, Austfield Lane, Hillam
ZG2023/1271/FULM



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Documents for reference ZG2023/1271/FULM: Public Access \(selby.gov.uk\)](https://www.selby.gov.uk/documents/ZG2023/1271/FULM:PublicAccess).

4.0 Site and Surroundings

- 4.1 The application site is located outside the defined development limits of any settlements and is located within the Green Belt.
- 4.2 The application site comprises approximately 62.7 hectares of agricultural land to the east of Hillam and Monk Fryston, south of the A63. The land has a fairly flat topography (as does the land surrounding the application site), with primarily open field boundaries, though scattered trees and clusters of trees exist throughout the landscape. The application site can be broadly split into two halves, with two fields to the north of Hillam Common Lane and three fields to the south of Hillam Common Lane, which intersects the site in an east-west direction.
- 4.3 The most northerly of the two fields to the north of Hillam Common Lane is broadly square in shape and is currently in pastoral use, though it has also been used for crop production in recent years. To the immediate north of the field is a dog walking facility, a residential property (approximately 71 metres from the site boundary) and a cattery, along with some open fields. To the immediate east is Lowfield Road; while to the immediate west is Hillam Grange Farm (approximately 238 metres from the site boundary) and an associated livery yard. The southerly of the two fields to the north of Hillam Common Lane is broadly rectangular in shape and is currently in arable use. To the immediate east is Lowfield Road; to the immediate south is Hillam Common Lane and a grouping of isolated residential properties; (approximately 18 metres from the site boundary) while to the immediate west is Austfield Lane.
- 4.4 The most northerly of the three fields to the south of Hillam Common Lane is broadly J-shaped and is currently in arable use. To the immediate north of the field is Hillam Common Lane; to the immediate east are open fields; to the immediate west are a collection of residential buildings (approximately 52 metres from the site boundary) and some recreation facilities; while to the south is a disused sewage pumping station. The other two fields to the south of Hillam Common Lane are adjoined. They are broadly rectangular in shape and are currently in arable use. To the immediate north of these fields is an informal footpath (along Stocking Lane); to the immediate east is Bower House Farm (approximately 104 metres from the site boundary) and an associated livery yard; while to the immediate south and west are open fields.
- 4.5 In terms of looking at the site surroundings more widely, the nearest settlements are Hillam and Monk Fryston to the east (the development limits of Hillam being approximately 200 metres from the application site at its closest point; and the development limits of Monk Fryston being approximately 400 metres from the application site at its closest point). The site is otherwise located within an agricultural setting, with open agricultural fields to all sides encompassing sporadic buildings including dwellings, farms and commercial or community establishments.
- 4.6 The majority of the application site is located within Flood Zone 2, which has a medium probability of flooding. A small part of the application site, to its northern end, is located within Flood Zone 1, which has a low probability of flooding.

5.0 Description of Proposal

- 5.1 This application seeks full planning permission for the erection of a solar farm with a capacity of 49.95MW, together with associated development thereto.

- 5.2 The scheme comprises of the following elements as identified on the proposed site layout plan (drawing no. 2022-002_3).
- 5.3 Solar Panels. The solar panels would be aligned in east-west rows across the fields and would be fixed facing south (at an angle of 17-20°). The maximum height of the panels above ground level would be 3.5 metres, with a one metre gap between the bottom edge of the panel and the ground level. The rows of panels would be placed approximately 3-3.5 metres apart and would be fixed to steel frames pushed into the ground by approximately 1-1.5 metres. The panels themselves would be constructed of anodized aluminium alloy.
- 5.4 Invertors. There would be 20 invertors located across the site area. Given the technology is evolving constantly, the exact specification of the invertors to be installed is not known at this stage, but eighteen would have a nominal AC power of 2500kW and two would have a nominal AC power of 2475kW. The invertors would be sat on concrete pads (raised a maximum of one metre above ground level) and would not exceed 9.1 metres in length by 2.5 metres in depth, and a height of 2.5 metres.
- 5.5 The solar panels and invertors would be surrounded by 2-metre-high deer fencing. This would be constructed using wooden posts and wire mesh. Steel gates would be located at permanent access points (painted colour RAL 6005 green), with internal access tracks running through the site constructed of permeable material (type 1 stone). CCTV cameras would be located at intervals along the perimeter deer fencing, mounted on 4-metre-high poles. These would be required for on-site security and would be able to detect movement and would have night vision capability. No visible lighting would be required in conjunction with the CCTV lighting.
- 5.6 Native mixed hedgerows and trees would be planted to the outside edge of the deer fencing surrounding the solar panels and invertors. A gallop strip (to exercise horses from the adjacent livery yard) would be retained around the most northerly of the two fields to the north of Hillam Common Lane. Skylark plots would be provided across the application site, in between the solar panels.
- 5.7 To the north of Hillam Common Lane would be the 66kV single circuit connection, transformer and Distribution Network Operator (DNO) relay/control room surrounded by a 2.4 metre high galvanised security palisade fence. The transformer would be the highest piece of electrical infrastructure in this compound measuring approximately 6.8 metres in height. A delivery substation and communication substation would be sited adjacent, each no larger than a standard shipping container. A mixed native hedgerow would be planted around the site of the electrical infrastructure, with tree planting to the south side, adjacent to Hillam Common Lane.
- 5.8 The proposed development would connect into the 132kv substation at Ferrybridge, which is located approximately 4.5km away from the site boundary at its closest point (as the crow flies). Consent for the connection infrastructure is not being sought under this application. This would be applied for at a later date; or, if delivered by the local Distribution Network Operator (DNO) could be carried out using their permitted development rights.
- 5.9 The capacity of the solar farm would be 49.95MW. National Policy Statement EN-3 sets out that solar site capacity should be determined by taking the maximum combined capacity of the installed invertors, measured in AC. There would be 20 invertors located across the site area, eighteen of which would have a nominal AC power of 2500kW and two of which, would have a nominal AC power of 2475kW, which would limit the capacity of the solar farm to 49.95MW. This is below the 50MW limit set out in the Planning Act 2008 for a generating station to be defined as an

NSIP. A condition could ensure the capacity of the solar farm does not exceed the NSIP threshold.

5.10 Paragraph 2.10.55 of National Policy Statement EN-3 states:

“The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.”

5.11 Footnote 92 clarifies:

“Overplanting” refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator’s grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.”

5.12 In this case, the installed solar panel capacity at the site is 69.3 MWDC and the maximum combined capacity of the invertors is 49.95MWAC, which gives an overplanting ratio of 1.4, which is in line with general industry standards.

5.13 Paragraph 2.10.17 of National Policy Statement EN-3 states:

“Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output.”

5.14 In this case, the solar farm requires less than 2 acres for each MW of output, indicating that even with an overplanting ratio of 1:4, the proposal represents an efficient use of land.

5.15 In terms of the operational lifespan of the proposed development, it is anticipated that this would be 40 years with a 9-month construction period. Once decommissioned, the land would return to its former use.

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:

- Selby District Core Strategy Local Plan, adopted 22 October 2013
- Those policies in the Selby District Local Plan, adopted on 8 February 2005, which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
- Minerals and Waste Joint Plan, adopted 16 February 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is
- Selby District Council Local Plan Publication Version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024.

. On 17th January 2025, a report was taken to the Selby and Ainsty Area Committee and Development Plans Committee recommending that work on the emerging Selby District Council Local Plan is ceased. This recommendation was taken to North Yorkshire Council's Executive on 4 February and then North Yorkshire Council's Full Council on 26 February where it was resolved that work on this plan will now cease.

Having regard to the above, no weight is to be applied to the Selby District Council Local Plan publication version 2024 (Reg 19), but some weight may be able to given to the evidence base.

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework, December 2024 (as updated February 2025)
 - National Planning Practice Guidance
 - Written Ministerial Statement on Solar Energy: protecting the local and global environment, made on 25 March 2015.
 - Overarching National Policy Statement for Energy (EN-1), November 2023
 - National Policy Statement for Renewable Energy Infrastructure (EN-3), November 2023

7.0 Consultation Responses

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

Officer Note: The site is wholly located within Hillam Parish, however, Monk Fryston Parish is the immediate north of the site boundary and Birkin Parish is to the immediate south of the site boundary. Therefore, all three Parish Councils have been consulted on this application.

- 7.2. **Parish Council (Hillam):** Have the following comments:
- Note there is a need for an effective renewable energy strategy but consider this need to be well thought out and have a strategy to consider the potential harms.
 - Community engagement in January 2024 highlighted an overwhelming consensus to oppose the solar farm.

- Fails to preserve the Green Belt and may pave the way for future residential development.
- More thorough evaluation of ecological implications required.
- Given 40-year duration of proposed development, unable to see how the Government's safeguarding soils strategy can be met to ensure sustainable and secure food production, especially when over 70% of the land is Grade 2 or 3A.
- Scale and dominance of proposed development over 4-6 plots.
- Large and visually intrusive development in a natural countryside setting, changing landscape character by siting of solar farm and introduction of screen plants.
- No direct or indirect benefits to the wider Hillum and Monk Fryston community.
- Highway safety issues resulting from HGVs navigating Austfield Lane. Would like the developer to consider a long term access road that could be used as a one way exist from the Stocking Lane sports field.
- Connection to grid forms a separate application, but will be done at the same time, therefore cumulative impacts on traffic.
- Brownfield sites should be considered for such developments.
- Effect on house prices in the area.
- Concern for a domino effect for other similar development in this area should permission be granted.
- Alternative generation methods such as wind should be considered instead.
- Community benefit letter – offers up to £100,000 (£1,500per MW). Ideally the benefit would not be monetary, the benefits of this would be short lived and the harms will be felt significantly during the construction phase, somewhat in the early years and possibly waning in the longer terms towards the end phase.
- Potential for crime and proximity to residential properties.
- Uncertainties regarding health risks associated with living near a solar farm and proximity to residential properties.

7.3. **Parish Council (Monk Fryston):** Support the views of Hillam Parish Council.

7.4. **Parish Council (Birkin):** No response.

7.5. **Active Travel England:** No comments.

7.6. **Archaeologist:** No objections.

7.7. **Burn Gliding Club:** No response.

7.8. **Campaign for the Protection of Rural England:** Object for the following reasons:

- The significant loss of BMV land and impact on soils;
- The loss of openness and impact on permanence in relation to the Green Belt;
- The harm to the setting of Heritage Assets;
- Detrimental impact on users of the PROW network;
- The potential for detrimental impact on equestrian activities and to horses as a result of construction and operational processes; and
- The proposals are contrary to local and national planning policy.

7.9. **Civil Aviation Authority Airfield Advisory Team:** No objections.

- 7.10. **Conservation Officer:** The proposal would result in less than substantial harm to the setting of designated heritage assets (Hillam Conservation Area and listed buildings including 19th-century Elizabethan Revival Hillam Hall, Former Carthouse and Stables, Stable Block and Coach House, and the Summerhouse in Grounds of Millstone House all of which are Grade II listed. Coupled with the southern parcels of land within Monk Fryston Conservation Area being the Monk Fryston Cemetery and the northern parcel of land forming part of the Prebendal lands associated with Prebendal House Grade II* and possible views from Church of St Mary and the grave yard Birkin). No heritage benefits result from the proposal. The less than substantial harm would need to be weighed against the public benefits of the proposal.
- 7.11. **Contaminated Land Officer:** No objection, subject to condition relating to reporting of unexpected contamination.
- 7.12. **Department for the Environment, Food and Rural Affairs:** No response.
- 7.13. **Designing Out Crime Officer:** Offers the following comments:
- Fencing should be security fencing rather than just deer fencing. Supplemented by CCTV.
 - Gates at access points to deter thieves.
 - Tamper proof fixings to solar panels.
 - Construction compounds to be secured.
- 7.14. **Ecologist:** No objections subject to conditions and a section 106 legal agreement. In terms of biodiversity net gain, the proposal would result in a 62% uplift in habitat units, 225% uplift in hedgerow units and 18% uplift in watercourse units, which is generously compliant with policy.
- 7.15. **Environment Agency:** No objections subject to a condition relating to the Flood Risk Assessment.
- 7.16. **Environmental Health:** No objections subject to conditions relating to noise levels and working hours.
- 7.17. **Historic England:** Not providing comments, defer to Conservation Officer.
- 7.18. **Landscape Architect:** Offer the following comments:
- Agree with conclusions of LIVA in terms of landscape features and landscape character, in terms of significance of effect.
 - Impact on residential receptors. Agree majority minor adverse, dependant on successful mitigation planting. Greatest impact on those closest where stated at year 15 would be moderate/minor adverse. Some infrastructure visible above vegetation, i.e. CCTV, substation complex – impact could be greater than assessed. Consideration should also be given to impact on how residential receptors may experience and perceive the development as they travel to and from home.
 - Public Footpaths. The combination of elements would give an industrial feel to the development as viewed from surrounding footpaths. Enclosure of

development and shorten views would erode the rural context and sense of place. The sense of rurality would be diminished. Development would be visible especially in winter months.

- Road Network. The development would have an adverse visual impact.
- When considered in the whole, the proposed development would result in significant adverse harm to views from the surrounding road and footpath network.

- 7.19. **Leeds Bradford International Airport:** No response.
- 7.20. **Leeds East Airport:** No response.
- 7.21. **Local Highway Authority:** No objections subject to conditions.
- 7.22. **Local Internal Drainage Board (Selby Area) :** No objections, subject to conditions/informative.
- 7.23. **Local Lead Flood Authority:** No objections.
- 7.24. **Minerals and Waste Team:** No objections.
- 7.25. **Ministry of Defence:** No response.
- 7.26. **National Grid:** Request further information to ensure sufficient space is left clear around their towers to allow for future access and maintenance activities.
- 7.27. **National Highways:** No objection, subject to condition requiring a Construction Traffic Management Plan (CTMP).
- 7.28. **Natural England:** No comments, refer to standing advice.
- 7.29. **North Yorkshire Fire and Rescue:** No comments, refer to standing advice.
- 7.30. **Northern Powergrid:** No response.
- 7.31. **Public Rights of Way:** No objections subject to informative.
- 7.32. **Robin Hood Airport Doncaster Sheffield:** No response.
- 7.33. **Sherburn Aero Club:** No response.
- 7.34. **Tree Officer:** No objection, subject to conditions relating to tree and root protection.
- 7.35. **Yorkshire Water:** No objections subject to condition relating to outfall.
- 7.36. **Yorkshire Wildlife Trust:** Object to the application for the following reasons:
- Insufficient baseline data;
 - Longevity of habitat creation following decommissioning;
 - Layout and habitat creation proposals.

Local Representations

- 7.37. There have been 36 local representations received, all of which object to the proposed development. The points raised can be summarised as follows:
- Inappropriate development in the Green Belt.
 - Adverse impact on the character and appearance of the landscape.
 - Concern raised regarding proximity to villages.
 - Industrialisation of the landscape and the Green Belt.
 - Loss of agricultural land and impact on food production.
 - Concern regarding the sprawling nature of the development over a number of parcels of land. Scale and dominance.
 - Mitigation planting would only be effective in the long term.
 - Concern that allowing this development would set a precedent.
 - Concern over potential adverse noise impacts resulting from the development.
 - Adverse impact on ecology and wildlife.
 - Highway safety implications resulting from construction traffic.
 - Walkers, runners and horse riders use the country lanes surrounding the site.
 - Concern that the area is being encompassed by energy infrastructure.
 - Preference for a wind farm instead of a solar farm.
 - Impact on house prices.
 - No benefits to wider community.
 - Concern over potential to attract crime.
 - Uncertainties over health risks associated with living near a solar farm.
 - The grid connection is not covered by this application.
 - Concern over the impact of the development on horses.
 - Local residents will not receive any direct benefit from the energy generated.
 - Concern over impact on nearby sports field/club.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed falls within Column 1, 3(a) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) and the proposals exceed the applicable threshold of this type of development as set out in Column 2, being in excess of 0.5 hectares.
- 8.2. The Local Planning Authority has taken account of the criteria set out in Schedule 3 of the Regulations, has considered the indicative screening thresholds in National Planning Practice Guidance (NPPG) and applied the screening checklist also contained in NPPG.
- 8.3. Having considered the characteristics and location of the development, the Local Planning Authority consider the proposed development is not likely to have significant effects on the environment. No Environment Statement is therefore required. A screening opinion was issued to this effect on 22 June 2023 (application reference ZG2023/0557/SCN).

9.0 Main Issues

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

- The Principle of the Development
- Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt
- Agricultural Land Assessment
- Landscape and Visual Impact
- Ecological Considerations
- Impact on Heritage Assets
- Impact on Archaeology
- Impact on Highway Safety
- Impact on Public Rights of Way
- Impact on Residential Amenity
- Flood Risk and Drainage
- Minerals and Waste
- Other Matters
- Consideration of Very Special Circumstances

10.0 **ASSESSMENT**

Principle of Development

10.1 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

10.2 The application site is located outside the defined development limits of any settlements and is located within the Green Belt.

10.3 Policy SP2A (d) of the Core Strategy states:

"In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies".

10.4 Policy SP3B of the Core Strategy states:

"In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted".

10.5 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:

- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh

the harm to the Green Belt by reason of its inappropriateness, and any other harm identified.

- 10.6 Paragraph 154 of the NPPF sets out that the local planning authority should regard development in the Green Belt as inappropriate and sets out a limited number of exceptions. The proposal would not fall within any of the exceptions listed in paragraph 154.
- 10.7 Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where (a) The development would utilise grey belt land¹ and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) There is a demonstrable unmet need for the type of development proposed; (c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and (d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157. The proposal would not utilise grey belt land as it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, contrary to 155(a) and therefore the exception set out in paragraph 155 would not apply.
- 10.8 Having regard to the above, the proposal would therefore comprise inappropriate development within the Green Belt. This is not disputed by the Applicant.
- 10.9 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Furthermore, it states Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt, including harm to its openness.
- 10.10 Paragraph 160 of the NPPF states:
- “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”*
- 10.11 In relation to other policies within the Development Plan, Policy SP17 C of the Core Strategy specifically relates to ‘Low Carbon and Renewable Energy’ and states:
- “All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria: i. are designed and located to protect the environment and local amenity or; ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and iii. impacts on local communities are minimised”.*

¹ For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

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

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

“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:

1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings;

2. The redevelopment of existing and former employment sites and commercial premises;

3. The diversification of agriculture and other land based rural businesses;

4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and

5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.”

10.14 The proposal could be seen to represent partial diversification of agriculture and other land based rural businesses by providing the landowner(s) with an alternative income stream for the duration of the development. However, the proposal would be operated by the Applicant and would not be part of an agricultural business. Whilst the landowner(s) would receive an income stream for the use of the land, which may help the viability of their business, this in itself does not necessary represent the diversification of an agricultural, or other land based rural business as supported by the NPPF.

10.15 Turning to National Policy and Guidance, the National Planning Policy Framework is supportive low carbon and renewable energy proposals in principle as is the Planning Practice Guidance.

10.16 Paragraph 161 of the NPPF states:

“The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

10.17 Paragraph 168 of the NPPF states:

“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;” (my emphasis).

10.18 The Planning Practice Guidance is equally as supportive of low carbon and renewable energy proposals in principle and states:

“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”.

10.19 In relation to large scale ground-mounted solar photovoltaic farms specifically, the Planning Practice Guidance states:

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

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

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

10.20 The Government recognises that climate change is happening as a result of increased greenhouse gas emissions, and that action is required to mitigate its

effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050.

- 10.21 National Policy Statements (NPSs) for the delivery of major energy infrastructure are a material planning consideration. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. EN-3 specifically refers to solar photovoltaic generation and set out that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. It is also important in delivering the government's goal for greater energy independence. However, EN-3 notes factors influencing site selection and design, technical considerations and impacts to be taken account by Applicant's and decision makers.
- 10.22 While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the impacts of the proposals need to be given full and careful consideration. The impacts of the proposals will be discussed in more detail below.
- 10.23 Notwithstanding the positive approach in National Policy and Guidance to renewable energy projects, this does not outweigh the approach to inappropriate development in the Green Belt (as set out in paragraph 153 of the NPPF). The development would comprise inappropriate development in the Green Belt. The proposal should therefore be refused unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt

- 10.24 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.25 National Guidance advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstance of the case and the courts have identified a number of matters which may need to be taken into account in making this assessment. These include but are not limited to: *"openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation"*.
- 10.26 The application site comprises approximately 62.7 hectares of agricultural land within the open countryside, which has a fairly flat topography with primarily open field boundaries. The proposal would involve the provision of solar panels and associated invertors units across the majority of the site surrounded by 2-metre-high deer fencing and native mixed hedgerows and trees. There would be 4-metre-high CCTV poles located at intervals along the perimeter deer fencing and an area containing electrical infrastructure surrounded by a 2.4 metre high galvanised security palisade fence. As a result, the majority of the site would be covered with development where none

currently exists. This would have a significant adverse impact on the spatial aspect of the openness of the Green Belt.

- 10.27 The proposed development would be visible from a considerable number of scattered properties and the periphery of the adjacent settlements of Hillam and Monk Fryston. For the majority of receptors the effect at year 15 would be minor (not significant) but nonetheless still apparent and adverse. Distance, orientation, intervening vegetation and proposed planting are the mitigating factors. The greatest visual impact would be experienced from those properties closest to the development, including Meadow Farm on Hillam Common Lane (approximately 18 metres from the site boundary/38 metres from the solar panels); Green Lane Farm and Oakwood Cottage to the north of the site (a minimum of approximately 71 metres from the site boundary/88 metres from the solar panels); and some properties on Austfield Lane, Chapel Street, and on the eastern edge of Hillam (a minimum of approximately 65 metres from the site boundary/100 metres from the solar panels). Across this group, the effect at Year 15 would be 'moderate/minor' adverse. Adverse visual effects during construction, year 1, and the early years post construction, would be considerably greater (generally major to moderate adverse), especially during the winter months. The established proposed planting would have a screening effect during the summer months and a filtering effect in the winter months. Some components of the development would be visible despite the proposed planting, such as the 4-metre-high CCTV poles. Some components would be visible from upper floors of neighbouring residential properties despite the proposed planting.
- 10.28 The visual impact of the proposed development is quite far-reaching due to the number of minor roads, lanes and rights of way that border the application site or are within the immediate vicinity of the proposed development. The flat topography and openness of the existing arable landscape affords relatively long-distance views across many fields and beyond to distant woodlands and larger buildings/structures within the landscape. These views provide a strong sense of context, orientation and location. The proposed native mixed hedgerow is likely to be uniform across the development in order to screen the various components of the development, whilst remaining a tight dense hedge. The resulting enclosure would shorten the views from lengths of footpaths and roads and would erode the rural context and sense of place. Deer fencing is not common place in the existing landscape character. The electrical infrastructure surrounded by a 2.4-metre-high galvanised security palisade fence would be a significant addition to the landscape, which would be seen on the approach to the village from Hillam Common Lane. The combination of all these elements would give an industrial feel to the development as viewed from the surrounding footpaths and lanes.
- 10.29 Along lengths of the immediate public right of way network, the development would be visible during the operational phase, particularly during the dormant months and would have a particularly adverse impact from the west of the application site, including from footpath 35.37/10/1 from its slightly raised elevation connecting Hillam to Austfield Lane; from the southern end of Stocking Lane; and footpath 35.10/10/1 from the south. The development would also be visible from Stocking Lane to the north of the two adjoined fields to the south of Hillam Common Lane (although not a public right of way, it is accessed by the public).
- 10.30 The development would continue to have an adverse visual impact from the surrounding road network during the operational years, including most obviously from Hillam Common Lane, and from Austfield Lane, and Lowfield Road. There would also be a moderate/minor visual impact from Roe Lane, which comes within proximity to the eastern extent of the development on leaving Birkin. The filtering effects of the proposed hedges and trees would reduce the visual impact but would not entirely screen the development.

- 10.31 When considered in the whole, the proposal would have a significant adverse impact on the visual aspect of the openness of the Green Belt.
- 10.32 In terms of duration of the development and remediability, although the proposal is not permanent, and includes decommissioning of the site and its return to its current use, the development is intended to have a lifespan of 40 years, which is a considerable amount of time and not a short-term temporary use. The openness of the Green Belt would be significantly reduced during this time period.
- 10.33 In terms of activity (comings and goings to and from the site and on the site), in the short term this would be high during the construction phase and during decommissioning, but apart from this the development would generate minimal activity during operation (limited to maintenance). Therefore, it is considered there would be no harmful impact on openness in this regard.
- 10.34 Having regard to all of the above, the development is considered to result in a significant adverse impact on the overall openness of the Green Belt.
- 10.35 Paragraph 143 of the NPPF states that the Green Belt serves five purposes, those being: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.36 The development would conflict with purpose c) of paragraph 143 of the NPPF – to assist in safeguarding the countryside from encroachment. It is considered the proposed development would result in substantial harm to this purpose of including land within the Green Belt. This above identified harm to the Green Belt is balanced against the benefits of the proposal in Section 11 of this report.

Agricultural Land Assessment

- 10.37 Policy SP18 of the Core Strategy relates to 'Protecting and Enhancing the Environment' and states:

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

This accords with paragraph 187 of the NPPF, which requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best most versatile agricultural land, and of trees and woodland.

- 10.38 Footnote 65 of the NPPF, albeit in a reference to plans, states:

"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. National Policy Statement EN-3 has similar provisions" (my emphasis).

- 10.39 The Planning Practice Guidance (PPG) on renewable and low carbon energy sets out the planning considerations for large scale solar development. These include:

“encouraging the effective use of land by focusing 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.”

- 10.40 National Policy Statement EN-3 states that the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land and recognises that at this scale, it is likely that applicants’ developments will use some agricultural land. However, EN-3 notes that applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land (my emphasis).
- 10.41 Having regard to the above, whilst careful consideration needs to be given to the use of BMV agricultural land, none of the policy or guidance prohibits its use for large scale solar farms, nor does it mandate the consideration of alternatives or require a sequential test.
- 10.42 The application site comprises approximately 62.7 hectares of undeveloped agricultural land.
- 10.43 The land within the application site is classified as being Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, this mapping is intended for strategic and regional purposes only and is not suited for interpretation at the field scale. As such, the application has been supported by an Agricultural Land Classification Report, dated July 2023, prepared by Askew Land & Soil Limited. The results demonstrate that approximately 70.8% of the total site area comprises Best Most Versatile (BMV) agricultural land while approximately 29.2% of the total site area does not comprise BMV land.
- 10.44 The applicant highlights the proposed scheme would follow best practice for soil management to help improve soil health, such as: (i) increasing soil organic matter (SOM), and hence soil organic carbon (SOC), (ii) increasing soil biodiversity, and (iii) improving soil structure, which is consistent with aims and objectives for improving soil health in the Government’s 25 Year Plan for the Environment and the Soils in Planning Construction Task Force’s (including Cornwall Council, Lancaster University, and The Landscape Institute et al) ‘Building on soil sustainability: Principles for soils in planning and construction’ (September 2022). The applicant also highlights that the use of the land would be temporary – 40 years – after which the proposed development would decommission, and the infrastructure removed ready for the land to be restored to its former agricultural use. Furthermore, the applicant highlights that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development – this would be subject to subsequent interest and agreement with local sheep farmers.
- 10.45 Notwithstanding any intention to graze sheep within the solar farm, the proposal would result in a reduction in agricultural productivity from the application site for a period of 40 years. As set out above, national and local policy expresses a preference for the use of lower quality over higher quality agricultural land rather than mandating it. Grade 1, 2 and 3 agricultural land (including land graded 3b) covers approximately 66% of the former Selby District area. The submitted Agricultural Land Classification Report suggests 59.6% of agricultural land within the former Selby District area is Grade 1 and 2 (by comparison to 16.9% in England as a whole). It would not be practical to rigorously assess the soil quality of potential alternative

sites. Furthermore, such testing would not be necessary to comply with policy requiring that poorer quality land should be preferred to higher quality land avoiding the use of BMV agricultural land where possible. Given the other requirements for a solar farm of this scale, including an available grid connection, avoiding the use of BMV agricultural land may prove to be problematic where BMV land is so prevalent in the area.

- 10.46 The 'loss' of agricultural land, particularly the BMV agricultural land, for the lifespan of the development needs to be weighed in the planning balance against the benefits of the proposal. It should be noted that in a recent appeal made by Cutlers Solar Farm Ltd (reference APP/C1570/W/23/3319421) the Inspector accepted the loss of 42.2ha of BMV agricultural land (92.9% of the site area) noting that the area would represent a small amount of the total BMV agricultural land within the administrative area and no compelling evidence had been forthcoming regarding any resultant negative impact on food security.
- 10.47 It should be noted that Natural England have been consulted on the application but have not provided any specific comments. Generic advice on BMV agricultural land and soils is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.

Landscape and Visual Impact

- 10.48 Saved Policy ENV1 of the Selby District Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Saved Policy ENV3 of the Selby District Local Plan requires development proposals involving outdoor lighting to (4) not detract significantly from the character of a rural area. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. SP17 of the Core Strategy, which specifically relates to Low Carbon and Renewable Energy requires development proposals to be designed and located to protect the environment and local amenity or to demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity.
- 10.49 These local policies accord with paragraph 135 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.
- 10.50 The proposed development is as described section 5.0 of this report - 'Description of Proposal' - and as shown on the submitted drawings. The application has been supported by a Landscape and Visual Assessment (reference Ref: P23-0550_G001 v3_EN_YOR_LB_DT LVIA) dated November 2023, prepared by Pegasus Group; along with a Landscape Masterplan (references P23-0550-EN-004-S1 Rev H and P23-0550-EN-004-S2 Rev H).
- 10.51 The site sits within Selby landscape character area 13 - Haddlesey Farmland, which in turn is located within landscape character type 23 – Levels Farmland. There are no landscape designations within, or adjacent to, the site. The application site exhibits

the following typical notable features seen within the landscape character types - a strong rural character, flat low-lying landform, large rectilinear arable fields bound by ditches generally lacking in hedgerows and trees, resulting in long distance views across an open landscape, and inter-visibility between neighboring landscape character types – including distant raised topography, woodland, and power station structures.

- 10.52 The proposed development would not alter the underlying topography of the site but would have a moderate adverse (significant) effect on the land use resulting from of the change of use away from productive arable land to a solar farm use. Landscape mitigation is in the form of mixed native hedgerows and trees proposed around the periphery of the fields, which in total, present a considerable quantity. Species rich grassland would be evident across the site. The proposed development would result in a moderate beneficial (significant) effect on the vegetation across the site.
- 10.53 Due to the scale and nature of the development, the landscape character of the site would be significantly altered from typically open arable fields with an organic covering, to rows of solid human-made forms, supported above the field surface, resulting in a very different landscape character, and an obstruction to the openness and views of that landscape. The result would be a moderate adverse (significant) effect on the landscape character of the site.
- 10.54 Due to the flat open nature of the landscape and the scale and layout of the proposed development, there would be an influence on the landscape character beyond the site; this would be minor adverse overall (not significant) once the proposed landscape mitigation was established (year 15 and beyond). The effect would be highest within direct proximity to the site and decreasing with distance from the site.
- 10.55 In terms of visual impact, as set out earlier in this report, the proposed development would be visible from a considerable number of scattered properties and the periphery of the adjacent settlements of Hillam and Monk Fryston. For the majority of receptors, the effect at year 15 would be minor (not significant) but nonetheless still apparent and adverse. Distance, orientation, intervening vegetation and proposed planting are the mitigating factors. The greatest visual impact would be experienced from those properties closest to the development, including Meadow Farm on Hillam Common Lane (approximately 18 metres from the site boundary/38 metres from the solar panels); Green Lane Farm and Oakwood Cottage to the north of the site (a minimum of approximately 71 metres from the site boundary/88 metres from the solar panels); and some properties on Austfield Lane, Chapel Street, and on the eastern edge of Hillam (a minimum of approximately 65 metres from the site boundary/100 metres from the solar panels). Across this group, the effect at Year 15 would be 'moderate/minor' adverse. Adverse visual effects during construction, year 1 and the early years post construction would be considerably greater (generally major to moderate adverse), especially during the winter months. The established proposed planting would have a screening effect during the summer months and a filtering effect in the winter months. Some components of the development would be visible despite the proposed planting, such as the 4-metre-high CCTV poles. Some components would be visible from upper floors of neighbouring residential properties, despite the proposed planting.
- 10.56 The visual impact of the proposed development is quite far-reaching due to the number of minor roads, lanes and rights of way that border the application site, or are within the immediate vicinity of the proposed development. The flat topography and openness of the existing arable landscape affords relatively long-distance views across many fields and beyond to distant woodlands and larger buildings/structures within the landscape. These views provide a strong sense of context, orientation and location. The proposed native mixed hedgerow is likely to be uniform across the

development in order to screen the various components of the development, whilst remaining a tight dense hedge. The resulting enclosure would shorten the views from lengths of footpaths and roads and would erode the rural context and sense of place. Deer fencing is not commonplace in the existing landscape character. The electrical infrastructure surrounded by a 2.4-metre-high galvanised security palisade fence would be a significant addition to the landscape, which would be seen on the approach to the village from Hillam Common Lane. The combination of all these elements would give an industrial feel to the development as viewed from the surrounding footpaths and lanes.

- 10.57 Along lengths of the immediate public right of way network, the development would be visible during the operational phase, particularly during the dormant months and would have a particularly adverse impact from the west of the application site, including from footpath 35.37/10/1 from its slightly raised elevation connecting Hillam to Austfield Lane; from the southern end of Stocking Lane; and footpath 35.10/10/1 from the south. The development would also be visible from Stocking Lane to the north of the two adjoined fields to the south of Hillam Common Lane (although not a public right of way, it is accessed by the public).
- 10.58 The development would continue to have an adverse visual impact from the surrounding road network during the operational years, including most obviously from Hillam Common Lane, and from Austfield Lane, and Lowfield Road. There would also be a moderate/minor visual impact from Roe Lane, which comes within proximity to the eastern extent of the development on leaving Birkin. The filtering effects of the proposed hedges and trees would reduce the visual impact but would not entirely screen the development.
- 10.59 No visible external lighting is proposed and therefore this would not negatively effect the character and appearance of the area.
- 10.60 Having regard to the above, significant harm would arise to the landscape character of the site and some harm would arise through visual impact, following landscape and visual mitigation.
- 10.61 National and local policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. This is a planning judgment, which will be returned to later in this report.
- 10.62 Should the harm be outweighed by the benefits of a scheme and the scheme be approved; conditions would be attached to secure a detailed landscape scheme; a Landscape and Ecological Management Plan and details of restoration after decommissioning.

Ecological Considerations

- 10.63 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 10.64 This is reflected in the national policy at paragraph 187 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by

amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity.

- 10.65 It should be noted that the application was submitted prior to 12 February 2024 and is therefore not subject to statutory biodiversity net gain.
- 10.66 The application has been supported by an Ecological Impact Assessment, dated September 2024, prepared by Windrush Ecology; a Landscape and Ecological Management Plan, dated September 2024, prepared by Windrush Ecology; and a Biodiversity Net Gain Metric.
- 10.67 The Council's Ecologist has reviewed the application and has advised that they have no objections subject to conditions requiring a Construction Environmental Management Plan (CEMP); a Landscape Ecological Management Plan (LEMP); and the development to be carried out in accordance with the recommendations contained in the submitted Ecological Impact Assessment. Yorkshire Wildlife Trust originally objected to the development on the basis of insufficient baseline data; longevity of habitat creation following decommissioning; and the layout and habitat creation proposals. They have not re-commented on the proposals following the submission of further information to address these issues, despite being re-consulted; however, the Council's Ecologist has re-commented and is content with the proposals as set out above.
- 10.68 The proposed development would provide for an approximate 62% uplift in habitat units, 225% uplift in hedgerow units and 18% uplift in watercourse units, all of which would be provided onsite. This would be far in excess of the mandatory biodiversity net gain target, although as noted earlier the application was submitted prior to 12 February 2024 and is therefore not subject to statutory biodiversity net gain. This net gain more than complies with local policy and provides a significant benefit arising from the development, which can be secured to any consent granted.
- 10.69 Subject to the aforementioned conditions, it is considered that the proposed development would not have any adverse impact on ecological considerations and would provide net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Impact on Heritage Assets

- 10.70 The application site itself does not contain any designated heritage assets. However, the settlements of Hillam and Monk Fryston both contain Conservation Areas with a number of listed buildings within. The nearest designated asset to the site boundary is the eastern edge of the Hillam Conservation Area and the Grade II listed Summerhouse in grounds of Millstone Lodge, located approximately 300m west of the western site boundary. The main consideration therefore, is the potential for the development to affect the setting of those designated heritage assets.
- 10.71 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that

proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.

- 10.72 Relevant policies within the NPPF, which relate to the effect of development on the setting of heritage assets include paragraphs 207 to 215.
- 10.73 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 10.74 Whilst considering proposals for development which affects buildings or land within a Conservation Area, regard is to be made to Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 10.75 The application is supported by a Heritage Statement, dated November 2023, prepared by Pegasus Group. This identifies designate heritage assets which have the potential to be affected by the proposed development, utilising a 3km zone of theoretical visibility, and evaluates the setting, significance and impact of the proposed development of those assets identified for further assessment, those being – Hillam Conservation Area, Monk Fryston Conservation Area, the Grade I listed Church of St. Mary in Birkin, and the Grade II listed Summerhouse in grounds of Millstone Lodge. The Heritage Statement concludes that given the separate distance, lack of visibility of the proposed development from the designated heritage assets, and the presence of other energy related infrastructure within the landscape, including pylons and a wind turbine, the proposed development would not result in any harm to the significance of any designated heritage assets.
- 10.76 The Council's Conservation Officer has reviewed the application and has advised that given the proposed development would introduce solar panels on mass within the agricultural setting of the designated heritage assets, coupled with their closeness to some of the designated heritage assets, that the proposal would result in harm to the setting and therefore the significance of the designated heritage assets of Hillam Conservation Area and listed buildings (19th-century Elizabethan Revival Hillam Hall, Former Carhouse and Stables, Stable Block and Coach House, and the Summerhouse in Grounds of Millstone House all of which are is Grade II listed); the southern parcels of land within Monk Fryston Conservation Area being the Monk Fryston Cemetery and the northern parcel of land forming part of the Grade II* Prebendal lands associated with Prebendal House; and the Grade I listed Church of St Mary in Birkin. The surrounding open landscape adds to the character and significance of the designated heritage assets and the proposed development would alter the key views and the ability to experience and appreciate those elements which form special interest. The Council's Conservation Officer considers this harm to be less than substantial in NPPF terms.
- 10.77 In accordance with paragraph 215 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal. The proposed development would have a capacity of 49.95MW, which would provide enough power to supply 17,000 homes per annum. National and local policies are supportive of low carbon and renewable energy proposals in principle, with national policy requiring significant weight to be attached to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future. Furthermore, the proposed development has an anticipated lifespan of 40 years and at the end of the 40-year period, the proposed development would be decommissioned, and the

infrastructure and hardstanding areas removed ready for the land to be restored to its former agricultural use; thereby restoring the wider agricultural setting of the designated heritage assets. In weighing the harm against the public benefits of the proposal, it is considered that the public benefits would outweigh the harm identified in this instance.

- 10.78 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a number of designated heritage assets. When the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable, as the public benefits identified would outweigh the harm. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national planning policy contained within the NPPF.

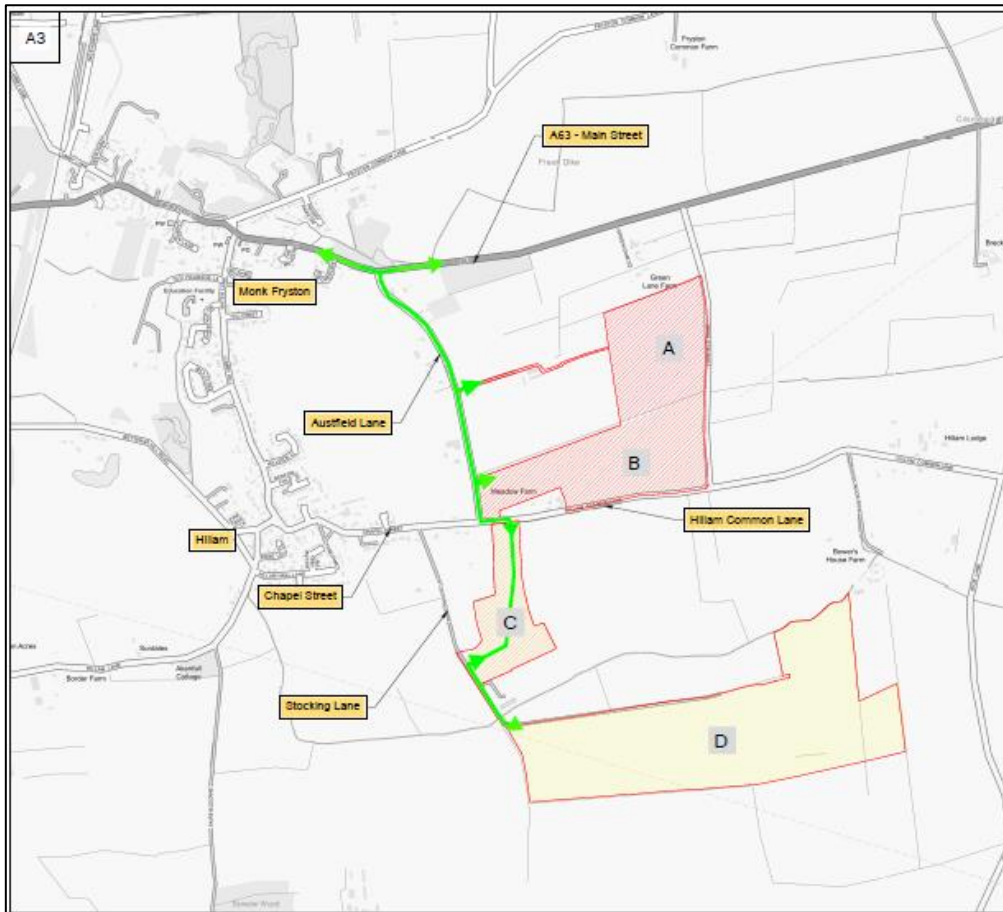
Impact on Archaeology

- 10.79 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 207 of the NPPF.
- 10.80 The Council's Archaeologist has reviewed the application and considers the archaeological potential of the site to be low and therefore, raises no objections to the proposed development.
- 10.81 Having regard to the above, it is considered that the proposed development would not have any adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Impact on Highway Safety

- 10.82 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios (paragraph 116).
- 10.83 The application has been supported by a Construction Traffic Management Plan (reference P23-0550 TR01 Revision D), dated February 2025, prepared by Pegasus Group.
- 10.84 The main traffic generation would be during the construction period, which would last approximately 9 months. In terms of Heavy Goods Vehicle (HGV) movements, it is anticipated that there would be 998 deliveries, equating to 1996 two-way movements. No Abnormal Indivisible Loads (AILs) would be required. Assuming a 9-month construction period and a 6-day working week, this equates to an average of around five deliveries (10 two-way movements) per day. In addition to the HGV movements, there would be a small number of construction movements associated with smaller vehicles such as the collection of skips for waste management, and the transport of construction workers and sub-contractors.

10.85 The diagram below shows the routes to be used for construction traffic to the various parcels of land.



10.86 The largest vehicles which will access the site during the construction phase is a 16.5-metre-long articulated HGV and a large crane (Parcel B only). The routes for construction traffic would be as follows:

- Parcels A and B: via the A63 Main Street and Austfield Lane.
- Parcel C: via the A63 Main Street, Austfield Lane and Hillam Common Lane.
- Parcel D: via the A63 Main Street, Austfield Lane, Hillam Common Lane, Parcel C and Stocking Lane.

10.87 The arrival and departure of HGVs at the site will be strictly managed by the Site Manager. Banksmen would be present on-site to manage both construction and general traffic. During deliveries, Banksmen would actively control traffic at the A63/Austfield Lane junction and at all site access points (parcels A, B, C, and D), as well as on Hillam Common Lane and Stocking Lane. Outgoing vehicles would be held in construction compounds, giving way to incoming vehicles, where necessary. Temporary passing places would be provided along Austfield Lane for the duration of the construction period, to facilitate the passing of two opposing HGV's.

10.88 As shown in the diagram above, during the construction period, access to Parcels A and B would be from two access points from Austfield Lane (an existing farm and a new one). Access to Parcels C and D would be from a new construction access from Hillam Common Lane.

10.89 Following the construction period, the construction access to Parcels C and D from Hillam Common Lane would be closed. The access to Parcels A and B would be utilised during operation. A new operational access would be provided to Parcel D.

There would also be a new operational access to the substation within Parcel B from Hillam Common Lane.

- 10.90 Once operational, traffic to the site would be limited to approximately two visits per month for equipment maintenance in vehicles no larger than a 7.5t van or 4x4 vehicle.
- 10.91 The local Highway Authority have reviewed the application and have visited the site. They have raised no objections, subject to conditions relating to the provision of the site accesses; visibility splays; the delivery of off-site highway improvement works in the form of temporary passing places; a construction management plan to include Banksmen; and the provision of parking turning and manoeuvring areas within the site.
- 10.92 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Impact on Public Rights of Way

- 10.93 Policy T8 of the Selby District Local Plan resists development which would have a significant adverse effect on any route in the district's public rights of way network, unless alternative suitable provision can be provided.
- 10.94 There are no public rights of way which traverse the application site itself, however, there are public rights of way adjacent to the application site.
- 10.95 The proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way adjacent to the site being retained.
- 10.96 There is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only. Should this be the case, the applicant would need to make an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a Temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times. An informative can be attached to any planning permission granted highlighting these points to the applicant.
- 10.97 Having regard to the above, it is considered that the proposed development would not have an adverse impact on existing public rights of way, in accordance with saved Policy T8 of the Selby District Local Plan.

Impact on Residential Amenity

- 10.98 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 resists development which would give rise to unacceptable levels of noise or nuisance unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Saved Policy ENV3(3) of the Selby District Local

Plan requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.

- 10.99 The nearest residential property is located 18 metres from the site boundary (38 metres from the solar panels), whilst there are a number of other residential properties with 600 metres of the site boundary, located off Hillam common Lane, Austfield Lane and the A63.
- 10.100 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening), it is not considered that the proposed development would have any adverse effects of overshadowing, or oppression.
- 10.101 In terms of noise and disturbance, the application has been supported by a Noise Assessment, dated October 2023, prepared by Ion Acoustics. This was updated by way of letter, dated January 2025. Whilst the solar panels themselves would not generate any noise, associated electrical components, such as invertors and transformers can emit low levels of noise. There would be 20 invertors located across the site area, with a DNO transformer and a small auxiliary transformer located in the DNO compound to the north of Hillam Common Lane.
- 10.102 The Council's Environmental Health Officer has been consulted on the application and has advised that the submitted Noise Assessment alleviates any concerns regarding the potential for noise impacts to nearby sensitive receptors. However, in order to address the uncertainty associated with plant selection, a condition requiring the cumulative level of sound when determined externally under free-field conditions, not to exceed the representative background sound level at nearby sensitive receptors, is recommended to be attached to any planning permission granted.
- 10.103 In order to protect residential amenity during the construction period, the Council's Environmental Health Officer recommends a condition relating to working hours during the construction period (including preparation for construction works), which is considered reasonable and necessary.
- 10.104 No visible external lighting is proposed. CCTV would be required for on-site security and would be able to detect movement but this would have night vision capability.
- 10.105 Subject to the aforementioned conditions, it is considered that the impact on residential amenity would be acceptable in accordance with saved Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 10.106 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 10.107 From a search of the Environment Agency Flood Maps, it is confirmed that the majority of the application site is located within Flood Zone 2, which has a medium probability of flooding. A small part of the application site, to its northern end, is located within Flood Zone 1, which has a low probability of flooding.
- 10.108 Paragraph 181 of the NPPF, requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications and therefore

requires certain applications to be supported by site specific flood risk assessments. This includes all proposals in Flood Zones 2.

10.109 Paragraph 173 of the NPPF requires a sequential risk-based approach to be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Paragraph 174 of the NPPF states:

“...the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.”

10.110 Paragraph 178 of the NPPF states:

“Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.”

10.111 The application has been supported by a Flood Risk Assessment, dated November 2023, prepared by Pegasus Group; and a Site Selection and Sequential Test, dated October 2023, prepared by Noventum Power.

10.112 In undertaking the sequential test, the Applicant has advised that the key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm is based on finding a site: with a suitable and viable grid connection; a suitable size to accommodate the proposed development; has suitable highway infrastructure to serve the proposed development; is available for the duration of the proposed development with agreements in place to lease the land; and which minimises environmental impacts.

10.113 The availability of and proximity to a grid connection is a key factor. Sites must be located close to the point of connection to the grid, so as to minimise the loss of energy during transmission and ensure the development remains viable; but the grid must also have capacity to export electricity to the point of connection. The proposed development would connect into the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant. The applicant considers that it would be viable to install a cable up to 5.5km from the point of connection in this instance. On this basis, for operational reasons, the geographical coverage area of the sequential test has been narrowed down to within 5.5km of the proposed grid connection. This approach is considered reasonable by Officers. When undertaking the sequential test on this basis, and taking into account the other key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm (as highlighted above), the applicant advises that there are no reasonably available sites appropriate for the proposed development located within Flood Zone 1, and as such, the proposal passes the sequential test. This is agreed by Officers.

10.114 Where it is not possible for development to be located in zones with a lower risk of flooding, as in this case, the exception test may have to be applied (as per paragraph 176 of the NPPF). The need for the exception test depends on the potential vulnerability of the site and of the development proposed, in line with the flood risk vulnerability classification set out in national planning guidance. The development in this case can be given a flood risk vulnerability classification of ‘essential infrastructure’ – see Annex 3 of the NPPF. Where the sequential test shows that it is

not possible to use an alternative site at lower flood risk, the exception test is only required for development within Flood Zone 3a where the development is classed as 'essential infrastructure' or 'more vulnerable'. The exception test is therefore not required in this instance.

- 10.115 The Environment Agency have been consulted on the application and have raised no objections subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, which they consider to be acceptable.
- 10.116 In terms of drainage, surface water would be disposed of via infiltration systems, such as soakaways and attenuation. No foul drainage is required. The Local Lead Flood Authority, local Internal Drainage Board and Yorkshire Water have been consulted on the application and raise no objections to the proposals subject to a condition relating to provision of a satisfactory outfall.
- 10.117 Having regard to the above and subject to the aforementioned condition, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.

Minerals and Waste

- 10.118 The application site is located within a Surface Minerals Safeguarding Area for brick/clay and sand and gravel. Part 1 of Policy S02 of the Minerals and Waste Joint Plan relates to surface mineral resources and states:

“Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:

- i) It would not sterilise the mineral or prejudice future extraction; or*
- ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or*
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or*
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or*
- v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- vi) It constitutes ‘exempt’ development (as defined in the Safeguarding Exemption Criteria list).”*

- 10.119 In accordance with Policy S07 of the Minerals and Waste Joint Plan, given the development is located in such a Surface Minerals Safeguarding Area, North Yorkshire Council Minerals and Waste Team have been consulted on the application. The Minerals and Waste Team have advised that given the temporary nature of the development, the development would not sterilize the minerals, or prejudice future extraction, therefore no objections have been raised.

Other Matters

Land Contamination

- 10.120 Saved Policy ENV2 of the Selby District Local Plan requires proposals for development which would give rise to, or be affected by, unacceptable contamination or other environmental pollution, to not be granted unless satisfactory remedial, or

preventative measures are incorporated as an integral element in the scheme. Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development, until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.

- 10.121 The Council's Contaminated Land Officer has reviewed the application and has advised that there are no significant potential land contamination risks and therefore, no further investigation works, or remediation action is required. However, they advise that it is recommended to attach a condition relating to the reporting of any unexpected contamination.
- 10.122 Subject to the aforementioned condition, it is considered that the proposed development would be acceptable in terms of land contaminated in accordance with Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Glint and Glare

- 10.123 The effect of glint and glare is a material consideration. The application has been supported by a Solar Photovoltaic Glint and Glare Study, dated September 2023, prepared by Pager Power.
- 10.124 Sensitive receptors, as identified in the submitted Study, include the road users, aircraft, dwellings and neighbouring uses. The Study concludes that there would be no significant effects on any of these sensitive receptors as a result of the existing and proposed landscaping.
- 10.125 The local Highway Authority, Civil Aviation Authority Airfield Advisory Team and Council's Landscape Architect raise no objections to the proposed development in relation to glint and glare. On the basis of the above, therefore, it is considered that the proposed development would not give rise to any significant adverse impact in relation to glint and glare and is acceptable in this respect.

National Grid Infrastructure

- 10.126 National Grid requested further information, in the form of an overlay of the proposed development on NGET's 2D CAD files, to ensure sufficient space is left clear around their towers to allow for future access and maintenance activities. This information was provided by the Applicant in September 2024 and National Grid reconsulted; however National Grid have since not confirmed whether they are satisfied with the layout of the proposed development, despite being chased for a response on a number of occasions. The Local Planning Authority therefore take it that National Grid raise no objections to the layout of the proposed development.

Retention of Gallop Strip

- 10.127 A gallop strip (approximately 10 metres in width) would be provided to the periphery of the most northerly of the two fields to the north of Hillam Common Lane, to accommodate the continued equestrian usage of Hillam Grange Farm and the livery yard to the west of the application site.

Designing Out Crime

- 10.128 North Yorkshire Police have been consulted on the application and have advised that large scale solar developments have the potential to attract criminals – the main risk comes from organised gangs who use heavy duty tools to remove large quantities of

panels, or cable. They advise that best practice is to use security fencing and that the proposed deer fencing is likely to offer at best only token resistance to intruders. However, they note that this is to be supplemented with monitored motion detection CCTV. They further recommended that access points are gated to prevent unauthorised vehicles from gaining access onto the site; that tamper proof fixings to gates, locks and solar panels should be used; and that construction compounds should be secured and guarded.

10.129 It is considered the use of deer fencing supplemented with CCTV strikes an appropriate balance between providing security and not unnecessarily harming the open countryside with widespread palisade fencing. Vehicle access points are gated. Tamper proof fixings are considered a disproportionate planning request. The construction compound is to be fenced, though requiring guarding would be disproportionate.

10.130 On the basis of the above, it is considered that a reasonable and proportionate approach has been put forward for crime mitigation measures.

Community Benefit Fund

10.131 The letter of representation from Hillam Parish Council notes a community benefit letter has been circulated which offers up to £100,000 towards a community benefit fund (£1,500per MW). Community Benefit Funds (CBF) are not a material planning consideration and cannot be weighed in the planning balance. Any CBF would be a private matter between the developer and the local community.

Other Matters Raised by Representees

10.132 Representees have raised concerns regarding the potential impact of the development on house prices. This is not a material planning consideration that can be taken into account in the assessment and determination of this application.

10.133 Representees have raised concerns regarding uncertainties regarding health risks associated with living near solar farms. However, no evidence has been submitted to demonstrate that the proposal would have any significant adverse health risks to residential properties in the vicinity of the solar farm.

10.134 Representees have stated a preference for a wind farm as opposed to a solar farm in this location. However, the proposal before Officers and Members for determination is for that of a solar farm.

Section 149 of The Equality Act 2010

10.135 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.136 The proposed development of the site would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Consideration of Very Special Circumstances

10.137 It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Other harm arising from the proposal has been identified, namely: harm to the openness of the Green Belt; harm to one of the purposes of including land within the Green Belt; loss of BMV agricultural land for the duration of the development; landscape and visual harm; and heritage harm. Therefore, it is necessary to consider whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal.

10.138 The Applicant has put forward a case for very special circumstances, which in summary, includes the following:

- The urgent need for renewable and low carbon energy. The NPPF outlines policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. There is a critical need for renewable energy generating infrastructure at a national scale which contribute to energy reliability, security and to actively contribute to achieving the Government 2050 Net Zero target.
- The scheme would make a valuable contribution to meeting local targets for the region to become carbon negative by 2040.
- The proposed development would have a capacity of 49.95MW, which would provide enough green energy to supply 17,000 homes per annum and the anticipated CO² displacement is 107,500 tonnes per annum.
- The Applicant has secured a grid connection to the 132kv substation at Ferrybridge. A Site Selection Report has been submitted demonstrating there are no other alternative sites available, which could utilise the secured grid connection. The Site Selection Report confirms the use of brownfield land is not possible to accommodate the proposed development.
- The site will make a significant and far-reaching contribution to Biodiversity Net Gain on the site which will be maintained throughout the lifetime of the solar farm (40 years). The proposed development would provide for an approximate 62% uplift in habitat units, 225% uplift in hedgerow units and 18% uplift in watercourse units, all of which would be provided onsite. This would be far in excess of the mandatory biodiversity net gain target, although as noted earlier the application was submitted prior to 12 February 2024 and is therefore not subject to statutory biodiversity net gain.
- The site is not within a landscape that is designated as having particular value either at national or local level.
- The proposed development is intended to have a lifespan of 40 years and therefore is not permanent. Following its operational lifespan, the site would be decommissioned and returned to its current use, therefore the impacts are reversible.
- The proposals will generate both short term and longer-term employment opportunities. In the short term, a local labour force will be required to prepare the site, deliver materials to the site and erect the solar panel arrays. In the longer term a labour force will be required to monitor the site through CCTV, maintain the equipment, and maintain the site, including the hedges and trees.
- The landowner will receive a consistent and elevated income (per acre) for the land, over the period of the installation, contributing to farm diversification and economic sustainability. The rent for the land would be expected to exceed the return for conventional farming on this land and will significantly support the

ongoing economic sustainability of the landowners equestrian business and the associated jobs. This makes a significant contribution towards the rural economy, at a time when farming is becoming less and less viable due to matters such as climate change and when farmers are beginning to rely upon innovative farm diversification schemes to support and compliment traditional farming practices.

10.139 These very special circumstances will be considered in the planning balance in Section 11 below.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal would comprise inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the proposal would result in significant harm to the openness of the Green Belt and to one of the purposes of including land within the Green Belt to safeguard the countryside from encroachment. Paragraph 153 of the NPPF requires substantial weight to be given to any harm to the Green Belt, including harm to its openness.
- 11.2. Also, to be weighed into the balance are other harms identified. The proposal would result in the loss of approximately 44ha of BMV agricultural land, however. this would be for the duration of the development and none of the policy, or guidance prohibits the use of BMV agricultural land for large scale solar farms, nor does it mandate the consideration of alternatives, or require a sequential test. Significant harm would arise to the landscape character of the site and some harm would arise through visual impact, following landscape and visual mitigation. There would also be less than substantial harm to designated heritage assets, which attracts considerable importance and weight, but would be outweighed by the public benefits of the development. Nonetheless for the purpose of the overall balance this harm contributes to the adverse effect of the proposal.
- 11.3. In terms of matters weighing in favour of the proposed development, it would have a capacity of 49.95MW, which would provide enough green energy to supply 17,000 homes per annum and the anticipated CO² displacement is 107,500 tonnes per annum. There is a clear and pressing need for renewable and low carbon energy developments to provide energy security and to assist in meeting net zero targets. Paragraph 168 of the NPPF requires significant weight to be given to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future, when determining applications for all forms of renewable and low carbon energy developments and their associated infrastructure.
- 11.4. The development of a large-scale ground mounted solar farm has one key locational requirement - that is the availability of and proximity to a grid connection. Sites must be located close to the point of connection to the grid, so as to minimise the loss of energy during transmission and ensure the development remains viable; but the grid must also have capacity to export electricity to the point of connection. The proposed development would connect into the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant. A Site Selection Report has been undertaken and submitted as part of this application, which has considered a search area of 5.5km from the point of connection. The Site Section Report is considered to

provide a robust assessment and concludes that there are no other alternative sites available, which could utilise the secured grid connection. The Site Selection Report confirms the use of brownfield land is not possible to accommodate the proposed development. Significant weight can be attached to this matter.

- 11.5. Various recent government publications (including the Climate Change Act 2008; the Climate Change Act 2008 (2050 Target Amendment) Order 2019; the UK Government declaration of an Environmental and Climate Change Emergency; National Policy Statements; the 2021 Net Zero Strategy; the 2023 Net Zero Growth Plan; the NPPF and NPPG) have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources. To achieve this ambitious target, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations.
- 11.6. The proposed development would provide for an approximate 62% uplift in habitat units, 225% uplift in hedgerow units and 18% uplift in watercourse units, all of which would be provided onsite and secured by way of condition. This is not an application where statutory net gain is required, therefore significant weight can be attached to this matter.
- 11.7. The proposals would result in economic benefit to the households and businesses experiencing the negative effects of rapidly rising energy costs, but also through employment during construction, operation and decommissioning of the development. Limited weight can be attached to the economic benefits, as they are unquantified.
- 11.8. The proposal could be seen to represent partial diversification of agriculture and other land based rural businesses by providing the landowner(s) with an alternative income stream for the duration of the development. However, the proposal would be operated by the Applicant and would not be part of an agricultural business. Whilst the landowner(s) would receive an income stream for the use of the land, which may help the viability of their business, this in itself does not necessary represent the diversification of an agricultural, or other land based rural business as supported by the NPPF. Limited weight is therefore attached to this matter.
- 11.9. An absence of harm with regard to matters such as archaeology, highways, residential amenity and flood risk are neutral factors that neither weigh in favour, or against the proposal.
- 11.10. The above considerations weighing in favour of the proposals, collectively, carry great weight and are considered to amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm resulting from the proposal.
- 11.11. The application requires referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 prior to any decision being made as per paragraph 10 of the Direction. This is because the proposed development is inappropriate development in the Green Belt and consists of or

includes (a) the provision of a building or buildings where the floor space created by the development is 1,000 square metres or more, or (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt (paragraph 4 (a) of the Direction). As per paragraph 12 of the Direction, where a Local Planning Authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Authority in writing that they have received the referral. If, before the expiry of the 21-day period referred to in paragraph 12, the Secretary of State has notified the Authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Authority may proceed to determine the application.

11.12. Note: the 2021 Direction is applicable rather than the more recent 2024 Direction as application was submitted prior to 26 January 2024.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below and the outcome of the referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (b) - the proposed development is inappropriate development in the Green Belt and consists of or includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

Conditions

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

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

02. With the exception of landscaping, the permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

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

03. If the development hereby permitted ceases to operate for a continuous period of 12 months (with the exception of for purposes of maintenance, repair or replacement of equipment), then a scheme for the decommissioning and removal of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated infrastructure approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the

decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

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

04. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the development, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

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

06. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below.

- 2022-002_2 Rev 6 – Location Plan
- 2022-002_3 Rev 3 – Proposed Site Layout
- 2022-002_SD_10 Rev 01 - Typical Panel Cross Section
- 022-002-SD-13 Rev 2 – Standard Drawing 66kV Substation & DNO Relay/Control Room
- 2022-002-AD-12a Rev 03 – Transformer
- 2022-002-AD-12b Rev 03 – Communication Substation
- 2022-002-AD-12c Rev 03 – Delivery Substation
- 2022-002_SD_09 Rev 01 – Access Track
- 2022-002_SD_08 Rev 01 – CCTV Camera and Pole
- 2022-002_SD_07 Rev 01 – Deer Perimeter Fence/Gate
- 2022-002_SD_06 Rev 01 – 2.4-metre-high Palisade Fence and Security Gate
- P23-0550_EN_0004_S1 Rev H – Landscape Masterplan
- P23-0550_EN_0004_S2 Rev H – Landscape Masterplan

Reason: For the avoidance of doubt.

07. The installed export capacity for the development hereby permitted shall not exceed 49.95 MWac. No development shall take place until there has been submitted to and

approved in writing by the local planning authority details about inverters for the development. The maximum combined capacity of the inverters for the development shall not exceed 49.95 MWac. Inverters shall be installed in accordance with the approved details and shall be retained for the duration of the development.

Reason: To ensure the development does not have an installed export capacity of more than 49.95MW, which would have required consideration under The Planning Act 2008.

08. Prior to their installation, details of the dimensions and external appearance of the twenty invertors to be located across the site area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

09. Prior to their installation, details of the colour and finish of the invertors, substations, control room, transformer, CCTV camera poles and security fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

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

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

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

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

12. No external lighting shall be installed within the application site without the appropriate grant of planning permission.

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

13. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site, based on the principles established the Landscape Masterplan (drawing numbers P23-0550_EN_0004_S1 Rev H and P23-0550_EN_0004_S2 Rev H), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

14. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. Once approved, the LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

The LEMP must include, but not be limited, to arrangements for the following:

- description and evaluation of features to be managed;
- ecological trends and constraints on site that might influence management;
- aims and objectives of management;
- appropriate management options for achieving aims and objectives;
- prescriptions for management actions;
- preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- details of the body or organization responsible for implementation of the plan;
- ongoing monitoring and remedial measures;
- details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery;
- how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the approved scheme (where the results from monitoring show that conservation aims and objectives of the Plan are not being met).

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

15. Prior to commencement of development (including ground works and vegetation clearance) a Biodiversity Construction Environmental Management Plan (BCEMP) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved BCEMP.

The BCEMP shall include, but not be limited to, the following:

- risk assessment of potentially damaging construction activities;
- identification of “biodiversity protection zones”;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- use of protective fences, exclusion barriers and warning signs;
- incorporate relevant recommendations from the PEA and other ecological surveys.

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

16. The development hereby approved must be carried out in strict accordance with the recommendations set out in the Ecological Impact Assessment, dated September 2024, prepared by Windrush Ecology.

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

17. The development must not be brought into use until the construction accesses to the site at Parcel A and B on Austfield Lane, Parcel C on Hillam Common Lane and Parcel on D on Stocking Lane have been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:

The accesses must be formed with 12 metres radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 18 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: In the interests of highway safety and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

18. The development must not be brought into use until the operational access at the site on Parcel B on Hillam Common Lane and Parcel D on Stocking Lane have been formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres for Parcel B and to give a minimum carriageway width of 4.8 metres for Parcel D, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
- Measures to enable vehicles to enter and leave the site in a forward gear.

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 and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

19. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of temporary passing places along Austfield Lane prior to the commencement of any works on site.
- Pre-construction condition survey report, followed by a post-construction survey to identify any remediation works that are needed.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in order to comply with saved Policies ENV1, T1 and

T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

20. There must be no access or egress by any vehicles between the highway and the application site at:

- Parcel A on Austfield Lane until splays are provided giving clear visibility of 171 metres on the northern side of access and 215 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- Parcel B on Austfield Lane until splays are provided giving clear visibility of 215 metres on the northern side of access and 104 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- Parcel B on Hillam Common Lane until splays are provided giving clear visibility of 215 metres on the western side of access and 215 metres on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- Parcel C on Hillam Common Lane until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- Parcel C on Stocking Lane until splays are provided giving clear visibility of 36 metres on the northern side of access and 43 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- The construction access at Parcel D on Stocking Lane until splays are provided giving clear visibility of 35 metres on the northern side of access and 43 metres on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- The operational access at Parcel D on Stocking Lane until splays are provided giving clear visibility of 35 metres on the northern side of access and 43 metres

on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

21. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved CMP.

The CMP must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of all access points at Austfield Lane, Hillam Common Lane and Stocking Lane, Hillam for construction purposes;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- 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;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and

- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- details of banksmen to be used to provide comprehensive traffic control and junction management at the A63 / Austfield Lane Junction; Austfield Lane / Hillam Common Lane Junction; and Stocking Lane Access at Parcel C and Parcel D (see informative for further details).

Reason: In the interest of public safety, amenity and protecting the environment and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

22. No part of the development must be brought into operational use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details shown on drawing no. 2002_002_3 (Proposed Site Layout). Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

23. The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142:2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason: To protect residential amenity from noise during the operational phase and to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

24. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations during the construction period, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the residential amenity of the locality during construction and to comply with the Noise Policy Statement for England (NPSE), saved Policies ENV1 and ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

25. The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment dated November 2023, prepared by Pegasus Group.

Reason: To ensure appropriate drainage and reduce the risk of flooding in pursuance of Policy SP15 of the Core Strategy.

26. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage,

for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

27. 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.

Informatives

INFORMATIVE:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 39 of the NPPF.

INFORMATIVE: Other Permissions required from the Local Highway Authority
Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

INFORMATIVE: Delivery of off-site highway works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

INFORMATIVE: Banksman's Role in Traffic Management

Banksmen are key to safe and smooth traffic flow, handling both construction and public vehicles. Their duties go beyond site access, covering busy junctions and access points.

Key Responsibilities:

- Traffic Control – Manage all vehicles to avoid delays, especially during deliveries and peak hours.
- Junction Supervision – Oversee key junctions, including:
 - A63 / Austfield Lane
 - Austfield Lane / Hillam Common Lane
 - Stocking Lane Access (Parcel C & D)
- Safe Vehicle Movement – Direct HGVs, site vehicles, and public traffic to prevent congestion.
- Clear Communication – Use hand signals, radios, and signs to guide drivers and pedestrians.
- Safety Enforcement – Ensure safe crossings and keep site personnel protected from traffic.
- Emergency Readiness – Act quickly in case of accidents or hazards.
- Adaptive Management – Adjust strategies based on weather, visibility, and traffic flow.
- Coordination – Work with traffic teams and site managers.

By effectively managing traffic, banksmen enhance safety, reduce delays, and ensure compliance with road regulations.

INFORMATIVE: Public Rights of Way

There is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only. Should this be the case, the applicant would need to make an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times.

INFORMATIVE: COAL AUTHORITY - LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>. Standing Advice valid from 1st January 2025 until 31st December 2026

Target Determination Date: 14.03.2025

Case Officer: Jenny Crossley, jenny.crossley@northyorks.gov.uk

Appendix A – Proposed Layout Plan