

Officer Update Note
Strategic Planning Committee – Tuesday 11th March 2025, 10.00am

Item 4

APPLICATION NUMBER:	ZG2023/1271/FULM
APPLICANT:	Noventum Power
PROPOSAL:	Erection of a solar farm together with ancillary development thereto
LOCATION:	Hillam Grange, Austfield Lane, Hillam, West Yorkshire, LS25 5NQ
RECOMMENDATION:	That planning permission be GRANTED subject to conditions listed in Section 12 of the 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)

Further representation

One further letter of representation has been received since the agenda was published from the 'Together in Hillam and Monk Fryston' group, which neither objects to nor supports the proposal. The group comprises the Hillam and Monk Fryston Community Association, Church, Primary School, Cricket Club and Football Club. It represents those groups with community development projects that require funding and seeks to respond to 'village plans' and resident consultations and has close ties with both Parish Councils whilst capturing the different outlooks of the groups represented. The group has reached out to the Applicant regarding the Community Benefit Fund referred to in the report and are seeking a transparent understanding of:

- The level of the offer which appears to be below the wider industry emerging norm for a project of this size (circa £30-40,000/annum for the life of the project), and
- The mechanism in which this payment can be guaranteed (via a formal Statement of Intent) and managed through a recognised Community Group.

The group wish Planning Committee to be aware they have approached the Applicant and intends to inform the Committee and MP of progress on the two key items referenced above as an exemplar to how community groups should be operating in this new environment.

Correspondence from an objector

The planning team and case officer have also been copied into correspondence circulated to Members of the Planning Committee from an objector, which raises a number of concerns about the democratic process and the planning application itself, including a concern that the conclusion appears to demonstrate bias.

The comments from the objector are acknowledged, and below, the list of matters raised is provided, along with a brief response to the key matters raised from the LPA.

Matter raised	Response from LPA
It is unclear from the letter or provided information what is actually being decided at the meeting	Members are to vote on the recommendation set out in Section 12 of the Report, which will be subject to referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021.

Inappropriate notice prior to the strategic planning committee meeting	The notice given was notice required for the meeting and is in line with legal requirements.
Prohibitive contact points	Alternative points of contact were provided in the case officers absence and the case officer contacted the objector on their return from leave.
Emailing a limited number of locals about the meeting	Those who made representations on the application were contacted regarding the meeting as per standard procedure and this is in line with legal requirements.
Location of the planning meeting	The Strategic Planning Committee decides applications from the entire North Yorkshire area and it does not sit in particular areas as there is usually more than one item on the agenda. In this case, there are applications relating to the Harrogate area and the Selby area and therefore a decision was taken to hold the meeting at the Northallerton office.
The application was poorly advertised	The application was advertised by two press notices in the Selby Times and Pontefract and Castleford Express and also by multiple site notices erected around the site boundary. This is in line with legal requirements.
No virtual link for the meeting	The meeting will be available to stream live on the day. The link will be made available on the Council's website.
The recommendation is contradictory	<p>The recommendation is as set out in Section 12 of the report – that planning permission be granted subject to conditions.</p> <p>This will be subject to referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021.</p>
Visual impact statements – contradictory; views of local residents and Landscape Architect not considered.	<p>Best practice for Landscape Visual Impact Assessment (LVIA) in the UK is 'The Guidelines for Landscape and Visual Impact Assessment', 3rd Edition (GLVIA3) (Landscape Institute and the Institute for Environmental Management and Assessment, 2013) and the assessment criteria adopted by the Applicant to inform the assessment of effects has been developed in accordance with the principles established in this document.</p> <p>In terms of types of effect, the assessment identifies effects which may be beneficial, adverse or neutral.</p> <p>In terms of levels of effects, the relative level of effect is described as major, major/ moderate, moderate, moderate/minor, minor or minor/no effect.</p> <p>The comments from representees regarding visual impacts have been noted and taken into account in the assessment</p>

	<p>of the application, as have comments from the Council's Landscape Architect.</p> <p>At para 10.60 of the report, some harm through visual impact is acknowledged. As set out at para 10.61 of the report, 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 is set out in section 11 of the report – Planning Balance and Conclusions.</p>
Visible Lighting	<p>The statement made at para 10.59 of the report that “<i>No visible external lighting is proposed and therefore this would not negatively effect the character and appearance of the area</i>” refers to the operational phase of the development.</p> <p>Details of any visible external lighting required during the construction phase would need to be detailed in the Construction Management Plan (CMP) to be submitted to and approved in writing by the Local Planning Authority under condition 21.</p>
At para 10.77, determining public benefit without considering the public opinion seems biased	<p>The Planning Practice Guidance advises the following in terms of what is meant by the term ‘public benefits’ in relation to paragraph 215 of the NPPF where less than substantial harm should be weighed against the public benefits of the proposal.</p> <p><i>“The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.</i></p> <p><i>Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”</i></p>
At para 10.78, the conclusion seems to go against the Council's Conservation Officer at para 10.76	<p>The Council's Conservation Officer concludes the proposal would lead to less than substantial harm to the significance of a number of designated heritage assets. As per paragraph 215 of the NPPF, this needs to be weighed against the public benefits of the proposal, which has been done at para 178 of the report.</p>
Council's Ecologist raises no objections subject to conditions requiring various	<p>The conditions recommended by the Council's Ecologist are pre-commencement conditions – conditions 14, 15 and 16.</p>

<p>plans but these are not available to see.</p>	<p>Should planning permission be granted, the details required by the condition would need to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.</p>
<p>Yorkshire wildlife trust objected, but this does not seem to have been given much if any weight.</p>	<p>As set out in para 10.67 of the report, 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.</p>
<p>The site connection report considers a limited area of 5.5km from the point of connection.</p>	<p>As set out in para 11.4 of the report, the proposed development would connect into the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant.</p> <p>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. 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.</p>
<p>Para 11.6 states that significant weight cannot be attached to the uplift in habitat units, but does include it in the 'balance and conclusions'</p>	<p>Para 11.6 of the report states: <i>"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 <u>can</u> be attached to this matter."</i> (my emphasis)</p>
<p>Question if there is evidence to support the claim at para 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.</p>	<p>As set out at para 11.7 of the report, limited weight is attached to these public benefits, as they are unquantified.</p>

<p>Question the absence of harm set out in para 11.9 and argue an adverse visual impact does not suggest an absence of harm.</p>	<p>Paras 11.1 and 11.2 identify the harms arising from the proposal, including visual impact and impact on designated heritage assets.</p> <p>Paras 11.3 to 11.8 identify benefits arising from the proposals and the weight that can be attached to them.</p> <p>Para 11.9 identifies matters where the report has identified an absence of harm.</p>
<p>Most of the opinions that have been sought do not appear to have been considered in the 'planning balance and conclusion' of the decision.</p>	<p>Comments from consultees and local representees (as set out in Section 7 of the report) have been considered in the assessment of the application at relevant points throughout the main issues section of the report. The Planning Balance and Conclusion section of the report pulls together the key conclusions of the main sections of the report.</p>
<p>There are other planning applications locally that are conveniently not referenced, which are further than 5.5km from the connection point.</p>	<p>As set out in para 11.4 of the report, the proposed development would connect into the 132kv substation at Ferrybridge, for which a grid connection has been offered to the Applicant. 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.</p> <p>Other planning applications have secured connections to other substations and therefore must be located close to their secured point of connection to the grid.</p>
<p>The financial impact on other local businesses and local residents is largely ignored including the potential impact of the development on house prices.</p>	<p>No evidence has been submitted in relation financial impacts on local businesses.</p> <p>As set out at para 10.132 of the report, the potential impact of the development on house prices is not a material planning consideration that can be taken into account in the assessment and determination of this application.</p>
<p>The estimated 2000 HGVs journeys is considered to have an absence of harm and is a neutral factor.</p>	<p>Following consultation with the Local Highway Authority, no objections were raised to the proposed development on highway safety grounds, subject to conditions.</p> <p>An absence of harm is a neutral factor in the planning balance.</p>
<p>Contradictory statements on the impact of the proposed development on the public rights of way.</p>	<p>As set out at para 10.94 of the report, 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. Those adjacent to the site could be affected temporarily during the construction period only, where Temporary Closure may be required.</p>
<p>The electronics produce 'low level noise'.</p>	<p>As set out at para 10.101 of the report, the solar panels themselves would not generate any noise, however</p>

	<p>associated electrical components, such as invertors and transformers can emit low levels of noise.</p> <p>The Council's Environmental Health Officer is content that the proposals would not result in any noise impact for nearby sensitive receptors, subject to 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. This is condition 23 in Section 12 of the report.</p>
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Conditions

There are some updates to the wording of conditions as follows:

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.

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 49.995MW, which would have required consideration under The Planning Act 2008.

09. Prior to their installation, details of the colour and finish of the ~~inverters,~~ 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.

18. ~~The development must not be brought into use until~~ Prior to the first export date, the operational accesses at the site on Parcel B on Hillam Common Lane and Parcel D on Stocking Lane ~~have been~~ shall be 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.

All pre-commencement conditions have been agreed in writing by the Applicant.