

**STRATEGIC COMMITTEE PLANNING COMMITTEE
SUPPLEMENTARY TO COMMITTEE REPORTS**

14 April 2026

Agenda Item	Application number and Division	Respondent	
4	ZB25/00887/FUL East Cowton	Officer updates	<p>Report update: changes to paragraphs 5.1 and 5.2 (description of proposal)</p> <p><i>5.1 Permission is sought for a new solar farm and ancillary development. The red line boundary covers an area totalling approximately 38 hectares. This includes land that would not be covered by the solar panels such as the access track and the existing field boundaries which would be retained in addition to several landscape features which are proposed.</i></p> <p><i>5.2 Along with the solar panels, an array of ancillary development is required as well as other general alterations. This can be summarised as follows:</i></p> <ul style="list-style-type: none"> • <i>Access tracks leading from Cross Rein Bank (including amendments, e.g. passing places).</i> • <i>Five inverters and transformers.</i> • <i>A control room (81.9m³).</i> • <i>A spares container (76.1m³).</i> • <i>An auxiliary transformer.</i> • <i>A customer substation (134m³).</i> • <i>A DNO substation (134m³).</i> • <i>3.4km of deer fencing at 2m in height.</i> • <i>1.7km of swales.</i> • <i>CCTV columns measuring 3m high around the perimeter of the site.</i> • <i>New native hedgerow and planting.</i>

Report update: additional section to address S106 requirement

Unilateral undertaking

10.90 As the scheme involves the implementation of a large-scale BNG scheme, it will be required to be monitored and assessed by the Local Authority’s Ecology team over a period of thirty years. Despite the development, it is considered that, due to the position of the areas for BNG within the red line associated with the proposal, a Unilateral Undertaking will suffice in this instance to secure the monitoring fee only. The implementation of the BNG Scheme can be covered by condition. The following Heads of Terms are considered to be appropriate for this application:

Category/Type	Contribution	Amount and Trigger
BNG Monitoring Fee	Fee payable to NYC	£8355 monitoring fee Plan of works to be submitted and implemented prior to commercial export and sale of electricity from development.

10.91 It is considered that the above UU Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and that they could not be secured by condition and as such meet the test set out within Paragraph 58 of the NPPF.

Legal advice from NYC legal team

Use of Unilateral Undertaking - The Authority's Legal department have advised officers that the use of Unilateral Undertakings to secure the monitoring fee is acceptable where the area to provide the uplift to BNG is set within the red line. The fee has been calculated from the size of the BNG habitat gain area (approx. 35.5ha) and the technical difficulty of the habitat (Medium), which gives a fee requirement of £8335 within the 2026/2027 scale of fee (viewable here: [Biodiversity net gain monitoring fee guidance notes | North Yorkshire Council](#)).

Scope of Legal Agreement – Discussions with the Council's Legal and Ecology teams suggests that, again due to the BNG areas being set within the red line boundary of the site, the scope of the legal agreement should be limited to the request for a monitoring fee, as the remainder of the BNG contribution should be managed via condition. This approach is in accordance with Paragraph 56 of the NPPF, where it is stated that "Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition".

Recommendation update: wording

It is recommended that that Paragraphs 12.1 and 12.2 of the officer's report be changed to the following:

- 12.1 That planning permission be GRANTED subject to prior completion of a legal agreement and the conditions listed below.
- 12.2 A Unilateral Undertaking is required in order to allow for the BNG monitoring fee to be secured from the applicant.