

**1**

**15/01335/FUL**

**Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing as amended by plans received by Hambleton District Council on 1st September 2015.  
at White House Farm Great Smeaton North Yorkshire DL6 2NF  
for Mr Mike Rogers.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The location is approximately half way between Great Smeaton and East Cowton. The development site consists of two parcels of land, totalling 40 hectares, north of the Great Smeaton - East Cowton road. The larger (approx. 30 ha) lies north of White House Farm and the smaller (approx. 10 ha) lies approximately 300 metres to the west. The wider site includes a cable route between the sites, two temporary construction compounds and an access track. The total area is 50 ha, mainly cultivated.
- 1.2 Between the two parts of the site is a north-south link road connecting the Great Smeaton - East Cowton road and the B1263 to the north, which leads onto the A167. The site is relatively level. Beyond the eastern part of the site the land rises gently to the north and north east. To the south west of the smaller part of the site the East Coast Main Line runs along an embankment. A high pressure gas main crosses the eastern part of the site, also a fibre optic cable and an overhead power line.
- 1.3 The closest dwellings are Dardenelle House on the road junction between the two sites, Frigidale, opposite White House Farm, and Frigidale Lodge approximately 160 metres south-east of the smaller site, Low Magdalen, on the road south east of the large site, Stone Riggs on the west side of the north-south link road, and Haswell Grange and Plantation House, to the north west and north of the larger part of the site.
- 1.4 There are three Listed Buildings in the vicinity. The Manor and the Manor Stables (with separate listings), approximately 850m to the east and the former station, now a house, immediately adjacent to the railway to the west. All are Listed Grade II.
- 1.5 As submitted, the proposed solar farm would have the capacity to generate 28.1 MW, the equivalent of the annual electrical requirements of approximately 7,714 average homes and would save approximately 10,946 tonnes of CO<sub>2</sub>. It would have a lifespan of 25 years and then be removed. Following amendments to remove one field from the western block, the output is 27.4 MWp. It is expected to generate approximately 24 MWh of electricity pa, enough to meet the needs of approximately 7516 homes pa. It is expected to avoid approximately 10,665 tonnes of CO<sub>2</sub> pa (net of CO<sub>2</sub> generated in its manufacture, transport and construction). As amended the fenced site area is 37.87 ha
- 1.6 The solar arrays would be arranged in rows, orientated to the south, with intervening gaps of 4.3 - 6.9 metres. The individual units are described as "thin-film PV modules". They would be a dark blue colour and mounted on aluminium posts. Their maximum height would be 2.5 metres (2.7 in places, depending on the topography). Swales are proposed to improve surface water run-off and reduce flood risk on site.
- 1.7 Other proposed structures are: 17 double inverter platforms (for power conversion), a transfer station (to regulate electricity flow), 3 collecting stations (housing switch

gear), 4 auxiliary transformers (to convert high to low voltage), 6 energy storage containers (batteries), 2 general storage containers (for maintenance equipment etc.), perimeter fencing (maximum height 2m), a CCTV monitoring system on 65 3.5 metre poles to be integrated with the perimeter fence, a 3 metres high monitoring pole with camera, 6 communication boxes with 2.5 metre high antennae, 3 wind and 6 irradiation sensors mounted on arrays (to monitor non-sunlight irradiation from the sun), and underground cabling.

- 1.8 The proposal includes 2 temporary construction compounds, to include staff facilities and storage of goods and equipment. The surface of the compound would be covered by a heavy-capacity ground protection matting system. There would be temporary lighting within the compounds but no lighting would be used during the operational period of the solar farm. The construction period is expected to be 20 weeks.
- 1.9 Access to the larger (eastern) part of the site is proposed by means of a new access track from the south, approximately 20 metres to the east of an existing field access. A hedge would be realigned to provide the necessary visibility. The existing access is to be closed up. The smaller (western) part of the site would be accessed during the construction period via an existing field access to the east, with a new permanent access for the completed development from the south.
- 1.9 The application indicates that construction traffic would approach from the north via the A167 and the B1263 and exit eastwards towards the A167 at Great Smeaton. Maximum HGV trip generation is expected to be approximately 16 per day (weeks 1-4) declining to approximately 6 per day during weeks 5 -16, reducing further in the final weeks of the construction period. Most staff would arrive in crew buses, up to 10 per day, together with a small number of managerial cars/vans.
- 1.10 The application is accompanied by the following reports:
- Transport statement
  - Statement of community involvement
  - Planning design and access statement
  - Noise impact assessment
  - Landscape and visual impact assessment
  - Heritage assessment
  - Glint and glare study
  - Flood risk assessment
  - Preliminary ecological assessment
  - Decommissioning method statement
  - Biodiversity management plan
  - Alternative site assessment
  - Agricultural assessment
  - Construction Method statement

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00568/SCR Screening opinion request for Solar farm. EIA not required.

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP26 - Agricultural issues  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework

## **4.0 CONSULTATIONS**

### **4.1 East Cowton Parish Council – objects:**

1. The applicant claims the PC were consulted this is incorrect. They were made aware of a public presentation at which several technical questions were asked by individual members as well as members of the public and the representatives were unable to answer several of them. No request to attend a PC meeting and clarify these issues has been received to date and the only recent offer was for a telephone call with council members this was not what was requested as it was the members of the public who had asked for a Q and A session to address their concerns.
2. The proposed site is spread over two separate areas unlike any other application seen by HDC and this has been done for purely economic grounds with no regard to the visual impact and increased level of inconvenience to the local life.
3. Does this application meet the latest guidance and technical requirements for the type of plant used? The proposed plant type is being investigated by Oxford, Cambridge and Liverpool universities for a possible health risk from ionisation and the effect on respiratory systems. Two properties sit directly between the two sites and five more are in close proximity.
4. Does the land fall within the guidelines regarding the use of good quality agricultural land and the impact on this sites current animal feed requirements and waste by-product disposal? What enquiries were made by the agent to limit the site to the land between Millers Lane and the railway line or land less than a mile away which was formally used as industrial land? None would seem to be the answer, as the driving factor would seem to be speed and cost.
5. Generators are mentioned within the application - are these for temporary lighting during construction or does the applicant mean invertors associated with the solar plant.
6. The proposed traffic management shows no evidence of any local knowledge with both site accesses being on blind bends requiring significant hedge removal to meet visibility requirements. The route from site to Great Smeaton which is a bus route has a number of very tight bends and is narrow with a high level of risk when a truck meets a bus and is not wide enough to allow them to pass safely. This it was felt would cause significant damage to both the verges and the carriageway. What is the width of this road as maintained by NYCC highways as

it would seem impossible for a bus and large HGV to pass without encroaching on the grass verge. This area needs further investigation.

7. Within the application pack the applicant states they looked at a number of alternative sites and rejected one in the Darlington area as too small. This site seems to be of a similar size to the proposed one, which is made up of two separate locations, so why was this one chosen? Is it perceived as likely to receive the least resistance?

The objection concludes “As you can see some challenging issues have been raised, but I do have to say the general feeling was that solar farms and alternative energy solutions are needed but that this particular site is poorly thought out and would have a negative impact on the local community. A single site with good road access for construction would be far more suitable and the local consultation was at best a PR exercise rather than an open and honest overview of the site specifics. We urge that this application is rejected in its current format.”

- 4.2 Great Smeaton Parish Council – comments awaited.
- 4.2 Highway Authority - conditions requested.
- 4.3 Environment Agency - no objection.
- 4.4 NYCC Archaeology - support for the removal of the area of possible archaeological interest from the development. Monitoring conditions are recommended.
- 4.5 Historic England - no objection, the application should be determined in accordance with national and local policy guidance and specialist conservation advice.
- 4.7 Swale and Ure Internal Drainage board - queries the flood risk assessment's assumptions. (This is the subject of correspondence with the applicant and further information is expected.)
- 4.8 National Grid - no objection.
- 4.9 Civil Aviation Authority - confirm consultation is not applicable.
- 4.10 RAF Linton on Ouse – comments awaited.
- 4.11 Tees Valley airport – comments awaited.
- 4.12 National Air Traffic Service (NATS – comments awaited.
- 4.13 Ministry of Defence - no safeguarding objections.
- 4.14 Natural England - no statutory sites are affected. Standing advice on protected species is provided.
- 4.15 Yorkshire Wildlife Trust – comments awaited.
- 4.16 Yorkshire Water - attention is drawn to water mains which may need protecting or diverting. Condition requested.
- 4.17 Environmental Health Officer - no objections on noise or contamination grounds.
- 4.19 NYCC Sustainable Drainage officer - no objection with respect to surface water management and flood risk.

#### 4.20 Neighbours – 24 in support, 6 objecting.

The grounds for support are mainly the environmental benefits of renewable energy, and also benefits to wildlife; no harm being caused to dairy operation; good diversification; the land is of poor quality; and proximity to substation is beneficial.

The grounds of objection are:

Traffic hazard, especially on narrow lanes where HGVs and farm vehicles could not pass. Lanes are used by horse riders, cyclists and pedestrians. Increased traffic will worsen hazard including at junctions with the main road, where traffic takes sharp bends very fast and there are many accidents, even deaths.

Intrusive appearance, industrial character in rural surroundings, including fencing and camera poles.

Disruption during construction period from noise, traffic and lighting.

Loss of agricultural land – it should be growing food and its loss would be contrary to recent comments of Environment Secretary.

Farm supplies will have to be brought from further afield.

Harm to wildlife

Concerns relating to the hazardous gas pipeline running through the site.

#### 5.0 OBSERVATIONS

##### 5.1 The main issues to consider in the determination of this application relate to:

- The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification
- Environmental benefits of the scheme
- Landscape impact including visual impact and landscape character.
- The cumulative impact of this and other solar schemes
- Impact on Heritage Assets including archaeology
- Drainage and flooding
- Ecology
- Neighbour amenity
- Access and construction issues

##### Principle of the Development

5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".

5.3 Paragraph 93 notes that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". This positive attitude to renewable energy is reiterated in paragraph 14, which states that

any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.

5.4 Paragraph 97 goes on to state that local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" and that they should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
- Secure the development of such sources; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions. Policy CP16 "Protecting and Enhancing Natural and Man-made Assets" specifically refers to best and most versatile agricultural land in its introductory text and states:

"Development or activities will not be supported which:

- i Has a detrimental impact upon the interests of a natural or man-made asset;
- ii Is inconsistent with the principles of an asset's proper management;
- iii Is contrary to the necessary control of development within nationally or locally designated areas."

5.6 In terms of best and most versatile agricultural land, an agricultural appraisal has been submitted demonstrating that the majority of the area (88%) is grade 3b (moderate) grade land, 10% is classed as 3a (good) and a very small area (1%) is grade 2 (very good). An alternative site assessment has been submitted showing that possible sites with grade 4 land were not suitable, due to their insufficient size, and identified brownfield sites were similarly insufficient. The study indicates that in the long term, it would be practicable to return the land to productive agricultural use. Overall therefore, the proposed site can be considered to be suitable for further consideration under other relevant policies.

#### Environmental Benefits of the Scheme

5.7 The proposal is a solar farm, capacity is given as 27.4 MW (as amended) and is stated to be (as submitted) the equivalent of the annual electrical requirements of approximately 7516 average homes and resulting the saving of approximately 10,665 tonnes of CO<sub>2</sub> pa and is in accordance with the aims of CP18

5.8 Additional landscaping measures, including trees and hedges are proposed which would support the natural environment and which have the potential to outlive the predicted life of the solar farm, in accordance with CP16 and DP30.

#### Landscape Impact

- 5.9 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes. The National Planning Practice Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.
- 5.9 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to assess the effect of the proposed development upon the landscape and visual resources of the site. It concludes that the proposed development would be a prominent feature in views experienced by users of the local road to the west, and to the south, the east coast mainline and parts of the road south of Cowton Fields farm, all within 500 - 800 metres of the site. Some direct views would be possible from close quarters at certain points. Visibility would be reduced over time as existing and proposed hedgerows mature.
- 5.10 The LVIA indicates the most affected neighbouring properties would be Old Station House and Haswell Grange due to relatively open views, however once planting reaches maturity the effect will be reduced and none of the properties will be affected to the extent that the proposed development is so oppressive or overbearing that the property would be rendered an unattractive place to live.
- 5.11 The Council has engaged consultancy advice to assess the LVIA, the proposed landscaping and the effects on sensitive receptors. The consultant advises that:
- The submitted Landscape and Visual Impact Assessment (LVIA) is generally fair and accurate.
  - The proposed array has less impact than its overall size suggests.
  - There are some concerns about the submitted landscape proposals and their adequacy in mitigation of effects, mainly on road users on the north-south link road, and the Great Smeaton - East Cowton road, particularly with regard to the eastern array.
  - Additional landscaping should be provided, including additional trees in the western hedgeline of the smaller part and along the watercourse on the eastern side of the smaller part.
  - A belt of trees on the western boundary of the larger site, where it extends close to the road, is also recommended.
- 5.12 The applicant has submitted amended plans to provide additional landscaping, which has been agreed as acceptable by the Council's consultant. Neighbours have expressed concerns about the intrusive effect and industrial character of the development, however the Council's Landscape consultant considers the amended landscaping plans to be acceptable and the proposal is considered to be adequately screened so as not to have an unacceptable effect on the open character of the rural surroundings.
- 5.13 In terms of landscape character, the proposed development is contained within existing field boundaries, and follows their shape. It would retain existing hedges and the underlying land would retain its essentially agricultural character, allowing for some modest agricultural usage (potential for cropping hay, and/or grazing) whilst the development is in use, with potential to be returned to full agricultural use once the proposed development ceases. It would be clear to a passer-by that the site was an agricultural field within which solar power generation was taking place, while the proposed landscape mitigation measures would limit the visual impact of the development in the interim.

The character of the countryside is also influenced by the nature and scale of activity and is a matter of perception. The proposed landscaping, once grown, would limit views of the solar farm and therefore reduce public awareness of it. However, it would not be possible to conceal it completely, particularly where the site extends to the roadside, and particularly while screen planting is immature. Views would be 'in passing' and for the majority of the population, the full extent of the solar farm would not be readily apparent. It is therefore considered that the development would not result in a significant change in the perceived character of the countryside and the overall landscape character would remain agricultural. Taking this into account it is not considered that the proposal would amount to substantial harm that would conflict with Policy DP30 of the LDF.

#### Cumulative Impact

- 5.14 The National Planning Practice Guidance states that the approach to assessing the cumulative impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. In this case, there is no existing or planned development of this type in the vicinity.

#### Impact on Heritage Assets

- 5.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.16 A Heritage Assessment (HA) is submitted with the application. It considers the effect of the development on the setting of the Listed Buildings at Old Station and Smeaton Manor. It concludes in the case of the Old Station that significance is related primarily to the railway and the relationship to the village of East Cowton. In the case of Smeaton Manor the important parts of the setting are considered to be the secluded gardens and which are surrounded by dense woodland belts separating the house from the surrounding fields. In the case of the Smeaton Manor Stables, the importance of the setting is suggested to be their contextual association with the manor house and grounds and not the wider landscape.
- 5.17 Historic England does not object to the proposal on heritage grounds and suggest it be determined in accordance with national and local policy guidance and on basis of (internal) conservation advice. A review by the Councils Conservation officer identified key concerns as being the setting of the Old Station, including the approach from the east towards the Station, and suggested that views of the Station would be compromised by this development.
- 5.18 It was also suggested that the proposed solar panels would take away from the special landscape quality of views from the station. The Conservation Officer's review notes that the Heritage Statement is correct in identifying 'less than substantial harm' to the setting of the Station, but that NPPF paragraph 134 states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.19 The Heritage statement was therefore considered to be lacking in not identifying a public benefit. It was presumed that the public benefit would be the provision of



renewable energy, however this does not override the desire to sustain and enhance the significance of the Heritage Asset, particularly where alternative options have not been thoroughly considered. It is suggested that in this case, the option of removing the arrays in the south portion of the site to another location be considered.

- 5.20 In response to these issues, the applicant has removed the solar arrays from the southerly field in the west block. As a result the development would be at least 375m from the Listed Building. A photomontage demonstrates that the solar panels would not be in view on approach from the east towards the Listed Building. An updated heritage statement is awaited and any further comments of the Councils Conservation Officer will be presented to the meeting.

#### Archaeology

- 5.21 Following a geophysical survey, the submitted Heritage Statement identifies one clear area of archaeological interest, a ring ditch, on the eastern part of the site. Two further areas of potential interest are poorly defined but cannot be excluded from the possibility of archaeological interest. Pre-application investigations had shown an area of significant archaeological interest and the submitted Heritage Statement proposes omitting the relevant area from the development. Amended plans have been submitted which omit this area of interest (a ring ditch) from the development.
- 5.22 The NYCC Historic Record Team recommend a scheme of archaeological mitigation recording for the remainder of the development. Subject to the imposition of a condition, the scheme would accord with the relevant provisions of the NPPF and Policy DP29.

#### Drainage and Flooding

- 5.23 A flood risk assessment has been submitted. It identifies the majority area of the proposed development as located in Flood Zone 1 with a small portion in the SE being zone 2 and zone 3. No solar array or equipment is proposed in the latter area, and this is part of the scheme now withdrawn from the proposal. The flood risk assessment identifies areas, mostly within the smaller site, where there is a high risk of flooding from surface water, mostly from drainage ditches around the site.
- 5.24 The flood risk assessment identifies that the spacing of the arrays will allow for natural drainage and there will be little additional surface water flow. It proposes to introduce swales in the lower areas of the site to intercept extreme flows, which may already run off site, as a form of 'betterment'.
- 5.25 The consultation response from the SuDS officer at NYCC does not raise concerns about the development with respect to surface water management and flood risk. The response of the Swale and Ure Internal drainage board (IDB) queries some of the calculations, and access to their facilities. Further correspondence from the IDB suggests that notwithstanding theoretical assessments, a detailed, dimensioned, large scale plan showing byelaw strips, swales and proposed access arrangements for the boards contractors might form a framework around which an agreement might be struck.
- 5.26 It will be for the applicant to agree any necessary arrangements with the Internal Drainage Board, and any implications with regard to the details of the scheme can be considered as necessary.
- 5.27 The major part of the site being in Flood Zone 1, and the SuDS officer being satisfied that surface water does not raise concerns, the development is acceptable in terms of flood risk and the requirements of Policy DP43 would be met.

## Ecology

- 5.28 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.
- 5.29 The application is supported by an Ecological Appraisal that identifies the site as having mainly improved grassland fields with low ecological value. It recommends protection measures to avoid impacts on hedgerows and mature trees during the construction period, and to prevent pollution through increased run-off. Habitat enhancement is proposed to include management of the existing grassland with wildflower grassland planting on site to maximise its ecological value and infilling of hedgerows to improve connectivity. Bird and bat boxes are also proposed.
- 5.30 Some observations by neighbours suggested the scheme would be harmful to wildlife, however Implementation of the proposed enhancement measures would lead to a net biodiversity gain at a local level, and this can be ensured by condition. It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

## Neighbour amenity

- 5.31 One of the core planning principles of the National Planning Policy Framework and the Local Development Framework is to secure a good standard of amenity for existing and future occupants of land and buildings; this is consistent with LDF policy DP1. The site has some residential properties in the vicinity.
- 5.32 The submitted Landscape and Visual Impact Assessment (LVIA) includes a Residential Amenity assessment . It identifies the nearest properties (range from adjacent to the site to 830 metres) and shows that the development, where it would be visible, would be viewed mainly from first floor and/or be partially screened by trees and hedges and/or would occupy less than 90 degrees of the available view. The assessment identifies that the nearest properties Old Station and Haswell Grange will be most affected, due to relatively open views of the solar farm, however once existing and proposed planting approaches maturity, the resultant screening would lead to a reduction in visual effects. Dardenelle House, Stone Riggs and Low Magdalene would have views of parts of the solar farm though intervening vegetation and other features provide screening, reducing the likely effects. It concludes that none of the properties would be affected to the extent that the proposed development is sufficiently “oppressive” or “overbearing” as to be rendered an unattractive place to live.
- 5.33 A ‘glint and glare’ study submitted with the application indicates that solar reflections could be experienced by houses nearby and where they occur would be for a maximum of approximately 20 minutes per day and would be significantly less bright than the direct sunlight available at the relevant time.
- 5.34 The potential for noise and other disturbance during the construction period has been raised by neighbours, however this will be a relatively limited period and would not justify refusal. Operational noise has been considered under additional survey information supplied and is not objected to by Environmental Health officers, and on this basis is considered not to cause unacceptable harm to amenity on grounds of noise.

- 5.35 Overall, the development will not cause unacceptable harm to amenity, in accordance with policy DP1.

#### Access and construction issues

- 5.36 The applicant has provided a construction, decommissioning and traffic management method statement. Access to the site would be via existing roads and new tracks as set out in the application.
- 5.37 Concerns have been raised by neighbours and East Cowton Parish Council regarding highway safety, especially during construction. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The Highway Authority has assessed the scheme and has raised no objections, subject to appropriate conditions. The applicants have agreed to a condition to provide temporary passing places on the link road, which will help minimise inconvenience to road users arising from construction traffic. There is scope for a traffic management plan, expected by the applicants, to provide for onsite management of traffic. Buses appear to be approximately 2 hourly and there is scope for this to be taken into account. The submitted ‘glint and glare’ study indicates that any reflections would not interfere with drivers view in their direction of travel.
- 5.38 It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

#### Additional neighbour and Parish Council concerns

- 5.39 Neighbours have expressed concerns about taking land out of production and the implications for accommodating the existing farm business. Additional information from the farmer at White House Farm suggests it is intended to utilise smaller equipment to take a hay crop from the land, resulting in smaller vehicles using the lane or if that does not prove feasible, the intention is to diversify into sheep. The farmer suggests that currently there is a good working relationship with local landowners regarding the exchange of fodder etc. and disposal of manure, and any additional traffic, would be very local.
- 5.40 The hazardous gas pipeline through the site is taken into account in the layout of the site, and it will be the obligation of the developers to ensure that the safety requirements of the pipeline.
- 5.41 Alternative local sites suggested by East Cowton Parish Council have been rejected by the applicant as not being available. The submitted Alternative Site Assessment takes into account urban fringe sites but notes that they are compromised by prospective allocations under the developing local plan in Darlington, or in one case due to the variety and type of existing development on site, and did not outweigh the advantages of the proposed site, including the provision of an on-site grid connection.
- 5.42 In terms of safety of the solar arrays, it will be for the regulatory bodies concerned to address any issues that arise, and in the absence of any specific evidence to the contrary refusal on these grounds would not be justified.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted is for the development to be retained for a period of not more than 25 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details (to be enumerated) received by Hambleton District Council on (to be listed) unless otherwise agreed in writing by the Local Planning Authority.
4. Within 6 months of the end of the 25 year period granted by Condition (2), the solar panels shall be decommissioned and they and all related above and below ground structures, equipment and materials shall be removed from the site. No later than 12 months before the decommissioning of the solar panels, a decommissioning and restoration scheme for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The scheme shall make provision for the removal of all above and below ground components and the land shall be returned to agricultural use consistent with its status as Best and Most Versatile agricultural land. The approved scheme shall be implemented within 6 months of the restoration scheme being approved in writing by the Local Planning Authority or such other period as the Local Planning Authority may approve in writing.
5. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 7 August 2015 ref Northallerton\_001\_C Landscape has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), other than that hereby approved, no fencing or means of enclosure shall be erected within or around the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.
7. Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown on Drawing Reference Northallerton Solar Farm\_P18\_AP\_RevA. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority for a minimum distance of 15 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water

from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway verge for Access 1 and 3 shall be constructed in accordance with the approved details Northallerton Solar Farm\_P18\_AP\_RevA and submitted Construction Method Statement; e. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access(es) extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; h. The final surfacing of any private access within 15 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road C1 from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. Provision of two passing places on the U2199 between the C91 (Great Smeaton to East Cowton road) and the B1263; (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority: a. Provision of two passing places on the U2199 between the C91 (Great Smeaton to East Cowton road) and the B1263.
13. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference Northallerton Solar Farm\_P03\_CC\_RevC); b. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

14. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway C1 and U2199 has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.
16. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
  - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
  - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.The approved areas shall be kept available for their intended use at all times that construction works are in operation.
17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
18. The development hereby approved shall not be implemented except in accordance with a scheme for the management of construction traffic which has been previously approved in writing by the Local Planning Authority.
19. (A) No demolition/development shall take place/commence until a Written Scheme of Investigation in relation to Archaeology has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
  
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
20. The output of the solar farm hereby permitted shall be less than 50mW and an electricity generation report demonstrating how this will be achieved upon full

connection to the grid shall be submitted to and approved in writing by the Local Planning Authority before the date when electricity is first exported to the electricity grid (First Export Date). The measures identified in the approved electricity generation report shall be implemented in full until the development is decommissioned.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of the open character of the rural surroundings, in accordance with Local Development Framework Policy CP16 and DP30.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
4. To enable the Local Planning Authority to regulate and control of the site and to ensure that the land can revert to its Best and Most Versatile agricultural use at the end of the temporary permission.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
6. In the interests of the amenities of the rural surroundings in accordance with Local Development Framework Policy CP16 and DP30.
7. In accordance with policies CP2 and DP4 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
8. In accordance with policies CP2 DP4 and in the interests of highway safety.
9. In accordance with policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with policies CP2 and DP4 and in the interests of road safety.
11. In accordance with policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
12. In accordance with policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
13. In accordance with policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with policies CP2 and DP4 and in the interests of highway safety and visual amenity.
15. In accordance with CP2 and DP4 and in the interests of highway safety and the general amenity of the area.

16. In accordance with policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
17. In accordance with policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
18. In the interests of highway safety in accordance with Local Development Framework Policy CP2 and DP4.
19. In accordance with Local Development Framework policies CP16 and DP29 and NPPF section 12.
20. Planning permission for solar farms of 50mW or more may only be permitted by the Secretary of State and therefore any output of 50mW or more would constitute unauthorised development.