

Parish: Raskelf

Ward: Raskelf

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Committee Date: 17th September 2015

Officer dealing: Mrs C Davies

Target Date: 20th September 2015

15/01268/FUL

**Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing
For Mr Mike Rogers - Big60Million Ltd.
At Boscar Grange Farm, Easingwold, North Yorkshire**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on an 87.3 hectare site at Boscar Grange Farm to the east of the A19. The site is approximately 780m east of the village of Raskelf, 1.9km south-east of Thormanby, 1.8km north of Easingwold and 2km southwest of Husthwaite. A new access would be created to the site off the A19, south of the existing access to Boscar Grange Farm.
- 1.2 The closest un-associated residential dwellings to the site are at the Abbotsway Boarding Kennels adjacent to the western boundary of the site, Paddock View 50m to the west, Boscar Moor Farm 190m from the southern boundary, Timber Tops 205m to the south, Throstle Nest and Red House 200m and 300m respectively to the north-east, Springfield farm 365m to the east, Boscar Flats 390m to the north and Highfield House 500m to the north.
- 1.3 The site has an Agricultural Land Classification identified as Grade 3. Further assessment shows 94% of the land is Grade 3a classified as Best and Most Versatile, 3% is Grade 3b classified as Moderate and the remainder is non-agricultural land.
- 1.4 The site is relatively flat and is used for arable production. There is a ditch with well-established boundary hedges and trees. Adjoining land is used for agricultural purposes.
- 1.5 The site is not located within an Area of Outstanding Natural Beauty or within the Green Belt and there are no Sites of Special Scientific Interest within 500m of it. The Howardian Hills AONB lies approximately 1.5km to the east of the site.
- 1.6 There is a Grade II listed milepost located on the A19, 220m to the east of the site, but there are no other Listed Buildings or Ancient Monuments within 500m. A Public Footpath crosses the site in an east-west direction. The site is located mainly within Flood Zone 1 with the ditch to the east of the site outside the developable area, lying in Flood Zones 2 and 3.
- 1.7 Solar photo voltaic panels, with a combined energy generation capacity of approximately 49.9 MW would be installed. The fixed, mounted solar panels would have a maximum height of 2.5m above ground level and at the lower end would be 0.85m above the ground. The panels would measure approximately 6.1m in depth. The areas between them would be capable of some agricultural use, with sheep grazing, bee keeping and arable production (including fruit and vegetable growing) identified by the applicant.

- 1.8 The panels would be frameless thin modules coated in dark blue film to have a 'lake like' appearance when viewed from a distance to maximise daylight absorption, and thus minimise glint and glare.
- 1.9 The panels would be attached in rows aligned east-west across the site at an angle of 15 degrees, to optimise daylight capture. Ancillary structures comprise 24 double inverter platforms; a transfer station to monitor grid access and current flow; 5 stations to collect energy and house switchgear and meters; and 6 energy storage containers.
- 1.10 The site is proposed to be enclosed by wire mesh perimeter fencing 2m high, with 92 security cameras mounted on 3.5m high poles on boundary and 3m high pole mounted camera to monitor the health of the arrays; and 3 wind sensors and 6 irradiation sensors, to monitor solar radiation, mounted on the sides of the arrays.
- 1.11 Swales are proposed to improve surface water run-off and reduce flood risk on site.
- 1.12 The solar farm would be decommissioned after a period of 30 years.
- 1.13 Community benefits include the opportunity for local residents to invest in the solar farm and the applicants point to employment opportunities generated in the construction and maintenance requirements at the site.
- 1.13 This application is accompanied by the following reports:
- Landscape and Visual Impact Assessment
 - Alternative Site Assessment
 - Ecological Appraisal
 - Flood Risk Assessment
 - Statement of Community Involvement
 - Biodiversity Management Plan and Tree Protection Plan
 - Agricultural Assessment
 - Noise Impact Assessment
 - Glint and Glare Study
 - Heritage Assessment
 - Construction, Decommissioning and Transport Statement
- 1.14 The applicant has provided a Heritage Addendum broadening the scope of assessment and additional noise information in response to requests from the Council.
- 1.15 The applicant has revised the proposal to remove the solar panels from the field (2.38 Ha) at the north eastern corner of the site and to form an orchard and wildflower grassland in this location.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02544/SCR – Environmental Impact Assessment not required; January 2015.
- 2.2 15/00318/FUL – Installation of 11 hectare solar farm and associated infrastructure, land south of Highfield House, Peter Hill, Raskelf (adjacent to this site); Granted 25 June 2015.

3.0 NATIONAL AND LOCAL POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 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 CP17 - Promoting high quality design
 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 DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP43 - Flooding and floodplains
 Sustainable Development Supplementary Planning Document – Adopted 7 April 2015
 National Planning Policy Framework – published 2012
 National Planning Practice Guidance
 UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future

4.0 CONSULTATIONS

- 4.1 Raskelf Parish Council – no objection in relation to the village or residents of Raskelf. However reservations are expressed regarding the size and close proximity of the solar farm to two properties.
- 4.2 Easingwold Town Council – wish to see the application approved, but note the comments of statutory bodies around environmental impact, biodiversity and landscape
- 4.3 Thormanby Parish Council – to be reported.
- 4.4 Husthwaite Parish Council – to be reported.
- 4.5 NYCC Highways - conditions are recommended regarding construction traffic access, routing, mud on the highway and a highway condition survey.
- 4.6 NYCC Public Right Of Way (PROW) Team - no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way. An informative should be applied to this effect.
- 4.7 Environment Agency – based on information submitted we have no objection to this development. To protect against flooding we recommend that flood sensitive equipment, including any grid connection, is raised off the ground as high as practically possible. Surface water run-off from the proposed development site should be managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere.

- 4.8 NYCC Archaeology – The Heritage Statement prepared by Cotswold Archaeology includes a desk based assessment and geophysical survey. The report has assessed the potential for archaeological remains within the development boundary and the archaeological potential of the site is considered to be low. Accordingly, there is no known archaeological constraint.
- 4.9 Historic England – Initial comment: the submitted Heritage Assessment does not provide sufficient information on the impact of the development on surrounding heritage assets and further information should be provided. Following the assessment of additional information, no objections are raised and the application should be determined in accordance with local and national guidance.
- 4.10 Natural England - The proposed development comprises 84ha of agricultural land, including 79.3ha classified as 'best and most versatile'. The development will result in the permanent loss of some agricultural land due to the construction on the operational access track and 24 Double Inverter Platforms. However, the majority of the site however will accommodate solar arrays which are considered 'soft uses' that will not result in the permanent loss of best and most versatile land. The application is time limited to 30 years, after which the land would be returned to agricultural activity. Natural England welcomes the opportunities to continue farming activities (sheep grazing and beehives) between the arrays.
- 4.11 Howardian Hills AONB Manager – The separation distance to the AONB would be significant, but there would still be long distance views. The most significant view would be from the double bend on the on the minor road at Thornton-on-the-Hill, between High House Farm and Thornton Hill Farm which is part of the national cycle route. The proposal makes no attempt to improve the hedges or woodland areas around the site to help break up views of the site and this issue should be addressed.
- 4.12 The Ramblers Association – comments awaited.
- 4.13 NYCC Sustainable Urban Drainage Systems (SUDS) Officer – No objection to the proposals with regard to surface water management,
- 4.14 Kyle and Ouse IDB – The development is near to and would discharge into an IDB watercourse. IDB consent will be required for this along with works, access and easement agreements and a minimum of 7 days notification is required.
- 4.15 Senior Drainage Engineer – The application site is located mainly in flood zone one and the developed area is all located in flood zone one. There is no susceptibility to surface water flooding of note in the area proposed to be developed. The development will introduce impermeable areas in the form of solar panels which will occupy approximately 25% of the developed area. The panels will be suspended above ground level so the ground area will potentially still be available for rainfall to soakaway. The construction of the solar panels means that there will be intermediate gaps between panels, this will help to increase the distribution of rainfall flowing down the panels and will improve permeability overall. The applicant has provided a Flood Risk Assessment, which includes the introduction of swales as mitigation measures for potential surface water flooding; the use of the low weight construction vehicles to mitigate against compaction of soil surfaces and post construction remedial measures of harrow and seed be undertaken to all areas trafficked by construction vehicles. The construction of the solar panels with the proposed mitigation measures will not increase flood risk.

- 4.16 Yorkshire Wildlife Trust – The Biodiversity Management Plan for the area set aside for biodiversity looks effective, it is essential that the plan is conditioned in detail. The Biodiversity Management Plan includes a section on monitoring and it is vital that the local authority receives and assesses the monitoring reports. The Yorkshire Wildlife Trust would also be interested to see the results of monitoring as there is little information or research currently on the impact of solar farms on biodiversity and the effectiveness of various mitigation measures. Some research is ongoing but the effect of solar panels reducing both rainfall and sunlight on areas of the field over many years is not yet known. It is possible that vegetation growth under the panels will be limited and there may be impacts on soil and soil erosion. We would appreciate some more information on the management of the three other sections, especially the area set aside for research and discovery for use by York University. Currently the information available is insufficient to determine the potential impacts on biodiversity of the management styles and suggest any improvements that could be made.
- 4.17 National Grid – comments awaited.
- 4.18 Police Architectural Liaison Officer – comments awaited.
- 4.19 Environmental Health Officer – There would be potential for noise nuisance to be created and a full BS 4142 assessment is required to be undertaken by a competent qualified acoustician. This should demonstrate that levels at noise sensitive premises would be 5 dB below background noise levels. Following an assessment of additional information it is concluded that there would be no significant adverse affect upon residential amenity.
- 4.20 Ministry of Defence – no safeguarding objections to the proposal.
- 4.21 National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 4.22 Members of the public - 7 responses supporting the proposal and 6 objecting on the following grounds:
- The application was poorly advertised;
 - Loss of greenfield/agricultural land;
 - More appropriate sites are available;
 - The development is too large and would have a negative cumulative impact with the approved solar farm at Peter Hill;
 - Adverse visual impact upon the surrounding landscape including AONB;
 - Highway safety concerns, especially during construction;
 - Adverse impact upon amenity of the Public Footpath meaning it would not be used;
 - Impact upon the residential amenity of neighbouring properties;
 - Impact upon wildlife;
 - Properties will be unsellable;
 - Loss of tourism; and
 - Noise and light pollution.

5.0 OBSERVATIONS

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

- (a) The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification;
- (b) Environmental benefits of the scheme;
- (c) Impact on landscape and the character of the countryside;
- (d) The cumulative impact of this and other solar schemes;
- (e) Impact on Heritage Assets;
- (f) Drainage and flooding;
- (g) Ecology;
- (h) Archaeology;
- (i) Neighbour amenity;
- (j) Access and construction issues; and
- (k) Impact on the Public Right of Way.

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.
- 5.6 The online National Planning Practice Guidance (NPPG) directs developers to look sequentially at suitable and available land including previously developed and non-agricultural land over Greenfield land and Best and Most Versatile Agricultural Land,

when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states:

“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; and
- 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.”

5.7 The Government’s position is further explained in a published speech of 25 April 2013 in which the then Minister for Energy and Climate Change, Gregory Barker MP, said to the solar industry “Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation.”

5.8 The above extract from the Minister’s speech is quoted in the Council’s April 2015 Sustainable Development Supplementary Planning Document. It echoes the government’s requirements that consideration be given first to brownfield land and rooftops prior to solar farms being located on higher quality agricultural land.

5.9 The application site consists of agricultural land that is classified as category 3a (94%), 3b (3%) and the remainder is non-agricultural land. Grade 3a is considered to be the Best and Most Versatile agricultural land (BMV). The Hambleton District is mainly Agricultural Grading 2 and 3, with small areas of Grade 1 and 4 land. The NPPF, at paragraph 112, states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Development Plan policy CP16 “Protecting and Enhancing Natural and Man-made Assets” specifically refers to BMV 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.”

In this regard, BMV is clearly an asset that would normally be protected under this policy.

5.10 The applicant states that 82 ha required for the solar farm represents one quarter of the arable land owned by the farm business. They have submitted information stating that the use of the Grades 3a and 3b land is considered necessary, given the available land grades in an assessment of alternative sites around the available grid connection. Grid connection is considered to be an issue that may offset the relative harm though use of BMV, in that large scale solar farms need to be located where they can connect to the grid. Therefore if the only feasible connections are in areas of BMV, use of lower graded land may not be practical. The applicant intends to continue agricultural use on the site and encourage bio diversity by working with

Askham Bryan College and students to use areas of the site for sheep grazing, bee keeping and arable production (including fruit, vegetable growing) and with York University to carry out research aims in agriculture, horticulture and sustainability.

- 5.11 It is noted that the development would be temporary (30 years) and the use reversible and the proposal would not lead to an irreversible loss of agricultural land irrespective of land quality. This argument has been accepted by Planning Inspectors and the Secretary of State in considering appeals relating to BMV and also by this Council in the determination of applications for solar farms at Ainderby Steeple and at Highfield House, Peter Hill, Raskelf adjacent to this site, all subsequent to, and so amending, the position set out in 2013 and noted in paragraphs 5.7 & 5.8 above.
- 5.12 The policy position set out nationally in NPPF and expanded on in NPPG and locally in the LDF and the Sustainable Development SPD is a clear in-principle preference for the use of lower graded land. National guidance requires that alternative sites are sequentially tested in order to demonstrate why lower grade land or brownfield land cannot be used instead of BMV. The applicant has provided an assessment of 49 sites and after filtering, two sites remained: one at Dalton Airfield, which comprises higher grade agricultural land than the subject site, and another at Aram Grange, south of Asenby, which is allocated for minerals purposes in the County Minerals and Waste plan and crossed by footpaths. They state that the sites would be significantly further from the Hushwaite substation making connection more costly and complex. The applicant intends to continue agricultural use on the site and encourage bio diversity and the use is temporary. The proposal would meet the requirements of national and local policy and guidance and would reflect recent appeal decisions in terms of the assessment of BMV land.

Environmental Benefits of the Scheme

- 5.13 The proposal would generate enough clean electricity to power 13,772 typical households. The solar farm would avoid 19,543 tonnes of carbon dioxide emissions associated with electricity generation each year.
- 5.14 Measures are proposed to boost bio-diversity and ecology on-site in conjunction with Askham Bryan College and the University of York.

Impact on Landscape and the Character of the Countryside

- 5.15 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.
- 5.16 Similarly, the UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future requires as one of four guiding principles that "Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them". 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.
- 5.17 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. The assessment concluded that the development

would have most impact within a distance of up to 1 km and that the low lying topography and landscape enhancement measures would limit this impact. It acknowledged that the development would be visible from sections of the Howardian Hills AONB.

- 5.18 LDF Policy DP30 seeks to ensure that the character and appearance of the countryside is protected. Policy DP30 requires that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Similarly the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.19 The site is especially visible from the A19 especially when travelling north where the road is at a higher level, from the Public Right of Way (PROW) cutting through the middle of the solar farm and there are some views from the AONB. The Council has engaged consultancy advice to assess the LVIA, the proposed landscaping and the effects on sensitive receptors. The consultant advises that:
- The LVIA submitted is a thorough and professional assessment.
 - Despite the size of the proposed array, the site would be little more visible than the recently approved Peter Hill solar farm.
 - Most views would be occasional and intermittent and mostly from local roads due to the presence of hedges and hedgerow trees.
 - The mitigation scheme should ensure the elimination of remaining views including from nearby properties as identified in Residential Assessment.
 - The most affected receptors would be users of PROW crossing the site and a robust double hedge mitigation would be a minimum requirement.
 - The small extension in the eastern field could be omitted and planted in native planting.
 - Concerns are raised with mitigation proposals: the eastern and western boundary is too uniform and further work would be required to ensure they are acceptable.
 - In addition views from the AONB should be mitigated through planting.
- 5.20 Further work under taken by the applicants include the provision of an orchard area to the A19 boundary, double hedge screening along the PROW and removal of solar panels from a field, to the north east of the site, which will now be planted as an orchard and wildflower grassland. On the basis of this advice it is concluded that the scheme could be successfully integrated into the landscape and views from the AONB mitigated by condition.
- 5.21 In terms of landscape character, the arrays would be set within the existing field boundaries of the site, which is relatively flat, they would face south and be side on to the A19. Existing hedgerows would not be removed, only gapped up and new areas of landscape would be planted, including new hedges along existing field boundaries. As such the basic landscape structure of the site would be retained. The development would continue the agricultural use of the site, as set out by the report, and would be largely screened from near and more distant views by existing and proposed boundary treatments, as concluded by the Landscape Consultant. Glint and glare would be minimised by surface coating of the panels and also by the aforementioned boundary treatments. Taking this into account it is not considered that the proposal would amount to substantial harm required to conflict with Policy DP30 of the LDF.
- 5.22 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 and as indicated above, views would be possible from the A19 and the public right of way. These would, however, be temporary and passing and for the majority of the population, the full extent of the solar farm would not be readily apparent, even when considered alongside the recently approved site at Highfield House. It is therefore considered that the development would not result in a significant change in the perceived character of the countryside.

Cumulative Impact

- 5.23 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.
- 5.24 This application is in close proximity to the south and east of the Peter Hill solar farm site. The application at Boscar Farm is for an 87ha solar farm, 84ha being area developed the solar panel area taking the total area of solar farm in the area to approximately 95ha.
- 5.24 The Landscape Consultant advises that recent approval of the Peter Hill solar farm and its associated landscaping benefits this site as far as visual impacts to the north and west (from the A19) is concerned. Taking into account the flat nature of the site and the Consultant's view that successful landscape mitigation is achievable via condition, it is considered that this would limit the cumulative impact of the schemes when taken together and would not amount to substantial harm to the character of the countryside resulting in conflict with Policy DP30.

Impact on Heritage Assets

- 5.25 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. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. 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.
- 5.26 The site is located approximately 215m from the Grade II Listed milestone on the A19. The milestone would be at a sufficient distance from the solar farm and would be effectively screened by the boundary hedge to the A19 and therefore its setting would not be adversely affected by the proposal. Historic England requested that an assessment of more distant heritage assets including Listed Buildings, their settings, and Conservation Areas be carried out by the applicant. The applicant subsequently submitted a Heritage Addendum assessing the likely impact on 19 assets identified by English Heritage and concluded that no harm would arise to any of them. The Addendum goes on to state that the character and appearance of the identified Conservation Areas would be preserved and that the special historic interest and setting of the Listed Buildings (including Newburgh Priory) would not be adversely affected by the proposal. Following an assessment of this information, Historic England raises no objections to the development but request that the development be limited for a temporary period of 30 years. Taking this into account it is not considered that the proposal would conflict with the provisions of the Act, with the NPPF or with Local Policies CP16 and DP28.

Drainage and Flooding

- 5.27 The majority of the site and the whole of the developable area is located in Flood Zone 1 and as such should not suffer from river flooding.
- 5.28 In terms of surface water drainage it is noted that the solar panels would be constructed with intermediate gaps which would help increase the distribution of rainfall and increase the permeability of the site. Swales are proposed to prevent surface water run off. No objections have been raised by the Senior Drainage Engineer and subject to a condition to ensure measures for surface water disposal are implemented, the scheme would not have an adverse impact on drainage and flooding and the requirements of Policy DP43 would be met.

Ecology

- 5.29 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.
- 5.30 Concerns have been raised by residents that wildlife would be adversely impacted by the proposal. The site is not subject to any biodiversity or conservation designations and a Phase 1 Habitat Survey has been undertaken and it does not identify the site as being of particular value in biodiversity terms. Some protected species have been identified by the report and a series of ecological and biodiversity enhancements and mitigations are proposed by the applicant including to improve and promote habitats, and they could be secured by condition if permission is granted.
- 5.31 It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

Archaeology

- 5.32 NYCC Historic Record Team advises that the archaeological potential of the site is low and there are no archaeological constraints. No issues are raised in relation to the relevant provisions of the NPPF and Policy DP29.

Amenity of neighbouring properties

- 5.33 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. The site occupies a relatively isolated location in open countryside although there are properties in the vicinity.
- 5.34 Concern has been raised by neighbours at Timber Tops, Boscar Moor Farm and Highfield House that their residential amenity would be adversely affected by the development. An assessment of the likely impact has been submitted by the applicant. The closest residential properties to the site are the two at Boscar Grange in the centre of the site. They are The Cottage (a bungalow) and the Farmhouse and they are within the ownership of the applicant. Due to the surrounding flat land and intervening landscaping they would have filtered views of the solar farm. Paddock View and the Abbots Way Boarding Kennels are the closest unrelated properties. Paddock View is a bungalow which is well screened from the proposal by a thick evergreen hedge and it would have very limited views of the site.

Abbots Way would have some views from the upper floors, the impact of which would be reduced by intervening vegetation and buildings within their curtilage.

- 5.35 The assessment highlights that Boscar Moor Farm (190m away) and Boscar Flats (390m away) would be the properties that would be most affected in terms of views, due to relatively open views of the site. Boscar Moor Farm would have direct limited views from the ground floor and the garden mitigated by landscape, but would have open views from upper floor windows, although the site would be seen in the context of numerous pylons. It is considered that these views would be mitigated by factors including separation distance and landscape mitigation. Boscar Flats would have limited views from the ground floor and garden and full views from upper floor windows which would also be seen in the context of the pylons and telegraph poles. Throstle Nest, Springfield House and Red House would all have views of the parts of the solar farm, although intervening vegetation reduces likely affects. Timber Tops (205m to the south), is partly surrounded by a thick evergreen hedge, and would have views from the rear upper floor, but this would be mitigated by agricultural buildings to the rear and distance. Concerns have also been raised by a neighbour to north, at Highfield House (500m away), although this property is set on higher ground and the garden screened by high evergreen hedging which would restrict adverse impact upon the outlook of this property. It is noted that there is no right to a private view in planning practice and therefore that a reason for refusal would not be sustainable on this basis. The nearest properties to the scheme are at Abbots Way and Paddock View and given the separation distances to these properties, and intervening landscape, it is not considered that the solar arrays would be overbearing or oppressive to the occupiers, or indeed to occupiers of other surrounding properties located at further distances from the site boundary.
- 5.36 Concern has been expressed regarding noise impacts and the potential for day time noise generation from the invertors placed within the site. Additional noise information was supplied to Environmental Health by the applicant and following an assessment Environmental Health state that the majority of surrounding properties will not be adversely affected in terms of noise and that the properties which would be most affected are within the site (Boscar Grange Farm and Bungalow) and that they would not be affected significantly. They conclude that residential amenity would not be significantly adversely affected by noise as a result of the proposal.
- 5.37 It is anticipated that there would be some noise and disturbance associated with the construction and decommissioning phases; however, this would be for a limited duration. A condition could be applied to control night-time lighting. Other concerns regarding the difficulty of selling properties are not planning considerations. Taking the above into account the proposal meets the expectations of Policy DP1.

Access and construction issues

- 5.38 The applicant has provided a Transport Statement which includes proposed routes for construction traffic. Access to the site would be via a new access created off the A19 to the south of the existing farm track. The Highway Authority has assessed the information and is satisfied that the access would be achievable. The Authority raises no objections subject to conditions being applied including visibility splays, routing of construction traffic.
- 5.39 Concerns have been raised with regard to 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. 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.

Impact upon the Public Right Of Way (PROW)

- 5.40 A Public Right Of Way crosses the site and concern has been raised by local people that the amenity of route would be harmed by the proposal, leading to the route not being used. The PROW would remain in place and would not be diverted as part of the proposal. Amended details show additional landscaping to the PROW to include a double hedge along its length, as requested by the Council's Landscape Consultant, to protect the amenity of walkers on the route. Taking this into account it is not considered that the amenity of the PROW would be harmed.
- 5.41 Any response received from the Ramblers Association will be reported to Committee.

Other Issues

- 5.42 Concern has been raised that the proposal was not advertised widely. The Council put up two site notices and published an advertisement in the press and notified nearby Parish Councils in addition to Raskelf. Before submitting the proposal, the applicant carried out a community consultation event in May 2014, wrote letters to 300 properties within 200km of the site and placed an advertisement in the Easingwold Advertiser. Concern has also been raised that the proposal would adversely affect tourism. However, both the Landscape Consultant and AONB Manager accept the scheme could be successfully integrated into the landscape following the submission of an additional landscape details, mitigating any wider visual impact and it is not considered that the proposal would significantly adversely affect tourism.

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. The permission hereby granted is for the development to be retained for a period of not more than 30 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 drawings and details received by Hambleton District Council submitted on unless otherwise approved in writing by the Local Planning Authority.
 4. Within 6 months of the end of the 30 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 external lighting (including night time lighting) shall be installed on the site without the prior written consent of the Local Planning Authority.
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), 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. Prior to construction of panels or buildings details of landscape species and heights at time of planting pursuant to drawing numbered shall be submitted to the Local Planning Authority and approved in writing. The approved species and heights shall then be implemented as part of the landscape plan unless otherwise approved in writing by the Local Planning Authority.
8. No part of the development shall be used after the end of 12 months from the date when electricity is first exported to the electricity grid (First Export Date) unless the landscaping scheme shown on the landscaping plan numbered 1931/REP/009 received by Hambleton District Council on 29 June 2015 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.
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: d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E2; 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 highway; f. That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. 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 until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. 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 215 metres measured along both channel lines of the A19 major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05-2.00 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.

12. 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. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
13. 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 has been carried out in a manner approved in writing by the Local Planning Authority.
14. Prior to the commencement of development detailed measures for the mitigation, enhancement and monitoring of ecology on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented within 12 months of the date when electricity is first exported to the electricity grid (First Export Date). The agreed monitoring and feedback and appropriate mitigation measures shall be supplied to the Local Planning Authority and the approved additional mitigation shall be undertaken thereafter.
15. Prior to construction of buildings and installation of panels and notwithstanding the information provided in the application, specific drainage details and details of the management of the land relating to the area covered by the proposed solar panels and the full details relating to the SUDS shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage details shall be implemented and retained.
16. Prior to construction of panels or buildings the developer shall submit for approval details to the Local Planning Authority for the reduction in the opportunity for crime within the site. Thereafter the approved measures shall be implemented.
17. Prior to the commencement of the use of the development full details of how the future agricultural use of the application site will be operated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.
18. 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.

Reasons:

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. To ensure that redundant structures are not retained in the landscape and to ensure that the land is returned to unobstructed agricultural use
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, 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 protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32 and safeguard the residential amenity of neighbours.
6. In order to protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
9. In the interests of highway safety and the general amenity of the area.
10. In the interests of highway safety and the general amenity of the area.
11. In the interests of highway safety and the general amenity of the area.
12. In the interests of highway safety and the general amenity of the area.
13. In the interests of highway safety and the general amenity of the area.
14. To protect and enhance existing species and habitat on the site and in the interests of bio-diversity, landscape character and visual amenity in accordance with the provisions of the NPPF.
15. In order that the site is properly drained and would not have an adverse effect on watercourses or increase the risk of flooding elsewhere in accordance with policy DP43 of the Hambleton Local Development Framework.
16. To minimise the risk of crime in accordance with policy CP20 of the Hambleton Local Development Framework
17. To ensure there is an optimal use of the agricultural land in accordance with the National Planning Policy Framework.
18. Planning permission for solar farms of 50 MW or more may only be permitted by the Secretary of State and therefore any output of 50 MW or more would constitute unauthorised development.

INFORMATIVE - ADJACENT PUBLIC RIGHTS OF WAY

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

The approved compound areas shown on drawing reference "York Solar Farm_PO3_CC_RevA" shall be kept available for their intended use at all times that construction works are in operation.